1 Executive Summary

1.1 A programme of fire risk assessments (“FRAs”) in the Council’s housing blocks has identified a significant number of non-compliant or minimum standard flat entrance doors recommended as requiring replacement. An extensive programme to replace these doors with FD30S doors is required to ensure compliance with fire safety standards and keep residents safe from the risk of fire.

1.2 This report seeks approval for that programme of works to be carried out together with approval of the proposed procurement process for the supply and installation of replacement doors through the London Housing Consortium (LHC) Framework Agreement to appoint a single supplier to undertake the works.

2 Recommendations

2.1 For the reasons set out in this report, Cabinet is recommended to agree:

2.1.1 the replacement of all non-compliant or minimum standard flat entrance fire doors in Council housing blocks as identified and recommended in the FRAs undertaken at those blocks so as to ensure the Council’s
compliance with fire safety standards and legislation;

2.1.2 to delegate authority to the Acting Director of Housing to implement and execute the necessary programme of works and actions to achieve such compliance;

2.1.3 that the supply and installation of the replacement fire doors be procured by way of call-off for the works made from the LHC Framework following a mini-competition process amongst the providers appointed to that Framework; and

2.1.4 to delegate authority to the Acting Director of Housing, following consultation with the Mayor and the Lead Member for Housing, to award the final contract and to finalise all relevant contract documentation, arrangements, activities, procurement and financial procedures in relation to that award.

3 Background

3.1 Under the Regulatory Reform (Fire Safety) Order 2005 the Council is required as a landlord to undertake FRAs to the communal parts of the residential blocks it owns and manages. A programme of FRAs in all the Council’s housing blocks was undertaken between August 2018 and July 2019.

3.2 The FRAs identified approximately 3500 flat entrance doors as either non-compliant or meeting only the minimum standard and recommended their replacement. Any doors fitted within or adjacent to communal areas or in an area that may be passed in the course of escaping from fire must have a fire resistance of not less than 30 minutes when tested in accordance with British Standard BS 476: Part 22:1987 (or equivalent European Standard). Glazing in any fire resisting door, wall, partition or screen should comply with British Standard Published Document PD6512: Part 3:1987.

3.3 The majority of doors identified as requiring replacement belong to flats let to the Council’s secure tenants. For leaseholders, under the terms of their lease the responsibility for flat entrance doors rests with the leaseholders themselves. Evidence of compliance will be requested and if not provided the Council may seek to undertake the works in default and recharge.

3.4 The procurement process proposed is for the supply and installation of the replacement doors to be procured through the conduct of a mini-competition under the LHC Framework Agreement to appoint a single supplier to undertake the works. The framework was established to assist social housing providers to meet their legal obligations. It is an OJEU and Public Contract Regulations 2015 compliant and pre-qualified framework agreement. The relevant Lot is (C7) for the supply and installation of Entrance Doorsets and Associated Products. The Framework affords participating authorities with an option to either directly award a contract or to use a call-off process involving a mini-competition with appointed companies that have declared an interest in the project. All products available under the framework meet relevant British and European standards. The award weighting criteria are set out in the Framework for pricing, essential requirements, sustainability and quality although the Framework allows these to
be modified to support the buyer’s individual needs.

3.5 It is proposed to commence the first tranche of 900 replacement flat entrance fire door works in 2019/20. All 900 properties are occupied by the Council’s secure tenants. It is anticipated that, subject to Cabinet approval of the recommendations in this report, these works can commence by the end of this calendar year with a duration of approximately 6 months.

3.6 Future tranches of work comprise a programme of approximately 1500 properties in 2020/21 and a further 500 properties in 2021/22 (with the remaining works to approximately 500 properties being carried out during void works or the execution of other capital improvement programmes).

4 Key Considerations & Proposals

4.1 The programme of works and associated procurement is proposed in order to allow the Council to continue to deliver its commitment to ensure resident safety.

4.2 The properties where works will be carried out are held in the Housing Revenue Account. Accordingly, the cost of replacing flat entrance fire doors will fall to the HRA.

4.3 Funding has been identified and is within the approved budget allocation for Fire Safety Works as part of the HRA Capital Programme. It is anticipated that the approximate cost of each door replacement will be in the region of £1000. A total budget of £3m for fire door replacements has been approved for both the current and next two financial years, of which £1m was assumed to be spent in 2019-20, £1.5m in 2020-21 and £0.5m in 2021-22.

4.4 LHC frameworks are well established and used by publicly funded contracting authorities for the procurement of works, goods and services to construct, refurbish and maintain social housing, schools and public buildings.

4.5 The successful tenderer will fully undertake this work without sub-contracting any element.

4.6 The LHC has approved the use of the Council’s own pre-defined evaluation criteria. Following approval by Full Council on 16 September 2019 of the recommendations in the Procurement Review of Evaluation Weightings Report introducing the new approach to be taken to the price/quality split, it is considered appropriate to treat fire door procurement as falling within the Strategic category of procurement. The installation of 3500 compliant fire doors is a key residential service and of paramount importance to fire safety. Using the greater discretion permitted for a range of weightings under the Strategic category of procurements, it is proposed to adopt a 50/50 weighting for this project.

5 Policy Implications & Corporate Priorities

5.1 Achievement of value for money.

5.2 Reduced expenditure

5.3 The replacement of flat entrance doors will increase the thermal efficiency of
residential buildings. In turn, this supports energy efficiency measures and the Council's Climate Change strategies.

6 Alternatives considered
6.1 The Council's in-house repair and maintenance team, RMS, does not have the capacity to undertake a project of this nature.
6.2 A full OJEU procurement process has been considered. Many of the suppliers in the market capable of undertaking these works have been appointed to the LHC framework already and this process would attract additional costs and time with no added benefits.

7 Consultation
7.1 Name of Lead Member consulted: Councillor John Gray
   Position: Cabinet Member, Housing Services and Deputy Mayor (Statutory)
7.2 All residents affected by the works will be consulted prior to commencement of the work.
7.3 In addition, Lead Members will be consulted throughout the progression of this project.

8 Implications
8.1 Financial Implications
   8.1.1 This report seeks approval to utilise the LHC managed framework for the fire door replacement programme.
   8.1.2 The estimated value of the proposed programme of works is £3m; the cost is based on identified doors being replaced at a cost of approximately £1k each with fees of approximately 5%.
   8.1.3 Accessing a framework is a more cost-effective solution than undertaking an OJEU procurement. As an existing member of the LHC framework, the Council is offered the opportunity for a rebate to be provided dependant on the value of framework call-offs across the Council within a yearly period and therefore the potential benefit cannot be predicted at this stage.
   8.1.4 Through undertaking the works as a larger scale project compared to ad-hoc door replacement works, there are economies of scale savings that can be achieved.
   8.1.5 The funding of this scheme is within the approved budget allocation for Fire Assessment Works as part of the HRA Capital Programme. This will be monitored as part of the budget monitoring and capital monitoring process.
8.2 **Legal Implications**

8.2.1 The key statutory requirement in relation to fire safety in residential buildings is the Regulatory Reform (Fire Safety) Order 2005. Landlords must take such general fire precautions as may be reasonably required to ensure that premises are safe (Reg.8). General fire precautions include measures to reduce the risk of fire and the risk of spread of fire on the premises (Reg 4). For the purpose of identifying the general fire precautions necessary to comply with the duties imposed by the Fire Safety Order, landlords are required to undertake regular assessments by a competent person of the fire safety risks of a residential block of flats (Reg 9).

8.2.2 Recommendation (1) in this report (approval to replace non-compliant flat entrance fire doors) is consistent with the satisfactory discharge of the duties imposed on the Council by the Fire Safety Order.

8.2.3 The Housing Revenue Account (HRA) specifically accounts for spending and income relating to the management and maintenance of council-owned housing stock. The works to be procured under this contract will be used in respect of HRA-owned properties as set out in section 74 of the Local Government and Housing Act 1989.

8.2.4 The LHC Framework is compliant with the Public Contracts Regulations 2015. The Contract Award Notice (OJEU Ref: 2016/S 048-079105) was dispatched on 4 March 2016 and the Framework Agreement was executed on 1 March 2016. Participating authorities therefore have until 29 February 2020 to call-off a supplier from this Framework.

8.2.5 The Council’s Contract Standing Order 19.2 requires officers to hold a (mini) tender exercise where the Framework Agreement being used has a number of contractors and has provision for the conduct of competitive tendering with all or selected Framework Contractors (subject to any specific requirements of the Framework).

8.2.6 The LHC Framework affords participating authorities with an option to either directly award a contract or hold a mini-tender. As set out in this report above, officers propose to conduct such a mini-competition in accordance with CSO 19.2.

8.2.7 As the contract value exceeds £250,000 the contract must be executed as a deed by the affixing of the Council’s seal. The call-off contract must therefore be sent to Legal Services to be executed.

8.3 **Equalities Implications**

8.3.1 LHC frameworks are based on regional lots enabling a diverse range of organisations to apply including SMEs. However, the Entrance Doorsets and Associated Products (C7) Framework comprises specialist manufacturers; the number of new entrants to the market is low and the majority of suppliers appointed to the framework are long-established, larger organisations.
8.3.2 As part of the pre-qualification stage of the framework procurement undertaken by LHC, tenderers were required to provide evidence that they meet the requirements of the positive equality duties of the Equalities Act 2010.

8.4 Other Implications relevant to this report:

8.4.1 The Strategic Procurement Unit is working closely with the service to ensure the works are delivered at the best value to the Council.

9 Background Information used in the preparation of this report

9.1 Checkpoint 1 report with panel comments 10\textsuperscript{th} June 2019