



ADUR & WORTHING
COUNCILS

Executive Members for
Customer Services
28 January 2021

Decision to be taken on or after
5 February 2021

Key Decision Yes

Ward(s) Affected:

Fire Safety Works to General Needs Blocks of Flats

Report by the Director for Communities

Executive Summary

Purpose

- 1.1 The Council's intention is to enter into a contract with the successful contractor to carry out fire safety works using a schedule of rates under a Joint Contracts Tribunal (JCT) Measured Term Contract (2016 edition).
- 1.2 This report outlines the process that has been undertaken to tender and evaluate potential providers of this service and recommends that a contract is awarded to AD Construction Group Limited

Recommendations

- 2.1 To award this contract to the highest scoring tender from the evaluation process, AD Construction Group Limited
- 2.2 That delegated authority be provided to the Head of Housing to award the contract and thereafter execute it on behalf of Adur District Council

3.0 Context

- 3.1 Landlords of residential buildings have a legal duty to ensure that a fire risk assessment is carried out to identify and remove any fire risks and hazards, or to reduce these as far as possible.
- 3.2 Adur District Council currently has 284 general needs blocks of flats in its stock. The Council has instructed Potter Raper Consultants to carry out necessary Fire Risk Assessment to identify the nature and extent of remedial works necessary to ensure the building is safe and compliant with fire safety regulations. The works will be carried out by the proposed Contractor on instruction by the Council having reviewed the risk assessments.
- 3.3 The Council intends to place orders to a Contractor to complete these works on a block by block basis under a Measured term contract (JCT MTC contract 2016 edition). Measured term contracts (such as JCT MTC 2016) are used where the client has a regular programme of works that they would like to be undertaken by a single contractor.
- 3.4 The works will include but are not limited to:
 - Upgrading existing fire doors to common parts.
 - Replacement of existing electric meter cupboard doors.
 - Replacement fire doors to store cupboards, common parts and the like.
 - Compartmentation works to roof voids to provide a minimum of at least 60 minutes fire resistance.
 - Replacement windows with fire rated windows.
 - Installation of extract fan systems.
- 3.5 There is currently a budget of £716,150.00 allowed for works in 2020/21. The contract is clear to tendering parties that there is no minimum commitment for expenditure by the Council, but it does advise a potential contract value of c. £2m.
- 3.6 This report outlines the process that has been undertaken to tender and evaluate potential providers of this service and recommends that a contract is awarded to AD Construction Group Limited.

- 3.7 The contractor would be appointed subject to presenting to the Council a satisfactory Health & Safety Plan and placement of a contract deed, prior to commencement of any works on site

4.0 Issues for consideration

- 4.1 Tenders were invited through the South East Consortium (SEC), a not-for-profit organisation that works with the Public sector, providing flexible and compliant procurement services.
- 4.2 This was a rerun of the initial tender process. The initial tender process could not be concluded due to the fact that there was a requirement to enter into a Long Term Qualifying Agreement with leaseholders for tendering via the SEC framework, and an unknown requirement to enter a second Long Term Qualifying Agreement to enter into a contract with the preferred bidder. As such there was a discovery period in which Legal Services had to seek counsel, which resulted in the need to alter the terms of the contract. The discovery process was not concluded before the expiry of the 90 day period that Contractors were asked to stand by their tendered prices.
- 4.3 On the 13 th July 2020 SEC issued the same original tender documents to all three Contractors who originally expressed an interest in these works and subsequently submitted a tender for the first time round. All three Contractors re-submitted their tender by allotted date and time via SEC. SEC issued the three returns via the WeTransfer software, on the 3 rd August 2020, as the files are reasonably large for standard email.
- 4.4 All contractors were informed the requirements for the tender rerun are the same as before both in terms of the Schedule of Rates and Tender Model. The Contractors were also advised to re-submit their quality submissions so that the Council is able to score both price and quality from scratch using a 60% Quality and 40% Price assessment.
- 4.5 A higher percentage of quality has been allocated to ensure the Council not only receives value for money, but also that the weighted quality questions provide the Council with a level of confidence in terms of how the contractor(s) intend to carry out and complete the works.
- 4.6 A full review of the three tenders were completed by competent assessors which included a review and evaluation of how each contractor will:

- Monitor their own Key Performance Indicators to ensure a high score is achieved at all times
 - Complete the works in terms of ensuring not only are the works complaint but completed to a high standard
 - Provide a programme of works using the tender Model
 - Detailing the team the Contractor intends to assign to the project
 - Details of their qualifications in terms of installing Certified Fire Doorsets
- 4.6 Having scored all three tenders, it is the opinion of the evaluation team that AD Construction Group Limited meets all requirements and offers the best option in terms of both cost and quality of service.

5.0 Other options considered

- 5.1 Do not award a contract - Adur District Council has a legal duty to ensure that a fire risk assessment is carried out to identify and remedy any fire risks and hazards, or to reduce these as far as possible.

6.0 Engagement and Communication

- 6.1 Statutory consultation with leaseholders for entering into the long term agreement has been completed. There was minimal response from leaseholders and a reply was given to the small number of observations received. No material issues were raised. A separate stage of consultation with the leaseholders affected will be carried out ahead of the individual works projects to each block as these are undertaken during the life of the agreement

7.0 Financial Implications

- 7.1 There is currently a budget of £716,150 in the 2020/21 Adur Homes Capital Investment Programme allocated for this work. Unfortunately due to Covid 19 restrictions it has not been possible to progress this work during 2020/21 and the budget will be requested to be carried forward to 2021/22 to commence the General Needs Fire Safety Works at the year end.
- 7.2 A report to the Joint Strategic Committee is currently being prepared which will allocate funding for the estimated cost of the remainder of these works in 2021/22 and future years from the £5.6m per year allocated to improve Council Dwellings.

8.0 Legal Implications

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 Section 1 of The Local Government (Contracts) Act 1997 provides that every statutory provision conferring or imposing a function on a local authority confers the 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.
- 8.5 Under the Public Contract Regulations 2015 where a Public Authority is to enter into a contract for the supply of goods & services, and the value of those goods and services exceeds a financial limit of £189,330 (or for works contracts exceeds £4,733,252) any procurement exercise to contract for those goods and services must be conducted in accordance with the Regulations and any non compliance may be declared upon receipt of a procurement challenge, anti-competitive and in breach of the Regulations.
- 8.6 In carrying out the Works the Council must ensure that it has completed the appropriate consultation with Leaseholders, in this instance it will be a consultation to carry out works arising from a qualifying long term agreement. Where qualifying works will be carried out under a QLTA, the consultation requirements are set out in Schedule 3 to The Service Charges (Consultation Requirements) (England) Regulations 2003 apply.

Background Papers

- [Tender Report - Fire Safety Improvement Works To General Needs Blocks Of Flats](#)

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Sustainability & Risk Assessment

1. Economic

Issues considered not directly relevant

2. Social

2.1 Social Value

Improved fire safety to the building will enable our residents to be safe in their homes and remain independent for longer

2.2 Equality Issues

Improved fire safety to the building will enable our residents to be safe in their homes and remain independent for longer and engage more fully in society

2.3 Community Safety Issues (Section 17)

Improved fire safety to the building will enable our residents to be safe in their homes and remain independent for longer

2.4 Human Rights Issues

Improved fire safety to the building supports the rights of our residents to be safe in their homes and remain independent for longer and engage more fully in society

3. Environmental

Issues considered no impact

4. Governance

Continued governance via contract management and council decision making processes