

## CABINET

18 July 2023

<b>Title:</b> Procurement Strategy for Fire Doors Replacement Project	
<b>Report of the Cabinet Member for Community Leadership and Engagement</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> Various	<b>Key Decision:</b> No
<b>Report Author:</b> Anthony Wiggins – Head of Property Management and Capital Delivery	<b>Contact Details:</b> Tel: 07561 702896 E-mail: anthony.wiggins@lbbd.gov.uk
<b>Accountable Director:</b> Alan Caddick, Director of Homes & Assets	
<b>Accountable Executive Team Director:</b> Leona Menville, Strategic Director of My Place	
<b>Summary:</b> <p>The Council has an obligation to ensure that its housing stock is safe, secure and fit-for-purpose. Fire safety is particularly important, and the Council has an ongoing programme of replacing fire doors within its portfolio as part of the HRA Stock Investment Programme.</p> <p>By Minute 82 (20 February 2023), the Cabinet agreed not to recharge leaseholders for front entrance doors (FEDs) in high-rise flatted blocks but to recharge for works to communal doors and associated installation works connected to the fire door replacement programme.</p> <p>Specifications have since been drafted for the next phase of the fire door programme and this report seeks Cabinet approval to the proposed procurement route which includes provision for the recharging of leaseholders in accordance with the decision made by Cabinet in February 2023.</p> <p>The proposed procurement route is via the framework agreement, initiated by BDMS, which allows LBBD to utilise the framework for works delivered outside of BDMS.</p> <p>This framework runs until November 2024 and is therefore suitable for the procurement of the next batch of fire doors as outlined in this report.</p>	
<b>Recommendation(s)</b> <p>The Cabinet is recommended to:</p> <p>(i) Agree that the Council proceeds with the procurement of a contract for replacement fire doors and associated works in accordance with the strategy set out in the report; and</p>	

- (ii) Authorise the Strategic Director of My Place, in consultation with the relevant Cabinet Member(s), the Strategic Director, Finance & Investment and the Chief Legal Officer, and subject to endorsement by Procurement Board, to conduct the procurement and award and enter into the contract(s) and all other necessary or ancillary agreements to fully implement and effect the proposals.

### **Reason(s)**

To assist the Council to meet its statutory responsibilities under the Fire Safety Act 2021 and maintain a fire door replacement programme from a compliance and stock investment programme perspective.

It also contributes to meeting the Corporate Priority number 7 (Residents live in good housing and avoid becoming homeless) within the Corporate Plan 2023-2026.

## **1. Introduction and Background**

- 1.1 The Council has an ongoing fire door replacement programme as part of its overall compliance programme. Financial provision is made annually, within the HRA Stock Investment Programme for fire related works.
- 1.2 Works are identified using existing data (on condition and remaining life expectancy of major components) and through recommendation made within the ongoing programme of Fire Risk Assessments (FRA's) being undertaken within My Place.
- 1.3 On 20 February 2023 Cabinet received a report on the Phase 1 of the fire door programme and were asked to consider the leasehold recharge implications for future phases.
- 1.4 Cabinet agreed Option 2, which was for leaseholders in high-rise flatted blocks to be gifted their front fire doors (FED's) and be recharged a proportion of the works to communal doors and associated installation works.
- 1.5 Since then, the next phase of the fire door replacement programme has been developed (detailed specification and associated works details) and it is proposed that the next phase is procured via the framework agreement, initiated by BDMS which allows LBBB to utilise the framework for works delivered outside of BDMS.
- 1.6 Blocks within the next phase have been identified as Millard Terrace, Dagenham, Thaxted House, Dagenham, Oldmead House Dagenham, & Bartletts House Dagenham.

## **2. Proposed Procurement Strategy**

- 2.1 A specification of requirement has been developed to ensure the doors and surrounds meet the needs of the current legislation. In choosing the door and frames for this programme, My Place has considered several door manufacturers to ensure that they meet the Council standards, approved by the Compliance manager, meet current building regulations and national agreed Code of Practice standards.

- 2.1.1 **Quality assurance:** In choosing the door and frames for this programme, My Place has considered several door manufacturers to ensure that they meet the Council standards, current building regulation and national agreed Code of Practice standards. The doors and frames chosen will be solid hardwood timber doors and solid hardwood timber frames and carry full certification.
- 2.1.2 **Fire and smoke resistance:** All door and frame sets within the scope of this project have test evidence demonstrating that they meet the performance requirement in the Building Regulations guidance for fire resistance and smoke control from both sides and an independent (UKAS or the equivalent) Third-Party certification.
- 2.1.3 **Installation:** The door and frame sets must meet the Council specification which includes manufacture, install, and certificate to FIRAS and UKAS standards which gives the Council assurance of one stop process.
- 2.1.4 **Security:** The Fire door and frame sets to flat front entrance doors meet the Police “Secure by Design” (SBD) certification and thermal transmittance and acoustics certification to a British Standard PAS24:2012.
- 2.2 The LBB/ BDMS Framework is a LTQA and Section 20 (leasehold recharge) compliant framework which will enable the works to be procured. The tenders will be batched as follows:
- 2.3 **Batch 1 (Non-Section 20 Works)**  
Replacement of fire rated front entrance fire doors, including door header panels and side cupboard doors, in line with the report approved by Cabinet in February 2023
- 2.4 **Batch 2 (Section 20 Works)**  
Communal door sets for cross-corridor and lobby entrance doors, including dry-riser, electrical intake, bin chute, incinerator doors and all associated fire compliance works.
- 2.5 Mini-competition between BDMS framework suppliers for both batches will be completed and will be evaluated 60% price, 30% quality and 10% social value.
- 2.6 It is envisaged that the works will be delivered directly by My Place. This will include Project Management, Contract Administration, Principal Designer, Quantity Surveying and Clerk of Works roles.
- 2.7 **Outline specification of the works, goods or services being procured**
  - 2.7.1 Batch 1 - Replacement of fire rated front entrance fire doors, including door header panels and side cupboard doors.
  - 2.7.2 In line with Cabinet approval (20<sup>th</sup> February 2023) to not recharge leaseholders in high-rise blocks for replacement FEDs, Section 20 will not apply to Batch 1.
  - 2.7.3 Batch 2 – Communal door sets for cross-corridor and lobby entrance doors, including dry-riser, electrical intake, bin chute, incinerator doors and all associated fire compliance works. Section 20 will apply to Batch 2.

## 2.8 **Estimated Contract Value, including the value of any uplift or extension period**

2.8.1 Estimated contract value £4m for both batches.

Batch 1 - £1m Budget Estimate

Batch 2 - £3m Budget Estimate

## 2.9 **Duration of the contract, including any options for extension**

2.9.1 If approved, the contracts will be tendered in August 2023. The construction phase of the project to be undertaken over more than 1 financial year. This is considered a priority project and financial provision has been made within the 2023/24 Stock Investment Programme budget, based on the forecast spend that aligns with this timetable.

## 2.10 **Is the contract subject to (a) the Public Contracts Regulations 2015 or (b) Concession Contracts Regulations 2016? If Yes to (a) and contract is for services, are the services for social, health, education or other services subject to the Light Touch Regime?**

2.10.1 The contracts are subject to PCR2015, but the value of works is below the current UK Threshold.

## 2.11 **Recommended procurement procedure and reasons for the recommendation**

2.11.1 LBBB will be using the BDMS Framework to tender the works between the framework suppliers. This is an LTQA and Section 20 compliant framework.

## 2.12 **The contract delivery methodology and documentation to be adopted**

2.12.1 The contract form to be used is JCT Minor Work 2016, with LBBB amendments.

2.12.2 The projects will be managed and the contract administered directly by My Place project managers.

## 2.13 **Outcomes, savings and efficiencies expected as a consequence of awarding the proposed contract**

2.13.1 Replacement fire doors will provide the residents with increased fire and smoke protection and meet our obligations under the Fire Safety Act.

## 2.14 **Criteria against which the tenderers are to be selected and contract is to be awarded**

2.14.1 Mini competition between framework suppliers using 60% price, 30% quality and 10% social value (See social value details later in this report).

## **2.15 How the procurement will address and implement the Council's Social Value policy**

2.15.1 The evaluation criteria will award 10% of the potential marks to social value considerations. Each tender will consider the potential social benefits offered to the borough and its residents. To guide suppliers, we will give potential bidders access to the Council's Social Value Toolkit where information is provided regarding the Social Value themes, ideas of outputs including the borough's priorities for example attending schools and colleges job fairs or careers advice, funding foodbanks, litter picking etc. Any social value commitments agreed with the successful supplier will be contractually binding and these will be managed and reported on as part of the Contract Management process.) The evaluation process will take note of the Council's legal obligation to consider Social Value under the Public Services (Social Value) Act 2012.

## **3. Options Appraisal**

- 3.1 The option to do nothing was considered and rejected because the defects of the fire doors place the council at considerable risk and the Council's responsibilities for fire safety.
- 3.2 Alternative frameworks including CHIC, Southeast Consortium were considered and rejected due to a prolonged procurement process due to LTQA and Section 20 compliance.
- 3.3 Open tendering was considered and rejected because the nature of this work is specialised and the Council's agreed detailed specification for the doors combined with our objective of having the ability to manufacturer, install, and certificate doors can only be met by a limited number of suppliers within the southeast.
- 3.4 The strategy set out in this report provides the best approach for a timely and cost-effective route to meet obligations set out in the Fire Safety Act. The LBBD/ BDMS Framework is an LTQA and Section 20 compliant framework it will assist us to procure the work more expediently.

## **4. Waiver**

- 4.1 A waiver is not required for this report.

## **5. Consultation**

- 5.1 The proposals in this report will be considered at the July Procurement Board. Due to the timing of the works required, Cabinet approval is sought subject to the endorsement of the arrangements by the Procurement Board, which is aware of this timetable.

## **6. Corporate Procurement**

Implications completed by: Richard Barrett, Category Manager

- 6.1 The report seeks to run a mini competition between the 9(nine) contractors under the BDMS/BDTP Housing Repairs and Associated Services Framework utilising

specifically Lot 1(one) General Building Repair Works. It is noted that the requirements will be delivered outside of BDMS.

- 6.2 The tender stage will contain a robust door specification including full industry safety standards and full certification that will need to be achieved to ensure safety and that all aspects of quality and goods installed will meet or exceed the requisite technical standards.
- 6.3 The report outlines that works will be provisioned in two batches to allow for Section 20 works (recharge) and non-Section 20 which facilitates the Cabinet decision for leaseholders in high-rise flatted blocks to be gifted their front fire doors.
- 6.4 The Evaluation weightings are stated in the report as being 60% Price 30% Quality 10% Social Value. The weightings seem suitable for the mini-competition and includes the requisite 10% Social Value.

## **7. Financial Implications**

Implications completed by: Sandra Pillinger Group Accountant

- 7.1 The estimated cost for Batch 1 – Replacement of front entrance doors - is £1m. The estimated cost of Batch 2 – replacement of communal doors is £3m.
- 7.2 The HRA stock investment capital programme for 2023/24 and future years is currently under review with a view to reducing the scope of the programme and re-prioritising works. The Fire Doors replacement programme falls into the health and safety category, so is a priority for investment.
- 7.3 The Leaseholder Charging Policy for Fire Doors at High Rise blocks was agreed at Cabinet in February 2023. Option 2 was agreed: FEDs will be supplied and installed to leaseholder properties within high-rise blocks (ie- those blocks 18 metres and above), and those leaseholders will not be recharged. Leaseholders in non-high-rise blocks will be charged for their replacement FEDs and all leaseholders will be recharged a fair proportion of the cost of communal doors.
- 7.4 The recovery of leaseholder contributions must be maximized, so section 20 must be followed in respect of Batch 2 – replacement of communal doors. At this stage it is not known how much will be recoverable from leaseholders.

## **8. Legal Implications**

Implications completed by: Kayleigh Eaton, Principal Contracts and Procurement Solicitor, Law & Governance

- 8.1 This report is seeking approval to use the BDMS Repairs and Maintenance framework (RS4) to procure works to replace fire doors at the above-mentioned blocks.
- 8.2 This report states that the total value of the procurement will be approximately £3 million, which is below the threshold for works contracts. Nevertheless, the client department is intending to use a framework which will satisfy the Council's Contract Rules. Rule 4.2 (a) advises that it is not necessary for officers to embark upon a

separate procurement exercise when using a Framework Agreement providing the Framework being used has been properly procured in accordance with the law and the call-off is made in line with the Framework terms and conditions.

- 8.3 The use of the BDMS framework will satisfy the above requirements as the Council is permitted to call off from the framework, which has been set up following a compliant process and is valid until 30 November 2024.
- 8.4 This report notes that the proposed framework is a Qualifying Long Term Agreement (QLTA) under The Services Charges (Consultation Requirements) (England) Regulations 2003. When qualifying works are carried out under a QLTA a series of notices must be served on all residential leaseholders who are required to pay above £250 for the works. Failure to serve notices will mean the Council cannot recover more than £250 from the affected leaseholders.
- 8.5 Contract Rule 6.5 (a) of the Council's Contract Rules requires that all procurements of contracts above £500,000 in value must be submitted to Cabinet for approval.
- 8.6 The legal team will be able to assist the client department with putting in place the contract with the supplier.

## **9. Other Implications**

- 9.1 **Risk Management** - A risk-based approach has been considered throughout this report and reflected in the proposed procurement option.
- 9.2 **Property / Asset Issues** - Undertaking these works will improve the condition of stock, achieve compliance and benefit residents of the blocks.
- 9.3 **Corporate Policy and Equality Impact** - A copy of the Equalities Impact Assessment Screening Tool is attached at Appendix 1.

## **Public Background Papers Used in the Preparation of the Report:**

- Cabinet Report - Leaseholder Charging Policy (Fire Door Programme) - 20th February 2023

## **List of appendices:**

- **Appendix 1** – Equality Impact Assessment Screening Tool