

ITEM 19 – APPENDIX N

WAVERLEY BOROUGH COUNCIL

EXECUTIVE - 3RD DECEMBER 2013

Title:

PROCUREMENT OF ASBESTOS MANAGEMENT CONSULTANCY SERVICES

Portfolio Holder: Cllr Keith Webster
Wards Affected: All

Summary and purpose:

The purpose of this report is to seek approval for the procurement of consultancy services to assist the Council to discharge its responsibility as duty holder in accordance Regulation 4 of the Control of Asbestos Regulations 2012.

How this report relates to the Council's Corporate Priorities:

This report supports the Corporate Priority: Affordable Housing – improving the condition of our properties.

Financial Implications:

There is sufficient budget available for the consultant engagement in the Housing Property Fees budget (approximately £80,000) and an Asbestos Database IT System budget Management Projects (approximately £30,000).

Legal Implications:

As the duty holder, the Council has a responsibility for the effective management of asbestos in accordance Regulation 4 of the Control of Asbestos Regulations 2012. The procurement of consultancy services would be carried out in accordance with the Council's Contract Procedure Rules and, if required, EU procurement regulations.

Background

1. In December 2012, an incident where potential exposure to asbestos containing materials (ACMs) occurred within a council house. This was reported to the Health & Safety Executive (HSE). In response it is proposed that the Council takes the opportunity to undertake a root and branch review of the management of asbestos in its homes and develop a comprehensive Asbestos Management Plan (AMP) which will include the appointment of a Contractor to undertake a programme of asbestos management surveys of all the Council's homes.

2. The survey programme will refresh the Council's database, providing contractors and staff with the most accurate and up-to-date asbestos information possible for the effective management of asbestos. It is estimated that it will be completed in approximately 36 months.
3. The scope of the procurement will also provide the Council with additional capacity for Refurbishment & Demolition (RD) surveys. These are required wherever invasive work that could potentially disturb asbestos hidden within the fabric of a building is undertaken e.g. kitchen/bathroom replacements in voids and other stock investment works.
4. The final part of the procurement exercise will provide the Council with a suite of on-going support from the specialist asbestos survey contractor to further enhance effective management of asbestos, including:
 - audit of contractors
 - periodic re-inspection of known asbestos materials in Council dwellings
 - training capacity for staff & contractors for annual refresher training
 - 24/7 call-out capability to assist with any unforeseen situations arising
 - potential provision of a web enabled register/compliance management system
5. Subject to the advice of specialist consultant, it is proposed to tender this work as 6-year contract (4+2) commencing during 2014-15 with an average value of £268,000 per annum. The expenditure under this contract will of course be influenced by the general level of maintenance activity undertaken e.g. the size of the stock investment programme over the next 6 years.

Consultant Appointment

6. The development of a comprehensive Asbestos Management Plan (AMP) is a particularly complex area of specialised work.
7. The value of the asbestos survey work and associated consultancy support set out above will exceed the OJEU threshold for 'Services' over the proposed 4+2 year contract period. As such, a procurement exercise must be undertaken in accordance with European Union regulations. This is a further specialised area where particular market knowledge of asbestos survey contractors, together with previous experience of large-scale asbestos survey procurement is considered essential to ensure a robust outcome for the Council.
8. It is therefore proposed to appoint a specialist consultant with experience of this type of work to provide preliminary assistance to the Council in two specific areas:
 - development and embedding of a comprehensive Asbestos Management Plan (AMP) and associated procedures to reflect best practice.
 - procurement in conjunction with the Council's in-house team of the larger asbestos survey and associated on-going support contract commencing 2014-15.

9. The value of this initial specialised consultancy engagement is anticipated to be £40k and as such, it will be procured in accordance with the Council's Contract Procedure Rules. This work is urgent and will take place during 2013-14 with sufficient capacity potentially noted within the existing asbestos budget to accommodate this work.

Data Management

10. The Council's asbestos data is currently stored and managed remotely by a company called 'Frontline' who has provided this service to the Council for a number of years.
11. The Council in conjunction with the appointed specialist consultant will undertake an options appraisal to decide if the Council should assume direct responsibility for the storage and management of its asbestos data. If local storage proves to be the best option, acquisition of an Asbestos Database IT System may be required (circa. £11k).

Recommendation

That the Executive approves:

1. the procurement of a specialist consultant to assist the Council to develop and embed best practice procedures and assist with procurement of an asbestos survey contractor to be funded from existing budgets in 2013-14;
2. the procurement of a contractor to undertake asbestos surveys and provide on-going support to the Council for asbestos management commencing during 2014-15 under a 4+2 year term contract, the costs to be included in future years budgets; and
3. delegated authority to the Strategic Director in consultation with the Deputy Chief Executive and the Housing Portfolio Holder for the acquisition of Asbestos Database IT System if required to be funded from the Housing Management Project budget in 2014-15.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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