



Adur Cabinet Member for Adur Homes
and Customer Services

15th May 2023

ADUR DISTRICT COUNCIL

Decision to be taken on or after 24 May
2023

Key Decision Yes

Ward(s) Affected: Adur

A/AH&CS/011/22-23 Fire Door Replacement Contract

Report by the Director for Housing and Communities

Executive Summary

1. Purpose

- 1.1. To Update the Cabinet Member on proposed works to remedy the risks associated with delay to the fire door replacement programme.
- 1.2. To request approval to award the contract using the provisions detailed in the councils contract standing orders in sections 5.5.1 and 5.6.

2. Recommendation

- 2.1. The Cabinet Member for Adur Homes & Customer Services is recommended to approve the award of the fire safety contract to AD Construction Limited to supply and install certified fire doorsets funded by the Fire Doorset Replacement Programme for Housing on the terms set out in this Report.

3. Context

- 3.1. Since 2017 the Council has procured two contracts with specialist fire doorset suppliers and installers, both of which failed to deliver on their promises relating to the quality of their works, record of installations and provision of certification. The most recent contractor was a company called Ventro, who were appointed after an open tender process in the 2020/21 financial year. Delays and issues with delivery have meant that they only installed 124 no. doors in the total programme of 954 doors.
- 3.2. The Council is carrying the risks associated with the delays to the installation programme. Fire doorset replacements are required to protect the escape routes in our housing blocks, allowing for safe fire fighting and evacuations if the fire service deem them to be necessary. There is a risk to life and safety for as long as the doorsets are not replaced.
- 3.3. The doorsets have been assessed during Fire Risk Assessments at the blocks and have been recommended for replacement. FRAs are undertaken to comply with the council's duties under the Regulatory Reform Fire Safety Order 2005. Failure to undertake recommended actions in a timely manner could result in significant harm to tenants and leaseholders and enforcement action being undertaken against the council by West Sussex Fire and Rescue Service.
- 3.4. There is £2.7m in the budget that has been allocated towards the fire door replacement programme for delivery in the 2023/24 financial year.
- 3.5. AD Construction have been working with Adur District Council to deliver the General Needs Fire Safety contract as well as assuming responsibilities under the Sheltered Housing programme after the contractor failed to perform under that contract too. AD have demonstrated that they undertake door installations to a high standard and that the provision of information and certification has been completed and submitted in good time.
- 3.6. Under the procurement exercise for the Fire Door Replacement Programme - Phase 2, AD construction placed 3rd out of 8 valid bidders, with lower costs than those who placed second. The tender scoring was based on a 40% cost and 60% quality basis. We can use this exercise to demonstrate value in their appointment.
- 3.7. There are 954 no. doorsets that are required to be replaced under the programme. These doors have been identified as high, medium and low risk

due to condition and security. Higher risk doors being completed as the priority in 6 phased sets.

- 3.8. Due diligence has been undertaken by way of assessing doorsets installed by AD construction under the General Needs Fire Safety and Sheltered Fire Safety contracts.
- 3.9. AD construction have put forward a doorset that they recommend for installation under the programme; the credentials of which were assessed by Technical Services and Adur Homes Fire Safety Manager and were found to meet the required standards in terms of primary testing and certification in alignment with the most recent updates in Building Control approved documents. AD Construction supplied and installed a pilot door at 22 Pashley Court in Shoreham and Technical Services and the Fire Safety Officer from Housing inspected it and had it tested by a user group and all parties approved of the installation and specification for use across the housing stock.
- 3.10. A recent pricing exercise undertaken with AD generated a projected project cost of £2.7m for this approved doorset.
- 3.11. The council therefore proposed to enter into a contract with AD Construction Limited to deliver the remainder of the programme.

4. Issues for consideration

- 4.1. The proposal is to enter into a contract with AD Construction to deliver the door replacement programme using the provisions detailed in the council's Contract Standing Orders section 5.5.1 under exemption clause 5.6.
 - 4.1.1. The Exemption at 5.6 states: An Open Process need not be followed, nor will a contract opportunity notice need to be published on National Contracts Finder, if it has been agreed by the Chief Financial Officer and Head of Legal Services that the invitation to tender is to be made available to only a limited number of suppliers who have been selected for the purpose. In such circumstances, the tender process should invite a minimum of five tenderers unless the Chief Financial Officer and Head of Legal Services agree that it is impractical to do so.
- 4.2. Approval has been sought and given by the Chief Financial Officer and Head of Legal Services on the basis of the impending timelines, the risks held by the council and the assurances provided by working with a known, reliable

and appropriately qualified contractor in a specialist field; critical for protection of life safety, and that we can demonstrate value in their appointment using the original tender process for reference.

- 4.3. The alternative option would be to re tender the programme to the open market or procure via a framework, which would delay delivery by a number of months and could lead to further poor performance.
- 4.4. We acknowledge the risk of challenge, but it is outweighed by the risk of delaying the programme or engaging an unknown entity and experiencing further issues with delivery, as we have found to be an industry frustration.

5. Engagement and Communication

- 5.1. The Invitation to Tender for the Fire Door Replacement programme was appropriately issued using the councils E-tendering portal of the time, In-Tend.
- 5.2. Following review of the tender submissions, a tender report was issued to the Head of Housing identifying the bidders and their placement using the tender scoring methodology applied at the time. AD Construction placed 3rd, but their costs were second lowest. The contract was awarded to the bidder with the best combined score for quality and cost, who then failed to deliver.
- 5.3. AD Construction are undertaking works across Adur Homes properties under the Fire Safety Remedial programme and have been communicating with residents to manage delivery of that programme.
- 5.4. AD construction has installed a pilot doorset for the council to use as a benchmark standard for the Fire Door Replacement Programme. The council engaged 2 residents from sheltered housing properties to use the door and provide feedback on its ease of use. Using the feedback from the user group, strict operational requirements have been set for the installation programme.
- 5.5. Technical Services have engaged parties that have previously used AD Construction to deliver fire door replacements programmes and scrutinised references as due diligence to provide assurances around delivery. All feedback received was positive.
- 5.6. Permission has been sought from the Chief Financial Officer and Head of Legal Services for awarding the contract to a specific Contractor as per item 4.2 above.

- 5.7. The proposal to make the contract award is on the forward plan and permission is being sought from relevant executive members prior to contract award.

6. Financial Implications

- 6.1. There is £2.7m in the budget that has been allocated towards the fire door replacement programme for delivery over the 2023/24 and 2024/25 financial years.
- 6.2. The budget should be sufficient to fund the proposed works.

7. Legal Implications

- 7.1. Under Section 111 of the Local Government Act 1972, the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.
- 7.2. Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 7.3. Section 1 of The Local Government (Contracts) Act 1997 confers powers on the local authority to enter into a contract with another person for the provision or making available of assets or services, or both (whether or not together with goods) for the purposes of, or in connection with, the discharge of the function by the local authority. All suppliers should be appointed following procedures set out in the Council's Contract Standing Orders.
- 7.4. Under 5.6 of the Council's Contract Standing Orders where the value of the contract is above £100,000 but below the Public Contract Regulations Works Threshold of £5,336,937.00, the Council need not hold an open process and need not invite up to five tenderers where it is impractical to do so given the specialist nature of supply and the Monitoring Officer and Section 151 Officer agree that it is impractical. Agreement has been given to use this exemption by the Monitoring Officer and Chief Financial Officer. In the alternative, an exemption

may arise under the emergency provisions at CSO 3 to avoid risk to tenants.

Background Papers

None

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Sustainability & Risk Assessment

1. Economic

1.1 These programmes and projects demonstrate economic investment into assets owned by Adur District Council

2. Social

2.1 Social Value

2.1.1 The work to the housing stock outlined in the report will have a beneficial impact on the health and wellbeing of the residents, many of whom are more disadvantaged in terms of health and income than other residents.

2.2 Equality Issues

2.2.1 The work has no impact on accessibility or equalities.

2.3 Community Safety Issues (Section 17)

- Matter considered and no specific issues identified.

2.4 Human Rights Issues

- Matter considered and no specific issues identified.

3. Environmental

- Matter considered and no specific issues identified.

4. Governance

4.1 The progress is regularly monitored via the Capital Working Group. Progress is reported to members 4 times a year.

4.2 The procurement of works will comply with the procurement regulations and contract standing orders.