

**Report for:** Cabinet 13 June 2023

**Title:** Extension of existing Fire Safety Consultancy.

**Report authorised by:** David Joyce – Director of Placemaking & Housing.

**Lead Officer:** Scott Kay – Head of Residential Building Safety

**Ward(s) affected:** All

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

**1. Describe the issue under consideration.**

1.1 This report seeks approval from the Cabinet for the variation of the existing contract value for the current provision of Fire Safety Consultancy Services to the Council, for the remaining contract term, to January 2025.

**2. Cabinet Member Introduction**

2.1 We should adopt the recommendations in the report for the following reasons:

- To ensure completion of fire risk assessments in line with the Regulator's requirements as this is one of our key commitments, both to residents and the Ombudsman.
  
- Our in-house fire safety team require support in carrying out the volume of critical safety surveys needed.
  
- It is essential that additional resource is put in place whilst we work to expand our in-house team.

**3. Recommendations**

Cabinet is asked:

3.1 To approve a variation of the existing contract with Faithorn Farrell & Timms LLP for the provision of Fire Safety Consultancy Services to the Council by increasing the maximum contract value by an additional £247,500 taking the maximum contract value to £742,500 over the maximum contract period of 5 years (of which 3 years and 7 months currently remain) including the optional extension period of up to 2 further years beyond the initial 3-year contract period.

#### **4. Reasons for decision**

- 4.1 In order to deliver the Fire Safety programmes, which includes Fire Risk Assessments, Surveys, Specifications and Schedules of Works, Reports and Quality Assurance, Haringey Council requires the support of specialist fire safety services (including Project Management; Surveying; Cost Consultancy; and Quality Management & Assurance from Competent Persons).
- 4.2 The existing arrangements for this work have been in place since January 2022 and were procured as a direct award under the South East Consortium's Fire Safety Consultancy Framework. After initially approaching the top ranked consultancy, we approached the second placed consultancy, Faithorn Farrell & Timms LLP (FFT), who were able to take on and support our service requirements.
- 4.3 The consultants are and have since been successfully delivering programmes of safety inspections and surveys, critical to the safety of residents. This support is currently relied upon whilst we continue to try to recruit to existing vacancies within our team of Fire Risk Assessors and Surveyors, who would normally deliver the core elements of this work. However, due to market pressures and a shortage of suitably competent persons this is taking longer than originally anticipated.
- 4.4 Even when the team is fully resourced, there will always be a need to rely upon additional consultancy services to support the in-house team through peaks in workload and gaps in resources. The procurement of a longer-term support arrangement is the subject of a separate and new procurement project currently being progressed, to take over this provision once this extension is exhausted.
- 4.5 As we continue delivering fire safety programmes, the variation of this contract offers continuity and the necessary resource availability to support the in-house team in the delivery of the essential life-safety programmes.
- 4.6 The variation supports the ongoing delivery of major fire safety inspection and delivery programmes to comply with the Fire Safety Act, the Building Safety Act and subsequent secondary legislation being introduced in the form of Regulations. Such projects include Broadwater Farm Fire Safety Works, Type 3 Fire Risk Assessments, Bin-chute upgrades, Loft compartmentation and Fire Door inspections.

#### **5. Alternative options considered.**

- 5.1 Do nothing. This would leave the residents subject to living in buildings where there could be fire safety issues that go unrecorded and unremedied if we do not undertake Fire Risk Assessments and improvement works. In addition, the Council would not be compliant with both the Regulatory Reform (Fire Safety Order) 2005 and the Fire Safety Act 2021 and its subsequent secondary regulations.

- 5.2 Undertake all the work in-house. This option is not viable due to the current lack of specialist skills available in the market for Haringey to recruit.
- 5.3 Procure a new contract. This is in progress but will not be in place in time to deliver the current requirements.

## **6. Background information**

- 6.1 The SEC framework was awarded to cover lots 2b,4b,5b,6B which includes: all types of fire risk assessments, compartmentation surveys, visual inspections of fire doors, production of performance specifications, schedule of works, quality assurance inspections and fire safety advice.
- 6.2 A direct award was made for 3 years plus any extension up to a value of £495,000.00.
- 6.3 The need to increase the value of this contract is due to the need to carry out additional works because of the introduction of new fire safety regulations, previous surveys, previously postponed programmes, and loss of in-house staff.
- 6.4 This is a call-off arrangement whereby the rates tendered under the SEC's Fire Safety Framework are applied to all works instructed under this contract. The contract value is estimated and was capped based on a works value over 3 to 5 years.
- 6.5 Since commencing the contract, we have now committed the full contract value due to the delays in recruiting to the in-house team for reasons set out above.
- 6.6 In advance of procuring a longer-term solution with an increased contract value, a variation of the existing maximum contract value by 50% of the original value is required to ensure continuity of the excellent services currently being provided by this consultancy under this contract.
- 6.7 The value of the initial contract was £495,000 for a period of 3 years as well as over the period of the 2 optional 1-year extensions which could be taken up from January 2025. However, the full contract spend of £495,000 has already been committed. The proposed increase in the contract value needed is estimated at up to £742,500 to cover the maximum contract period and has been calculated based on an estimate of existing commitments, projects spend and future workload.
- 6.8 The need to vary the value of the contract is due to circumstances that could not have been foreseen at the time the contract was awarded. These circumstances include the loss of in-house staff previously delivering Fire Risk Assessments and surveys and the difficulties that have since been realised in recruiting to the vacant permanent positions. This is due to salary expectations and the lack of availability of suitably competent and qualified people in the sector. The additional workload generated through new regulations such as the requirement to inspect front entrance doors annually and communal doors

quarterly that came into force in January 2023, has also placed significant pressure on resources and the remaining contract value.

6.9 Although the contract value is being varied, the scope and overall nature of the contract is not being altered significantly. The requirement to undertake surveys and risk assessments along with technical advice, project management and cost control remains. No new requirements have been added that have led to this variation requirement.

6.9.1 FFT are providing back up to the in-house team, rather than working on specific projects and the costs are going into overheads rather than being recharged to leaseholders. The calls on their work are ad hoc, rather than project based. On that basis, no s20 consultation was or is required.

## **7. Contribution to strategic outcomes**

7.1 This project will help to theme 5 of the Corporate delivery Plan A borough where everyone has a safe, sustainable, stable and affordable home.

## **8. Statutory Officer Comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)**

### **8.1 Finance**

8.1.1 The existing contract was for an initial period of 3 years from January 2022 to December 2025; and for a value of £495k.

8.1.2 This contract is to provide support to in-house staff, with safety inspections and surveys, due to shortage of suitably competent persons.

8.1.3 This report recommends a value extension of this contract by the 50% maximum amount (£247,500) allowable; to bring the total value to £742,500.

8.1.4 The initial contract period of 3 years with option of 2 years extension remains unchanged.

8.1.5 The report highlights that the value extension is due to the need to carry out additional works because of the introduction of new fire safety regulations.

8.1.6 The contract value extension sum of £247,500 will be met from the approved 2023/24 HRA capital programme, fire safety budget.

### **8.2 Procurement**

8.2.1 This contract was awarded using the SEC Framework a compliant route to market, the variation to value is less than 50% of the original contract value so is permissible under clause 72.

8.2.2 The contract is also within its original contract period so no extension is required.

### **8.3 Head of Legal and Governance**

- 8.3.1 The Head of Legal and Governance (Monitoring Officer) has been consulted in the preparation of this report which is seeking approval for a contract variation to increase the maximum contract value.
- 8.3.2 Under Contract Standing Order (CSO) 10.02.1(b) a contract variation valued at over £500K may be approved by Cabinet provided that the Public Contracts Regulations 2015 (“the Regulations”), particularly Regulation 72, as well as the Finance Regulations are complied with and subject to satisfactory contract outcomes.
- 8.3.3 Regulation 72(1)(c) expressly permits contract modifications once certain conditions are met. These conditions are that the need for the variation must have arisen from circumstances that a diligent contracting authority could not have foreseen, the variation must not alter the overall nature of the contract and any price increase involved must not exceed 50% of the original contract value. Sections 6.8 – 6.9 of the report indicate that these conditions have been met in this case and section 4.3 confirms more than satisfactory contract delivery to date. There is nothing in the Finance comments in section 8.1 or elsewhere in the report to suggest any Finance Regulations issues.
- 8.3.4 The Head of Legal and Governance (Monitoring Officer) sees no legal reasons preventing the Cabinet Member from approving the recommendation in section 3 of the report.

### **8.4 Equality**

- 8.4.1 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 protected characteristics and people who do not
  - Foster good relations between people who share those characteristics and people who do not

The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty. Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socio-economic status as a local protected characteristic.

- 8.4.2 The purpose of this decision is to approve the variation of the contract for the Fire Safety Consultancy for Haringey Council until January 2025. To support our in-house fire safety team with carrying out critical safety surveys.
- 8.4.3 Given that the aim of this decision is to continue to support resident safety through the delivery of our fire safety programmes, we do not predict any negative equalities implications resulting from this decision.

**9. Use of Appendices**

None

**10. Local Government (Access to Information) Act 1985**

Background paper - Director's report for Fire Safety Consultancy Services May 2022 – exempt from publication paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.