

MUNICIPAL YEAR 2019/2020 REPORT NO.

ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY

OPERATIONAL DECISION OF:

Sarah Cary
Executive Director
Place

Agenda – Part: 1

KD Num: 5129

Subject: Aids and Adaptations Terms
Contract

Wards: All

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1. EXECUTIVE SUMMARY

- 1.1 The budget for Aids and Adaptations Works was identified as part of the Better Council Homes Workplan and Budgets 2019/20 which was approved by Cabinet on 13 February 2019.
- 1.2 This is included in the 30year HRA Business Plan, which was detailed in Housing Revenue Account (HRA) Business Plan Budget 2019/20, Rent Setting and Service Charges report (KD5008) and was approved by Cabinet and Council in February 2020.
- 1.3 This report proposes to award the Aids and Adaptations Contract.

2. RECOMMENDATIONS

- 2.1 That approval be given to award the Aids and Adaptations Contract.
- 2.2 See Part 2 for details

3. BACKGROUND

- 3.1 The Council has a statutory duty to provide adaptations for residents with disabilities both within the Council's housing stock and more widely. This paper relates only to those properties within the Council's housing stock and seeks approval for procurement as set out below.
- 3.2 As Aids and Adaptations are a needs-based requirement there is no planned programme for delivery. Typical expenditure year on year is in the order of £1.2million Per Annum with the majority of expenditure relating to commonly occurring items such as Level Access Showers and Ramps. Works to individual properties vary substantially with an excess of 120 properties having adaptations carried out each year.
- 3.3 Residents with specific needs are generally identified by Housing Management, Resident Liaison Officers or residents contacting the Council directly. This leads to a referral being made to Social Services and a visit by an Occupational Therapist to determine the need and recommendations that will define the scope of works.
- 3.4 In recent years delivery of these works has been carried out on an Ad-Hoc basis with each requirement being separately tendered. This approach has led to delays in delivery due to the volume of tenders required and the administrative demands.
- 3.5 The planned programme was procured via the London Tenders Portal. Six contractors were invited to tender with three bona fide tender were received.
- 3.6 See Part 2 for details

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Council is currently considering a long term strategy with regard to the delivery of the full range of Aids and Adaptations across the Council.
- 4.2 As an the interim solution the Council has considered and agreed in the procurement of a 'short term' contract of 2 years to deliver works required and maintaining service delivery. This contract will include the ability for the Council to extend by a further year subject to performance.
- 4.4 See Part 2 for details.

5. REASONS FOR RECOMMENDATIONS

5.1 The recommended contractor has been evaluated on their price submission and a review of the responses to the quality questions was carried out and marked. The winning contractor has been judged capable of complying with the specification and quality requirements.

5.3 See Part 2 for details

6. COMMENTS FROM OTHER DEPARTMENTS

6.1 Financial Implications

See Part 2 for details

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 proposed works are in accordance with this power.

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 works which the Council wishes to undertake are below the threshold where a European tender is required under the Public Contracts Regulations 2015 (currently £4,733,252.00). The Council's Contract Procedure Rules stipulate that for contracts between £500,000 and the EU threshold, a minimum of five tenderers are invited to bid for the works (see CPR 3.5). The Council has complied with this requirement.

6.2.4 As fewer than five quotations were received, the approval of the P & C Hub is needed prior to the formal decision to award the contract (see CPR 3.5).

6.2.5 The award of the contract is a Key Decision and the Council is required to comply with its Key Decision governance process (see CPR 1.22.4).

6.2.6 The Director has power to award the contract under CPR 1.22.

(Legal imps provided by MO'C on 6 March 2020 based on a report circulated on 6 March 2020).

6.3 Procurement Implications

- 6.3.1 The procurement was undertaken using the London Tenders Portal (ref DN452526).
- 6.3.2 A business case was presented to the Procurement & Commissioning Review Board on 11/02/2020 that reviewed the procurement and approved.
- 6.3.3 As the contract is over £250k the service must ensure that sufficient security has been considered.
- 6.3.4 The service must ensure that authority to procure has been obtained and must be uploaded onto the London Tenders Portal.
- 6.3.5 The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract.
- 6.3.6 The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.

Procurement Implications provided by Peter Alekkou on 5th March 2020.

7. KEY RISKS

Item	Risk	Impact	Probability	Mitigation	Owner
1	Non-Delivery of Project	H	L	Develop project delivery plan, commission consultants and contractor.	Programme Manager
2	Quality Issues	H	M	Set benchmark, monitor site meetings through Contract Administrator (CA) & Clerk of Works (COW) reports, measure continuous improvements using KPIs.	Project Manager
3	Cost Overrun	M	M	Applied lessons learned from previous scheme, early reporting, comprehensive specification, inclusion of contingencies, tender analysis	Project Manager
				Manage approvals	

4	Time Overrun	H	M	stage – instil sense of urgency by senior staff. Monitor programme, monthly progress reports & LADs.	Project Manager
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8. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

8.1 Good homes in well-connected neighbourhoods

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

8.2 Sustain strong and healthy communities

Improving the existing homes where people desire to live will help to create and maintain strong sustainable communities.

8.3 Build our local economy to create a thriving place

Ensuring residents are able to fully participate in activities within their neighbourhood.

9. EQUALITIES IMPACT IMPLICATIONS

9.1 It is not deemed relevant or proportionate to carry out an equality impact assessment/analysis for the approval of the tender that represents the lowest price and complies with the tender requirements of the Council for external repairs as part of the Council's Decent Home Programme.

9.2 Individual requirements are addressed prior to starting on site to ensure all relevant individual circumstances are considered during the works.

9.3 Any contract awarded should include a duty on the successful applicant to assist us with meeting our obligations under the Equalities Act 2010.

10. PERFORMANCE AND DATA IMPLICATIONS

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

11. HEALTH AND SAFETY IMPLICATIONS

- 11.1 The Health and Safety Policies statement have been submitted by all the contractors as part of the framework selection and tendering process.
- 11.2 The project is notifiable to the Health and Safety Executive (HSE) under the Construction (Design and Management) Regulations 2015 (CDM).
- 11.3 The Contractor will submit a Pre-Construction Health and Safety Plan once appointed for our review and authorisation. This will be updated throughout the contract and a Health and Safety File issued upon completion of the works.

12. PUBLIC HEALTH IMPLICATIONS

- 12.1 The work will contribute towards sustaining tenancies and improving the environment for the residents.