

## London Borough of Enfield

### Operational Report

**Report of:** Joanne Drew – Director of Housing & Regeneration

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**Subject:** Award of works contract – Fire Door remediation programme (South)

**Cabinet Member:** Cllr G Needs

**Executive Director:** Sarah Carey – Exec Director - Place

**Ward:** Bowes, Bush Hill Park, Edmonton Green, Grange, Haselbury, Jubilee, Lower Edmonton, Palmers Green, Ponders End, Southgate, Southgate Green, Upper Edmonton

**Key Decision:** 4922

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### Purpose of Report

- 1.1 This project was identified as part of the Better Council Homes Workplan 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 5008) and was approved by Cabinet and Council in February 2020.

### Proposal(s)

- 2.1 That approval be given to award the replacement of flat front entrance doors to properties in the wards North of the Borough to Contractor B, utilising the Hyde Fire Safety Framework.

### Reason for Proposal(s)

- 3.1 The Better Council Homes programme includes targeted investment in Council housing. The agreed programme includes a door replacement programme.

## **Relevance to the Council's Corporate Plan**

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

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

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

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

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

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

## **Background**

- 5.1 Works are to be let in two packages – North and South of the Borough The decision to award to two separate contractors, was made as no one single supplier (given current market conditions and the impact of Covid-19 on manufacturing timescales), could manufacture and install the required number of doors within the required three-year period.
- 5.2 Two third party certified companies with industry experience in the supply and installation of fire doors were selected off the OJEU compliant Hyde Fire Safety Framework to deliver the works .
- 5.3 The framework was developed by Hyde Housing, using expert advice from the fire safety sector including Frankham RMS, BAFE, and FIRAS. The framework focuses on value and innovation through close collaborative partnerships between the Contracting Authority, future users and the specialist framework installers and contractors.

## **Main Considerations for the Council**

- 6.1 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. These works have been identified in recent Fire Risk Assessments, as such the Council has a legal duty to undertake these works.

## **Safeguarding Implications**

- 7.1 There are no safeguarding implications in connection with this report.

## Public Health Implications

- 8.1 The new fire doors will improve the safety of residents in the blocks and provide future proofing of the assets by:
- Providing a defensive barrier when shut and keep compartmentalised areas protected.
  - Protect personal property and minimise damage to the property in the event of a fire.
  - Help facilitate the safe and quick evacuation of occupants.
- 8.2 The contractor will be completing works in-line with the governments Covid Secure guidelines.

## Equalities Impact of the Proposal

- 9.1 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

## Environmental and Climate Change Considerations

- 10.1 The new doorsets meet current “Approved Document L – Conservation of Fuel and power” requirements and will enhance the thermal comfort of flats and reduce drafts.

## Risks that may arise if the proposed decision and related work is not taken

- 11.1 The Council has a statutory duty under the Regulatory Reform (Fire Safety) Order to ensure the risk is reduced as far as reasonably practicable. These works have been identified in recent Fire Risk Assessments, as such the Council has a legal duty to undertake these works.

## Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

- 12.1 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	The works have been procured through the Hyde Fire Safety Framework and therefore the procurement has been conducted	Low

	in full compliance with Public Contract Regulations 2015	
Supplier has necessary skills and qualifications	Contractor B are third party accredited in the supply and installation of fire doors that meet the required statutory standards	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	Clearly defined key performance indicators (KPI's) have been incorporated into the contract.  Structured and regular meetings to be held with the Councils Project Manager to monitor programme and performance.	Low
Supplier is unable to keep up with demand	Two different door manufacturers are proposed and have been selected to ensure supplies meet the demand of the programme.	Medium
Coronavirus	Service continuity maintained. Please refer to Appendix 1.	Medium

## Financial Implications

- 13.1 An investment budget was approved as part of the rent setting report in February 2020 and the costs of these works are included, in the HRA 30-year business plan.

## Legal Implications

- 14.1 The Council 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 and subject to public law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power as recommended in this report. Section 111 of the Local Government Act 1972 further 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.

- 14.2 The services which the Council wishes to procure are above the EU threshold for public works contracts (currently £4,733,252) where an EU procurement is required under the Public Contracts Regulations 2015 (PCR 2015). 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 PCR 2015. Any award must be in compliance with the process set out in the Framework Agreement.
- 14.3 Additionally, the Council's Constitution, in particular the Contract Procedure Rules ("CPRs") permit the Council to procure services from an existing legally compliant framework.
- 14.4 The Council's Procurement and Commissioning Hub should conduct due diligence on the use of the Framework Agreement and must be satisfied that the Council may procure the works in accordance with the Framework Agreement. The Call Off process must be undertaken in accordance with the Framework and the Call Off Contract must be in accordance with the terms of the Framework Agreement and must be in a form approved by the Director of Law and Governance.
- 14.5 The Council must comply with the obligations relating to obtaining best value under the Local Government Act 1999.
- 14.6 As the Call Off Contract's value is over £250,000 this is a Key Decision and the Key Decision procedure must be followed (see CPR 1.22.4)

### **Workforce Implications**

- 15.1 There are no workforce implications arising from this report.

### **Property Implications**

- 16.1 There are no property implications in connection with this report

### **Other Implications - Procurement**

- 17.1 A review of known suitable works framework agreements was undertaken by the Service to identify available agreements to the Council, critiquing each option to narrow down those that can be considered, considering delivery timescales.
- 17.2 Due diligence and approval of the Hyde Group Fire Safety Framework Agreement, the preferred agreement, was undertaken by the Procurement & Commissioning Hub prior to any procurement.
- 17.3 The Call-Off from the Framework must be carried out in line with the relevant framework process and all retained documentation must be uploaded onto the Council's E-Tendering Portal.

- 17.4 As the contract is over £250k the service must ensure that sufficient security has been considered.
- 17.5 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.
- 17.6 The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.

### **Options Considered**

- 18.1 The anticipated contract values are expected to exceed the EU procurement threshold for works contracts currently at £4,733,252. The procurement options available for consideration are:
- i. Use of a suitable OJEU Compliant Framework via direct award or mini competition.
  - ii. Tendering through OJEU either using the open or restricted process.
- 18.2 Frameworks offer the most expedient route to market available, whilst remaining compliant with the Public Contract Regulations 2015. Suppliers on frameworks are assessed for suitability prior to joining the framework with pre-agreed terms and conditions. Standard documentation is available but can be amended to include specific requirements by the client.
- 18.3 Tendering through OJEU allows clients to create bespoke documentation designed to fit its requirements. This approach gives tender opportunity to a wider group of bidders but requires a long time from document preparation and procurement to tender receipt.

### **Conclusions**

19. That approval be given to award the replacement of flat front entrance doors to properties in the wards South of the Borough to Contractor B utilising the Hyde Fire Safety Framework.

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Date of report 9<sup>th</sup> June 2020

### **Appendices**

Appendix 1 – Part 2 (Confidential) report

## **Appendix 1 – Part 2 (Confidential)**

### **EXECUTIVE SUMMARY**

1.1 This report should be read in conjunction with the Part 1 Report. It sets out the financial appraisal in support of the recommendations made in respect of the project.

1.2 This is a Key Decision of the Council and is on the Key Decision List

### **RECOMMENDATIONS**

2.1 That approval be given to award the replacement of flat front entrance doors to properties in the wards South of the borough to Gunfire utilising the Hyde Fire Safety framework.

2.2 To approve a total estimated work stream cost of **£6,628,851** which includes contract sum, fees and contingency.

### **BACKGROUND**

3.1 As part of the Councils exploration of alternative approaches in delivering works a review of EU compliant frameworks with the specialism for installing fire doors for client groups was undertaken. Pretium were found to administer a Fire Safety Framework on behalf of Hyde Housing that was drawn up and tendered specifically for fire safety related works. The framework was set up to deliver the highest possible standards for workmanship, product selection and life cycle costings.

3.2 The requirements set out in the framework include for:

- An enhanced warranty offer giving users the opportunity to purchase a product lifetime service, repair and replacement guarantee.
- All Installers are Third Party UKAS Accredited Installers accredited by bodies such as FIRAS/BM Trada or equivalent and use Third Party
- Fire Doorsets installers are Manufacturers Approved Installers and carry Third Party Accredited Installers Accreditation such as FIRAS, QMARK, BMTRADA or equivalent.
- Fire Doorsets are compliant to the requirements of the Building Regulations and have all relevant test reports for the following:
  - BS 476 Part 22 1987 or EN1634-1 - Fire
  - BS476 Part 31.1 or EN1634-3- Smoke
  - PAS 24- Security
  - BS 6375 Part 1 and 2- Weathering
  - EN ISO 10077- Thermal
  - BS EN ISO 10140-Acoustics

## REASONS FOR RECOMMENDATIONS

- 5.1 Gunfire provided the sixth lowest rates on this framework for supply and installation of fire doors. The lowest, Gerda, is proposed for delivery of fire doors to the North of the Borough.
- 5.2 The second lowest supplier are currently under review for compliance with the framework and in dispute with the Council, regarding the quality of an installation delivered under a separate contract, which is subject to an open complaint with the certification body.
- 5.2 The third, fourth and fifth suppliers both supply and install Gerda manufactured doors only. By contracting with these suppliers the Council would not be able to mitigate the risks associated with a single supply chain. As such the Council have selected Gunfire from the framework, who are the only contractor who install an alternative door manufacturer (Grady manufactured doors).
- 5.3 The Council has met with Grady doors and viewed and validated their primary door test data and quality assurance systems and deem them to be equal to that of Gerda.
- 5.4 Gunfire have thus been selected after applying the Capability Criteria in Schedule 3 of the Framework which permits a direct award to a framework contractor for a relevant lot, if the Council has determined through the Capability Criteria that only one Framework Contractor on the lot in question is capable of carrying out the work.
- 5.5 The Capability Criteria is defined in the Framework Agreement as: *'The criteria contained in Schedule 3 (Capability Criteria), subject to such amendments as Hyde or the Authorised User considers necessary to reflect the requirements of the Call Off Contract in question'*.
- 5.6 The Capability Criteria set out in the framework and used in the selection process includes:
- The contractor's capability to carry out a project of the size and complexity of the proposed project;
  - The contractor's capability to carry out works and services in the locality of the proposed project;
  - The contractor's capability to carry out projects involving the type of construction that the proposed project involves
  - The contractor's financial stability and standing;
  - The insurances held by the contractor;
  - The contractor's health and safety record;
  - The contractor's capacity, taking into account the value of works and services already awarded to it under the Framework Agreement;
  - The volume of work (as a percentage of its total turnover) that the contractor is currently carrying out for Hyde or other Authorised Users in question;

- The contractor's performance against KPIs on current or previous call off contracts awarded to it under the Framework Agreement;
- The contractors supply chains capacity to deliver a project the proposed project in the required timescales.

5.7 Gunfire will be delivering circa 4201 doors to properties in wards South of the Borough. Prices obtained from Gunfire based on these number of properties and the delivery programme bring the anticipated spend to **£6,628,897.12** with door sets averaging at **£1,577.93** for design, supply and installation. Gunfire supply and install doors and the prices obtained are considered competitive in the current market.

5.8 Appointment an alternative contractor would result in a longer and more costly procurement process.

5.9 The impact of the Covid-19 pandemic on the delivery of the fire door programme was discussed at a meeting with the Gunfire on the 15<sup>th</sup> April 2020. Gunfire have confirmed that service continuity is and can be maintained in terms of production and delivery of the doors, but installation will be defined by ongoing Government advice and the provision of access by residents to allow the works. In assessing the impact, Gunfire have advised as follows:

- Some prolongation in production in sourcing elements for the door sets from their supply chains.
- Prolongation of the installation programme due to access constraints.
- Potential increased prelim costs associated with prolongation of the programme.

5.10 Grady doors have put safeguarding measures in place for their staff and customers that enables them to continue manufacturing whilst implementing social distancing.

5.11 LBE have reviewed Gunfires installation RAMs and documents have been aligned to the governments Covid Secure guidance and CLC industry guidance.

5.12 A dedicated communication strategy, information pack have been developed by LBE and Gunfire will provide a RLO function to enable access and support residents during the works to their home,.