

# Report to Cabinet

**17 March 2021**

<b>Subject:</b>	Urban Design & Building Services Asbestos Consultancy Services
<b>Cabinet Member:</b>	Cabinet Member for Inclusive Economic Growth Councillor Danny Millard
<b>Director:</b>	Interim Director – Regeneration and Growth Tammy Stokes
<b>Key Decision:</b>	Yes
<b>Contact Officer:</b>	Service Manager - Strategic Assets & Land, David Harris <a href="mailto:David_harris@sandwell.gov.uk">David_harris@sandwell.gov.uk</a>  Principal Building Services Engineer – Strategic Assets & Land David Webb <a href="mailto:David_webb@sandwell.gov.uk">David_webb@sandwell.gov.uk</a>

## 1 Recommendations

- 1.1 That approval be given to authorise the Interim Director – Regeneration and Growth in consultation with the Head of Finance and Section 151 Officer to award a Term Service contract for Asbestos Consultancy Services, from 1 August 2021 for a period of 4 years.



1.2 That subject to 1.1 above, the Director - Law and Governance and Monitoring Officer be authorised to enter into or execute under seal any documentation in relation to award of the Asbestos Consultancy Services Term Service contracts and/or other agreements as may be deemed necessary.

## 2 Reasons for Recommendations

2.1 Specialist asbestos consultants are required to provide various highly specialist services associated with the management of asbestos including undertaking surveys, producing specifications and providing project management support for asbestos works, as well as offering assistance with the development of asbestos management plans, all of which are critical to ensure the Council complies with the Control of Asbestos Regulations 2012.

2.2 The Council's current arrangements for Asbestos Consultancy Services are due to terminate on the 31 July 2021, having already been extended to facilitate officers undertaking a review of projected future needs (in line with the emerging asset strategy and the work place vision programme rollout) which will lead to a more efficient and effective delivery of asbestos related services.

2.3 The Control of Asbestos Regulations 2012 impose a duty to manage asbestos in buildings. This requires asbestos materials and location to be identified, a register developed such that anyone intending to work in a building can gain assurance that they will not disturb asbestos, and that the duty holder must regularly review the asbestos materials within a building, and develop and maintain an enduring management plan to ensure that any person using the buildings does not become exposed to asbestos fibres.



- 2.4 The duty to hold these records is representative of a significant data management requirement which has traditionally seen 'hard copy' documentation maintained for reference within each building. The proposals currently being considered will see new detailed asbestos surveys carried out the results of which will be utilised to populate an easily accessible, interactive and intelligent database. This live database will then be updated directly following any works or updates to the management arrangements to existing asbestos materials. Once established, this will make the control and management of asbestos within Council buildings more efficient and effective. The asbestos database will be an independent system, with links to current and future asset management systems.
- 2.5 Officers from Corporate Procurement Services and the Urban Design and Building Services business unit have reviewed various routes to market and have concluded that the most practical and economically advantageous solution currently available will be to directly procure an Asbestos Consultancy Services Term Service Contract, with two separate Lots to which different providers will be appointed.
- 2.6 The proposed Asbestos Consultancy Services Term Service Contract has been developed to be more efficient and easy to use and also to better align with the proposed service delivery model using an electronic asbestos management data platform. The service will include all public buildings and schools, and be awarded as two separate geographical Lots, splitting the borough North/South. Tenders for both Lots will be sought on a most economically advantageous basis.
- 2.7 The anticipated value of the proposals for the Asbestos Consultancy Services contract are anticipated to be in the order of a total value of circa. £160,000 pa.



- 2.8 A procurement process is on-going with a programme for new arrangements planned to commence on 1 August 2021. The anticipated value of the proposed arrangements (at circa. £160k) will be above the relevant EU tender threshold, and the proposals will therefore be progressed in full compliance with the Public Contracts Regulations 2015.
- 2.9 The procurement timetable agreed with the Procurement Service Manager is as follows.





SMBC 20034 – Asbestos UDBS

Documentation from Service area	23/12/2020
Publish Tender	05/03/2021
Clarifications Close	16/04/2021
Tender Submission Deadline	23/04/2021
Bids to markers	26/04/2021
Individual marking complete	07/05/2021
Moderation Meeting	10/05/2021
Approval report draft	21/05/2021
Delegated approval	04/06/2021
Standstill letters	07/06/2021
Confirmation of award letter	21/06/2021
Contract set up meeting	05/07/2021
Contract commencement	01/08/2021

- 2.10 Due to the relatively short timeline available to conduct the tender exercise, it is necessary to request delegated authority to award these contracts upon completion of tender evaluation anticipated to occur during May 2021. This will ensure that mandatory standstill requirements are observed, and sufficient time is available to comply with any potential TUPE (of not council staff) requirements. Furthermore, it will allow for an appropriate mobilisation period to be implemented.



### 3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people – Ensure all schools and buildings associated with early years services are operational and safe.
	People live well and age well – Ensure all Sandwell Councils operational buildings are operational and safe, so that essential services can be delivered.
	Strong resilient communities – Ensure all Sandwell Councils operational buildings are operational and safe, so that essential services can be delivered.
	A strong and inclusive economy – The contractor will be obliged to make a contribution to the local economy, this criteria is part of the procurement process.

### 4 Context and Key Issues

- 4.1 The Council’s current arrangements for Asbestos Consultancy Services are due to terminate on the 31 July 2021, having already been extended to facilitate officers undertaking a review of projected future needs (in line with the emerging asset strategy and the work place vision programme rollout) which will lead to a more efficient and effective delivery of asbestos related services
- 4.2 A procurement process is on-going with a programme for new contractual arrangements to commence on 1 August 2021. The anticipated value of the proposed arrangements (at circa. £160k) will be above the relevant EU tender threshold, and the proposals will therefore be progressed in full compliance with the Public Contracts Regulations 2015.
- 4.3 This report recommends that approval be given to delegate authority to the Interim Director – Regeneration and Growth in consultation with the Head of Finance and Section 151 Officer to authorise the award of a Term Service contract for Asbestos Consultancy Services, following the conclusion of the aforementioned procurement process.



## 5 Alternative Options

- 5.1 As the previous framework arrangements have now been extended and are due for retender, alternative options have already been explored. The most economically advantageous solution is still to conduct tender processes in compliance with the Public Contracts Regulations 2015.
- 5.2 The specialist services provided within the Asbestos Consultancy Framework are an essential element of the Duty Holders ability to manage asbestos and comply with the requirements of the Control of Asbestos Regulations 2012, and keep public buildings and schools open, functioning and safe. Operating buildings without the provision of these services would likely lead to a breach of the Control of Asbestos Regulations.

## 6 Implications

<b>Resources:</b>	<p>Financial, The proposed contract values for Sandwell MBC, for the provision of Asbestos Consultancy Services is included within the Property Maintenance Account and the Schools Repairs Accounts.</p> <p>The new contract will place a pressure on the existing budgets due to the enhanced nature of the proposed service delivery model. This however is required to keep pace with ever increasing legislative requirements as with all other compliance requirements currently. The budget pressure will be offset against the existing budgets. This however will impact on other non-critical elements of the service delivery, mainly around reactive and any planned works.</p> <p>Staffing, The new contract and associated systems will have no staffing implications but will allow officers to make more productive use of their term utilising the new software and tools at their disposal to better manage Asbestos in Council buildings.</p>
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	<p>land/building implications</p> <p>The award of the Asbestos Consultancy Services contracts will enable Sandwell Council to fulfil the statutory and regulatory health and safety compliance requirements aligned with managing Asbestos in buildings.</p> <p>Having more accurate and comprehensive asbestos surveys and asbestos related condition information will assist the asset management planning relevant to the proactive estate management of the Council's asset base going forward.</p>
<p><b>Legal and Governance:</b></p>	<p>Legal implications including regulations/law under which proposals are required/permitted and constitutional provisions</p> <p>The tendering process has been fully supported by colleagues within Procurement.</p> <p>Following approval, all contracts will be awarded in accordance with the council's Procurement and Contract Procedure Rules and the Public Contracts Regulations 2015.</p> <p>The sharing of any relevant data for the delivery of this contract will be in compliance with the General Data Protection Regulations</p>
<p><b>Risk:</b></p>	<p>Risk implications, including any mitigating measures planned/taken, health and safety, insurance implications</p> <p>The approval of the recommendations is essential to the mitigation of the risk included in the directorate risk register re compliance with asbestos regulations.</p>



	<p>There are no anticipated changes to current legislation, however the proposals do reflect changes to current operational arrangements which are anticipated to improve the efficiency and effectiveness of the management of Asbestos Services going forward and give the council greater control over the operation and performance of the Contractor(s). This also enables us to work closely with the contractor(s) to ensure a local focus is applied with the opportunity to create wealth.</p>
<b>Equality:</b>	<p>Implications for equality (all aspects and characteristics) including how meeting Equality Duty, equality impact assessments</p> <p>An Equality Impact Assessment was not undertaken as this is a renewal of an existing contractual arrangement. The contract will be monitored to ensure compliance.</p>
<b>Health and Wellbeing:</b>	<p>Implications of the proposals on health and wellbeing of our communities</p> <p>The management of asbestos is a statutory requirement and by ensuring compliance this enables the Council to safeguard the health of Council employees and visitors to Council buildings against the risk of asbestos and asbestos related illness.</p>
<b>Social Value</b>	<p>Implications for social value and how the proposals are meeting this (for e.g. employment of local traders, young people)</p> <p>Due to the nature of the contract there are no direct Social Value and Community Wealth building implications however there are indirect benefits associated with ensuring local investment (and professional development opportunities for Council employees) wherever possible.</p>

