

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

Item number: To be added by the Committee Section

Title: Variation of contracts for the delivery of fire safety works.

Report authorised by : Sara Sutton - Corporate Director Adults Housing & Health

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Ward(s) affected: All

Report for Key/

Non Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1. To vary existing contracts with three suppliers for the continued delivery of fire safety works, pending the implementation of a long-term contract to be procured.
- 1.2. In order for the council to meet its statutory obligation under the Fire Safety Order (as amended) 2005, the Building Safety Act 2022, and the Fire Safety Act 2021 as well as the requirements of the Housing Acts 1994,2004 and the Health and Safety at Work Act 1974, the council needs to undertake fire safety works in residential buildings, as identified through fire risk assessments, to comply with current regulations to ensure the safety of those living and visiting them.

2. Cabinet Member Introduction

NA.

3. Recommendations

- 3.1 For the Cabinet Member for Housing & Planning and Deputy Leader, pursuant to Contract Standing Orders 18.03.3 & 2.01(d) to approve variation of contracts to three suppliers as per the table below

Supplier	Original Contract Value	Variation
A	£499,999	£833,333 (167%)
B	£499,999	£833,333 (167%)
C	£499,999	£833,333 (167%)

- 3.2 Each of the 3 existing contracts are to be varied by 167% due to the urgent need for continued delivery of works by existing contractors, following unavoidable delays in procuring a longer-term contract.

4. Reasons for decision

- 4.1 It is essential to maintain continuity to complete actions from the fire risk assessments, as stopping this for any period, will increase the number of actions, as we continue to carry out fire risk assessments in accordance with our statutory obligations and will further increase risk of them becoming overdue and putting resident safety at risk.
- 4.2 The Council aims to ensure that fire risk assessment actions are completed in a timely manner in line with our policy objectives for Fire & Building Safety. Varying these contracts will enable actions to continue to be completed whilst procurement of a long-term contract is undertaken, that will support and compliment delivery of actions by in-house teams.
- 4.3 External contractors are essential to this delivery programme due to the flexibility and amount of resource required as well as the level of skill and certification required to demonstrate competency.
- 4.4 The variation will also ensure that remediation works can be delivered at the existing rates agreed with the contractors, during the original procurement in 2024/25. As market rates will undoubtedly have increased since this time, this helps to ensure value for money through these variations.
- 4.5 Haringey has also given a commitment to the regulator For Social Housing to reduce high-risk overdue actions and to ensure they are completed in a timely manner. Failure to vary the current contracts would put that commitment at risk of failure.

5. Alternative options considered

5.1 Do nothing

- 5.2 This option has been rejected because this would mean an accumulation of actions from the fire risk assessment remain unallocated without an appropriate facility to complete works in a compliant manner, at the required scale to meet the overarching strategic objectives, to reduce actions and meet our commitments to the Regulator for Social Housing.

5.3 Utilise the DLO to deliver works

- 5.4 This option has been rejected as the DLO is already under significant pressure to deliver the Responsive Repairs Service. This option is not a viable proposition for the either the short or medium to long term planning of the

Council, due to the lack of competencies and resources to meet the required standards.

5.5 Procure new contracts without first varying existing contracts

This option is being progressed but the variation under this report allows sufficient time to complete the procurement. However, it is not possible to maintain delivery if existing contracts are not varied and we rely wholly on a new contract being put in place.

5.6 Utilise an external framework to make a direct award to a separate contractor.

This option has been rejected by our Strategic Procurement due to the need to maintain internal control over the procurement process.

6. Background information

- 6.1. The three contracts were put in place in 2024 as part of a wider award to 5 contractors aimed at reducing the overdue actions from the fire risk assessments, as reported to the Regulator for Social Housing via Haringey's Voluntary Undertaking.
- 6.2. The spend for each contractor has been set at a contract value of £499,999. These contract values will be exhausted in November 2025 and require variation to match the current approved budget that will ensure that service delivery is not impacted.
- 6.3. The 1-year contract period commenced in March 2025 and is in place until March 2026, allowing a continuation of current contractual arrangements and rates.
- 6.4. To meet its obligation under the Fire Safety Order the Council carries out a programme of regular fire risk assessments to its blocks with communal areas utilised as a means of escape. Deficiencies may occur because of maintenance, general deterioration, ASB or resident activities, both legitimate and illegitimate. The FRAs identify such issues and ensure they are recorded and managed appropriately through our digital compliance system.
- 6.5. The council previously self-reported to the Regulator for Social Housing that it had high priority actions that were overdue and awarded 5 contracts to enable the council to close all remaining actions that it had committed to the regulator to close in May 2025 in its voluntary undertaking. These actions are on track to be completed by the agreed timeline, however if we are unable to vary existing contracts there is a risk of a significant new build-up of actions, creating a new backlog.
- 6.6. The existing 5 contracts were put in place to cover the clearance of the historic backlog as reported to the regulator. However, there is insufficient

value to allow them to pick up new actions that will become out of date without this variation. This variation will allow for the delivery of new and existing Fire Safety Actions for the remainder of this financial year, within available budgets.

- 6.7. The intention has been to procure and award a long-term contract to ensure that new actions are managed and completed within the target timescales. However, due to internal resource pressures, leading to the need to engage external support, this procurement process has taken longer than was anticipated. This means that we require cover during the on-going procurement process to ensure actions are completed accordingly.
- 6.8. Strategic procurement have been engaged in the decision to vary existing contracts, and they have also liaised with our legal team to advise on the most appropriate option for an interim solution ahead of providing statutory comments.
- 6.9. Finance have been consulted to ensure existing revenue and capital provision has been made for fire risk assessments which will support the delivery of this contract variation until such time as a new long-term contract has been put in place.
- 6.10. The contracts are issued on a call off basis and the council will only be charged for works completed.

7. Contribution to the Corporate Delivery Plan 2022-2024 High level Strategic outcomes?

- 7.1. Improving the Council's capacity and procedures to deal with fire safety risks supports the delivery of 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

- 8.1. This decision does not affect the carbon and climate change agenda and remains as originally stated in the initial award reports.

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

9.1 Finance

- 9.1.1 The revenue portion (40%) will be covered by the Residential Buildings Fire Risk budget, while the capital portion (60%) will be funded through the Fire Safety capital programmes and reflected in the latest financial projections.

This decision leads to a net saving to the service budget, as shown in Period 4 accounts. Ongoing monitoring will ensure expenditure remains within approved limits and any variances are addressed promptly. See also the exempt report.

9.2 Procurement

- 9.2.1 Strategic Procurement note that this report relates to the approval to vary the approved spend with three contractors due to fire risk assessment backlog
- 9.2.2 The purpose of this variation has arisen due to the increased number of fire safety works.
- 9.2.3 The approved spend will lead to continuity of service by reducing the number of backlogs whilst the service work with Strategic Procurement to put in place long term contract.
- 9.2.4 Having a long-term contract in place with a higher spend value will avoid frequent variations to the contract.
- 9.2.5 SP note that the total contract value across the 3 suppliers including the variation cost is below the threshold for works required under Public Contracts Regulation 2015 (PCR 2015). The requirement under the PCR 2015 for variation will not apply on this occasion.
- 9.2.6 SP support the recommendation to approve this variation in accordance with CSO's 18.03.1, 18.03.3 & 2.01(d)

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 Pursuant to the provisions Council's CSOs 18.03.3 and 2.01(d), Cabinet may approve the variation of a contract with an aggregate value of £500,000 or more and as such Cabinet has power to approve the recommendation sought in paragraph 3 of the report.
- 9.3.3 Further to paragraph 9.3.2 above, and pursuant to the provisions of the Council's 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 recommendation in paragraph 3.1 of the report requesting Cabinet Member for Housing & Planning and Deputy Leader to approve the recommendations in the report is in line with the provisions of the Council's CSO so long as the Cabinet Member is taking the decision with the agreement of the Leader.
- 9.3.4 The contract to be varied is a works contract and the value of the contract including the variation is below the threshold for works contract and as such the provisions of the Public Contracts Regulations 2015 is not applicable.

9.3.5 The Director of Legal and Governance (Monitoring Officer) see no legal reasons preventing the approval of the recommendations in the report.

10. Equality

There is no change to the equality impact as stated in the original award reports.

1. Use of Appendices

None

2. Background papers

Original award reports