

**Report for:** Cabinet Member for Housing & Planning and Deputy Leader.

**Title:** To award a new asbestos contract and appoint a UKAS accredited asbestos contractor.

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

**Lead Officer:** Scott Kay Assistant Director of Repairs and Compliance

**Ward(s) affected:** All borough Wards

**Report for Key/**

**Non Key Decision:** Key decision

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

- 1.1 For the Cabinet Member for Housing & Planning and Deputy Leader to approve the award of a contract to Tenderer A, for Asbestos Surveying including surveying services, bulk sampling and air monitoring and project specific services for up to 4 years.
- 1.2 The works will ensure compliance with the Control of Asbestos Regulations 2012 and The Control of Substances Hazardous to Health Regulations and associated guidance, and for communal areas and dwellings within properties owned and managed by Haringey Council to improve and maintain the safety of residents and users of such premises.

## **2 Cabinet Member introduction**

Not Applicable

## **3 Recommendations**

- 3.1 That the Cabinet Member for Housing & Planning and Deputy Leader, Pursuant to Council's Contract Standing order (CSO) 8.01 (use of Council Dynamic Purchasing system), CSO 2.01(C) (Cabinet approve awards of Contract valued at £500,000 or more), approves the award of a contract to Tenderer A (identified in the Exempt portion of the report – Appendix [insert]) for Asbestos Services including asbestos surveying, bulk sampling and air monitoring for the sum of £1,815,540.00, plus additional costs in relation to project specific services in relation to surveying, sampling and air monitoring services, for a duration of up to four years from the commencement of the contract.
- 3.2 That the Cabinet Member for Housing & Planning and Deputy Leader is also asked to approve the delegation of expenditure of the additional sums in relation to project specific work under the contract, identified through

surveys, to the Assistant Director of Repairs & Compliance in consultation with the Head of Finance as set out in the exempt part of the report.

- 3.3 Pursuant to Council's CSO 16.04, the report also requests Cabinet Member's approval for the issue of a letter of intent to the preferred contractor. This will be for an amount up to, but not exceeding, £181,554.00. This represents 10% of the surveying contract sum. This will enable mobilisation of the contract to be completed, whilst the contract particulars are finalised.

## 4 Reasons for decision

- 4.1 Haringey Council has an obligation to comply with the Health and Safety at Work Act 1974, and all regulations that sit beneath it, such as The Control of Asbestos Regulation 2012. Due to these obligations, it is not possible to accommodate a break in the service provision for asbestos surveying and associated services. This is to ensure residents and other building users or visitors remain safe in relation to the existence and risks regarding asbestos.
- 4.2 It is therefore crucial this contract is awarded to facilitate a seamless changeover between the old and new contracts by the end of December 2025.

## 5 Alternative options considered

- 5.1 **Do-nothing** – This is not an option as it would mean the Council is not able to deliver statutory services in accordance with current Health and Safety legislation.
- 5.2 **Carry out the work through in-house resources** - We are unable to deliver these works in-house due to a lack of 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. Haringey Council do not carry out asbestos works in-house due to the insurance premiums included with carrying out such works. Given the resourcing, necessary accreditations, training, consumables and general overheads involved in such a division, we do not see this as a viable option.
- 5.3 **Use our existing contracts or contractors** - Current contracts have expired or reached extension limits. A new contract ensures compliance and up-to-date pricing.

## 6 Background information

- 6.1 The Council is dedicated to ensuring the safety of its residents, staff, visitors and contractors and in relation to asbestos materials present within Council

managed properties, that they are in a safe condition and do not pose a risk to those residents, staff, visitors, and contractors. The aim is to protect all users of properties that we manage in accordance with the Control of Asbestos Regulations and associated guidance.

- 6.2 All works relating to the management, surveying and maintenance of asbestos materials requires specialist qualifications and experience to work safely and reduce potential for asbestos fibre exposure. The Council has procured a new Asbestos contractor who fulfils the required criteria and are considered competent in line with asbestos industry-wide requirements and the requirements of the Council's Health & Safety policy.
- 6.3 The new contract will deliver various asbestos services to Council properties, including bulk sampling and air testing for void and occupied properties and communal re-inspection surveys.
- 6.4 With the support of Strategic Procurement and Legal Services, tender documentation was issued to the suppliers registered on the 'Asbestos services Category' category of the DPS.
- 6.5 The tender opportunity closed with 2 submissions. The submissions were reviewed by Strategic Procurement who then distributed the documentation for review by officers for Price and Quality.
- 6.6 The Price evaluation was completed separately to the Quality evaluation. Upon completion of the evaluations, Strategic Procurement confirmed that the Price submission valid, and in line with current market rates.
- 6.7 The Quality evaluation was completed by three Officers from the Asbestos Compliance Team, 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.
- 6.8 The final scores for tenderers are outlined in the table below. The submissions were evaluated on a 50% Quality / 40% Price basis / 10% Social Value

	<b>Quality</b>	<b>Quality</b>	<b>Price</b>	<b>SV</b>	<b>Total</b>
<b>Tenderer</b>	<b>100%</b>	<b>50%</b>	<b>40%</b>	<b>10%</b>	<b>100%</b>
<b>A</b>	96	48.00	40	7.5	95.50
<b>B</b>	63	31.50	32.85	2.05	66.40

- 6.9 Tenderer A has demonstrated excellent knowledge and experience in their Method Statement response. Providing confidence that they have the technical experience and capability to carry out the Contract. In addition, the Price evaluation compares favourably to the rates in the current contract and market trends.

- 6.10 The Social Value commitment from Tenderer A has a value of £297,063. This commitment has benefits to the project and wider community and covers job creation and training, development of local skills and support for local businesses. The Social Value commitment will be monitored by the Project manager. who will issue monthly reports showing progress towards meeting the targets and commitments set out by the contractor

## **7 Leasehold implications**

- 7.1 The terms of the Council's standard right to buy lease permit recovery 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 Regulations ("the provisions").
- 7.2 The liability of those leaseholders who purchased on the terms of the Council's older right to buy lease is limited with exceptions to contributions to the cost of those works broadly constitution repair. Those under the current form of lease are required also to pay a contribution towards improvements.
- 7.3 While this is a Qualifying Long-Term Agreement within the meaning of the provisions, since costs to individual leaseholders will not exceed £100 in any service charge year no formal consultation is required on entry into this agreement.

## **9 Contribution to strategic outcomes**

- 9.1 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.

## **10 Statutory Officers comments (Chief Finance Officer (including procurement, Head of Legal and Governance, Equalities)**

### **10.1 Finance**

The proposed award is for a framework contract for Asbestos Services, covering surveying, bulk sampling, and air monitoring, to ensure ongoing compliance with asbestos regulations.

Funding will be met from both capital and revenue sources. The capital element will be funded through the HRA Major Works Capital Programme, where provision has been made, while the revenue element (£1,476,631 over 3.5 years) will be met from the Fire Risk and Asbestos revenue budget (J19720). For 2025/26, £411k was originally allocated, but due to the delayed start date, the spend is now estimated at £102k. Sufficient provision exists within current and future years' budgets to fully meet these commitments.

The contract is therefore contained within the approved budget envelope, with no requirement for additional funding. Uplifts and indexations have been built into the financial forecast. Costs will be phased across the duration of the framework and will be monitored and reported through established finance monitoring processes to ensure compliance with budgetary controls.

## **10.2 Procurement**

Strategic Procurement (SP) note that this procurement was tendered competitively via the London Construction Programme's (LCP's) Dynamic Purchasing System (DPS) under the Asbestos category

This procurement is in line with Contract Standing Order (CSO) 2.01c, 16.04 and 8.01.

Tender Responses were evaluated in accordance with the scoring criteria and methodology as detailed in the published Instructions to Tender document.

SP conclude that the recommended Tenderer A demonstrated Value for Money to the Council and support the recommendation to award the contract for provision of Asbestos Services including asbestos surveying, bulk sampling and air monitoring

## **10.3 Legal**

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

10.3.2 The report indicate and Strategic Procurement has confirmed that the contract in the report was procured via London Construction Programme's (LCP's) Dynamic Purchasing System (DPS) under the Asbestos category and this is a complaint route to procure the contract under the Council's Contract Standing Order (CSO) 8.01 and Regulation 34 of the Public Contracts Regulations 2015.

10.3.3 Pursuant to the Council's 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.

10.3.4 Further to paragraph 10.3.3 above and to pursuant to 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 of the report requesting Cabinet Member for Housing and Planning (Deputy Leader) to approve the recommendations in the report is in line with the Council's CSO so long as the Cabinet Member is taking the decision with the agreement of the Leader.

10.3.5 The recommendation in paragraph 3.2 of the report to approve the delegation of expenditure of the additional sums in relation to project

specific work under the contract, identified through surveys, to the Assistant Director of Repairs & Compliance in consultation with the Head of Finance as set out in the exempt part of the report is in line with the provisions of Part 4 Section F paragraph 1.3(a) of the Council's Constitution and also 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)).

10.3.6 The recommendation in paragraph 3.3 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.

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

## **11 Equality**

- 11.1 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 those protected characteristics and people who do not.

Foster good relations between people who share those characteristics and people who do not.

- 11.2 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/fait, 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

- 11.3 The decision will primarily impact residents living in properties managed by the Council, a significant number of whom share the protected characteristics. There is no indication that this decision will result in any foreseeable negative impacts on any individual or group that shares the protected characteristics. To the extent that the decision may enable properties to be managed in accordance with the Health and Safety at Work Act and associated regulations it can be expected to have a positive impact on all residents in Council managed properties within the scope of the works.

- 11.4 As an organisation carrying out a public function on behalf of a public authority, the contractor will be required to have due regard for the need to achieve the three aims of the Public Sector Equality Duty, noted above. Appropriate contract management arrangements will be in place to

monitor the performance of the contractor and ensure that any reasonably possible measures are taken to address any issues that may occur and may have a disproportionate negative impact on any groups who share the protected characteristics.

**15 Use of Appendices**

Appendix A – Exempt Report

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

NA