

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

**Item number:** To be added by the Committee Section

**Title:** Cold Water Storage Tank Replacement Programme

**Report authorised by:** Jonathan Kirby – 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.**

This report seeks approval from the Cabinet member to award a contract for the Replacement and Installation of Communal Cold Water Storage Tanks (or conversion to mains feed) to Tenderer A for the 191 tanks identified, in line with the values set out within the Exempt report.

**2. Cabinet Member Introduction**

Not Applicable

**3. Recommendations**

That the Cabinet Member for Housing and Planning (Deputy Leader) approves the award of a contract for the Replacement of Communal Cold Water Storage Tanks for the 191 tanks identified (or conversion to mains feed) to Tenderer A with a start date of 1<sup>st</sup> November 2024 with a contract duration of 2 years.

**4. Reasons for decision**

- 4.1 The replacement and installation of cold-water storage tanks is due to the current tanks being 30+ years old and beyond economical repair.
- 4.2 The current tanks are rusted and corroded, which is a risk of them being non-compliant within L8 Water Regulations. This has progressively deteriorated over the last 5 years and identified on the yearly planned maintenance visits.
- 4.3 By upgrading the cold-water storage tanks to new insulated plastic tanks we are reducing the risk of leaks that can cause damage to our buildings, and effects of ambient temperature that can lead to freezing or risk of legionella, therefore improving the quality and standard of our housing stock.
- 4.4 The Housing Repair Service are unable to deliver this programme using in-house resources, due to the nature and specialism needed to carry out these works.

- 4.5 Prior to replacing the tanks a mains pressure and capacity assessment will be made along with a survey of the installations to establish if the tank can be removed and converted to direct mains supply. This would be done in communication with the water supply company and the water byelaws and regulations and would result in a reduced on-going water safety monitoring cost.
- 4.6 This is a call-off contract, in that there is no monthly or annual fee, and the contractor will only receive payment for works completed on instruction from Haringey Council.

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

- 5.1 Do Nothing – This is not an option as it would increase the risks of leaks, loss of water and legionella disease. It would also leave Haringey exposed to potential prosecution for failing to take reasonable care to safeguard its residents and would result in contravention of current Health & safety regulations.
- 5.2 Conduct the work through in-house resources. - We are unable to deliver these works in-house due to a lack on suitably trained and certified operatives. We do not have enough operatives, and the timescales required to recruit and train them would result in the same outcome as set out in 5.1 above.

## **6. Background information**

- 6.1 Haringey Council have to date identified 191 tanks which are aged and require replacement due to age and condition.
- 6.2 The contract was procured via the London Construction Programme (LCP) Minor Works Dynamic Purchasing System (DPS). The Water Storage Tanks category on the DPS was chosen, as the scope of the category was suited to the procurement requirements and contains a wide range of potential bidders, capable of undertaking this work.
- 6.4 On the 5<sup>th</sup> of February 2024, with the support of Strategic Procurement and Legal Services, tender documentation was issued to 78 suppliers registered on the Water Storage Tanks category of the London Construction Programme (LCP) Dynamic Purchasing System (DPS).
- 6.5 The tender opportunity closed on the 26<sup>th</sup> of February at 12:00. Two valid tender submissions were received. The submissions were reviewed by Strategic Procurement who then distributed the documentation for review by officers for Price and Quality with Social Value being assessed via the Portal.
- 6.6 Analysis from our Strategic Procurement partners indicate that the main reasons for the low response include the following:
- Difficulty with scaling up their resources to deliver a Contract of this size.
  - Resources had been fully allocated and would not be available in time for the Contract commencement.
  - Not their main area of work.

Additionally, this tender launched in early February, when there may have been a high demand for plumbing services. It is also thought that Local Authorities may be looking to maximise allocated budget expenditure prior to yearend resulting in increased order being placed with their supply chains. This may, therefore, affect Contractors' capacity in considering bidding for other works.

- 6.7 The Price evaluation was completed separately to the Quality evaluation. The Officer compared the tendered rates submitted to determine which Tenderer was the most Commercially competitive. Upon completion of the evaluations, the Officer confirmed that the submission of the most Commercially competitive price was valid. The rates received from the lowest bidder are in line with current pricing and our estimated budget.
- 6.8 Three Officers completed the Quality evaluation, separately to the price evaluation. Each Officer scored the tenderers Method Statement responses independently and sent their evaluations to the Procurement Officer to collate for the Moderation. The Moderation was hosted by the Procurement Officer who confirmed the final scores for each tenderer.
- 6.9 The Social Value evaluation was completed by the Social Value Portal Team, who provided their scores and feedback to the Procurement Officer, which were then incorporated into the final overall scores as set out below.
- 6.10 The final scores for tenderers are outlined in the table below. The submissions were evaluated on a 50% Quality / 10% Social Value / 40% Price basis.

COMBINED SCORES				
	Quality (50%)	Social Value (10%)	Price (40%)	Total
<b>Tenderer A</b>	40	8.5	40	88.5
<b>Tenderer B</b>	26.5	3.6	26.74	56.84

- 6.11 The works being undertaken are funded through the current Capital budget provision and all costs will be charged based on tendered rates.
- 6.12 On 29<sup>th</sup> November 2023, Leasehold services issued letters to all affected leaseholders communicating the proposed works to align with Section 20 notices. All requests for information and queries were answered and one contractor recommendation was received. Procurement issued all relevant information to the recommended contractor to invite them to tender.
- 6.13 Leasehold Implications: Following the issue of the Notice of Intention for Works on 28/11/23 - observations were received and all these were responded to within the required time. A contractor nomination was received, and the contractor was contacted but did not take up the offer. An Appendix confirming this was included when the Notice of Estimates were issued 03/09/2024
- 6.14 To minimise disruption to the residents affected by the replacement works, we will ensure that letters will be issued giving 2 weeks' notice of the works being undertaken. In the case that there are twin tanks providing water, we will replace one at a time so the residents will not experience any loss of water. We will also, where possible, connect a temporary water source while the works are being undertaken. If this is not possible the water will not be disrupted for any more than 8 hours. If bottled water is required, we will supply this to residents)
- 6.15 Following installation, the cold-water storage tanks will be subject to annual maintenance and inspections and biennial water risk assessments, in line with current regulations and codes of practice. This will be under a separate contract and budget provision. In the event of conversion to mains and removal of the tanks that will not be 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. Carbon and Climate Change**

- 8.1 The implementation of this contract will ensure that our Cold-Water storage systems and installations are safe and in good working order. Having compliant and safe systems ensure they are working in an efficient manner.
- 8.4 All materials and components used in the programme will comply with current standards and regulations which include energy reduction and carbon efficiency requirements aligned to applicable British and European standards.
- 8.5 All of our contractors engaged in such service provision require and maintain modern efficient vehicles to ensure service delivery and commercial efficiency.

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

### **9.1 Finance**

- 9.1.1 This report recommends the award of contract for the replacement of 191 communal cold water storage tanks in the borough and or conversion to mains supply as appropriate.
- 9.1.2 The works are phased over 2 years commencing from November 2024 at a maximum cost as detailed in the Exempt part of this report.
- 9.1.3 This cost will be met from the existing capital works programme budget and contained within the medium-term financial plan.
- 9.1.4 There are leasehold properties that will benefit from this work. Thus, leaseholders' contribution of their share of the cost of these works are expected.
- 9.1.5 Further Finance comments are contained in the exempt report.

### **9.2 Procurement**

- 9.2.1 SP note that a competitive tender was launched via the LCP's DPS for minor works. The adopted procurement is in line with Contract Standing Order (CSO) 9.04.1(b) and Regulation 34 of the Public Contracts Regulations.
- 9.2.2 The Tenderers' bid submissions were evaluated in accordance with the scoring methodology contained within the published Invitation to tender document.
- 9.2.3 SP is content with the recommendation in section 3.1 above.

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

- 9.3.1 The Assistant Director of Legal and Governance (Monitoring Officer) has been consulted in the preparation of this report.
- 9.3.2 The works are below the threshold where the tendering requirements set out in the Public Contracts Regulations 2015 apply.

- 9.3.3 The Council has followed a procurement using the LCP Dynamic Purchasing System (DPS). This is in accordance with CSO 9.04.1 b) (use of Council's own DPS).
- 9.3.4 As the award of this contract is a Key Decision, it would normally fall to Cabinet to approve in accordance with CSO 9.07.1 d) (contracts valued at £500,000 and above). However, in-between meetings of the Cabinet, the Leader may take any such decision or allocate to the Cabinet Member with the relevant portfolio (CSO 16.02).
- 9.3.5 The terms of the Council's standard right to buy lease permit recharge 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 Service Charges (Consultation Requirements) (England) Regulations 2003 ("the statutory provisions").
- 9.3.6 The statutory provisions set out a two-stage process for consultation with leaseholders, the first setting out the proposed works and inviting comments thereon and nomination of a contractor from whom to seek an estimate, and the second, after obtaining estimates, setting out estimates and inviting comments; in each case the leaseholder is to be given a minimum of 30 days to respond. The Council must have regard to any comments made, and obtain an estimate from a nominated contractor if one (or more) is nominated.
- 9.3.7 Where the Council decides to award the contract to a contractor who did not submit the lowest estimate, it must within 21 days of entering into the contract serve a further notice on leaseholders stating its reasons for awarding the contract, and summarising any observations received at the second stage of consultation and its response to them.
- 9.3.8 Details of the Council's compliance with those provisions are set out in the body of this report under "Leasehold Implications". Legal Services have considered the form of the notices served and confirm that they comply with the statutory provisions. The decision maker must conscientiously take account of the observations made by leaseholders in making this decision.
- 9.3.5 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.

## **9.4 Equality**

- 9.4.1 The council has a Public Sector Equality Duty (PSED) 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.

- 9.4.2 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.

- 9.4.3 Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.
- 9.4.4 The decision in question is regarding the award of a contract for the Replacement of Communal Cold Water Storage Tanks.
- 9.4.5 This decision is not expected to have any impact on equalities in Haringey and is expected to have a neutral impact on those who share protected characteristics.
- 9.4.6 As an organisation carrying out a public function on behalf of a public body, the chosen contractor will be obliged to have due regard for the need to achieve the three aims of the Public Sector Equality Duty as stated above. Appropriate contract management arrangements will be established to ensure that the delivery of the major works does not result in any preventable or disproportionate inequality.

## **10. Use of Appendices**

- Exempt Appendix 1

### Reasons for exemption

This Part B report is not for publication by virtue of paragraphs 3 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972 as it contains information classified as exempt under Schedule 12A of the Local Government Act 1972 in that it contains 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.

## **11. Local Government (Access to Information) Act 1985**

None