



ADUR & WORTHING
COUNCILS

WBC Cabinet Member for
Citizen Services
ADC Cabinet Member for
Adur Homes & Customer Services

Date 15 September 2022

Decision to be taken on or after
23 September 2022

Key Decision: Yes

Ward(s) Affected: All

Procurement of contract for Asbestos Remedial and Repair Works - Via NHS Framework

Report by the Director for the Economy

Executive Summary

1. Purpose

- 1.1. This report seeks permission to award a 2 year contract with an option to extend for a further 2 years on a 1 + 1 basis to Aspect Contracts Ltd for the Council's asbestos remedial services.
- 1.2. The contract has been procured via a mini competition tender process using a compliant NHS framework. Leaseholder Consultation has also taken place.
- 1.3. The contract will provide council officers with a consistent and pre-agreed arrangement for instructing and managing the delivery of asbestos remedial works within the housing and non housing departments.
- 1.4. The Contract provides council officers with a pre-agreed schedule of rates which enables greater cost certainty and financial management controls for these services.

2. Recommendations

- 2.1. To authorise the award and execution of the Framework Contract to Aspect Contracts Ltd, following a mini competition tender process via the NHS framework on the terms set out in this Report.

3. Context

- 3.1. In the past, asbestos remedial works have been delivered on an ad hoc basis within the council. This has led to:
- 3.1.1. Greater potential for non compliance with the Councils contract standing order procedures
 - 3.1.2. Inconsistency in the quality of services and work undertaken across departments
 - 3.1.3. Variation in costs/charges and less cost certainty
- 3.2. In order to address the above situation, a joint tender process was recently undertaken by Technical Services and Adur Homes to procure an asbestos remedial works contract.
- 3.3. This is intended to facilitate the efficient use of competent contractors to deliver a range of specialist asbestos removal and encapsulation requirements across the Council departments in accordance with the asbestos policy and management plan, as well as creating pricing economies of scale.
- 3.4. The tender was via a mini competition process through the NHS framework.
- 3.5. The tender was scored on a 40% Quality and 60% Cost ratio. Three companies submitted a tender and the scores allocated by the evaluation panel are set out in the table below.

Contractor	Cost %	Quality %	Combined %	Rank
Rhodar	22	34.8	57	3
Ductclean	41	40.0	81	2
Aspect	60	29.7	90	1

4. Issues for consideration

- 4.1. The awarding of the contract to Aspect Contracts Ltd seeks to provide a compliant, efficient and cost effective asbestos remedial service to the Council in accordance with its statutory obligations for the management of asbestos within its buildings.
- 4.2. Recommended action is to award the contract.
- 4.3. Doing nothing will result in:
 - 4.3.1. An increased risk of the council breaching it's contract standing order requirements,
 - 4.3.2. Inconsistency in the quality of remedial works undertaken
 - 4.3.3. Increased difficulty in achieving the requirements defined within the asbestos policy and management plan
 - 4.3.4. Increased operational resources required due to the lack of a priced contract
 - 4.3.5. Reduced cost efficiencies
- 4.4. For the above reasons, the proposed option being recommended is to award the contract to Aspect Contracts Ltd following the recent procurement process and no other options are being considered.

5. Engagement and Communication

- 5.1. In writing this report the following teams have been engaged
 - 5.1.1. Legal
 - 5.1.2. Technical Services
 - 5.1.3. Health and Safety
 - 5.1.4. Adur Homes
- 5.2. There is no requirement for external engagement or collaboration as this contract will only impact AWC owned stock.
- 5.3. Within the tender documents, the qualitative questions focused on the local delivery of the contract in order achieve the response times required and also support local recruitment where practicable.
- 5.4. The contract will jointly be managed between Adur Homes Asset Management Team and the Corporate Technical Services Team for their respective service areas.

6. Financial Implications

- 6.1. A budget of £150k has been allocated within the HRA to undertake a backlog of remedial works. Each year there will be a budget to undertake any other remedials identified in the year from the asbestos surveys.
- 6.2. There are budgets for asbestos surveys and remedial works (including fees) in the capital programme for Adur and Worthing of £120k and £105K respectively.

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. 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
- 7.4. 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.

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Sustainability & Risk Assessment

1. Economic

- Possibility to provide at cost or free of charge asbestos removal for a community-based project, such as the replacement of a community centre asbestos roof

2. Social

2.1 Social Value

- Possibility to provide asbestos awareness training to those NEET's.

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

- This contract will enable the Councils to manage asbestos in their buildings in accordance with AWC's Asbestos Policy and Management
- The allocated Asbestos Co-ordinators within Housing and Technical Services will be the primary resources allocated to managing this contract with other officers having access to the services as required.