

**NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER**

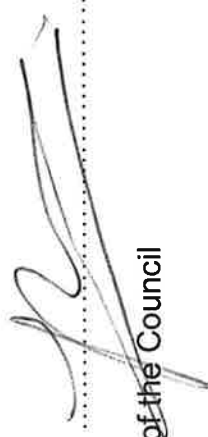
Section 15(4) of the Local Government Act 2000, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

I, J-P Campion, as Strong Leader, delegate to the Cabinet Member for Transformation and Localism: Nathan Desmond the decisions to: **approve the evaluation models and delegate to the Director of Community Assets and Localism the power to award the contract in line with evaluation** detailed in the Cabinet decision for strong leader approval report:

Dated:

6/12/12.

Signed:



Leader of the Council

**NOTICE OF DECISION OF CABINET MEMBER**

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me by the Leader, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Building and Gas Plant Maintenance and Repair Contract	To approve the evaluation models and delegate to the Director of Community Assets and Localism the power to award the contract in line with evaluation detailed in the Cabinet decision for strong leader approval report	To ensure a new competitive contract is in place following the expiry of the current arrangements and to secure the best value for the Council	18/12/12

**I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.**

18/12/12  


Dated:

Signed:

Nathan Desmond Cabinet Member for Transformation and Resources:

**WYRE FOREST DISTRICT COUNCIL**

**CABINET DECISION FOR STRONG LEADER APPROVAL**

**SEPTEMBER 2012**

**Provision of Repairs and Maintenance Contract and Gas Plant Maintenance.**

<b>Exempt</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b>	Stronger Communities
<b>CORPORATE PLAN THEME:</b>	Delivering Together With Less
<b>CABINET MEMBER:</b>	Cllr John Campion / Cllr Nathan Desmond
<b>DIRECTOR:</b>	Director of Community Assets and Localism
<b>CONTACT OFFICER:</b>	Richard Hall - Ext 2717 Richard.hall@wyreforestdc.gov.uk
<b>APPENDICES:</b>	

**1. PURPOSE OF REPORT**

- 1.1 Approval of the Cabinet is required by the Contract Procedure Rules to enter into a procurement exercise where the value of the purchase is over £170,000.
- 1.3 To grant Delegated authority to the Director of Community Assets and Localism in consultation with the Cabinet Member for Resources and Transformation to award the repairs and maintenance and gas plant maintenance contract

**2. RECOMMENDATION**

2.1 That the Cabinet:

- 2.1.1 approves the Lot 1 tender evaluation model;
- 2.1.2 approves the Lot 2 tender evaluation model;
- 2.1.3 grants delegated authority to the Director of Community Assets and Localism in consultation with the Cabinet Member for Resources and Transformation to award and enter into the Building Repairs and Maintenance Contract for a five year term in accordance with the approved evaluation model; and
- 2.1.3 grants delegated authority to the Director of Community Assets and Localism in consultation with the Cabinet Member for Resources and Transformation to award and enter into the Gas Plant Maintenance Contract for a five year term in accordance with the approved evaluation model.

### 3. **BACKGROUND**

- 3.1 The repairs and maintenance Contract between Wyre Forest District Council and Wyre Forest Community Housing Group will come to the end in December 2012.
- 3.2 This current contract began in 2008 following the Councils disposal strategy and rationalisation of its assets incorporating the decision to move towards Centralised Office Accommodation. It was deemed that following the disposal of our vacated properties and the move to Centralised Head Quarters there would be a reduced requirement for a Direct Labour work force employed by the Council.
- 3.3 , A Repairs and Maintenance Contract with Community Housing Group (CHG) was entered into including the TUPE transfer of all the trade operatives and supervisors. CHG have continued to maintain the Council's buildings when requested on the basis of agreed costs. The current contract with CHG is due to expire on 31<sup>st</sup> December 2012.
- 3.4 In order to ensure that Council premises continue to be maintained it is essential that a new repairs and maintenance contract is entered into. The scope of the contract will cover planned and reactive maintenance. Specialist works are likely to fall outside of this contract.
- 3.5 The gas plant repair and maintenance is currently carried out by Lords combustion. At present the work is carried out on an "as required basis" and it is important that the maintenance arrangements are formalised, particularly in light of the move to Wyre Forest House.
- 3.6 The contracts are similar in nature and may both be of interest to the same potential tenderers. For the purpose of efficiency of use of resources and also the potential to gain economies of scale where a contractor is interested in both, the contracts are being let under the same procurement process but are kept as two lots. This is in line with new EU guidelines to aid SME's to bid for public sector contracts.
- 3.7 It is possible that the Transfer of Undertakings (Protection of Employment) Regulations may apply to employees of CHG. Officers are currently in discussion with CHG as to whether any staff would meet the requirements to transfer.
- 3.8 The Council have appointed a quantity surveyor to aid in the preparation of the pricing schedule and specification for lot 1.
- 3.9 Stock condition surveys will be carried out and used to create a planned maintenance schedule which will form part of contracted work. The planned maintenance element will take place over the length of the contract.
- 3.10 The indicative time table is as follows

No.	Description	Date
1	Strong Leader Report Approved	
2	PQQ issued	
3	PQQ return	
4	PQQ evaluation	
5	ITT issued	
6	ITT Returned	

7	ITT evaluated	
9	10 day standstill period	
10	Contract award	

#### **4. KEY ISSUES**

- 4.1 The contract will be divided into two lots. Lot 1 being the repair and maintenance of buildings and Lot 2 being the gas plant repair and maintenance.
- 4.2 The contract will be split into two lots as specialist knowledge will be required for the Council's ground source heat pump that has been installed into the new headquarters. This will also give smaller suppliers the opportunity to bid for the contract.
- 4.2 The current contract for building maintenance expires in December 2012.
- 4.2 The new contract will be for 5 years with the option to extend for a further two one year periods
- 4.3 As per rule 46 of the Contract Procedure Rules approval has been granted by the Director of Community Assets and Localism to increase the contract period over 5 years
- 4.4 As the total estimated value of the contract exceeds the EU threshold of £173,559 the Council is required to enter into the full EU procurement procedure. The contract has been advertised as following the restricted procedure allowing a pre-qualification stage.
- 4.5 As part of this procedure an OJEU (Official Journal of the European Union) notice was issued seeking expressions of interest from suitably qualified contractors.

#### **5. TENDER EVALUATIONS**

- 5.1 The procurement is being run under the EU restricted procedure and therefore will be in two stages. The first stage will be in the form off a Pre Qualification Questionnaire (PQQ).
- 5.2 The PQQ will be used to evaluate areas such as the contractors finances, health and safety, experience, quality processes in place etc
- 5.3 A minimum of 5 contractors must be brought forward from the PQQ stage to stage 2, the tender stage.
- 5.4 At the tender stage the award of both lots will be based on a 65/35 split in favour of quality over price.
- 5.5 The quality criteria and associated weightings for Lot 1 building maintenance will be as follows.

No.	Quality Criteria	Weighting
1	Explain your works processing system from receiving	20

	a works order from a customer through to completion detailing how the flow of information is communicated. Please include an example of work in progress and completed works report.	
2	Please explain how standards are monitored and maintained	20
3	Method statement and Risk Assessment for replacing an second floor external window in a two story listed building which verges on a public footpath.	15
4	Please show how the Council can track work requests issued through your system.	10
5	Please show how the Council's work requisition form would integrate into your system and how you would propose to improve the Councils form	10
6	Please explain your out of hours emergency call out procedure.	10
7	Please provide examples of your current priority coding and response times	5
8	Please explain your processes and timescales for returning completed quotations.	5
9	What happens if the work takes less/more time/cost than estimated	5

5.6 The quality criteria and associated weightings for Lot 2 - Gas Plant Maintenance is as follows

No.	Quality Criteria	Weighting
1	Please list what is included in a maintenance visit for 1 No. Clyde 357kW natural gas boiler, 12 section model estimated to be in excess of 20 years old. Nuway NGN420 Burner unit, Canned rotor pumps with inverter drive units fitted to the primary circuit. Control via a Siemens PXM10 controller and a diverting valve providing a vt circuit.	20
2	Please list what is included in a maintenance visit for the Councils ground source heat pump including heat exchange.	20
3	Please list what is included in a maintenance visit for two AHU's with cooling batteries which serve a new extension. AHU's are controlled by a local control panel which is integrated into the site BMS. AHU units were installed approx 2006 when the extension was built. One AHU unit has an air recirculation circuit. A large chiller unit serving these AHU's which is also circa 2006	20
4	Method statement and Risk Assessment for servicing of gas plant	10
5	Please explain your out of hours emergency call out procedure and timescales	10
6	Please explain how standards are monitored and maintained	10
7	What happens if the reactive work takes less/more time/cost than estimated	10

## **6. FINANCIAL IMPLICATIONS**

- 6.1 In February 2012 the Council approved the Revenue Budget for Repairs and maintenance of all Council land and Property for 2012 – 2013 set at £454,780.00.
- 6.2 A cost effective and robust Repairs and Maintenance Contract is key to sustaining efficient work spaces and to be compliant with the Health and Safety at Work Act 1974 and The Management of Health and Safety at Work Regulations 1999
- 6.3 The New Repairs and Maintenance Contract and any specialist repair work outside of the Repairs and Maintenance contract scope of work will be administered with in this Repairs and Maintenance budget.

## **7. LEGAL AND POLICY IMPLICATIONS**

- 7.1 As stated in the Councils Contracts Procedure Rules Cabinet Approval is sought for procurements where the value of the purchase is estimated to be in excess of £170,000.
- 7.2 The successful Tenderer will be required to enter into a formal contract prepared by the Director of Community Assets and Localism

## **8 RISK MANAGEMENT**

- 8.1 Failure to implement a new building and gas plant Repairs and Maintenance Contract to under take the required and necessary maintenance will jeopardise the health, safety and welfare of Council employee's, their visitors and general public who enter Council owned land and buildings. It will also impact on the condition of the Council's property assets and the resources required to enter into contractual arrangements for each item of maintenance required and on the Council's ability to have urgent work completed.
- 8.2 The contractor will be required to provide an out of hours service for urgent, unforeseen work which could be essential to business continuity.

## **9. EQUALITY IMPACT ASSESSMENT**

- 9.1 This is a financial report and there is no requirement to consider an Equality Impact Assessment.

## **10. CONCLUSION**

- 10.1 It is essential that a new contract is in place to commence on 1<sup>st</sup> January 2013 to enable continuity of provision of a repairs and maintenance service to the Council's property assets.
- 10.2 The building maintenance budget is in place and is monitored by the Building Services Manager and other relevant Service Managers in the Community Well being and Environment Directorate

## **11. CONSULTEES**

11.1 Portfolio Holder for community Assets and Localism

11.2 Director of Resources

11.3 Director of Community Asset and Localism

11.4 Building Maintenance Manager

11.5 Procurement Officer

## **12. BACKGROUND PAPERS**

12.1 OJEU Notice