



**Report for:** Cabinet Member for Housing and Planning (Deputy Leader)

**Title:**

**Report** Cross corridor and front entrance fire door installation, Fire safety works & application of fire rated coatings (Additional works).

**Authorised by:** David Joyce, Director for Placemaking and Housing

**Lead Officer:** David Sherrington, Director of Broadwater Farm

**Ward(s) affected:** West Green

**Report for Key/**

**Non-Key Decision:** Key Decision

**1. Describe the issue under consideration**

- 1.1. Extensive regeneration works are underway on Broadwater Farm. Works include the construction of new homes, the refurbishment of existing homes and the delivery of improvements to local housing services.
- 1.2. In September of last year, a contract was awarded to deliver essential fire safety upgrades across eight blocks. Following the initial months of onsite work, additional works have been included in the contract to ensure compliance with fire safety regulations and improve the outcome for residents.
- 1.3. This report seeks approval to extend the value of the BWF – FRA and Protective Coatings contract in the sum of £1.75m to deliver the works set 6.4 – 6.6. The project will be funded entirely from the BWF – Refurbishment Programme budget. Therefore, the variation to the contract will not require any additional spend.
- 1.4. The additional works are detailed in Appendix A and will be carried out to all eight blocks within the existing programme.

**2. Cabinet Member introduction**

- 2.1. Not applicable

**3. Recommendations**

**It is recommended that:**

- 3.1. The Cabinet Member for Housing and Planning(Deputy Leader)
- 3.2. Pursuant to CSO 10.02.1 (b) and 16.02 approves the variation of the original contract in the sum of £3.5m and authorises an additional sum of £1.75m to be added to the contract. The revised contract value will be £5.25m. Approval also required to expend the contingency sum in Appendix A.

- 3.3. Agrees the total costs and scope of works contained within Appendix A - Exempt Report.

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

- 4.1. The extension of the contract will enable the project to deliver further works as part of the BWF - Refurbishment Programme. The additional works will also incorporate additional fire safety features and finishes to the 8 blocks on the Broadwater Farm Estate.
- 4.2. Upon approval of the additional spend, the current BWF - FRA Programme will continue, with a view of completing the works by December 2024. The programme will ensure that the 8 blocks on the estate meet current Fire Safety and Building Safety Regulations.

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

**Do nothing** – Doing nothing is not an option as we need to comply with current fire safety regulations to ensure the safety of our residents and visitors to the blocks on the Broadwater Farm Estate. Also, bringing forward elements of the major works programme will improve the overall condition of the communal parts, and enhance the quality of life for residents on the estate.

- 5.1. The only option available is to extend the current contract to enable the existing contractor to continue with the additional works to ensure the essential fire safety features are incorporated into the programme.

#### **6. Background**

- 6.1. At the 21<sup>st</sup> September 2023 Cabinet, it was agreed to award a contract for the FRA and Communal Decorations Programme in the sum of £3.5m. It was also agreed subject to approval - to expend all or part of a contingency sum in the amount shown in Appendix A.
- 6.2. The works which form part of the BWF – Refurbishment Programme, commenced November 2023 with a target completion date of November 2024.
- 6.3. During the works, the project team identified and agreed that additional essential works are required to ensure the project meets current fire safety regulations.
- 6.4. The additional works were not identified at tender stage; however, they are considered essential and include items such as installing a high-performing fire rated suspended ceiling to all landings in Kenley. This work is required to conceal the new heating and hot water pipework installed as part of the recent District Energy Network (DEN).
- 6.5. The landings to Kenley were only scoped for decorations, however it was noted and agreed that failure to install the suspended ceilings under this programme, could result in damaging the decorations and other newly installed components if the works were carried out later. It was noted that residents previously raised concerns about the exposed pipework, and therefore it was felt that not including

under this contract could lead to residents feeling that the works have not been coordinated to achieve the best outcome.

- 6.6. Leasehold consultation was undertaken prior to the award of contract and was concluded in line with the requirements of Section 20 of the Landlord and Tenants Act 1985.

Leasehold Services has advised that the additional works are in line with the original scope of works and Section 20 Notices. Therefore, no further consultation is required, however discussions will be ongoing to ensure that where works fall outside the original scope, leaseholders will be served with a notice as required to comply with the requirements of the Section 20 of the Landlord and Tenants Act 1985.

- 6.7. Other works include:

- fire stopping to key areas of the blocks and asbestos removal not previously identified through initial surveys.
- Extensive plastering to provide a level surface to remove the artex to all walls and ceilings.
- Additional emergency lighting,
- Installation of pre-finished metal riser panels; and
- A revised specification for the spandrel panels to the staircase windows to Kenley.

- 6.8. Ridge and Partners are providing cost consultant services on the project. They have reviewed the additional costs submitted by the main contractor and have concluded that the costs are reflective of the works and current market conditions. It has been agreed that the costs will be monitored to determine whether efficiencies can be realised, and if so – these will be factored into the programme.

- 6.9. The breakdown of costs for each additional item of work is shown in Appendix A - Exempt Report.

- 6.10. The spend profile for the extended contract sum will be as follows:

Broadwater Farm Estate FRA Programme Spend Profile						
Aug 2024	Sept 2024	Oct 2024	Nov 2024	Dec 2024	Dec 2026	Total
£500,000	£400,000	£350,000	£300,000	£155,000	£45,000	<b>£1,750,000</b>

- 6.11. The sum of £1.75m to increase the value of the contract will be funded from the budget allocated for the Broadwater Farm Refurbishment Programme. This

budget will fund the entire cost for delivering the programme in the sum of £5.25m.

- 6.12. The project spend to-date is shown in Appendix A - Exempt Report.
- 6.13. Subject to approval by The Cabinet Member for Housing Services, Private Renters, and Planning 2024, the appointed contractor will be notified that the contract has been extended, and they can commence the additional works to progress and complete the BWF – FRA and Communal Protective Coatings Programme.

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

- 7.1. Extending the Contract and agreeing the variations to complete the BWF – FRA and Protective Coatings Programme will contribute to the delivery of the following four priorities set out in the Council's Borough Plan (2019-2023):

- **Priority 1 – Housing:** A safe, stable and affordable home for everyone, whatever their circumstances.
  - **Priority 2 – People:** Strong families, strong networks and strong communities nurture all residents to live well and achieve their potential.
  - **Priority 3 – Place:** A place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green.
- Priority 4 – Economy:** A growing economy which provides opportunities for all our residents and supports our businesses to thrive.

## **8. Statutory Officers comments** (Chief Finance Officer, Procurement, Legal and Equalities)

### **8.1 Finance**

The original contract sum of £3.5m was approved in the 3<sup>rd</sup> quarter of 2023 for the period 2023/24- 2025/26.

This report is recommending approval of additional sum of £1.75m which represents 50% increase in the original sum.

This will bring the total cost of this project to £5.25m over the same period.

This report is not recommending additional funding as these works are part of future works funded from the BWF refurbishment budget.

These works are being brought forward and the cost will be contained within the existing BWF refurbishment budget

### **8.2 Strategic Procurement**

Strategic Procurement (SP) note that this report relates to the approval to vary a contract with the contractor undertaking essential fire safety upgrade works at BWF

This variation has come about due to compliance with building safety regulations

SP recognises the importance of this work and note the reason for this variation.

This variation is in accordance with regulation 72 (1) (c) (i) (ii) (iii) of the Public Contracts Regulations 2015.

SP supports the recommendation to approve this variation in accordance with CSO 10.02.1(b) and 16.02.

### **8.3 Legal**

#### **Assistant Director of Legal and Governance (Monitoring Officer)**

The Assistant Director of Legal and Governance has been consulted in the preparation of this report.

The works are above the threshold where the modification rules set out in Reg 72 of the Public Contracts Regulations 2015 apply. Under Reg 72 (1) (c ) a contract may be modified without following a procurement where the following conditions are met:

(i)the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;

(ii)the modification does not alter the overall nature of the contract;

(iii)any increase in price does not exceed 50% of the value of the original contract or framework agreement.

The Council will need to publish a notice of the modification on the e-notification service in accordance with Reg 51,

As this variation is a Key Decision, approval would normally be by Cabinet in accordance with CSO 10.02 .1 (b) (variations valued at £500,000 or more). In between meetings of the Cabinet, the Leader may take any such decision or may allocate to the Cabinet Member with the relevant portfolio (CSO 16.02).

The Assistant Director of Legal and Governance confirms that there are no legal reasons preventing the Cabinet Member for Housing Services, Private Renters and Planning from approving the recommendations in this report.

### **8.4 Equality**

This report seeks approval to extend an existing contract to enable additional works to be carried out on the BWF – FRA and Communal Decorations Programme to 8 blocks on the Broadwater Farm Estate.

Having reviewed the Council's Equality Impact Assessment (EQIA) guidance, the need for an EQIA is not considered necessary, as an assessment was carried out and included in Section 8.4 of the original Cabinet Report dated 21 September 2023.

## **9 Use of appendices**

### **9.1 Appendix A - Exempt Report**