

Waverley Borough Council

Report to: Landlord Services EWG; Co-Portfolio for Housing (Operations & Services)

Date: 20 July 2023

Ward(s) affected: All

Report of Director: Community Wellbeing

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Report Status: Part Exempt

Fire Equipment Servicing contract procurement

1. Executive Summary

- 1.1 In order to regularise the contract for Fire Equipment Servicing, the Council has been advised to direct award a new contract to the existing contractor, Sureserve Fire and Electrical Ltd, via a framework that has already been competitively tendered at the appropriate contract value.
- 1.2 Approval is sought to complete this procurement exercise and award the contract.

2. Recommendation to

- 2.1 That the Co-Portfolio for Housing (Operations & Services) approves the signing of a Fire Equipment Servicing contract with Sureserve Fire and Electrical Ltd for the period 2023 to 2026.

3. Reason for Recommendation:

- 3.1 Waverley Borough Council has statutory requirements to ensure all fire alarms, emergency lighting, fire extinguishers and automatic opening vents are regularly tested and maintained in line with industry standards, in order to protect residents and other visitors from the effects of smoke and fire, and to ensure escape routes are kept free of smoke and fire. This contract is required in order to facilitate the fulfilment of these obligations

4. Exemption from publication

- 4.1. Appendix 1 of this report is to be treated as Exempt from the Access to Information publication rules by virtue of the following paragraph of Part 1 of Schedule 12A to the Local Government Act 1972:

Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information)

5. Purpose of Report

- 5.1. To seek approval to enter into a contract for Fire Equipment Servicing.

6. Strategic Priorities

- 6.1. The contract supports the Council's Corporate commitments to promote "Good quality housing for all income levels and age groups" and "Improving the health and wellbeing of our residents and communities", as well as the Council's aim to "be the best council

landlord in the South East and to be acknowledged so by our tenants.”

- 6.2. This contract also supports the Housing Asset Management Strategic Objective to ensure our properties are safe, secure and compliant, meeting all our landlord obligations.

7. Background

- 7.1 During a request to amend the existing contract with Sureserve Fire and Electrical Ltd, it was noted by internal legal advice that actual spend on the contract would soon exceed the relevant EU threshold for goods and services contracts of £177,897 (excl. VAT). The original estimated contract value is £150,000 and will expire July 2024.
- 7.2 As such the original tender should have been given a higher estimated contract value, as this puts the Council at risk of challenge by unsuccessful bidders on the original tender, who may otherwise have submitted different returns given the higher contract value.
- 7.3 In consultation with the Procurement Officer, it was agreed that the preferred route to remedy this would be to directly award a new contract to Sureserve Fire and Electrical Ltd, under the same contract terms as before, via a framework that has already been competitively tendered at a higher contract value.
- 7.4 Several framework providers were reviewed and Lot 10 Active Fire Safety on the Fusion 21 framework was agreed as the best route to award this contract, as this covers the services the Council needs to procure.
- 7.5 This framework was procured in line with Public Contracts Regulations 2015, has a value of £880mill excluding VAT, therefore satisfying the EU threshold noted above and expires on 28th April 2025.
- 7.6 Fusion 21 were approached and Waverley Borough Council provided an outline of the requirements and background to this procurement exercise. Fusion 21 then reviewed the Councils requirements and

submitted their appraisal and recommendations which included confirming with the contractor that they have capacity for the contract.

- 7.7 Sureserve have confirmed their pricing under the framework, whilst there has been a 2% increase for the servicing, it is still comparable with the costs procured under the existing contract between Waverley and Sureserve and are still within budgets for this workstream. In addition, the schedule of rate items included in the Fusion 21 framework is more comprehensive than those included in the existing contract, this should make it easier for Waverley Borough Council to challenge pricing and ensure value for money.

8. Consultations

- 8.1. N/a

9. Key Risks

- 9.1 If the Council is unable to enter contracts formally, it would subsequently be putting at risk the ability to meet statutory requirements. The Council would also lack ability to endorse the terms of the contract should the contractors fail to deliver the respective services as required.
- 9.2 There are a number of risks that present themselves should we not be able to enter these contracts:
- Increased risk to residents, contractors and other visitors of HRA owned flat blocks
 - Should there be a significant incident requiring the notification of the HSE or Surrey Fire and Rescue Service, there is significant risk that the Council would be found liable for managing fire safety in an unsuitable manner.

10. Financial Implications (drafted by Candice Keet, Senior Accountant)

10.1. The value of the contracts is (shown in Exempt Appendix 1) has been budgeted for within the HRA revenue and capital budgets and has been included in the 30 year Business Plan projections. An inflation provision has been budgeted for and taken into account in future year projections and can be used to mitigate the impact of inflation if required in future years.

11. Legal Implications (Drafted by: Andrew Ogalo, Senior Solicitor, Contracts & Procurement (Interim))

11.1. The report is seeking authority to award a call off contract to Sureserve Fire and Electrical Limited. It is proposed that the contract be awarded via Fusion 21 Framework Agreement (the FA). The proposed contract is for supply and installation of goods. It is therefore, a mixture of works and services. The FA has been procured following publication of contract notice 2020/S 237-586 981 and can lawfully be used by the Council as long as, the Council has joined as a member. The FA is in place until 28 April 2025. type here

11.2. The value of the proposed contract places the proposed contract out of scope of Part 2 Public Contracts Regulations 2015 (PCR 2015). There is however, an obligation to comply with Chapter 8 PCR 2015. This obligation can be complied with by following the call off procedure set out in the FA and the Council's Contract Procurement Regulations. Officers must therefore, be satisfied that all due diligence is undertaken and that the award of contract is in accordance with the call off procure set out in the FA. Also, on award, the Council must publish certain information on Contracts Finder for compliance purposes.

11.3. The resultant contract must be in the form of call off terms as set out in the FA and legal must be consulted for the purposes of engrossment so that the contract can be properly executed as deed.

11.4. Finally, where there are any data protection issues, these can be properly addressed by way of special terms within the call off contract.

12. Human Resource Implications

12.1. There are no direct human resources implications.

13. Equality and Diversity Implications

13.1. There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

14. Climate Change/Sustainability Implications

14.1 As part of the Sureserve Group, Sureserve Fire & Electrical is working towards a number of sustainability targets, these can be seen below. The organisation has also achieved PAS 2060 Carbon Neutrality certification across all operations.

- Work towards 100% renewable energy offices by 2030
- Work towards 100% zero emissions fleet by 2025
- Work towards zero waste-to-landfill by 2030
- 100% of workforce to complete mandatory environmental training annually

15. Conclusion

15.1 Waverley's advisor, Fusion 21, has recommended that based on the Council's requirements and in accordance with the original Framework evaluation, Sureserve Fire and Electrical Ltd is the number one ranked supplier for this category of work (Active Fire Safety works).

16. Background Papers

16.1 Fusion 21 Direct Award Report (Ref.17116) June 2023

17. Appendices

17.1 Exempt Appendix 1 – contract value

Please ensure the following service areas have signed off your report.
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Service	Sign off date
Finance / S.151 Officer	CK
Legal / Governance	AO
HR	N/a
Equalities	N/a
Lead Councillor	
CMB	27/06/2023
Executive Briefing/Liaison	11/07/2023
Committee Services	12/07/2023