

Report of: Passive Fire Protection (Fire Stopping) Project

Report to: Environment & Housing Decision Panel

Date: 19 June 2014

Subject: Request to approve the procurement route to install; Passive Fire Protection and Fire Stopping within Housing Leeds Multi Storey Blocks / Sheltered Housing Complexes and Low Rise accommodation thought out the regions of Leeds

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): All wards	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Housing Leeds has recently carried out fire risk assessments on Multi Storey Blocks, Sheltered Housing Complexes and Low Rise Accommodation. The results have identified that within each of the building types and in particular the Multi-Storey blocks there is a high risk in respect of compartmentation issues, primarily around communal areas and structure between flats.
2. This report outlines procurement options considered to address these matters and seeks approval to the proposed procurement route in line with the provisions outlined in CPR 3.1.8 as a Key decision (as expenditure is in excess of £250,000..

Recommendations

That the Director of Environments and Housing is requested to:

1. Approve the procurement route to advertise this opportunity as an open non EU tender seeking to appoint 2 accredited contractors who are specialised in Passive Fire Protection and Fire Stopping works, to a framework where they will be called off by rotation. The framework will be in place for an initial period of 2 years, with the option to extend for a further 12 months to encompass any other high risk properties identified during this term.
2. It should be noted that this project will install; Passive Fire Protection and Fire Stopping within Housing Leeds Multi Storey Blocks / Sheltered Housing Complexes and Low Rise accommodation under the responsibility of Housing Leeds.
3. To authorise spend of £2m on this work from the fire safety budget within Housing Leeds 2014 to 2017 capital budgets. It is anticipated work will commence from September 2014.
4. To note that additional investment of £1m has been secured and approved in the 2014/15 capital investment programme

1 Purpose of this report

- 1.1 To seek approval of the identified procurement route (CPR3.1.8) to deliver the installation of Passive Fire Safety measures in connection with fire stopping works in Multi Storey Blocks and Sheltered Housing Complexes within the responsibility of Housing Leeds in order spend monies of £2million to deliver the work programme. .

2 Background information

- 2.1 Approximately 6,000 properties including communal areas within Leeds are in need of Passive Fire Protection works to be carried out in order to comply with The Regulatory Reform (Fire Safety) Order 2005 and Approved Document B of the Building Regulations. Materials used are required to meet BS476 and third party accreditation is required. The specific works to be carried out differ amongst the buildings from minor works at an estimated cost of £7k per block and Major work at an estimated cost of £80k per block; this is dependent on the building type.
- 2.2 This work is critical in our ability to enforce the “Stay Put” Policy to enable residents to safely remain in their homes in the cases of fires in surrounding properties, This is a key safety matter in relation to the safety of our residents, by procuring and implementing this work we shall be fully compliant with our duties and the Regulatory Reform (Fire Safety) Order 2005.
- 2.3 An options appraisal has been conducted and the open procurement procedure has been identified as the most appropriate route to enable the project team to give consideration to both Price and Quality whilst still keeping the timescales of the

process to a minimum length, as the scheme does not exceed the EU threshold there will be no need to advertise in OJEU and therefore no further impact on the timescales of the procurement.

3 Main issues

- 3.1** There is a risk to Leeds City Council and Housing Leeds residents in delaying the procurement due to the fire safety requirements to our social housing stock.
- 3.2** This risk has been identified through the completion of a suitable and sufficient fire risk assessment as required by the statutory fire legislation applicable namely: The Regulatory Reform (Fire Safety) Order 2005 which has identified problems with passive fire protection measures and fire stopping that would affect the adoption of a “Stay Put” Policy, a key safety matter in relation to the safety of our residents.
- 3.3** The programme shall be is risk based and to be delivered where the risk could be higher in the event of a fire, supported by the fire risk assessments, history of fires provided by WYF&RS and customer profiling.

3.4 Procurement Options

3.4.1 Internal Service Provider – Civic Enterprise Leeds were approach reference Passive Fire Protection and Fire Stopping project. The project was considered and Civic Enterprise Leeds declined as they do not currently have the appropriate skills or experience to deliver these works

3.4.2 Utilising an external framework – Having researched options including Fusion, Efficiency North and the Yorsuite of frameworks it has been identified there is not an appropriate framework in existence for this specific requirement, unless general contractors were approached to manage the requirement this relationship may not be cost effective in comparison to dealing direct with specialist contractor

3.4.3 Utilising Constructionline (Constructionline is a government list of contractors which is managed by Capita) – the suppliers identified via Constructionline would be main contractors likely to subcontract to specialist providers this relationship may not be cost effective in comparison to dealing direct with specialist contractor..

3.4.4 Utilising the Mears contract – encouraging Mears to take on this work as a main contractor subcontracting a specialist contractor through the current contracts in place. This may not be as cost effective as contracting direct with a main provider, however no tender process would need to be carried out by Housing Leeds meaning the timescales of commencing work would be significantly reduced. In addition Housing Leeds already has a contract management plan in place to manage Mears so this provision would be encompassed within that.

However, Mears were asked previously to do similar works in 6 Multi Storey blocks in the Little London area before official hand-over to the PFI contractor and Mears declined the works.

3.4.5 Openly advertised tender – Openly advertising this opportunity with suitable restrictions in place to recommend 3rd party accredited companies, this would allow Housing Leeds to enter into a direct contract with a specialist provider. This would ensure the most cost effective approach however timescales would be significantly increased, with an estimated timetable of 5-6 months. Additional contract management plans would need to be developed to manage this provision.

3.5 Corporate Considerations

4 Consultation and Engagement

4.1 The officers/departments below were consulted during the process on the procurement route to deliver the installation of Passive Fire Safety measures in connection with fire stopping works in Multi Storey Blocks and Sheltered Housing Complexes and all recognise the risks involved and the delivery of this project is high priority. The project is risk based and the Multi Storey Blocks are in priority order of the highest risk first. The capital investment required has been approved for this project to start in the 2014/15 financial year.

Asset Directors – Housing Leeds

Chief Officer Property and Contracts

Head of Strategy and Investment

Head of Maintenance Operations

Procurement Officers

PPPU Technical & Commercial Officers

Corporate Fire & Safety Manager – Corporate Governance

Whilst there are a number of leaseholders in the blocks which will be affected by the works, it is recognised that the necessity of the works has arisen from works not been fully completed and checked when first undertaken. Consequently it is considered inequitable that leaseholders should be required to contribute fully to the works and that under the circumstances the leaseholders contribution be limited to statutory maximum provided for within the regulations.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Equality and diversity does not apply in this instance as the issue is in relation to appointment of specialist contractors to install an essential Passive Fire Safety measures in connection with fire stopping works.

4.3 Council policies and City Priorities

- 4.3.1 The installation of a Passive Fire Safety measures in connection with fire stopping works, will ensure a safer environment for our residents to live in. It also links to the cities priorities, investing in our tenants and properties, improving housing conditions.

4.4 Resources and value for money

- 4.4.1 The works will have a named Project Manager and resources set aside (from Housing Leeds Service Delivery Team) to manage the contract and facilitate the contractor in to gaining access in to the dwellings. This in order to help the contract adhere to the programme of works.
- 4.4.2 The Project Manager will have the assistance of financial and commercial support from a dedicated Housing Leeds Team. This throughout the pre and post construction phases of work.
- 4.4.3 With such works, Housing Leeds feel it would be better value for money if we worked directly with a specialist contractor rather than pay a management fee for a general principle contractor.

Legal Implications, Access to Information and Call In

- 4.5.1 The decision is subject to call in. There are no grounds for treating the contents of this report as confidential within the Council's Access to Information Rules.
- 4.5.2 This is a Key decision as defined under Article 13 of the Council's constitution. The Key Decision was published on the 01st April 2014 and is subject to call-in under the Scrutiny Board Procedure Rules.
- 4.5.3 Due diligence check of the preferred provider(s) to ascertain their financial position will be carried out prior to award, ensuring we are contracting with a financially sound organisation limiting the risk of works not being completed.
- 4.5.4 It is advised that the award decision will be a significant operational decision, and will therefore be published for information purposes in accordance with the Councils governance procedures.
- 4.5.5 The report went to the Housing Contracts Board on the 7th July and the recommendation for the procurement route was supported.

4.6 Risk Management

- 4.6.1 The contract will be managed and monitored regularly by service area representatives to ensure the benefits of the services are maximised and the contractors' performance will be measured over the life of the contract.

- 4.6.2 In line with the provisions of the Council Effective Procurement Programme a contract management plan will be developed that will clearly identify roles and responsibilities of officers with contract ordering and performance management and monitoring activities. This plan will also emphasise the perceived aims and objectives of the contract and how their realisation and contract success will be reviewed and managed, in addition to the plan clearly stating the responsibilities of the contractor.

5 Conclusions

- 5.1 Housing Leeds and PPPU have reviewed all options available as set out in the Main Issues / Procurement Options and concluded the preferred option would be to openly advertise with suitable restrictions in place to recommend 3rd party accredited companies.
- 5.2 This would allow Housing Leeds to enter into a direct contract with a specialist provider. This would ensure the most cost effective approach however timescales would be significantly increased, with an estimated timetable of 5-6 months.
- 5.3 The approach meets the requirements in terms of both technical and supplier ability to provide these specialised services.
- 5.4 Best value will be obtained by inviting the companies on the open tender exercise to take part in a competition.

6 Recommendations

- 6.1 That the Director of Environments and Housing is requested to:
- 6.1.1 Approve the advertisement of this opportunity as an open tender in the market place which seeks accredited contractors who specialised in Passive Fire Protection and Fire Stopping works. As the proposed procurement route. note that this project will install; Passive Fire Protection and Fire Stopping within Housing Leeds Multi Storey Blocks / Sheltered Housing Complexes and Low Rise accommodation thought out the regions of Leeds.
- 6.1.2 To authorise spend of £2m on this work from the fire safety budget within Housing Leeds 2014 to 2017 capital budgets. It is anticipated work will commence from August 2014.
- 6.1.3 To note that £1 million investment has been secured and approved in the 2014/15 capital investment programme

7 Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.