

Report of: Housing and Contracts Officer

Report to: Director of Resources and Housing

Date: 02nd November 2018

Subject: To approve the interim use of the Council's current private adaptation bathing contractors to carry out installation of bathing facilities to domestic properties.

Are specific electoral wards affected? If relevant, name(s) of ward(s):	<input type="checkbox"/> Yes	<input checked="" 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

1. Summary of main issues

- 1.1 This waiver seeks the approval to use the current private bathing contractors on an interim basis as a contingency, to support Leeds Building Services (LBS) in the delivery of their public bathing adaptation programme.
- 1.2 This will be for a period of 12 months pending the completion of a future procurement exercise due to commence early 2019.
- 1.3 The estimated spend of this interim contract will be up to £400,000 across 3 of the main suppliers on the current private adaptations framework. As a result the decision to put this contract in place is a Key Decision and will be subject to call-in
- 1.4 This waiver falls under the **'Approval to waiver Contracts Procedure Rules 9.1 and 9.2 (High Value Procurements) to allow the use of private sector Bathing Contractors to undertake work in domestic properties without seeking competition'** Forward Plan notification published on 21st November 2018.
- 1.5 The current contractors for the private sector have provided a comprehensive delivery service and have gone through a rigorous tendering process, meaning best value will also be achieved.
- 2.1 The purpose of this report is to seek approval from the Director of Resources and Housing to waive Contracts Procedure Rules (CPRs) 9.1 and 9.2 to enable an interim contract to be established with private sector contractors to deliver adaptation works (Bathing) to public sector adaptations for a period of 12 months.

- 3.1 The current Public Sector Bathing adaptation works are delivered by the Internal Service Provider (LBS). The volume of work received can sometimes have an impact on resource pressures for bathing adaptations within LBS.
- 3.2 LBS have an existing Bathing Adaptions framework in place with two contractors Excell and Herbert T. Forrest. However, Herbert T. Forrest are not currently working with LBS and Excell do not perform to the required standard when high volume of works are allocated to them. The adaptations that LBS delivers under bathing works include installation of wet floor showers, over bath showers and low level access/bath replacement trays
- 3.3 The existing private sector contract commenced May 2017 and ends in April 2019 with an option to extend for 2 periods of 12months. Seven contractors were appointed on this private sector contractor list (four main and three reserve contractors) and LBS intend to use three main contractors from the list
- Engie
 - Mears
 - Passmore
- 3.4 It has been agreed not to appoint the 4th main contractor of the Private Adaptations contract (Neo) onto this agreement, due to their commitments on existing Council contracts which have been put in place to support LBS operations.
- 4.1 Due to insufficient sub-contractor arrangements, an interim contract for a period of 12 months is required which will help support the delivery of public sector adaptation bathing works in Council properties during peak periods.
- 4.2 The Estimated annual spend for this interim contract is up to £400,000 per annum

The benefits of establishing this framework on a short term direct appointment, whilst working towards procuring a long term arrangement using a competitive tender approach are that:

- Best value will be achieved as these contractors have gone through a rigorous tendering process;
 - It will allow sufficient time for appropriate procurement activities to be carried out in order to establish a longer term contract to support LBS in the delivery of the planned adaptations programme;
 - The private sector bathing contractors provides an efficient service which they could extend to the public sector when the interim contract is in place.
 - LBS will have access to additional contractors to support them deliver public adaptation (Bathing) works when required
- 4.3 It is proposed that the highest scoring providers on the private sector framework be appointed on to this interim contract and work will be allocated on rotational basis in rank order
- 4.4 In order to ensure that the arrangement entered into is robust and appropriate, it is proposed that a JCT Measured Term Contract is utilised. This is because, it is considered to be minor works and a schedule of rates will be agreed with the contractors to ensure consistency during the course of the contract.

- 4.5 Following a review carried out on the contractors on the existing framework, it has shown they are providing an excellent service and it is anticipated this will be extended to the public sector.
- 4.6 If the proposal is not approved it may result in target completion dates not being achieved on some jobs. If it is approved, this will ensure that LBS are able to meet the demands of Health and Housing as well as increase turnover by undertaking more work.
- 5.1 The Health and Housing team have been consulted on the contents of this report and are in agreement with the proposals.
- 5.2 Both Heads of Service at LBS have also been consulted and support the proposals set out in this report.
- 5.3 The main private sector contractors have been consulted and they have agreed to undertake the work to help support LBS in the delivery of the public sector bathing adaptations work.
- 6.1 An Equality, Diversity, Cohesion and Integration Screening document has been completed. No adverse impacts have been identified.
- 7.1 The effective delivery of the adaptation service contributes to the following Leeds City Council's Priority Plan priorities.
- Best city for health and wellbeing.
 - Support more people to live safely in their own homes
 - Increase the proportion of people with long-term conditions to feel supported to be independent and to manage their condition
 - Best city for children and young people. 'Help children live in safe and supportive families'.
- 8.1 The current contractors for the private sector have provided a comprehensive delivery service and have gone through a rigorous tendering process, meaning best value will also be achieved.
- 9.1 The current agreement between the health and housing bathing contractors and Leeds City Council does not constitute a public contract as defined in the Public Contracts Regulations **2015**. This position has been affirmed by the Procurement Unit.
- 9.2 In order to achieve the financial gains, it is necessary to extend their agreement for a temporary period until the future procurement exercise can be completed later next year.
- 9.3 The decision to enter into an interim agreement with these contractors does represents a key decision. Therefore, it is believed that the decision to enter into the agreement with these contractors is taken through the delegated waiver process to ensure that the decision taken is transparent and accountable.

- 10.1 If a waiver for using Health and Housing Contractors is not approved, LBS will continue to have insufficient capacity to deliver adaptation bathing works. This will impact on being unable to complete adaptations that the tenants are expecting thus impacting on the tenants way of life and the possibility of multiple complaints and bad publicity. This will be in conflict with the Council's best Plan to deliver a high quality service to respond to adaptation needs in a fair, equitable & timely way.
- 10.2 This waiver will ensure that LBS effectively manages these contractors to get the support they need to avoid any disruptions to adaptation bathing works, whilst being provided with the opportunity to establish a robust and fit for purpose contract through a compliant procurement route.
- 11.1 Urgent support is required as we do not have sufficient time to run an appropriate procurement activity. Using existing private sector vetted suppliers whose performance record is proven, will help LBS achieve best value. This waiver is interim whilst we work urgently to rectify the situation with a compliant procurement. The approval of this waiver would ensure the current programme of works could be achieved and alleviate the risk of public complaints and maintain the support given by LBS in order to achieve the wellbeing that the public expects.**Recommendations**The Director of Resources and Housing is recommended to note the content of this report and approve the waiver of Contracts Procedure Rules 9.1 and 9.2 (High Value Procurements). This is to approve the use of private sector Bathing Contractors to undertake work in domestic properties without seeking competition. The contract value is up to £400,000.
- 12.2 The agreement will be for a period of 12 months starting from January 2019 with no option of extension.

Background documents

Health and Housing adaptation bathing documents. February 2017