

## Contract Award – DN521287 – Asbestos Air Monitoring

Date: 23<sup>rd</sup> July 2021

Report of: Head of LBS

Report to: Chief Officer – Civic Enterprise Leeds

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### What is this report about?

#### Including how it contributes to the city's and council's ambitions

- This report seeks approval to award a new framework for a three-year period with the option to extend for 12 months.
- All current analytical needs are being satisfied by our internal service provider West Yorkshire Joint Services (WYJS) carrying out any Air monitoring requests. WYJS do not always have the capacity to respond to all analysis work requests, and therefore additional contractors are needed to support the ability to undertake these tests when needed.
- Authority to Procure was obtained March 2020, and this framework of contractors will ensure compliant and accessible arrangements are available should WYJS not have the capacity to deliver all requirements going forward.
- Work will be allocated on a ranked basis to the framework providers should (WYJS) not be able to take on the works.
- This work will contribute towards the Best City priorities in that it will support the authority in ensuring that both housing and non-housing stock will be of good quality, type, tenure and affordable as well as spending the councils money wisely.

### Recommendations

- a) That the Chief Officer – Civic Enterprise Leeds approves the award of the Asbestos Air monitoring contract to the following organisations:
  - 1) SGS United Kingdom Ltd
  - 2) All Clear Solutions Ltd
- b) These two contractors are in addition to our internal service provider West Yorkshire Joint Services and will only undertake Air Monitoring work should WYJS reach capacity.

- c) The contract will start on the 6th September 2021 for a 3-year period ending 31<sup>st</sup> August 2024 with the option to extend for 12 months. The total cost of the contract including the extension would be £600,000
- d) Recognise that Appendix 1 should be designated exempt from publication under Access to Information Rule 10.4.3.

### Why is the proposal being put forward?

- 1 The purpose of this report is to document the procurement process undertaken, report the results of the tender evaluation process and seek approval to award contracts to two contractors outlined in the recommendations to undertake any works should West Yorkshire Joint Services not be able to so.
- 2 This will be on a ranked basis with the contractor who scored highest in the evaluation having the first refusal to undertake the works, should they not be able to undertake the works then the second contractor will have be given the work.

### What impact will this proposal have?

**Wards affected: All**

Have ward members been consulted?       Yes       No

- 3 A new contract is needed to be put in place to start on the 1st September 2021, so we have sufficient contractors in place to undertake the works as necessary throughout the city.
- 4 Historically Housing Leeds have used West Yorkshire Joint Service (WYJS) as a regional internal service provider as the first port of call with external contractors undertaking the works should WYJS not have the capacity for whatever reason.
- 5 After a review of the needs of the council it was agreed between the Asbestos Team and Leeds Building Services that additional suppliers are still needed to support WYJS and we should therefore appoint two additional contractors to approach when needed.
- 6 This would be on a ranked basis with WYJS having the first opportunity to undertake the work, if they were unable to do so then it would go to the outside contractor who scored the highest in the evaluation, followed by the contractor who scored the second highest in the evaluation.
- 7 In order to maximise both competition and market interest the procurement was undertaken as an open tender process using the government Find a Tender portal.
- 8 The SSQ and tender documents were advertised on the 26<sup>th</sup> January 2021 and closed on the 10<sup>th</sup> March 2021.
- 9 Seven tenderers responded to the invitation that was to be evaluated based on a 60% quality / 40% price split.
- 10 One tenderer (Asbestos Solutions Provider Ltd) was disqualified at this stage due to a failure to submit the tender documentation in time.
- 11 Quality submissions were evaluated by three officers from the Asbestos team within Housing Leeds and LBS. The questions were scored on a consensus basis out of 10 with weighting applied to each question has had been outlined to bidders in the tender documentation. Each tendered was awarded marks for each question and the maximum possible score of 600
- 12 The council's Commercial Quantity Surveyors team within Housing Leeds were responsible for evaluating the Schedule of Rates and pricing submission while verifying their completeness and compliance.

13 The tenderer who submitted the lowest price was given the highest score available (400 points) and the others were given a reduced score based on calculating the percentage difference between their price and the lowest price and then deducting this percentage from the maximum score.

14 The combined Quality & Price scores are as follows

<b>Tenderer</b>	<b>Quality (600 marks)</b>	<b>Price (400 marks)</b>	<b>Total Score</b>	<b>Rank</b>
SGS United Kingdom Ltd	549.5	400	949.5	<b>1</b>
All Clear Solutions Ltd	522.50	364.9	887.4	<b>2</b>
Environtec	515	354.31	869.31	<b>3</b>
Acorn Analytical	432.5	375.92	808.42	<b>4</b>
Asbestos Consultants t/a ACE	461	268.06	768.06	<b>5</b>
Tersus	412.00	352.22	764.22	<b>6</b>
Asbestos Solutions Provider Ltd	N/A	N/A	0	<b>N/A</b>

15 The rates submitted have been benchmarked by the Commercial QS team against the current rates and are deemed to be within acceptable parameters for work of this nature.

#### **What consultation and engagement has taken place?**

16 The asbestos team, Procurement and Commercial Services Legal Team, Strategy & Investment Commercial QS Team and Procurement have all been consulted as part of this process.

#### **What are the resource implications?**

17 Due to the specialist nature of this work neither Housing Leeds or LBS are able to deliver these works in-house, therefore it is necessary to undertake this procurement activity so we have contractors available to deliver the necessary work within the city.

#### **What are the legal implications?**

18 This is a significant operational decision and it is a direct decision of a previous key decision to undertake the procurement. The key decision report is referred to in a link later in the report.

19 Other than the information contained in confidential Appendix 1, there are no grounds for keeping the contents of this report confidential under the Access to Information Rules. The information in Appendix 1 of this report has been identified as exempt/confidential under the Access to Information Rules 10.4 (3). The public interest in maintaining the exemption in relation to the confidential Appendix outweighs the public interest in disclosing the information and financial details which, if disclosed would adversely affect the business of the Council and the business affairs of a number of individual companies.

20 The tenders have been evaluated in accordance with the evaluation criteria set out in the tender documents and therefore, provided the works are still required and affordable the preferred contractors should be appointed.

- 21 In making the final decision, the decision maker should be satisfied that this contract represents best value for the Council.
- 22 A 10-day standstill period has been carried out and ended 4<sup>th</sup> May 2021 in order to allow unsuccessful tenderers to view the outcome of this procurement in an open and transparent manner

### **What are the key risks and how are they being managed?**

- 23 Should Leeds City Council not undertake this work then there would be a risk of only having West Yorkshire Joint Services our internal service provider available to undertake the air monitoring works and could significantly delay completion of works, and being able to reassure tenants their property is safe from Asbestos. Having two external contractors will mitigate any delays as these will be able to undertake any work which cannot be carried out by WYJS.
- 24 Housing Leeds will ensure a contract management plan will be in place for the start of this contract. Regular meetings will take place throughout the duration of the contract and will monitor performance/Key Performance Indicators included within the specification
- 25 Due to the nature of the works (volumes not guaranteed), contractors could potentially reject work if they reach capacity or are unavailable. LBS will closely monitor the contractor and identify reasons for rejection. It should be noted alternative suppliers may need to be sought should the framework not be able to deliver the works offered. This is a risk consistent with the market of Asbestos Analysts, owing to the ad-hoc nature of the air monitoring requirements.
- 26 Financial checks have been undertaken on the proposed contractors and no issues were identified.

### **Does this proposal support the council's three Key Pillars?**

- Inclusive Growth       Health and Wellbeing       Climate Emergency

### **Options, timescales and measuring success**

#### **What other options were considered?**

- 27 As the tenders received in competition are complaint and deemed to provide value for money it is proposed to proceed with the award of a contract to enable provision to be in place from 1<sup>st</sup> September 2021.
- 28 Historically additional contractors were offered 50% of the potential work, however this saw a high level of declined works due to the adhoc and sporadic nature of the requirement. It has therefore been agreed that to allocate works on a ranked basis, to aid in reduction of declined works, and aim to ensure that the Most Economically Advantageous Tender is always approached in the first instance where our internal provider is unable to undertake the works.

#### **How will success be measured?**

- 29 The success of the contract will be measured through a set of agreed KPI's with the contractor that have been clearly outlined in the tender documentation. There will be regular meetings between asbestos officers and the contractor to follow up on the KPI's and address any improvements or efficiencies that can be made to service levels. A contract management plan will also be in place to ensure the successful day to day running of the contract.

## **What is the timetable for implementation?**

30 The current contract has expired therefore a replacement contract needs to be implemented As soon as possible. The contract is for 3 years with the option to extend for a further year potentially leading to a 4 year contract. The contract is to be awarded in August 2021, with anticipated commencement from 1<sup>st</sup> September 2021.

## **Appendices**

31 Appendix 1 – [QS Asbestos Air Monitoring Tender Report](#)

## **Background papers**

32 [Asbestos Removal ATP](#)