

Report for: Cabinet member for Housing & Planning and Deputy Leader.

Item number: To be added by the Committee Section

Title: Third Party Technical Audit & Support

Report authorised by : Sara Sutton. Corporate Director for Adults, Housing and Health

Lead Officer: Scott Kay Assistant Director of Repairs & Compliance.

Ward(s) affected: All

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

1. To provisionally award a contract for up to five years, for a value of up to £5,000,000.00, for technical audits and quality assurance of regulatory safety inspections and support for in-house teams and contractors on repairs, maintenance, design and installation of mechanical and electrical services and safety systems within Haringey's Council Housing stock, subject to the outcome of the S20 Consultation with Leaseholders. The contract will also allow for advice, guidance and expertise on standards and specifications for Haringey's Employers Requirements, for new developments, major works and where requested, corporate buildings.

2. **Cabinet Member Introduction**
Not applicable.

3. **Recommendations**

Cabinet member for Housing & Planning and Deputy Leader:

- 3.1 To approve the award to Bidder A of a contract, and associated expenditure, for the provision of technical audits and quality assurance of regulatory safety inspections and support for in-house teams and contractors on repairs, maintenance, design and installation of mechanical and electrical services and safety systems within Haringey's Council Housing stock.
- 3.2 The contract will also allow for advice, guidance and expertise on standards and specifications for Haringey's Employers Requirements, for new developments, major works and where required, corporate buildings.

- 3.3 The approval shall be provisional subject next stage S20 Leasehold consultation process and it shall be delegated to the Assistant Director for Repairs & Compliance to implement the award on completion of the S20 consultation, providing that all representations are suitably responded to and do not result in any significant issues, causing the award to be withdrawn or significantly amended, under which circumstances a revised report would be presented.
- 3.4 The contract will run for five (5) years, subject to determination under the break clause, allowing Haringey to withdraw from the contract for reasons including continued and unresolved poor performance, and/or where all services can successfully be delivered through in-house expertise and resources.
- 3.5 The contract will be on a call-off basis for a contract value of up to £5,000,000.00, plus inflation, with a proposed start date immediately on completion of the S20 process and any stand-still period; using Haringey's standard consultancy agreement. All instructions will be made within available budgets across revenue and capital as appropriate.
- 3.6 To allow for and delegate to the Director of Housing for the provision of a letter of intent if required, prior to the formal contract being executed if required.

4. Reasons for decision

- 4.1 Continuing developments in new technologies such as heat pumps and energy networks and systems that require new and different skill sets over and above the traditional gas and electrical requirements of the past.
- 4.2 The award of this contract will help to supplement and cover peaks in demand due to the varied workload across the year and mitigates the risk of difficulties in recruiting and retaining permanent staff to specialised technical roles. It supports the current in-house teams, providing additional and enhanced levels of expertise and reduces the amount of on-going training and development needed to ensure in-house staff are fully up to date with current legislation and good practice.
- 4.3 The risk of losing key staff that currently hold individual expertise and certification, is already manifesting through on-going and prolonged periods of illness amongst the current staff who are long-serving and/or ageing. This risk will be mitigated through support from external multi-discipline consultants specialising in the areas covered under this contract to ensure continuity in service provision and safety management.

- 4.4 The consultants will not only provide flexible resources as part of a call-off arrangement, to ensure we are able to meet demand, it will help to improve value for money when demand drops that would otherwise result in under-utilised specialist staff. External specialist consultants also bring an awareness and agility in adopt changes in the Regulatory framework and brings training opportunities for staff, as well as learning and best practice from other clients. It will also support and enhance VfM by ensuring that recommended remedial works and actions from inspection programmes are appropriate and cost effective.
- 4.5 The award of this contract provides technical assistance, support and flexibility to the in-house managers and technical inspectors and will provide assurance to senior management, Cabinet, Internal Audit and our Regulators that the work we undertake on compliance is being independently assessed, validated and evidenced.
- 4.6 Due to the potential need for the consultants to support the delivery of key installation and upgrade programmes and projects, leasehold consultation was undertaken in accordance with 'S20' requirements. The final stage of S20 procedure can only take place once it has been determined which is the most economically advantageous bidder and that provisional approval for an award by the Cabinet has been confirmed.
- 4.7 The potential cost of the service is significantly weighted toward capital as, although the number of projects is fewer than those on the Revenue side, the work and technical skills and resources involved in the design, specification and project management is more demanding. This is however subject to any projects being commissioned through the call-off arrangements under this appointment.

5. Alternative options considered

- 5.1 Do nothing. This would mean that we are unable to undertake significant surveys to determine the condition and forward investment requirements and produce investment programmes for key building services systems that enable our residents enjoy their homes and live safely and securely in them and/or provide assurances to senior leadership, Cabinet and our Regulators that Haringey's safety inspections programmes are robust and fully compliant.
- 5.2 Extend the current contract. This is not an option as there is no existing contract.
- 5.3 Undertake all the work in-house. This option is not currently viable due to the current lack of specialist skills available in the market for Haringey to recruit and retain.

6. Background information

Haringey commissioned a Health Check of Compliance in December 2022 which recommended significant requirements around improving compliance management. It also identified key inspection programmes regarding supplies under the Dangerous Substances and Explosive Atmospheres (DSEAR) Regulations 2002.

In addition to the above there is an outstanding need to undertake safety inspections and surveys of our rising and lateral electrical mains in our blocks of residential property. These are areas that are not covered under our Electrical Inspection Condition Reports (EICR) programme and require specific inspection and risk assessment. This requirement is set out by the Health & Safety Executive (HSE) and needs a highly technical lead to determine responsibility under local network providers and current regulations to avoid unnecessary significant cost.

The provision of this service will help to support the Mechanical & Electrical teams whereby current in-house technical officers primarily in the gas and lift teams have been under resourced and stretched due to historic long-term sickness absence. Although being managed this still presents a risk to the organisation in ensuring quality of installations and value for money from contractors.

Our lift team has a current vacancy and has found it difficult to recruit over the past 12 months. This has resulted in a relatively high number of lifts being out of service for longer than would be anticipated due to a lack of resource within the team who can respond to the lift failure and direct and monitor contractors accordingly. We have similar difficulties recruiting to the gas technical posts within the team.

This service will improve our data and support our asset management strategy and compliance policies, in that, it will provide a new facility to undertake condition surveys of key plant and equipment, that is not delivered through our stock condition or any other current survey programme. It will provide early warning and options appraisal for existing, aging equipment that is prone to failure despite current inspections and planned preventative maintenance regimes.

Our current technical knowledge of our equipment is mainly reliant on contractor information that we are at present unable to challenge or validate with sufficient confidence or technical ability. This will therefore improve value for money and assurance regarding best value and appropriate investment programmes. This in turn will eventually impact positively upon residents' satisfaction with their home and community as a place to live, and the overall service provided by Haringey. It will also give a clearer understanding of future investment need and cost that will help Haringey and its Leaseholders to improve financial planning.

The transfer of responsibility for electrical inspections from HRS has also identified the need for additional technical expertise and contract management support. In addition, we will be able to undertake independent validation of compliance data in these areas that will provide additional assurance to members and senior management and our residents regarding our data and safe management of these systems and services.

Following a tender process, supported by our Strategic Procurement and Leasehold Management colleagues, via our dynamic purchasing platform, we secured 2 bona-fide bids for the service provision as detailed in the table below. Details regarding the bidders pricing is contained within the Exempt part of this report

Supplier Name	Total Quality Score (60%)	Total Price Score (30%)	Social Value (10%)	Total % Score (100%)	Overall Ranking
Bidder A	38.40%	30.00%	8.50%	76.90%	1st
Bidder B	26.40%	27.36%	6.56%	60.32%	2nd

First stage S20 consultation was carried out and all representations were appropriately addressed with no significant amendments required.

As part of our commitment to resident engagement, representatives from our M&E team attended the Residents Voice board on 17th October 2024 to provide a briefing on our intentions to procure new gas contracts and also introduced the intention to procure service under a Third Party Audit and Support Services contract, inviting and taking on any feedback in relation to both.

The provision of this service spans both Capital and Revenue budgets for which provision has been made in both the team overheads and project budgets as applicable.

This is a call-off contract, and we will therefore only pay for service as required. There is no guaranteed minimum call-off commitment or fixed minimum cost associated with the award and subsequent contract. The contract will be directly managed by the head of M&E, and will be determinable, if required, upon a specified reasonable notice period and will not be solely dependent upon poor performance or default.

7. Contribution to the Corporate Delivery Plan 2024-2026 High level Strategic outcomes’?

This initiative will help to deliver the ‘Homes for the future’ theme of the Corporate Delivery Plan where everyone should have a safe, sustainable,

stable, and affordable home and aims to improve the quality of our social housing and landlord services.

8. Carbon and Climate Change

This award will ensure that detailed technical assessments can be undertaken that will help to shape and improve proactive planned maintenance and timely repair and replacement of equipment to ensure optimum operating efficiency.

The services provided will also ensure our new developments are equipped in line with our employer's requirements and thereby comply with the latest standards and regulations for energy efficiency.

Monitoring of our contractors who undertake servicing and maintenance will also ensure that they are working to ensure the equipment continues to operate at maximum efficiency and minimum CO2 outputs.

They will also support Haringey in identifying options and suitability for new technologies that reduce our reliance on gas.

9. Statutory Officers comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)

9.1 Finance

A new contract is proposed with a total value of £5 million for the delivery of third-party technical audits and quality assurance services. This contract will support the statutory inspection regime and provide oversight on the quality and compliance of works carried out by both in-house teams and external contractors.

The estimated annual cost is £883,000, of which £150,000 is attributable to revenue and the remaining £733,000 to capital. The revenue requirement can be accommodated within existing Mechanical & Electrical (M&E) budgets, where provision for this amount has already been made. The capital allocation of £733,000 has been identified and captured within the major works capital budgets, aligned to the relevant programme areas.

Budget provision has been made for both revenue and capital elements, and appropriate monitoring will be required to ensure spend **remains within the allocated funding across the contract term.**

9.2 Procurement

Strategic Procurement (SP) note that this report relates to the Appointment of Bidder A for technical audits and quality assurance of regulatory safety inspections and support for in-house teams and contractors on repairs, maintenance, design and installation of mechanical and electrical services and safety systems within Haringey's Council Housing stock subject to the outcome of the S20 Consultation with Leaseholders.

SP note the recommendations in this report which are in line with the Contract Standing Orders clause 8.01. Pursuant to Regulation 34 of the Public Contracts Regulations 2015, tenderers were invited to Tender through the London Construction Programme, Dynamic Purchasing System under, Mechanical and Electrical Services Consulting Engineer Service Template.

The Council received two compliant tenders for this Project. The Tender returns were evaluated independently by a quality panel and the price element of the tender was evaluated separately. Bidder A evidenced they were able to meet quality elements of this contract, and their price came in cheaper than the other bidder.

The outcome has achieved value for money as it was tendered through a Dynamic Purchasing System and went out to around 43 suppliers.

SP supports the recommendation to approve the award in accordance with CSO 2.01(c) for Cabinet to approve awards of Contract valued at £500,000 or more.

9.3 Legal

9.3.1 The Director of Legal and Governance (Monitoring Officer) was consulted in the preparation of the report.

9.3.2 Strategic Procurement has confirmed that the contract in the report was procured via call-off from London Construction Programme, Dynamic Purchasing System (DPS) which is a compliant route to procure such services as per the Council's Contract Standing Order (CSO) 8.02 and Regulation 34 of the Public Contracts Regulations 2015 (PCR15) which was applicable when the contract was procured.

9.3.3 Pursuant to the provisions of the Council's Contract Standing Order (CSO) 2.01(c), Cabinet has power to approve the award of a contract where the value of the contract is £500,000 or more.

9.3.4 Further to paragraph 9.3.3 above and pursuant to CSO 0.08 a decision reserved for Cabinet may be taken by a Cabinet Member with the agreement of the Leader and as such the recommendations in paragraph 3 of the report is line with the CSO so long as the Cabinet Member is taking the decisions with the agreement of the Leader.

9.3.5 The recommendation in paragraph 3.3 of the report to delegate authority to the Assistant Director for Repairs & Compliance to implement the award on completion of the S20 consultation, providing that all representations are suitably responded to and do not result in any significant issues, causing the award to be withdrawn or significantly amended, under which circumstances a revised report would be presented is in line with law. Cabinet has power under the Local Government Act 2000 to delegate the discharge of any of its functions to an officer (S.9E (Discharge of Functions)).

- 9.3.6 The recommendation in paragraph 3.6 of the report of the report is permitted under the Council's CSO 16.04 which allows the issuance of a Letter of Intent pending the issuance and execution of a formal contract where works, goods or services under a contract is required to commence prior to the issuance and execution of a formal contract.
- 9.3.7 The Director of Legal and Governance (Monitoring Officer) sees no legal reasons preventing the approval of the recommendations in the report.

Equality

The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

1. Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act.
2. Advance equality of opportunity between people who share those protected characteristics and people who do not.
3. 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 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.

This report seeks approval from the Cabinet for the appointment of Mechanical and Electrical Consultant to provide Third Party Technical Audit & Support Services to the Council, for a period of up to 5-years from the date of award.

This is to deliver the support and survey programmes, which includes completing specialist safety surveys and inspections to ensure resident safety.

Black people, disabled people, women, and those from a low socioeconomic background are overrepresented in Haringey's social housing stock.

Therefore, taking steps to ensure that this essential work is completed will have a positive impact on those who share protected characteristics.

10. Use of Appendices

Not applicable.

11. Background papers

Not applicable.