

9th March 2022

Report of	Assistant Director of Place & Client	Author	Geoff Beales ☎ 506514
Title	Award of a Contract for Asbestos Surveying to social housing stock and corporate buildings (Ref: 0259)		
Wards affected	All		

1. Executive Summary

- 1.1 This report requests that Cabinet grant authority to procure a contract to deliver the asbestos surveying services to properties directly managed by Colchester Borough Homes and commercial and corporate buildings managed by Amphora across the borough, in accordance with statutory duties relating to asbestos regulations.
- 1.2 The contract is designed to provide a systematic review of properties to ensure that the management and control of asbestos within residential and corporate buildings is effectively managed and appropriate control measures are in place to comply with asbestos regulations.
- 1.3 The contract aim is to deliver an effective asbestos surveying service and maintenance regime that will result in continuing to keep residents' homes and corporate buildings safe and secure by delivering an effective surveying service that identifies the management control and action required to maintain effective management of asbestos.
- 1.4 The programme is intended to renew all asbestos surveys to Colchester Borough Council's housing stock and corporate assets. This will be conducted over an anticipated 4-year period. The aim is for all properties to remain compliant and to complete surveys and ensure suitable and relevant documents are in place for each property in line with the 2012 asbestos regulations.
- 1.5 The funds will be contained within the General Fund and the Housing Revenue Account capital budgets for Council owned accommodation over four years from April 2022.

2. Recommended Decision

- 2.1 To agree to appoint Environmental Management Services to conduct the asbestos surveys to the Colchester Borough Council residential, commercial, and corporate properties.
- 2.2 To agree to enter with the successful contractor into a contract for two years with the possibility to extend for up to two years (24 months), at the Council's discretion and subject to performance. The anticipated start date is 1st April 2022.

- 2.3 To agree that should the preferred supplier withdraw Cabinet endorse the appointment of the contractor in second place in consultation with the Portfolio Holder for Resources and the Portfolio Holder for Housing and Planning.

3. Reason for Recommended Decision

- 3.1 Under the Council's constitution contracts with a value of over £500,000 require Cabinet approval unless otherwise delegated. Although the Housing Revenue Account contract awards have been delegated awards in the General Fund have not.
- 3.2 The award of the contract for asbestos surveying has been subject to an open procurement exercise in line with corporate procurement requirements.
- 3.3 The recommended bidder has provided the best offer based upon the evaluation of their bid price, qualitative submission, and Social Value offer.

4. Alternative Options

- 4.1 Not to appoint a contractor would have a direct impact on the delivery of planned and reactive works to the stock. This would also compromise compliance with legislation which could lead to properties that would result in either, the properties becoming non decent and right to repair or disrepair claim(s) being made by residents not being able to be actioned.
- 4.2 Not to appoint the highest scoring contractor may result in a legal challenge under the Contract Procedure Rules.

5. Background Information

- 5.1 The Council owns almost 6,000 affordable homes, benefitting people in need of social housing. The housing stock is managed through an Arm's Length Management Organisation (ALMO), Colchester Borough Homes (CBH).
- 5.2 The Council also owns corporate buildings which are managed by Colchester Amphora Trading Limited. Colchester Borough Homes manages the asbestos surveying on behalf of the Council who maintain responsibility for the buildings.
- 5.3 Each year several maintenance contracts are procured and managed in accordance with a Housing Investment Programme that keeps these homes in a suitable condition, as part of an ongoing planned approach set from the HRA Asset Management Strategy and 30-year HRA Business Plan.
- 5.4 Colchester Borough Homes has been delivering a continuous programme of asbestos surveys to Colchester Borough Council's housing stock and corporate buildings.
- 5.5 The programme is intended to renew all asbestos surveys to Colchester Borough Council's housing stock and corporate and commercial assets. This will be conducted over an anticipated 4-year period. The aim is for all properties to remain compliant and to complete surveys and ensure suitable and relevant documents are in place for each property in line with the 2012 asbestos regulations.
- 5.6 Colchester Borough Homes previously conducted a large-scale project to survey the housing stock approximately 10 years ago. It has been highlighted that a significant number of these surveys are becoming outdated and therefore should be undertaken again.
- 5.7 These works were identified during an internal compliance audit; ACM's (aluminium composite materials) have been removed during previous works with no current asbestos survey to confirm they are no longer present. The initial goal will be to re-survey the oldest property reports whilst tying in with the Capital Programme to ensure the relevant survey is in place.
- 5.8 The tendering process was managed by the Colchester Borough Council's Senior Procurement Consultant via the e-tendering system (BiP Solutions Ltd, Delta e-sourcing Portal). The tender opportunity was issued on 15th December 2021 with a return date of 12:00 on 17th January 2022. There were 30 expressions of interest, which translated into 13 bids being received, which were opened on the 17 January 2022.
- 5.9 The work was fully specified by Colchester Borough Homes in line with current Building Regulations, housing regulation note on asbestos (HSG 24) and the control of asbestos regulation (CAR 2012). Tender submissions were sought for the asbestos surveying of Colchester Borough Council housing stock, corporate and commercial assets.
- 5.10 The weighting of the scoring was 45% technical, 45% price and 10% Social Value (submitted via the Social Value Portal). The results of the evaluation can be found in the Part B Confidential Report on this agenda item.
- 5.11 Under the control of asbestos regulations a Duty Holder must be appointed to manage the ACMs within their stock. For commercial and corporate properties or areas of a domestic building where there are shared facilities; Regulation 4 applies. The landlord must identify (and control) asbestos. Other relevant parts of the asbestos regulations, Health and Safety at Work Act, Construction Design and Management Regulations (Reg

10) and/or the Management of Health and Safety at Work Regulations 1999 should be used to ensure that an appropriate asbestos survey, including sampling, is commissioned by the employer or client initiating the work, before building, refurbishment, maintenance or demolition work takes place in any domestic or non-domestic property. There is a Health and Safety Executive advisory note for social landlords on refurbishment of housing stock that is likely to contain asbestos.

5.12 The duty holder must ensure asbestos management plans are in place. These plans are written to manage that risk and ensure it has been prepared and that the plan is put into effect to make sure that:

- Any material known or presumed to contain asbestos is kept in a good state of repair
- Any material that contains or is presumed to contain asbestos is, because of the risks associated with its location or condition, repaired and adequately protected or, if it is in a vulnerable position and cannot be adequately repaired or protected, it is removed
- Information on the location and condition of the material is given to anyone who is liable to disturb it or is otherwise potentially at risk

5.13 CBH will continue to manage the contract on behalf of the Council through their role as contract administrator which will include managing day to day issues and arrangements of the contract and will act as the main point of contact for all parties through the nominated representative.

6. Equality, Diversity and Human Rights implications

6.1 Implications for Equality, Diversity and Human Right will be considered in all contracts awards. However, it is generally thought that investment in and the appropriate maintenance the Council's housing stock has overwhelmingly positive implications for tenants and residents of the Borough and the effective management of corporate buildings

6.2 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.3 The recommendations will have no disproportionate impact on any protected group. The Equality Impact Assessment for the Council's Housing Investment Programme is [here](#).

7. Standard References

7.1 The Strategic Plan sets out clearly the Council's priorities. The budget process has been designed to ensure that resources are allocated to meet these priorities.

7.2 This decision particularly contributes to the renewed commitment to ensure all stock is compliant.

Responding to the Climate Emergency

Reduce carbon emissions to help achieve a zero-carbon footprint for Council services for 2030

Environment and sustainability imbedded in all Council decision making and the adaption and recovery from Covid-19

Tackling the causes of inequality and support our most vulnerable people

Support people to live in healthy homes that meet their needs

Increase the number, quality, and types of homes

Improve existing Council homes to keep them in good repair and improve energy efficiency

Continue to improve and modernise available housing for older people

Prevent households from experiencing homelessness

Work with partners to deliver the 2020-23 Homelessness and Rough Sleeping Action Plan

Intervene early to prevent homelessness and work in partnership with other organisations to sustain people's accommodation

Tackle rough sleeping in the Borough

Enable economic recovery from Covid 19 ensuring all residents benefit from growth

Ensure our Borough becomes stronger post Covid 19 by supporting businesses to recover, adapt and build resilience

Develop opportunities to ensure the new economy is greener, sustainable, and more resilient

Create an environment that attracts inward investment to Colchester help businesses to flourish

Encourage green technologies and innovative solutions to the Climate Emergency

Maximise the social value benefits derived from third party contracts

Ensure the Council's assets continue to contribute to economic growth and opportunity

8. Consultation

- 8.1 Tenants of all housing stock have been consulted as part of a review of the Asset Management Strategy. The Asset Management Strategy includes specific reference to a suitable Procurement Strategy for HIP works. In relation to the corporate buildings managed by Amphora there is a duty to undertake regular inspections of properties where asbestos materials are contained

9. Publicity Considerations

- 9.1 All residents are notified of major contract awards via the Resident Newsletter. Affected tenants are notified well in advance of works taking place and consulted about the specific impact on them and their household.

10. Financial implications

- 10.1 The budgets for the Housing Investment Programme were presented to Cabinet on the 26 January 2022 and will be within the 30-year HRA Business Plan and approved budget for 2022-23.

11. Health, Wellbeing and Community Safety Implications

- 11.1 The continuous programme of refurbishment works has positive implications for the specific wards and residents who are having the works undertaken on their respective properties. The continuous surveying programme for corporate buildings ensures that the public and staff are within a safe environment
- 11.2 Improved buildings and estates reduce anti-social behaviour and crime, improve health and associated outcomes for residents and communities. Recent medical reports have identified, more than ever, that the quality of housing has a significant impact on the health of residents within those properties.

12. Health and Safety Implications

- 12.1 Contractors bidding for these works are expected to demonstrate a strong track record and high level of competence in managing Health and Safety through the procurement process. Health and Safety will be managed daily by the contractors, although the Council retains its CDM responsibility with the Client and has ultimate responsibilities.

13. Risk Management Implications

- 13.1 A risk register will be created by the winning contractor and actively managed throughout the project. CBH also have their own risk register that they manage on behalf of CBC as project managers.

14 Environmental and Sustainability Implications

- 14.1 All asbestos waste taken from Colchester Borough Council assets must be fully compliant. The contractor will hold the appropriate waste carriers license and provision of a consignment note detailing waste type, quantity and location of disposal.
- 14.2 Correct identification of materials will ensure that hazardous waste is disposed of correctly and will not result in intentional or accidental disposal of the waste with other materials resulting in contamination.
- 14.3 Concise records of ACM condition and location will assist with the duty to manage under the regulations and help to prevent contamination of land and areas surrounding the ACM.

Appendix 1 - Evaluation of tender submissions – see Part B not for publication report for results of the tendering process