

## London Borough of Hammersmith and Fulham Record of Cabinet Member Decision

**Call-in for this decision expired on: Thursday, 17 October 2024 at 3pm**

- ❖ Draft Decision List published on: 14/10/2024
- ❖ Confirmed Decision List published on: 17/10/2024

1. **TITLE: Water Hygiene and Legionella Management Services**

2. **DECISION MADE BY:** Cabinet Member for Housing and Homelessness

3. **DECISION:**

1. That the Cabinet Member for Housing and Homelessness, approves the procurement strategy to compliantly direct award a contract to the highest ranked interested bidder- Icom Estate Solutions Ltd, via the Southeast Consortium's, Heating and Water Hygiene Framework, Lot 5.
2. That the Cabinet Member for Housing and Homelessness, approves the contract award of a Legionella term-service contract to Icom Estate Solutions Ltd. This will be for a period of 36 months plus two 12-month extensions and a total value of up to £3,277,860.

4. **REASON FOR DECISION:**

The monitoring of the Legionella bacteria and remedial works must be undertaken under the Landlord and Tenant Act 1985, the Health & Safety at Work Act 1974, the Control of Substances Hazardous to Health Regulations 2002 and the supporting Approved Code of Practice (ACOP) L8-Prevention of Legionella Regulations. It is a requirement that regular inspections and maintenance of communal hot and cold-water systems are carried out to minimise the risk of the proliferation of Legionella bacteria and to carry out any associated remedial works. The contract will ensure that all communal hot and cold-water installations within H&F housing properties comply with these regulations.

Maintenance of safe water systems in the Council's housing portfolio is dependent on the appointment of a suitably accredited and experienced Legionella Management contractor. The recommendation in this report is to appoint a suitably accredited contractor compliantly via the Southeast Consortium's Heating and Water Hygiene's Framework, Lot 5, direct award option.

As the current contract expires on the 15th of October 2024, we have insufficient time to run a lengthy competitive tender exercise.

5. **ALTERNATIVE OPTIONS CONSIDERED:**

**Option 1: Procure a 6-month interim Legionella contractor.** This is not a viable option as the administration costs associated with procuring a short-term provider whilst immediately sourcing a longer-term provider would be very high. There would be significant risks in relation to market interest as the short length of contract would be very undesirable for a contractor.

**Option 2: Re-procure for a long-term contractor by conducting an open tender exercise:** This is not a viable option as an open tender can take several months to seek tenders and evaluate the results, before contract award Governance can begin. We do not have sufficient time to assess and plan our commissioning and contract route to market. Therefore, proceeding with a procurement at this stage would negatively impact future quality/value for money outcomes. Also, via this route, there is insufficient time to ensure effective mobilization and demobilization of the new and incumbent contracts. Again, inadequate mobilization/demobilization will negatively affect quality outcomes in both the short-term and long-term.

**Option 3: Procure using a compliant mini competition off a framework**  
It is considered that there isn't sufficient time to carry out a mini competition as the process would take three to six months to complete which would disrupt the service provision and increase risk continuity of service for the authority.

**Option 4: Procure using a compliant direct award off a framework (preferred option)**  
The direct award call-off method under the Southeast Consortium Framework was selected as the preferred option to meet the Council's needs. This will enable the rigour in relation to quality assurance, value for money, expediency and continuity of service provision.

6. **CONFLICTS OF INTEREST DECLARED AND DISPENSATIONS GRANTED:**

None.

<b>Date of Decision</b>
14 October 2024