



ADUR & WORTHING
COUNCILS

Executive Members for
Customer Services
22 March 2018

Decision to be taken on or after
3 April 2018

Key Decision: Yes

Ward(s) Affected:

**Programme of works to Housing Revenue Account properties to comply with
Landlord Compliance Requirements**

Report by the Director for Communities

Executive Summary

1. Purpose

1.1 To approve the procurement strategy set out in this Report for the commissioning of electrical and other important compliance works to 13 sheltered housing schemes owned by Adur district council and managed within the Housing Revenue Account (HRA), and to confirm the use of the Contract Standing Order Consultation Procedure at Clause 8.3.2 in the exercise of the Special Circumstances exemption.

2. Recommendations

2.1 That the Executive Member(s) for Customer Services agree the Procurement Strategy set out in the report; and

2.1 note the use of the Special Circumstances standing order at 8.3 of the Contract Standing Orders and acknowledges the proper use of the Consultation Procedure as set out in clause 8.3.2(b) of the Contract Standing Orders.

3. Context and issues arising

- 3.1 Officers have recently commissioned electrical inspections and assessments of 13 sheltered schemes which has indicated that important work is required to carry out remedial works to the electrical systems as soon as possible. This work will also need to include the replacement of emergency lighting systems.
- 3.3 The estimated value of the work is £200,000 and under Contract Standing Order 8.8 an open procurement process inviting all tenders should be used and the contract opportunity published on national contracts finder. A tender process is a time consuming and there is a need to ensure electricity supply meets the required safety standard as soon as possible.
- 3.4 It is agreed that the nature of the electrical works required creates a Special Circumstance, defined by clause 8.3 of the Contract Standing Orders as 'a situation which poses an immediate risk to Council Services, or the wellbeing of residents for which urgent action is needed and which cannot be dealt with using the Council's usual processes and procedures' The works are required to ensure all the sheltered schemes will have fully compliant communal and landlords electrical systems. This work will mitigate any risks identified as part of the electrical inspections and assessments.
- 3.2 Rather than go out to Tender, by use of the Special Circumstances exemption to Contract Standing Orders at clause 8.3, the Council can still show best value by obtaining at least three quotes (which is a quicker less regulated process than a full tender exercise) from suitable companies on a design and installation basis, with the quotes being based on a high level specification with the potential suppliers visiting all the sites with the Council's Housing Compliance Manager to ensure the work to be carried out is fully understood when submitting the quotations via the Council's Intend Portal.

4. Engagement and Communication

- 4.1 As required by Clause 8.3.2(b) of the Contract Standing Orders, Consultation has been undertaken with officers from procurement, legal, democratic, financial and technical services as well as with the Executive Member for Customer Services.

5. Financial Implications

- 5.1 The Council has a budget of £500,000 for fire safety and compliance works to Sheltered Schemes contained within the HRA capital programme, it is proposed that this budget will be used for these works which are estimated to cost £200,000.
- 5.2 The proposed value of the procurement is below the EU threshold for works and so it is legally and financially permissible to approve the proposed use of Clause 8.3 Special Circumstance.

6. Legal Implications

- 6.1 S1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation.
- 6.2 S1 Local Government (Contracts) Act 1997 allows the Council to enter into a contract in relation to any of its functions.
- 6.3 In addition to the powers above, the Council must comply with its Contract Standing Orders and the Public Contract Regulations 2015 and the strategy set out in this report is compliant with both sets of rules.

Background Papers

Adur District Council Constitution and Contract Standing orders

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Sustainability & Risk Assessment

1. Economic

Matter considered and no issues identified.

2. Social

2.1 Social Value

Matter considered and no issues identified.

2.2 Equality Issues

Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

2.4 Human Rights Issues

Matter considered and no issues identified.

3. Environmental

Matter considered and no issues identified.

4. Governance

Governance issues are discussed within the main body of the report.