



ADVANCE PUBLICATION OF REPORTS

This publication gives five clear working days' notice of the decisions listed below.

These decisions are due to be signed by individual Cabinet Members
and operational key decision makers.

Once signed all decisions will be published on the Council's
Publication of Decisions List.

- 1. AWARD OF A CONTRACT FOR WATER HYGIENE SERVICING AND
MAINTENANCE (HOUSING COMPLIANCE) (Pages 1 - 36)**

This page is intentionally left blank



London Borough of Enfield

Report Title:	Award of a contract for Water Hygiene Servicing and Maintenance (Housing Compliance)
Report to:	Strategic Director of Housing and Regeneration – Joanne Drew
Date of Report:	3 rd October 2023
Cabinet Member:	Cllr Savva – Cabinet Member for Social Housing
Director:	Strategic Director of Housing and Regeneration: Joanne Drew
Report Author:	Head of M&E Compliance: Ayfer Chol ayfer.chol@enfield.gov.uk
Ward(s) affected:	Borough-wide/All
Key Decision Number	KD5638
Classification:	Part 1 & 2 (Para 3)
Reason for exemption	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Purpose of Report

1. To obtain approval to award a contract for Water Hygiene Servicing and Maintenance (Housing Compliance)

Recommendations

- I. To approve the award of the contract for water hygiene servicing and maintenance (housing compliance) for an initial contract term of 3 years to “Contractor B” and for contract price as detailed in the confidential appendix.
- II. To approve the Council entering into the contract for water hygiene servicing and maintenance for an initial term of 3 years with Contractor B and to delegate authority to the Service Director, Council Housing (Homes) to extend the contract term for a further period of 2 years (in one-year increments).
- III. To approve the total budget of £1,26m which includes the contract price, the contingency sum, inflationary allowance, and staff costs as detailed in the confidential appendix.

Background and Options

2. As a landlord the council has statutory compliance responsibilities including both Water Hygiene Servicing and Maintenance requirements. This contract covers the water safety servicing responsibilities detailed below:
 - Water Hygiene Risk Assessments (WRA) / Surveys – covering Potable / Domestic Communal Water systems.
 - Monitoring - To cover the periodic, planned potable domestic / communal Water Hygiene Monitoring, Water Quality Sampling, Periodic Asset / Plant Inspections and Chemical Water Treatment.
3. This contract inspects the water systems, undertakes required maintenance, and confirms compliance, or identifies remedial actions which are referred to the council. These actions are then delivered through the Water Servicing Works contract, to ensure safety is maintained in council housing blocks.
4. The contract delivers services to communal areas of blocks with leaseholders and therefore the section 20 process applies. This report authorises the award of this contract subject to the Section 20 observation period, any relevant observations following leaseholder notices will be referred to the decision maker of this report ahead of contract award.
5. The pre-tender estimate for these services was over the Public Contract Regulation 2015 (PCR) threshold, a mini competition via a PCR compliant framework has been undertaken in line with these regulations.
6. Tenders were issued through the South East Consortium Online e-tendering portal, the council will upload the documentation and record the

award via the London Tenders Portal (LTP). The process included an Expression of Interest followed by an Invitation to Tender for the suppliers who expressed an interest in the opportunity

7. The tenders were evaluated based on a quality/cost split of 30/70 which is deemed acceptable for these works given the highly regulated sector.
8. The form of contract will be JCT Measured Term Contract (MTC), which has been tendered on a schedule of rates to allow flexibility to increase or decrease volumes as stock levels change.

Preferred Option and Reasons for Preferred Option

9. Consideration was given to delivering remedial works through this contract; however, this was discounted due to the conflict of interest arising from the specification and delivery of works.
10. It was considered whether this contract should be split geographically to award 2 contracts in the borough, however this was discounted to ensure the contract size was desirable to the market.
11. In terms of procurement options there were three main routes for consideration:
 - a) Use of a suitable consortia framework agreement, with appointment via direct award or mini tender.
 - b) Unilateral tendering utilising the open process.
 - c) Unilateral tendering utilising the restricted process.
12. Using a framework can save time and money, while still delivering a service specified to local requirements. The scope of services within this contract is similar to those required by other landlords and therefore framework specifications are largely relevant. As the framework has been competitively tendered and available to the whole market on a comparable specification, coupled with a mini competition for this contract opportunity the sections 20 process to receive leaseholder recharges can be utilised. Frameworks must also be compliant with the Public Contract Regulations which was required in this instance due to the forecast value.
13. Tendering a contract allows clients to create bespoke documentation designed to fit its requirements. This approach also opens the opportunity to tender to a wider group of bidders however is more costly and time consuming. This option was not recommended due to the increased time and resources required and the confirmation of similarity with framework specifications which avoids bespoke work where it is available separately.
14. Within the framework rules it was possible to utilise the JCT Measured Term Contract. This is the preferred approach as this allows the council to flex the quantities of each services ordered according to the changes in the number of homes over the 5-year term.

Relevance to Council Plans and Strategies

15. The contract will support the following objectives from the Council Plan:

- a. **More and better homes:** the programme will improve the quality and safety of existing homes and therefore positively impact on the wellbeing and quality of life for our residents.
- b. **Sustain healthy and safe communities:** improving the existing homes where people desire to live will help to create and maintain healthy and confident communities.
- c. **An economy that works for everyone:** ensuring residents can fully participate in activities within their neighbourhood.

Financial Implications

16. This report is requesting for approval to award and enter into contract with "Contractor B" for water hygiene servicing and maintenance (Housing Compliance)
17. To approve a total estimated budget of £1.26m which includes contingency at 10%.
18. The full implications of the project can be found in the confidential appendix

Legal Implications

19. The Council has the power to alter, repair or improve its housing stock in accordance with section 9 of the Housing Act 1985. Further, under section 11 of the Landlord & Tenant Act 1985 the Council has repairing obligations in respect of properties which are occupied by its tenants and these obligations include to keep in repair and proper working order the installations in the homes for the supply of water, gas, electricity and sanitation, and the installations for space heating and heating water. Under section 111 Local Government Act 1972 local authorities may do anything, including incurring expenditure or borrowing, which is calculated to facilitate or is conducive or incidental to the discharge of their functions. The recommendations in this report are in accordance with these powers.
20. The Council must comply with both the PCR 2015 and the Council's Contract Procedure Rules (CPRs). Use of a legally compliant framework agreement, where the Council is identified as a contracting authority able to use the Framework, is permitted under Reg 33 of the PCR 2015. Additionally, the CPRs state that Frameworks, where they exist, should be used provided Best Value can be demonstrated and managers are required to retain sufficient evidence to demonstrate compliance.
21. The contract must be in a form approved by Legal Services on behalf of the Director of Law and Governance and must be executed under seal.
22. The Contract Procedure Rules require that where a contract is awarded with a value of £1 million or over (as is the case here), the contractor must

be required to provide 'sufficient security' as defined in CPR Rule 7.3 (such as a performance bond or a parent company guarantee). Evidence of the form of security required, or why no security was required, must be stored and retained on the E-Tendering Portal for audit purposes. If this requirement is waived, then the Executive Director of Resources must approve the financial risk prior to any award, and the reasons for the waiver and what measures are to be taken to manage the risk must be set out in the relevant authority report.

23. The Key Decision process under the Constitution must be followed as the contract value is above the Key Decision threshold of £500,000.

Equalities Implications

24. An Equality Impact Assessment has been undertaken and appended to this report.
25. The works will be delivered boroughwide to various communal areas and will benefit residents regardless of protected characteristics. The improvement in compliance and safety of council housing homes can positively impact groups with protected characteristics as they represented in a higher proportion than the population of the borough generally.
26. Access may be required via properties to access communal loft spaces which will involve the successful contractor communicating with residents in their homes. The successful contractor will be required to ensure all operatives will be fully briefed in line with the council's safeguarding policy. The terms and conditions of the contract will require adherence with the Equalities Act and the successful contractor will be required to share their Equality Diversity and Inclusion policy to assure the council of their recruitment policies.
27. Engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison which were evaluated as part of their tender submission which will be adapted according to the profile of the resident e.g. vulnerability, language spoken.

Environmental and Climate Change Implications

28. The Contractors' social value offer includes local employment, environmental commitments measured against ISO certification and commitments for investment in the local economy.

Public Health Implications

29. The works will improve the living conditions of those residents that receive works. This aligns with the provisions of the Enfield Joint Health and Wellbeing Strategy, which refers to the importance of housing quality as a determinant of health.

30. The contractors will be completing works in-line with the government's Covid Secure and CLC guidelines. They are required to provide a detailed method statement and risk assessment for each activity and the Council, and its advisors will review and comment on these prior to the commencement of works.

Safeguarding Implications

31. The works will require Contractors to enter resident's homes and therefore the Contract Documents require Disclosure & Barring Services (DBS) and adherence with the Council's Safeguarding Policy.
32. In addition to the above the Contractor is required to provide a dedicated Resident Liaison Officer (RLO) whose role is to ensure that residents needs are reflected in the processes adopted by the Contractors. Evaluation of the Contractors offer in this area are a component of the qualitative evaluation.

Procurement Implications

33. The procurement was undertaken on South East Consortiums portal. As the procurement was undertaken by the South East Consortium, it was not led by Procurement Services. Ultimate accountability for compliance lies with the South East Consortium.
34. As the contract is over £1,000,000 the supplier must be required to provide sufficient security in accordance with Clause 7 (Financial Security) of the Councils Contract Procedure Rules.
35. The service must ensure that authority to procure has been obtained and must be uploaded onto the London Tenders Portal.
36. The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of the executed contract must be undertaken on the London Tenders Portal including future management of the contract.
37. All contracts over £100,000 must have a nominated contract manager in the London Tenders Portal. Contracts over £500,000 must show evidence of contract management of KPI's to ensure VFM throughout the lifetime of the contract.
38. The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.

Report Author: Ayfer Chol
Head of M&E Compliance
Ayfer.Chol@enfield.gov.uk

Appendices: Appendix 1: Restricted Appendix (Confidential)
Appendix 2: Equality Impact Assessment

Appendix 3: Gateway 3 Procurement Assurance Group
(Confidential)

Background Papers

None

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

Enfield Equality Impact Assessment (EqIA)

Introduction

The purpose of an Equality Impact Assessment (EqIA) is to help Enfield Council make sure it does not discriminate against service users, residents and staff, and that we promote equality where possible. Completing the assessment is a way to make sure everyone involved in a decision or activity thinks carefully about the likely impact of their work and that we take appropriate action in response to this analysis.

The EqIA provides a way to systematically assess and record the likely equality impact of an activity, policy, strategy, budget change or any other decision.

The assessment helps us to focus on the impact on people who share one of the different nine protected characteristics as defined by the Equality Act 2010 as well as on people who are disadvantaged due to socio-economic factors. The assessment involves anticipating the consequences of the activity or decision on different groups of people and making sure that:

- unlawful discrimination is eliminated
- opportunities for advancing equal opportunities are maximised
- opportunities for fostering good relations are maximised.

The EqIA is carried out by completing this form. To complete it you will need to:

- use local or national research which relates to how the activity/ policy/ strategy/ budget change or decision being made may impact on different people in different ways based on their protected characteristic or socio-economic status;
- where possible, analyse any equality data we have on the people in Enfield who will be affected eg equality data on service users and/or equality data on the Enfield population;
- refer to the engagement and/ or consultation you have carried out with stakeholders, including the community and/or voluntary and community sector groups you consulted and their views. Consider what this engagement showed us about the likely impact of the activity/ policy/ strategy/ budget change or decision on different groups.

The results of the EqIA should be used to inform the proposal/ recommended decision and changes should be made to the proposal/ recommended decision as a result of the assessment where required. Any ongoing/ future mitigating actions required should be set out in the action plan at the end of the assessment.

Section 1 – Equality analysis details

Title of service activity / policy/ strategy/ budget change/ decision that you are assessing	To award a contract for Water Servicing
Team/ Department	Compliance – Council Housing – Housing Regeneration Development
Strategic Director	Joanne Drew
Cabinet Member	Cllr Savva
Author(s) name(s) and contact details	Ayfer Chol - 0207 038 0183, ayfer.chol@enfield.gov.uk
Committee name and date of decision	N/A

Date the EqIA was reviewed by the Corporate Strategy Service	29.09.2023
Name of Head of Service responsible for implementing the EqIA actions (if any)	Ayfer Chol – Head of Compliance
Name of Director who has approved the EqIA	Andrew Cotton

The completed EqIA should be included as an appendix to relevant EMT/ Delegated Authority/ Cabinet/ Council reports regarding the service activity/ policy/ strategy/ budget change/ decision. Decision-makers should be confident that a robust EqIA has taken place, that any necessary mitigating action has been taken and that there are robust arrangements in place to ensure any necessary ongoing actions are delivered.

Section 2 – Summary of proposal

Please give a brief summary of the proposed service change / policy/ strategy/ budget change/project plan/ key decision

Please summarise briefly:

What is the proposed decision or change?
What are the reasons for the decision or change?

What outcomes are you hoping to achieve from this change?
Who will be impacted by the project or change - staff, service users, or the wider community?

What is the proposed decision or change?

The proposed decision is to award a service and maintenance contract for water hygiene servicing and maintenance responsibilities detailed below:

- Water Hygiene Risk Assessments (WRA) / Surveys – covering Potable / Domestic Communal Water systems.
- Monitoring - To cover the periodic, planned potable domestic / communal Water Hygiene Monitoring, Water Quality Sampling, Periodic Asset / Plant Inspections and Chemical Water Treatment.

What are the reasons for the decision or change?

This contract inspects the water systems, undertakes required maintenance, and confirms compliance, or identifies remedial actions which are referred to the council. These actions are delivered through the Water Servicing Works contract, and safety is maintained in council housing blocks.

What outcomes are you hoping to achieve from this change?

The programme will improve the quality and safety of existing homes and therefore positively impact on the wellbeing and quality of life for our residents.

Who will be impacted by the project or change - staff, service users, or the wider community?

Service users and the wider community will be impacted by the awarding of the contract.

The works will improve the living conditions of those residents that receive works

Section 3 – Equality analysis

This section asks you to consider the potential differential impact of the proposed decision or change on different protected characteristics, and what mitigating actions should be taken to avoid or counteract any negative impact.

According to the Equality Act 2010, protected characteristics are aspects of a person's identity that make them who they are. The law defines 9 protected characteristics:

1. Age
2. Disability
3. Gender reassignment.
4. Marriage and civil partnership.
5. Pregnancy and maternity.
6. Race
7. Religion or belief.
8. Sex
9. Sexual orientation.

At Enfield Council, we also consider socio-economic status as an additional characteristic.

“Differential impact” means that people of a particular protected characteristic (eg people of a particular age, people with a disability, people of a particular gender, or people from a particular race and religion) will be significantly more affected by the change than other groups. Please consider both potential positive and negative impacts, and provide evidence to explain why this group might be particularly affected. If there is no differential impact for that group, briefly explain why this is not applicable.

Please consider how the proposed change will affect staff, service users or members of the wider community who share one of the following protected characteristics.

Detailed information and guidance on how to carry out an Equality Impact Assessment is available [here](#). (link to guidance document once approved)

Age

This can refer to people of a specific age e.g. 18-year olds, or age range e.g. 0-18 year olds.

Will the proposed change to service/policy/budget have a **differential impact positive** on people of a specific age or age group (e.g. older or younger people)?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact. By improving the quality/safety of houses this will support the residents of the property, regardless of age and where necessary adaptations will be made.

Mitigating actions to be taken

The successful contractor will be required to ensure all operatives will be fully briefed in line with the council's safeguarding policy.

Moreover, engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison which were evaluated as part of their tender submission which will be adapted according to the profile of the resident

Disability

A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day-day activities.

This could include: physical impairment, hearing impairment, visual impairment, learning difficulties, long-standing illness or health condition, mental illness, substance abuse or other impairments.

Will the proposed change to service/policy/budget have a **differential impact positive** on people with disabilities?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact, these services will improve the quality of the house. People with disabilities, including families with children and young people who have Special Education Needs and Disabilities will be offered flexible appointments if access is required through their property to reach communal areas required under this contract.

Mitigating actions to be taken

People with disabilities, including families with children and young people who

have Special Education Needs and Disabilities will be offered flexible appointments if access is required through their property to reach communal areas required under this contract.

Furthermore, the successful contractor will be required to ensure all operatives will be fully briefed in line with the council's safeguarding policy.

Moreover, engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison which were evaluated as part of their tender submission which will be adapted according to the profile of the resident e.g. vulnerability.

Gender Reassignment

This refers to people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on transgender people?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact. By improving the safety of homes, this will support all residents, regardless of their gender identity.

Mitigating actions to be taken

The successful contractor will be required to ensure all operatives will be fully briefed in line with the council's safeguarding policy.

Moreover, engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison which were evaluated as part of their tender submission which will be adapted according to the profile of the resident.

Marriage and Civil Partnership

Marriage and civil partnerships are different ways of legally recognising relationships. The formation of a civil partnership must remain secular, where-as a marriage can be conducted through either religious or civil ceremonies. In the U.K

both marriages and civil partnerships can be same sex or mixed sex. Civil partners must be treated the same as married couples on a wide range of legal matters.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people in a marriage or civil partnership?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact. By improving the safety of homes, this will support all residents regardless of their marital or civil partnership status.

Mitigating actions to be taken

The successful contractor will be required to ensure all operatives will be fully briefed in line with the council's safeguarding policy.

Moreover, engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison which were evaluated as part of their tender submission which will be adapted according to the profile of the resident.

Pregnancy and maternity

Pregnancy refers to the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on pregnancy and maternity?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact. By improving the safety of homes, this will support all residents regardless of whether they are pregnant or expecting a baby

Mitigating actions to be taken

The successful contractor will be required to ensure all operatives will be fully briefed in line with the council's safeguarding policy.

Moreover, engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison which were evaluated as part of their tender submission which will be adapted according to the profile of the resident.

Race

This refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people of a certain race?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact. By improving the safety of homes, this will support all residents, regardless of their race.

Mitigating actions to be taken

The successful contractor will be required to ensure all operatives will be fully briefed in line with the council's safeguarding policy.

Moreover, engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison which were evaluated as part of their tender submission which will be adapted according to the profile of the resident e.g. language.

Religion and belief

Religion refers to a person's faith (e.g. Buddhism, Islam, Christianity, Judaism, Sikhism, Hinduism). Belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people who follow a religion or belief, including lack of belief?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact. By improving the safety of homes, this will support all residents, regardless of religious belief.

Mitigating actions to be taken

Sex
Sex refers to whether you are a female or male.
Will this change to service/policy/budget have a differential impact [positive or negative] on females or males?
Please provide evidence to explain why this group may be particularly affected.
No anticipated differential impact. By improving the safety of homes, this will support all residents, regardless of their sex.
Mitigating actions to be taken
The successful contractor will be required to ensure all operatives will be fully briefed in line with the council's safeguarding policy.
Moreover, engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison which were evaluated as part of their tender submission which will be adapted according to the profile of the resident.

Sexual Orientation
This refers to whether a person is sexually attracted to people of the same sex or a different sex to themselves. Please consider the impact on people who identify as heterosexual, bisexual, gay, lesbian, non-binary or asexual.
Will this change to service/policy/budget have a differential impact [positive or negative] on people with a particular sexual orientation?
Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact. By improving the safety of homes, this will support all residents, regardless of their sexual orientation.

Mitigating actions to be taken

The successful contractor will be required to ensure all operatives will be fully briefed in line with the council's safeguarding policy.

Moreover, engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison which were evaluated as part of their tender submission which will be adapted according to the profile of the resident.

Socio-economic deprivation

This refers to people who are disadvantaged due to socio-economic factors e.g. unemployment, low income, low academic qualifications or living in a deprived area, social housing or unstable housing.

Will this change to service/policy/budget have a **differential impact positively** on people who are socio-economically disadvantaged?

Please provide evidence to explain why this group may be particularly affected.

Improving the safety of council homes is expected to positively impact people who are socio-economically disadvantaged.

Mitigating actions to be taken.

The successful contractor will be required to ensure all operatives will be fully briefed in line with the council's safeguarding policy.

Moreover, engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison which were evaluated as part of their tender submission which will be adapted according to the profile of the resident.

Section 4 – Monitoring and review

How do you intend to monitor and review the effects of this proposal?

Who will be responsible for assessing the effects of this proposal?

The contract manager within the service will be responsible for managing the contractors and ensuring they undertake their responsibilities as per the contract, including delivering the services as per the specification, including in line with the council's sustainability policy.

Engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison which were evaluated as part of their tender submission.

Section 5 – Action plan for mitigating actions

Any actions that are already completed should be captured in the equality analysis section above. Any actions that will be implemented once the decision has been made should be captured here.

Identified Issue	Action Required	Lead officer	Timescale/By When	Costs	Review Date/Comments
EDI Policy to be provided by the Contractor	The Contractor will be required to submit their Equality Diversity and Inclusion policy to the council	Ayfer Chol	Pre-Contract Meeting	None	TBC

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank