

CABINET

Date of Meeting	Tuesday 19 th June 2018
Report Subject	Housing Asset Management, Capital Works – Joint procurement with Wrexham County Borough Council and Denbighshire County Council for Licensed Asbestos Removal & Remedial works
Cabinet Member	Deputy Leader of the Council and Cabinet Member for Housing
Report Author	Housing Capital Works Manager
Type of Report	Operational

EXECUTIVE SUMMARY

The report seeks approval from Cabinet to enter into a Joint procurement arrangement with Wrexham County Borough Council and Denbighshire County Council to procure Licensed Asbestos Removal (LAR) contractors, through the Proactis Procurement process, to undertake the following:

- Licensed asbestos removal works (ASB5) HSE Notification.
- Notifiable Non-Licensed asbestos removal works (ASB1NNLW1)
- Non-Licensed asbestos removal works
- Removal of Fly Tipped asbestos containing material.
- Asbestos removal, encapsulation, repair, treatment work to domestic void and occupied properties (Housing)
- Asbestos removal, encapsulation, repair, treatment work to non-domestic properties, including but not limited to: schools, communal blocks, farms, industrial units etc. (Corporate)
- Collection of asbestos waste at any location throughout the client County.
- Remediation of fly tipped asbestos at any location throughout the client County.
- Providing general advice on asbestos remediation.
- Full emergency decontamination response service.

- Out of hours emergency response call out service.
- Remediation of asbestos contaminated: land, soil, run-off water, aggregate and construction & demolition materials.
- Enabling works involving other allied trades, where required.

RECOMMENDATIONS

1	Cabinet approve the joint procurement of Licensed Asbestos Removal Contractors, with Wrexham County Borough Council and Denbighshire County Council, to procure a Framework of contractors to carry out all asbestos related activities.
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REPORT DETAILS

1.00	BACKGROUND & OVERVIEW
1.01	Wrexham County Borough Council, Denbighshire County Council and Flintshire County Council wish to procure a framework of suitably qualified, accredited and licensed asbestos removal contractors to carry out work to its portfolio. The agreement will run for two years with an additional two years extension being granted, based on performance.
1.02	The contractor in first place on each 'lot' will be given the majority of the work with the second and third place contractor being utilised as workload dictates. Each contractor appointed to the framework 'lots' will be given the opportunity to price for bespoke projects that may arise during the contract term, in the respective area. The contractor who secures first place on each 'lot' must be able to respond to emergencies during normal working hours, evenings, weekends and bank holidays, (additional rates applicable for out of hours). There will be a maximum of three nominated contractors for each of the three lots and tenderers are welcome to bid for, and may be appointed to, one or more 'lots'. Submitted rates must remain open for consideration for not less than 16 weeks from the date fixed for return of tenders.
1.03	The tender will be split into three geographical 'lots', based on each Council's location and one General Lot covering all three locations.
1.04	Evaluation of all tenders will be based on the Most Economically Advantageous Tender (MEAT) considering the following factors, in order of priority: - Price 70% and Quality 30%.
1.05	The Council will evaluate tenders as detailed above, and enter into a JCT

	framework agreement with the three most favourable, and compliant, contractors on each lot providing quality scores are over the 55% minimum pass threshold.
1.06	The most economically advantageous tenderer on each 'lot', based on price and quality will be allocated work as first choice and this will continue unless the financial limit or number of outstanding jobs, assessed by the client and based on the tenderer's financial appraisal is exceeded. The second most economically advantageous tenderer will then be allocated work, and the same rules will apply. The third most economically advantageous tenderer will then be allocated work on the same principal. Should any authority have bespoke situations that are beyond the scope of the schedule of rates, they will carry out a mini-tendering exercise between all the contractors appointed to their respective lot.
1.07	The Articles of Agreement will be the binding JCT Framework Agreement 2016 (FA) issued by the Joint Contracts Tribunal under the sanction of the Royal Institute of British Architects, the Building Employers Confederation and other interested parties.
1.08	Each Council has been set a particular area of work to tender; to ensure the workload is allocated evenly over the three areas.
1.09	Flintshire and Denbighshire County Councils have been tasked with completing the Asbestos removal section of the procurement.
1.10	Wrexham County Borough Council have been tasked with completing the Analytical and Surveying section of the procurement.
1.11	Due to the implementation of the revised Contract Procedure Rules (CPR) in November 2016, it is a requirement under CPR rule 2.7.2 iii) that Works valued over £2,000.001 is approved by Cabinet via recording on a Cabinet Report with an accompanying Procurement Commissioning Form detailed in CPR 2.5 (attached as appendix A).

2.00	RESOURCE IMPLICATIONS
2.01	Officers from all three councils will be involved in the procurement process.
2.02	Annual budgets are set and approved by Cabinet.
2.03	Spend on asbestos removal for Flintshire County Council in 2017/18 was approximately £540,000. Projected spend for 2018/19 is £630,000 onwards. Over a four year contract (two year + Optional two year) this contract value will be estimated at £2.52 m.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	As this item relates to property compliance, no consultation with tenants is required.

4.00	RISK MANAGEMENT
4.01	Asbestos is classified as a category 1 carcinogen, with asbestos related disease causing around 5,000 deaths every year in the UK. Work with asbestos requires a high degree of regulatory control and the purpose of licensing is to achieve this and as such all invited Contractors will hold a HSE licence.

5.00	APPENDICES
5.01	Appendix A - Procurement Commissioning Form

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None Contact Officer – Sean O’Donnell Job Title – Capital Works Team Manager Telephone - 01352 701642 Email – sean.o’donnell@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Framework – a Contract Framework is an agreement between one or more contracting authorities and one or more economic operators. These frameworks have Contractors, Consultants and Suppliers that have been successful in joining the specific work categories. The Council often uses these frameworks to procure works that have already gone through a tender process in line with OJEU and can be utilised to procure works or services.