

REPORT TO: CABINET

DATE: 10 NOVEMBER 2016

TITLE: APPOINTMENT OF A CONSULTANT TO UNDERTAKE ASBESTOS SURVEYS, AIR MONITORING AND ASSOCIATED SERVICES FRAMEWORK AGREEMENT

PORTFOLIO HOLDER: COUNCILLOR MARK WILKINSON, PORTFOLIO HOLDER FOR HOUSING

LEAD OFFICERS: ANDREW MURRAY, HEAD OF HOUSING (01279) 446676

KARL CARR, HOUSING PROPERTY SERVICES MANAGER (01279) 446354

DANIEL MAYLIN, CONTRACTS & COMPLIANCE MANAGER (01279) 446274

This is a Key Decision.

It is on the Forward Plan as Decision Number I00945

This decision may be subject to Call-in procedures.

This decision will not affect any ward specifically.

RECOMMENDED that:

- A** Cabinet grants approval to appoint service providers D, G and I onto a 4 year Framework Agreement for asbestos surveys subject to formal contract and the standstill period.

REASON FOR DECISION

- A** To provide a compliant and flexible means of delivering asbestos surveys to the Council's housing stock and commercial portfolio. The Council's domestic and non-housing properties number circa 11,000. This contract is required in order to ensure compliance with relevant legislation.

BACKGROUND

- 1 The Control of Asbestos Regulations 2012 (Regulation 4), placed an explicit duty on the Council (the duty holder), for any tenanted and

commercial premises, to identify asbestos containing materials that may be present in the property, to safely manage/remove asbestos, and to maintain an accurate and reliable register. The Framework Agreement is for asbestos sampling, surveying and specialist advice.

- 2 Asbestos sampling and surveying is required when asbestos is disturbed or when work to a property is to be undertaken. The purpose being to establish the exact location of any asbestos, its extent, product type, accessibility, condition and surface treatment. Sampling will be used to identify whether asbestos fibres are contained within any suspect materials identified during a survey on an emergency or unplanned basis.
- 3 The surveys will also comprise of full and partial refurbishment and demolition surveys, and Management Surveys as defined within HSG264 Asbestos: The Survey Guide.

PROCUREMENT

- 4 An advert was despatched for publication in the European Journal, in compliance with EU Procurement Regulations on 1 July 2016, inviting service providers to submit a tender using the Open Procedure. The advert also appeared on the Council's tendering portal.
- 5 26 tenders were received by the Council. One late tender and four non-compliant bids were disqualified from the process.

TENDER EVALUATION

- 6 Tenders have been evaluated on the basis of price and quality (20% Relevant Experience/30% Service Delivery/50% Price) against the criteria included in the tender documents. An analysis of the tenders has been undertaken and the four stage evaluation process incorporated the following:
 - Stage 1: Qualitative Evaluation
 - Stage 2: Price Evaluation
 - Stage 3: Moderation Exercise
 - Stage 4: Standstill Period
- 7 The qualitative assessment has been measured against a series of questions raised within the tender documents. For ease of assimilating the evaluation scores, a rating system for assessment of the bids was established. The response to each question was marked and given a score between 0 and 10. This was then weighted according to its relative importance. The weighted price and quality scores are shown below.

	Relevant Experience 20%	Service Delivery 30%	Total Sum of Costing Schedule	Price 50%	Total Weighted Score	Overall Ranking
A	800	1380	£3,903.46	2500	4680	20
B	1900	2550	£2,522.70	3850	8300	4
C	1300	2460	£2,431.32	4000	7760	6
D	2000	2940	£2,858.50	3400	8340	3
E	1560	2280	£5,015.84	1950	5790	15
F	1800	2430	£2,530.20	3850	8080	5
G	1300	2310	£1,947.87	5000	8610	1
H	1760	2370	£4,295.78	2250	6380	11
I	2000	3000	£2,828.00	3450	8450	2
J	1460	1530	£2,581.78	3750	6740	8
K	1160	2160	£5,152.30	1900	5220	18
L	1100	2160	£4,288.19	2250	5510	17
M	1460	1830	£6,483.68	1500	4790	19
N	1360	1830	£2,804.35	3450	6640	9
O	960	2160	£6,333.32	1550	4670	21
P	1800	2760	£6,943.44	1400	5960	14
Q	960	2400	£4,019.25	2400	5760	16
R	1860	2370	£3,250.00	3000	7230	7
S	1700	2640	£5,850.56	1650	5990	13
T	1700	2370	£4,607.55	2100	6170	12
U	1560	2520	£3,838.83	2550	6630	10

- 8 The price assessment has been calculated on the basis of the total value of the items (Codes 1 to 2.14) included in the Asbestos Costing Schedule.
- 9 It is recommended that the three highest scoring service providers are appointed on to the Framework Agreement for a term of four years.

STANDSTILL PERIOD

- 10 The standstill period is a legal requirement and provides for a short (at least 10 calendar days) pause between the point when the contract award decision is notified to bidders, and the final contract conclusion. During this time service providers can challenge the decision. The standstill period is expected to expire no sooner than 4 November 2016.

FRAMEWORK AGREEMENT

- 11 Services may be called-off from the Framework Agreement on an ad hoc basis. A multi-supplier Framework gives the Council a great deal of flexibility in the delivery of the services, as it may choose the service provider who

demonstrably offers best value for money when judged against the following criteria:

- a) Speed of response, including, without limitation, capacity to meet required deadlines;
 - b) Past performance; and
 - c) Price (by reference to the Asbestos Costing Schedule, Day and Hourly Rates Schedule).
- 12 The Council may also call-off services under this Framework Agreement via a mini competition, if this is deemed to be the most economically advantageous option for the Council. In such circumstances, all service providers appointed onto the Framework shall be given the opportunity to submit a mini tender.
- 13 It is proposed that the Framework Agreement will commence on 3 January 2017 and it is estimated that the value of the services to be called off per annum is £80,000 to £100,000.
- 14 In summary, service providers D, G and I have submitted the highest scoring tenders, and it has been demonstrated that they are capable of delivering cost effective services to the standard required by the Council. The volume and/or frequency of the work to be issued under the Framework Agreement is not guaranteed.

IMPLICATIONS

Regeneration (includes Sustainability)

Author: **Graeme Bloomer, Head of Regeneration**
None specific.

Finance (Includes ICT)

Author: **Simon Freeman, Head of Finance**
The Financial Implications are set out in the report and will be met from existing Housing budgets.

Housing

Author: **Andrew Murray, Head of Housing**
As contained in the report.

Community Wellbeing (includes Equalities and Social Inclusion)

Author: **Jane Greer, Head of Community Wellbeing**
None specific.

Governance (includes HR)

Author: **Amanda Julian, Legal Service Manager for the Head of Governance**
The contract has been procured in accordance with the European Procurement Regulations and the Council's Contract Standing Orders. There is a legal duty to ensure that as a landlord the Council ensures the safety of its premises for tenants. By contracting with specialist providers the Council is mitigating risk of exposure to asbestos.

Background Papers

OJEU Notice - published under the publication number **2016/S 126-225297**.

Glossary of terms/abbreviations used

Framework Agreement – a non-binding agreement which sets out the terms, conditions and scope of the goods, works or services under which Call-Offs can be made throughout the term of the Agreement. Framework Agreements normally have a term of 4 years.

Open Procedure – A single stage procurement route which give all services providers the opportunity to submit a tender.

Call-Off contract – A contract entered into via a Framework Agreement. The number of Call-Offs is not limited and this method of procurement will provide the Council with a flexible solution to deliver asbestos surveys over the Term to the extent that this may be required.