

CABINET MEMBER SIGNING

Thursday, 1st December, 2022, 4.00 pm

Members: Councillor Dana Carlin – Cabinet Member for Housing Services, Private Renters, and Planning

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

3. NEW ASBESTOS SURVEYING CONTRACT (PAGES 1 - 6)

4. EXCLUSION OF THE PRESS AND PUBLIC

Item 5 is likely to be subject to a motion to exclude the press and public from the meeting as it contains exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 3 and 5, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

5. EXEMPT - NEW ASBESTOS SURVEYING CONTRACT (PAGES 7 - 8)

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Wednesday, 23 November 2022

Report for: Cabinet Member Signing – 1 December 2022

Title: New Asbestos Surveying Contract

Report authorised by: David Joyce, Director of Placemaking and Housing

Lead Officer: Judith Page, Assistant Director of Property Services

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key Decision

1 Describe the issue under consideration

- 1.1 This report requests approval for the award of a contract for Asbestos Services including surveying, bulk sampling, and air monitoring. The contract award will be for the maximum sum of £709,295.00.
- 1.2 The contract sum is made up from the contractor's tendered rates, which have been priced against a schedule of addresses and different survey types required in each property, with estimated frequencies, including annual inspection etc. Each contractor submitted their own rates, but all were set against the fixed schedule of addresses and surveys provided by Haringey as mentioned above.
- 1.3 The report also requests approval for the issue of a letter of intent to the preferred contractor. This will be for an amount up to, but not exceeding, £70,929.50. This represents 10% of the contract sum. This will enable mobilisation of the contract, whilst the contract documentation is finalised.

2 Cabinet Member introduction

- 2.1 To seek the approval for the award of a framework contract for Asbestos services including bulk sampling and air monitoring for 4 years with an option to extend for a further 2 years. The contract sum would in all cases be capped at £709,295.
- 2.2 That the approval of future contract extensions as permitted under the contract, the Councils Standing Orders and in accordance with regulation 72 of the Public Contract Regulations (2015) is delegated to the Director of Placemaking and Housing.
- 2.3 The works will comply with current Control of Asbestos Regulations and will cover both domestic and commercial properties in the Borough to protect the residents, and users of Council owned premises.

3 Recommendations

The Cabinet Member for Housing Services, Private Renters, and Planning is recommended:

- 3.1 In accordance with Contract Standing Order (CSO) 9.07.1(d), to approve the award of a contract to the contractor ranked No.1 in exempt appendix A. Works included within this project include the following: asbestos surveying, bulk sampling and air monitoring.
- 3.2 To approve the issue of a letter of intent for an amount of up to, but not exceeding, £70,929.50 which represents 10% of the contract sum.
- 3.3 That the approval of future contract extensions as permitted under the contract, the Councils Standing Orders, and in accordance with regulation 72 of the Public Contract Regulations (2015) is delegated to the Director of Placemaking and Housing.

4 Reasons for decision

- 4.1 Cabinet Member approval for the award of this contract, which is deemed to represent value for money. This is following a tender process undertaken in conjunction with Haringey Council's Procurement team via the Dynamic Purchasing Systems (DPS)
- 4.2 The tender process was carried out in accordance with the procurement DPS requirements that incorporate price and quality. The successful compliant bidder scored the highest in relation to these criteria in the associated lot.
- 4.3 The split between price and quality was agreed with procurement prior to tendering to ensure we get the most economically advantageous outcome and ensure the best value for money. The quality side of the tender assessed the contractors' ability in a number of areas, not least their approach to the Health and Safety of residents and staff.

5 Alternative options considered

- 5.1 An alternative option would be for Haringey to use third party industry frameworks. Haringey sought support and advice from Strategic Procurement and determined Haringey Council's Dynamic Purchasing System (DPS) asbestos category as being the optimum route to the market. This was due to the speed of access to quality-checked contractors and focus on companies that concentrate their resources in the local area.
- 5.2 Following the expiry of the previous long-term contract 2021, with all available extensions having been used, we procured an interim contractor for a maximum value of £150,000, under Director's delegated authority. This was to allow sufficient time to procure a longer-term solution. The value of the interim contractor's contract is anticipated to be reached in

November 2022 and therefore there is no option to continue with this current contractor.

- 5.2 A do-nothing option would mean the Council is not able to deliver necessary services in accordance with the Health and Safety regulations.

6 Background information

- 6.1 The Asbestos service is dedicated to ensuring that all asbestos materials present within Council managed properties are in a safe condition and do not pose a risk to residents, staff, visitors, and contractors. The aim is to protect all users of properties that we manage in accordance with the Control of Asbestos Regulations and associated guidance.
- 6.2 All works relating to the management, surveying and maintenance of asbestos materials previously carried out by our specialist contractor will need to be continued by a new contractor with the required qualifications and experience to work safely and reduce the potential for asbestos fibre exposure. The Council has procured a new asbestos contractor who meet the required criteria and is competent in line with the asbestos regulatory requirements and the requirements of the Council's Health & Safety policy.
- 6.3 The new contract will deliver management and refurbishment/demolition surveys to domestic and commercial premises, including bulk sampling and air testing for void and occupied properties and communal re-inspection surveys.
- 6.4 Contractors were invited to submit prices using the procurement DPS requirement to submit a tender based on price (40%) and quality (60%). The tenders were evaluated by the Procurement Team including officers from the Asbestos Compliance Team and an officer from Facilities Management Commercial Team. The contractors and their ranking positions are listed in appendix A, exempt information.
- 6.5 The significant majority of surveys are carried out annually. However, there are different property archetypes that have different rates associated with them. Also, as asbestos is removed, properties will be removed from the survey programme. Although the annual expenditure may fluctuate slightly and is difficult to predict exactly, the profile of expenditure will be reasonably steady and estimated to be 25% per year across 4 years. If there is an underspend or significant reduction due to removals, a contract extension could be initiated prior to re-procuring a new contract for the future programme.
- 6.6 This spend will be funded from the major works -Haringey standard capital programme budget.

7 Consultation

- 7.1 N/A

8 Leasehold implications

- 8.1 The terms of the Council's standard right to buy lease permit recovery of a proportion of the cost of these works from leaseholders, subject to compliance with the consultation requirements set out in the Landlord and Tenant Act 1985 and the Regulations ("the provisions").
- 8.2 The liability of those leaseholders who purchased on the terms of the Council's older right to buy lease is limited with exceptions to contributions to the cost of those works broadly constitution repair. Those under the current form of lease are required also to pay a contribution towards improvements.
- 8.3 This is a Qualifying Long-Term Agreement within the meaning of the provisions. Costs to individual leaseholders will be below the threshold of £100 in any service charge year and will be recovered through the annual service charge billing. Therefore, no formal consultation was required.

9 Conservation areas

- 9.1 Where properties may be within a conservation works will be managed in line with the requirements of conservation.

10 Contribution to strategic outcomes

- 10.1 This project will help to achieve the Borough Plan Outcome 3: 'We will work together to drive up the quality of housing for everyone'. This will include contributing to delivering the following objectives.

Statutory Officer Comments

11 Finance

The maximum contract sum is £709,295 over a 4-year period, with potential for a 2-year extension. This extension does not affect the cost. The recommendation to delegate contract extension will not amount to additional cost.

The existing interim contract term end in December 2022. Hence a contract needs to be in place by then.

This cost will be funded from the major works programme budget which is currently forecast to be spent to budget in this year.

Cost to individual leaseholders is estimated to be below £100 threshold Hence will be recovered through the annual service charge.

There is provision in the 2022/23 capital budget and MTFS to cover these costs over the period of the current MTFS and this will be revisited as part of the 2023/24 budget/MTFS setting process.

12 Procurement

- 12.1 Strategic Procurement note the content of the report. The procurement has been conducted in line with the authorities Contract Standing Orders and the Public Contract Regulations.

Strategic Procurement endorses the award to the first ranked bidder for Asbestos Services including surveying, bulk sampling and air monitoring for the sum of £709,295.00.

13 Legal

- 13.1 The Head of Legal and Governance (Monitoring Officer) has been consulted in the preparation of the report.
- 13.2 The Contract which this report relates to has been procured via the Council's DPS asbestos category. This is a compliant route to market.
- 13.3 The terms of the Council's standard Right to Buy lease provide for payment by leaseholders of service charges by way of contribution to costs incurred pursuant to the contract. If relevant costs incurred under the agreement in any accounting period were to exceed an amount which results in the contribution of any leaseholder, in respect of that period, being more than £100, the agreement would be a Qualifying Long-Term Agreement requiring statutory consultation. Leaseholder contributions are however capped to £100 in any accounting period, so no statutory consultation is required.
- 13.4 The Head of Legal and Governance sees no legal reasons preventing the Cabinet Member from approving the recommendations in the report.

14 Equality

- 14.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to: -
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act.
 - Advance equality of opportunity between people who share those protected characteristics and people who do not.
 - Foster good relations between people who share those characteristics and people who do not.
- 14.2 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/fait, sex and sexual orientation. Marriage and civil partnership status apply to the first part of the duty.

Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

- 14.3 The decision will primarily impact residents living in properties managed by the Council, a significant number of whom share the protected characteristics. There is no indication that this decision will result in any

foreseeable negative impacts on any individual or group that shares the protected characteristics. To the extent that the decision may enable properties to be managed in accordance with the Health and Safety at Work Act and associated regulations it can be expected to have a positive impact in relation to the Council's public sector equality duty.

- 14.4 As an organisation carrying out a public function on behalf of a public authority, the contractor will be required to have due regard for the need to achieve the three aims of the Public Sector Equality Duty, noted above. Appropriate contract management arrangements will be in place to monitor the performance of the contractor and ensure that any reasonably possible measures are taken to address any issues that may occur and may have a disproportionate negative impact on any groups who share the protected characteristics.

15 Use of Appendices

- 15.1 Appendix A: Exempt information.

16. Local Government (Access to Information) Act 1985

- 16.1 Asset Management Strategy 2020-25

<https://www.haringey.gov.uk/repairs-and-maintenance/major-works>

- 16.2 In February 2018 Cabinet agreed to appoint Ridge and Partners LLP as multi-disciplinary professional consultants.

Award of contract for multi-disciplinary professional services

<http://www.minutes.haringey.gov.uk/documents/s99594/>

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is exempt

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