

## MUNICIPAL YEAR 2019/2020 REPORT NO.

### ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY

### OPERATIONAL DECISION OF:

Executive Director  
Place

Agenda – Part: 1	KD Num: 4922
Subject: KD - Approving major works schemes outlined in the Major Works Programme 19/20 and Emergency Building Safety Works	
Ward: Chase and Lower Edmonton	

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## 1. EXECUTIVE SUMMARY

- 1.1 This project was identified as part of the Better Council Homes Workplan and Budgets 2019/20 (KD 4830) which was approved by Cabinet on 13 February 2019.
- 1.2 The project is included in the 30-year HRA Business Plan, which was detailed in Housing Revenue Account (HRA) Business Plan Budget 2019/20, Rent Setting and Service Charges report (KD 4741) and was approved by Cabinet on 13 February 2019 and Council on 27 February 2019.
- 1.1 Officers are developing a new standard for High Rise Blocks which will include safety, maintenance, management, feasibility to install sprinklers and emergency standards which will then set the budget and approach for safety works.
- 1.2 This report proposes the direct award of a contract through the Fusion 21 Procurement Framework, to replace the previously installed cladding at both Bliss House and Purcell House with a new external wall insulation system.

## 2. RECOMMENDATIONS

- 2.1 That approval be given to award the external wall insulation installation aspect of Bliss House and Purcell House pilot project works.
- 2.2 See Part 2 report.
- 2.2 See Part 2 report.

### **3 Background**

- 3.1 Enfield Council is undertaking a fire safety pilot programme for high rise blocks aimed at developing a new standard which will include safety, maintenance, management, feasibility to install sprinklers and emergency standards which will then set the budget and approach for safety works for other high-rise housing blocks.
- 3.2 Council Officers commissioned an assessment of the existing cladding system at Bliss House and Purcell House in July 2018. This assessment was carried out by M10 Fire Engineers who determined that the system did not provide suitable protection against the spread of fire. ENGIE were instructed to complete urgent removal works on behalf of the Council.
- 3.3 Following the emergency removal of the existing insulation, a proposed solution was developed for reinstatement using a replacement external wall insulation (EWI) system (Alumasc Silkolitt). This would be applied to the two flank walls of each building.
- 3.3 Design details were submitted to Planning for approval, which was subsequently granted on 25 July 2019.
- 3.4 A full site set up including access arrangements, namely scaffolding and a passenger hoist was established for the phase 1, removal works. This has remained in place for the second phase in order that reinstatement works can be completed as soon as possible, ideally allowing works to commence during the summer months. It was also considered that retention of the site setup and access equipment would reduce disruption to the residents of each block and the surrounding area.
- 3.5 See Part 2 report.
- 3.6 The proposed works would form part of the pilot project for the Councils fire safety programme.
- 3.7 At the Cabinet Meeting dated 13 February 2019 delegated authority was approved for the Cabinet Member for Housing in consultation with the Director of Law and Governance to approve the major works procurement plan noting that all such procurement activity would be carried out in accordance with the statutory OJEU framework and the Council's procurement rules to ensure that the programme delivers value for money for tenants and leaseholders and to note that arising from this process the Executive Director – Place would authorise the award of the contracts.

## **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Consideration was given to the procurement of the reinstatement works through a competitive tender process.
- 4.2 In terms of procurement options there were two main routes for consideration:
- i. Use of a suitable consortia framework agreement, with appointment via direct award or mini tender
  - ii. Unilateral tendering of a bespoke contract utilising either the open or restricted process
- 4.3 Using a framework can save time and money, while still delivering a service specified to local requirements. Contractors are assessed for suitability prior to joining the framework and have signed up to pre-agreed terms and conditions. Standard documentation is also provided as well as support from the framework itself.
- 4.4 Frameworks provide a direct award option which enables Clients to enter into contract with Suppliers using the most expedient route to market available, whilst remaining compliant with the Public Contract Regulations 2015.
- 4.5 Tendering a contract allows clients to create bespoke documentation designed to fit its requirements. This approach also opens up the opportunity to tender to a wider group of bidders.

## **5. REASONS FOR RECOMMENDATIONS**

- 5.1 It is important that works commence at the earliest opportunity to make use of milder conditions. Inclement weather slows works progress down, possibly resulting in additional costs and potentially impacting on the External Wall Insulation System.
- 5.2 See Part 2 report
- 5.3 See Part 2 report
- 5.4 See Part 2 report

## **6 COMMENTS FROM OTHER DEPARTMENTS**

### **6.1 Financial Implications**

A fire safety budget was approved as part of the rent setting report in February 19. This agreed budget will fund the £750k spend required

to replace the cladding at Bliss and Purcell House with a new external wall insulation system.

These costs are included in the HRA 30-year business plan.

## **6.2 Legal Implications**

- 6.2.1 Section 111 of the Local Government Act 1972 gives a local authority power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The matters outlined in this report are incidental to the functions of the Council's departments and are intended to help ensure an effective service.
- 6.2.2 The Council also has a general power of competence in section 1(1) of the Localism Act 2011. This states that a local authority has the power to do anything that individuals generally may do provided it is not prohibited by legislation.
- 6.2.3 The Council's Constitution, in particular the Contract Procedure Rules ("CPR's") permit the Council to procure services from an existing legally compliant framework as long as the framework terms permit such and the framework is accessible by the Council.
- 6.2.4 The Council's Corporate Procurement Service should conduct due diligence on the use of the Framework and must be satisfied the Council may procure these services in accordance with the Framework Agreement. The Call Off must be undertaken strictly in accordance with the terms of the Framework
- 6.2.5 The Council must comply with its obligations relating to obtaining best value under the Local Government (Best Value Principles) Act 1999.
- 6.2.6 As the Call Off Contract's value is over £250,000 this is a Key Decision and the Key Decision procedure should be followed.
- 6.2.7 The Call Off Contract will need to be sealed on behalf of the Council.

Legal Implications provided by LJS on 08.08.2019 based on a Report circulated on 05.08.2019.

## **6.3 Procurement Implications – *Procurement Implications provided by Peter Alekkou on 15<sup>th</sup> August 2019.***

- 6.3.1 Any procurement must be undertaken in accordance with the Councils Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015).

- 6.3.2 As the contract is over £250k the service must ensure that sufficient security has been considered.
- 6.3.3 Any use of a Framework must be agreed by the Procurement & Commissioning Hub.
- 6.3.4 No direct award over £10,000 can be made via a Framework without documented approval from the P&C Hub.
- 6.3.5 Only legally compliant frameworks will be approved and the P&C Hub will ensure that Due Diligence is carried out on the Framework prior to any procurement.
- 6.3.6 Any call-off from a Framework must be carried out in line with the relevant framework process and via the E-Tendering Portal, with all documentation retained.
- 6.3.7 The service must ensure that authority to procure has been obtained and must be uploaded onto the London Tenders Portal.
- 6.3.8 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 including future management of the contract.
- 6.3.9 The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.

**6.2.8 Property Implications**

There are no property implications in connection with this report.

**6.2.9 Performance Implications**

Project specific performance measures (KPI's) will be incorporated into the contract to track progress, satisfaction, quality and financial performance. These will be monitored at monthly progress meetings.

**7 KEY RISKS**

The table below highlights risks identified and mitigating actions taken.

Risk	Mitigating action	Residual risk High / Medium or Low

Necessary procurement skills for the project	<p>Bailey Garner Consultants are providing specialist contract administration and procurement support services</p> <p>The Council's Project Manager has significant procurement experience.</p> <p>Procurement support provided by Framework provider (Fusion 21)</p>	Low
Supplier has necessary skills and qualifications	Contractors undertook a rigorous pre-qualification process when joining the framework	Low
Compliance with Public Contracts Regulations 2015	Contract procured via established framework with support from the framework providers who ensure compliance with the framework rules and Public Contract Regulations 2015	Low
Contractual issues	The Councils requirements are built into the bespoke contract and tender documentation	Med
Supplier performance	<p>Clearly defined key performance indicators (KPI's) have been incorporated into the contract.</p> <p>Adequate contract management and administration will be applied and contract monitoring meetings take place at regular intervals.</p> <p>Retention clauses have been incorporated into the contract.</p>	Low

## 8 INTERNAL DEPARTMENT IMPLICATIONS/CONSULTATION

The Major Works Team has sufficient and suitably experienced management resource for the administration of this contract.

Residents will be invited to attend consultation events at each block. They will also have the opportunity to meet Enfield's Resident Liaison Officer and the Contractors Management Staff in their homes by request. Regular updates will be posted on notice boards in the common areas of each building and residents will also be updated by letter.

## **9 IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD.**

### **9.1 Good homes in well-connected neighbourhood**

The programme will improve the quality of existing homes creating thriving neighbourhoods and places

### **9.2 Sustain strong and healthy communities**

Developing and sustaining good quality housing in areas where people desire to live will help to create and maintain strong sustainable communities.

### **9.3 Build our local economy to create a thriving place**

Support residents to take more responsibility to increase the local economy and improve their communities by more active engagement in project delivery.

## **10 EQUALITIES IMPACT IMPLICATIONS**

Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment is neither relevant nor proportionate for the approval of this report, however it should be noted that the any contracts awarded should include a duty on the successful applicant to assist us with meeting our obligations under the Equalities Act 2010.

## **11 HEALTH AND SAFETY IMPLICATIONS**

Work is notifiable under CDM and appropriate appointments will be made.

The proposed fire safety works are supported as a means of tackling various fire safety concerns that have been raised in Fire Risk Assessments completed on the blocks in recent years. The safety benefits and learning experiences from the project will be valuable and shared with the London Fire Brigade to continue our good working relationship.

## **12 PUBLIC HEALTH IMPLICATIONS**

The work will contribute towards reducing heating bills, sustaining tenancies, reducing fuel poverty and improving the environment for the residents of the block.