



**Report of Technical Service Manager / Senior Fire Safety Officer**

**Report to Director of Environment & Housing**

**Date: 22<sup>nd</sup> September 2014**

**Subject: Seek a waiver of CPR 9 in order to engage with the specialist contractor at Queensview Sheltered Housing Complex and Crescent Grange Sheltered Housing Complex for the Fire Safety provision of Automatic Sprinkler System.**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Killingbeck & Seacroft, Beeston & Holbeck	<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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. In 2013 fire risk assessments were carried out in Housing Leeds Multi-Storey blocks, Sheltered Housing Complexes and Low Rise accommodation throughout LCC housing stock. As a result the Housing Leeds Fire Safety Strategy is to focus on the 8 Sheltered Housing Multi-Storey blocks. Marsden Court was completed as a successful pilot in February 2014.
3. Housing Leeds Construction Services will be the principal contractor to facilitate the installation of the Automatic Sprinkler Systems within the 2014/15 approved capital investment programme. It is recommended that Armstrong Priestley are commissioned to install the Automatic Sprinkler Systems having previously carried out the pilot sprinkler system installation in March 2014 at Marsden Court, Farsley.
4. This report requests a waiver of CPR 9 in order to engage with Armstrong Priestley for Queensview, Seacroft and Crescent Grange, Holbeck Sheltered Housing Multi-Storey blocks. For the installation of the further 5 Sheltered Housing Multi-Storey blocks an open procurement will be developed in 2015/16.

**Recommendations**

1. The Director of Environment and Housing approves:
2. That a waiver is sought for Armstrong Priestley to install Automatic Sprinkler Systems to Queensview, Seacroft and Crescent Grange, Holbeck whilst working as a sub-contractor to Construction Services as the Principal Contractor.

## 1 Purpose of this report

- 1.1 To seek the Director of Environment and Neighbourhoods approval to install Auto Sprinkler Systems in two Sheltered Housing Multi Storey Blocks.
- 1.2 To seek a waiver of the contract Procure Rules 9.1 to enable a specialist company to be appointed to undertake the works acting as a sub-contractor to the Councils Construction Services.

## 2 Background information

- 2.1 In 2013/14 fire risk assessments were carried out by the Housing Compliance Fire Safety Team in all multi rise blocks in the city to ensure compliance with the Regulatory Reform (Fire Safety) order, 2005. The 7 multi storey blocks that have sheltered housing were identified as a high risk due to the vulnerable nature of the residents. These blocks are:

Queensview
Crescent Grange
Carlton Croft
Sherburn Court
Rycroft Green
Burnsall Court
Queenswood Court

- 2.2 West Yorkshire Fire and Rescue Service actively promote Automatic Fire Sprinkler Systems (AFSS) as part of a total fire protection package. These systems will;
  - Significantly reduce the risk of injury or death to both residents and Emergency Serviced personnel.
  - Improve customer satisfaction, by improving the sense of well-being.
- 2.3 A letter received in April 2013 from West Yorkshire Fire and Rescue Service Assistant Chief Fire Officer / Director of Fire Safety with concern to the inquest into the tragic deaths of two Fire-fighters 6<sup>th</sup> April 2010 in Southampton.
- 2.4 On conclusion of the inquest HM Coroner issued a Rule 43 letter with recommendations for low level signage to indicate floor levels and emergency exits. The Coroner also encouraged the consideration of retro-fitting of automatic sprinkler systems to all Multi-Storey blocks in excess of 30m in height.
- 2.5 In 2013/14 Leeds implemented the first AFSS in Marsden Court, Farsley a 12 storey block, with 71 apartments and 2 community rooms. This project was the pilot to assess the success of utilising AFSS in the city. West Yorkshire Fire and Rescue Service formally commended the Council for implementing such a system.

2.6 The contractor for the Marsden Court was the Council's Construction Services in partnership with Armstrong Priestly Ltd providing the design and installation of the sprinkler systems.

### **3 Main issues**

3.1 Over the next 3 years Property and Contracts intends to install sprinkler systems in the 7 remaining sheltered housing multi storey blocks. It is planned in the 2014/15 approved capital investment programme that 2 sheltered housing multi storey blocks shall have an AFSS installed. The budget for this has been approved as part of the 2014/15 Capital program in February 2014. These blocks are;

(i) Queensview, Seacroft

(ii) Crescent Grange, Holbeck

3.2 The total estimated costs for the sub contracted component of work to be undertaken by Armstrong Priestley are £221,000.00.

3.3 The remaining 5 Sheltered Housing Multi Storey blocks shall be in an open procurement exercise at an estimated cost of £325,000.00.

### **Reason for Contracts Procedure Rules Waiver**

3.4 It is proposed that the installation of the AFSS for these 2 blocks will be led by Leeds City Council Construction Services, in partnership with Armstrong Priestly Ltd. A waiver is sought due to:

- Soft market testing undertaken for the Marsden Court scheme demonstrated that Armstrong Priestly provided a competitive price
- A full evaluation of the Marsden Ct scheme has only recently been undertaken. The installation of these 2 further blocks were intended to be part of that package.
- Armstrong Priestly installed the proto type in Leeds, at Marsden Court and West Yorkshire Fire and Rescue Service formally complimented the Council on the works undertaken
- There are no Framework in existence that the council could utilise
- Funding has been allocated to undertake this work in this financial year
- Armstrong Priestly is a Leeds based company.

### **Consequences if the proposed action is not approved**

3.5 If a waiver for Armstrong Priestly Ltd is not to undertake the sub contracted works is not approved then:

- The installation of the sprinkler systems would be delivered in 2015/16, a year's delay.
- Furthermore, this may also delay the installation of sprinkler systems in the other 5 blocks due to contractor capacity.
- Whilst such blocks have been assessed as high risk, a delay in the installation of a sprinkler system would not mitigate such a risk.

### **4. Corporate Considerations**

#### **4.1 Consultation and Engagement**

- 4.1.1 Consultation has been undertaken with:
- 4.1.2 all three ward members from both Killingbeck and Seacroft and Beeston and Holbeck wards
- 4.1.3 All residents have been invited to a consultation event on 25<sup>th</sup> September 2014 at Queensview. An event is planned for Crescent Grange to be undertaken before works are commenced.

#### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 An Equality and diversity screening document has been completed (attached in appendix 1)
- 4.2.2 There are no cohesion and integration issues foreseen.

#### **4.3 Council Policies and City Priorities**

- 4.3.1 The installation of sprinklers will fulfil the Council Business Plan seeks to “improve housing” and “improve the quality of life for our residents” by providing a safer environment in which to live.

#### **4.4 Resources and Value for Money**

- 4.4.1 The total estimated costs applied to delivering Automatic Sprinkler Systems is £221,000.00. See link in section 7 background documents for Marsden Court supporting VFM with further financial savings for this project.
- 4.4.2 Due diligence check of the preferred provider 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 Legal Implications, Access to Information and Call In**

- 4.5.1 This decision is a Significantly Operational Decision and not eligible to call in.
- 4.5.2 There are no grounds for treating the contents of this report as confidential within the Council’s Access to Information Rules.
- 4.5.3 Awarding a contract directly to Armstrong Priestley Ltd in this way could leave the Council open to a potential claim from other providers, to whom this contract could be of interest, that it has not been wholly transparent. In terms of transparency it should be noted that European case law suggests that contracts of this value should be subject to a degree of advertising. In giving the work to this provider without competition there is a risk of challenge from other potential providers who have not been given the chance to tender for this opportunity.
- 4.5.4 There is a risk of an ombudsman investigation arising from a complaint that the Council has not followed reasonable procedures, resulting in a loss of opportunity. Obviously, the complainant would have to establish maladministration. It is not considered that such an investigation would necessarily result in a finding of maladministration however such investigations are by their nature more subjective than legal proceedings.
- 4.5.5 Although there is no overriding legal obstacle preventing the waiver of CPR 9, the above comments should be noted. In making their final decision, the Director of Environment & Housing should be satisfied that the course of action chosen represents Best Value for the Council.

## **4.6 Risk Management**

- 4.6.1 If the waiver is not approved, then there the modernization program of installation Automatic Sprinkler Systems in sheltered multi story blocks will be delayed.
- 4.6.2 The contract will be managed and monitored regularly by service area representatives to ensure the benefits of the services are maximised and the contractor's performance will be measured over the life of the contract.
- 4.6.3 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 Following the successful installation of the Automatic Sprinkler System last year in Marsden Court, Housing Leeds have developed a strategy to roll out Automatic Sprinkler Systems in all Sheltered Multi Storey Blocks in the city over the next 3 years. The installation of sprinkler systems in Queensview and Crescent Grange would be undertaken in 2014/15. There will be no further waivers undertaken. The remaining 5 Sheltered Housing Multi Storey blocks by 2017; these remaining blocks shall be procured through an open exercise in 2015/16.

## **6 Recommendations**

- 6.1 The Director of Environment and Housing approves:
- 6.2 That a waiver is sought for Armstrong Priestley to install Automatic Sprinkler Systems to Queensview, Seacroft and Crescent Grange, Holbeck whilst working as a sub-contractor to Construction Services as the Principal Contractor.

## **7 Background documents**

- 7.1 The Marsden Court report was agreed and published, see link:  
<http://livent200/ieDecisionDetails.aspx?ID=40406>