



London Borough of Enfield

Title of Report:	Award of Two Contracts to Install Fire Rated Flat Entrance Doors
Report to:	Strategic Director of Housing and Regeneration – Joanne Drew
Directors:	Joanne Drew, Strategic Director of Housing and Regeneration Andrew Cotton, Service Director – Council Housing (Homes)
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Ward(s) affected:	All
Key Decision Number	5620
Classification:	Part 1 & 2 (Para 3)
Reason for exemption	Information relating to the financial or business affairs of any person (including the authority holding that information).

Purpose of Report

1. To obtain approval for the award of two contracts to continue the installation of fire rated flat front entrance doors across the borough, supporting the capital investment in council homes and improved safety for residents.

Recommendations

- I. That approval be given to award two contracts for the replacement of flat front entrance doors to properties to Contractors listed in Appendix 1 utilising a compliant framework.
- II. To note the spend of £12,170,000 which includes contract sum and contingency.

Background and Options

2. The Council has a statutory duty under the Regulatory Reform (Fire Safety) Order to ensure the risk from fire is reduced as far as reasonably practicable. Fire Risk Assessments have identified that replacement of Front Entrance Doors to current standards is required.
3. A recommendation to replace all Flat Entrance Doors across the council housing stock through a planned programme commenced in 2020. In June 2020 two contractors were awarded contracts to supply and install doors across the borough to all blocks of flats. The award of contracts was facilitated through a similar route as recommended within this report but through the previous generation of the framework.
4. To complete the outstanding flat entrance door replacements and comply with the Public Contract Regulations the council recommends the award through a compliant framework direct award route with the contractors who have delivered previous replacements in the borough.

Preferred Option and reasons for Preferred Option

5. The following options have been considered
 - Carry out works through targeted contracts specific to each block or estate
 - Procure contracts through an over Public Contract Regulations threshold (open or restricted) tender process
 - Procure contracts through a Framework using the mini competition
 - Procure contractors with proven experience in delivering these replacement programmes through a compliant framework using the direct award option
6. The preferred option is to continue to work with contractors with proven experience in delivering these replacement programmes through a compliant framework using the direct award option.

7. The primary reasons for adopting this approach are:

- to provide a consistent product which will ensure long term maintenance is simplified and gives opportunity for enhanced economies of scale. This can also simplify the training of maintenance operatives to reduce the risk of future repairs impacting the integrity of the fire door and therefore fire safety.
- to provide continuity of service and delivery with minimal interruption in delivery.
- the pricing of the works by the current contractors within the new framework are competitive. While a separately tendered procurement may obtain lower rates this cannot be guaranteed.
- The council is required to allocate less resource to the procurement process through a framework appointment as the framework provider has undertaken extensive due diligence of the contractor and the product to be installed.

Relevance to Council Plans and Strategies

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

- **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.
- **Sustain healthy and safe communities:** improving the existing homes where people desire to live will help to create and maintain healthy and confident communities.
- **An economy that works for everyone:** ensuring residents can fully participate in activities within their neighbourhood.

Financial Implications

9. The budget for these contracts was approved as part of the rent setting report in February 2023, these costs are included in the HRA 30year business plan.

Legal Implications

10. The has the power to alter, repair or improve its housing stock in accordance with section 9 of the Housing Act 1985. The Fire Safety Act 2021 which amended the Regulatory Reform (Fire Safety) Order 2005 provides that all responsible persons (i.e. the relevant duty-holder) for multi-occupied residual buildings must manage and reduce the risk of fire for entrance doors to individual flats that open into common parts. The Building Safety Act 2022 (BSA 2022), which established a new regulatory regime for higher risks buildings - buildings that are 18 metres or more in height or are seven stories or more in height with two or more residential units - further imposes additional duties on the Council, as an accountable

person (for any higher risk building within the scope of works) to regularly assess and continuously manage 'building safety risks' during occupation of residential higher risk buildings. This risk is defined to include risks that may arise if fire spreads from one part of a building to another. The Council further has the power under s111 of the Local Government Act 1972 to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The recommendations in this report are in accordance with these powers.

11. The estimated value of each contract is above the threshold for public works contracts under the Public Contracts Regulations 2015 (PCR 2015) which is currently £5,336,937 inclusive of VAT (or £5,372,609 inclusive of VAT from 1 January 2024). Accordingly, the Council must comply with the PCR 2015 and its Contract Procedure Rules (CPRs). Both the PCR 2015 and the CPRs permit the use of framework agreements. The commissioner of the works must ensure that Procurement Services have carried out due diligence on the Framework to confirm that the Council can call off from the identified framework and that the framework agreement call off process permits the direct award process recommended in this report. The terms of the call off contract must further be consistent with the framework terms and must not contain substantial modifications of the framework terms as required by regulation 33 of the PCR 2015. The CPRs require all contracts with a value over £1m to have sufficient security in one of the forms outlined in CPR 7.3. If a contractor cannot provide such security, the Executive Director of Resources must approve such a decision, with reasons and risk mitigation measures set out in the relevant authority report, prior to the contract award.
12. As the controller of the personal data of residents to be processed under the contracts, the Council must ensure that the contractors, as processors of the personal data of residents, have provided sufficient guarantees to implement appropriate technical and organisational measures to meet the requirements of the UK GDPR and that the contractors comply with the mandatory contractual clauses under article 28 of the UK GDPR. Officers are further advised to seek the advice of the Data Protection Officer on the need to carry out a Data Protection Impact Assessment prior to the processing of special category personal data under the contract.
13. In issuing orders under the measured term contract, officers must be mindful of the new duties under the BSA 2022 (as they relate to any works on higher risk buildings) and under the Building Regulations (Amendment)(England) Regulations 2023 (Building Regulations). The Building Regulations, which came into effect on 1 October 2023, applies to all building works and includes the duty on the client to make suitable arrangements for planning, managing, and monitoring a project to ensure compliance with all relevant requirements under the Building Regulations.
14. The Council must ensure that it complies with its obligations regarding best value in accordance with the Local Government Act 1999. The Council is also required to act in accordance with the Public Sector Equality Duty under section 149 of the Equality Act 2010 (PSED) and have due regard to this when carrying out its functions. It is noted that an

equalities impact assessment has been carried out by officers which sets out the impact and mitigation measures. It is advised that this is regularly reviewed, updated, and considered throughout the contract period to ensure that the Council meets the PSED.

15. The contracts must be in a form approved by Legal Services on behalf of the Director of Law and Governance and must be executed under seal.

16. This report contains an exempt appendix setting out details of the contractors recommended by officers.

Equalities Implications

17. An equality impact assessment has been undertaken and is appended to this report.

18. The works will be delivered to the social housing blocks and will benefit residents irrespective of the protected characteristics of the residents.

19. People with disabilities will be profiled by the Contractors Resident Liaison Officer (RLO) and necessary and offered alternative designs where required.

20. Development of disabilities following the completion of the works and any required adaptations will be managed under the council's existing aids and adaptations referrals process. The terms and conditions of the contract will require adherence with the Equalities Act and contractors will be required to share their Equality Diversity and Inclusion policy to assure the council of their recruitment policies.

21. Engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison.

Environmental and Climate Change Implications

22. The contract will require with the minimum criteria of the councils sustainable and ethical procurement policy to be met.

23. The replacement of the flat and house entrance doors is expected to reduce the energy demand of the affected dwellings and contribute to scope 3 carbon savings for the Council.

Public Health Implications

24. Reducing the risk of fire has obvious health benefits.

Property Implications

25. The HRA property implications are found within the main body of the report.

26. There are no corporate property implications.

Safeguarding Implications

27. 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.

28. 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.

Procurement Implications

29. The procurement was not led by Procurement Services. Ultimate accountability for compliance lies with service area.

30. 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.

31. The procurement and 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 by the Service Area, this includes future management of the contract.

32. As this contract will be over £500,000 the CPR's state that the contract must have a nominated contract manager in the Council's e-Tendering portal. Contracts over £500,000 must show evidence of contract management of KPI's to ensure VFM throughout the lifetime of the contract. The contract will be managed in line with the Contract Management Framework and evidence of robust contract management, including, operations, commercial, financial checks (supplier resilience) and regular risk assessment shall be uploaded into the Council's e-Tendering portal.

33. The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.

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Appendices
Appendix 2 Equality Impact Assessment

Background Papers
None