

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Strategic Director for The Economy in consultation with Cabinet Member for Housing and Homelessness

Date: 19 October 2023

Subject: Procurement Strategy and Contract Award – Fire Risk Assessment Services

Report of: Cabinet Member for Housing and Homelessness

Report author: Akeem Durojaye, Interim Commissioning Lead

Responsible Assistant Director: Richard Buckley, Assistant Director of Building and Resident Safety

SUMMARY

The appointment of a new fire safety consultant, following the expiry of the existing contract, is required to continue the Fire Risk Assessment of our housing stock. These services are a key feature of the Council's fire safety strategy providing assurance and transparency to residents of the fire safety status of their building, and any required safety works and are a regulatory requirement required to ensure building fire safety is safely monitored and managed.

The Council's fire and safety compliance team is wanting to appoint Faithorn Farrell Timms LLP via direct award to deliver the Fire Risk Assessment Services. A direct award is available through Lot 8 (Fire Consultancy Service) which is permitted to the top ranked provider under this Lot. Faithorn Farrell Timms LLP are the top ranked provider and is compliant with Public Contract Regulations and our Contract Standing Orders.

This report has been assured by Contracts Assurance Board on 20 September 2023 and the recommendations have the support of both the Assistant Director, Residents and Buildings Safety and Director of Housing.

RECOMMENDATIONS

For the Strategic Director of the Economy in consultation with the Cabinet member for Housing and Homelessness to approve:

1. The procurement strategy for the use of the Council's Consultancy Service Framework for the appointment of a fire safety consultant.

2. The award of contract to Faithorn Farrell Timms LLP for delivering Fire Risk Assessment (FRA) Services in relation to fire safety compliance subject to a maximum total cost of £360,000 over a period of 24 months.

Wards Affected: (All)

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The contractor will be required to deliver Social Value equivalent to 10% of the contract values. This should have a positive impact on local wellbeing prosperity.
Creating a compassionate council	Ensuring that our building fire safety is safely monitored and managed in accordance with the council's fire safety strategy and fire safety regulations. The appointment of a fire safety consultant is crucial in maintaining this outcome.
Doing things with local residents, not to them	Comprehensive engagement to ensure the council's residents have a clear understanding of the works to be undertaken and the long-term benefits this will provide.
Being ruthlessly financially efficient	This contract will be awarded via a competitively procured framework to the supplier who have signed up to the framework and were the highest ranked supplier. This is in line with the objective of being ruthlessly financially efficient
Taking pride in H&F	It is important that the Council provides tenants with homes to be proud of which have surrounding communal infrastructure that is well monitored and managed.
Rising to the challenge of the climate and ecological emergency	Monitoring and managing fire safety of our buildings

Financial Impact

The anticipated start date for the respective contracts is October 2023 and will be for a duration of 24 months. The anticipated cost therefore will be £0.090m for 2023/24, £0.180m for 2024/25 and £0.090m for 2025/26.

The HRA 4-year capital programme contains a budget of £0.900m for Fire Risk Assessments and the unallocated funds from here will be used to fund the contract for Faithorn Farrell Timms.

A Credit Safe Report was run for Faithorn Farrell Timms LLP, which provided a risk score of 74, well above the Council's minimum of 50, and an annual contract limit of £3.000m, which is sufficient for the contract award in this report.

The works are anticipated to be wholly capital in nature as the Fire Risk Assessments are a key factor in ensuring the Council assets are compliant with regulations and therefore operating according to the intended design, they will also advise where works would be needed to meet this requirement.

Implications prepared by: Llywelyn Jonas, Principal Accountant – Housing Capital, 30/08/2023

Verified by: Danny Rochford, Head of Finance (HRA and Economy), 30/8/23

Legal Implications

The Council is under a duty to ensure fire safety in its buildings under the Regulatory Reform (Fire Safety) Order 2005 and the Fire Safety (England) Regulations 2022. The purpose of this appointment is to ensure fire safety compliance which is essential to comply with these legal requirements.

The value of the contract is above the threshold for the Public Services Regulations 2015 (PCR) to apply. The Council is therefore obliged to comply with the requirements for advertising and competition in these regulations. The Council's framework agreement for consultants was subject to a full competitive tendering exercise under the PCR. The use of a call-off agreement from the framework is therefore compliant. The framework allows for a direct award to the highest ranked bidder within this lot, which is Faithorn Farrell Timms LLP. The requirements of the PCR are therefore being met.

This is a high value contract for the purposes of the Council's Contract Standing Orders. The use of a suitable framework agreement is a compliant means of procurement for contracts of this value. The requirements of CSO 18 are therefore being fulfilled by this proposed award procedure.

This strategy and contract award are a key decision under the Council's Constitution and therefore need to be included within the key decision list on the Council's website.

Implications completed by: John Sharland, Senior solicitor (Contracts and procurement) Dated 5 September 2023

Background Papers Used in Preparing This Report

N/A

DETAILED ANALYSIS

Proposals and Analysis of Options

Option 1: Do nothing

Doing nothing is not an option because Fire Risk Assessments are a key feature of the Council's fire safety strategy and are required under Regulations for certain types of building. Therefore, not appointing a fire safety consultant would expose the Council and residents to fire safety risk.

Option 2: Appoint a Supplier via a competitive tender exercise

A competitive tender process could be carried out to identify a suitable supplier to deliver these services, however, doing so would delay the ongoing delivery of Fire Risk Assessment services in relation to fire safety compliance. This is not recommended because it would impact the delivery of the fire safety programme.

Option 3: Direct Award using London Borough of Hammersmith and Fulham Consultancy Services Framework Lot 8 – Fire Consultancy Services (preferred option)

The direct award call-off method under LBHF Consultancy Services Framework was selected as the preferred option to meet the Council's needs. This framework is the preferred route for the procurement of consultancy services within housing after it was signed off in spring 2023.

The LBHF Consultancy Services Framework is divided into eight (8) lots and Lot 8 (Fire Consultancy Service) was found suitable because this lot covers Type 1, 2, 3 and 4 Fire Risk Assessments.

The appointed suppliers under Lot 8 of the framework based on their rankings are:

- (i) Faithorn Farrell Timms LLP.
- (ii) Ventro Limited
- (iii) Keegans Limited
- (iv) Tetra Consulting Limited.

The framework permits direct award to the Supplier that is assessed as being the most economically advantageous Supplier based on their rank. The supplier rank is based on the highest final scores (Price and Quality) during the ITT stage to secure a place on the Framework

Faithorn Farrell Timms LLP have been chosen based on their position as the top ranked consultant.

Reasons for Decision

1. To appointment a fire safety consultant to undertake Fire Risk Assessment Services across our housing stock at a cost that constitutes good value for money.

Equality Implications

2. It is not anticipated that the approval of these proposals, as set out in the recommendations, will have any direct negative impact on any protected groups, under the Equality Act 2010.

Risk Management Implications

3. The report recommends awarding contracts via a competitively procured framework to the supplier who have signed up to the framework and were the highest ranked supplier. This is in line with the objective of being ruthlessly financially efficient. The Council needs to have suitably qualified and experienced assessors to undertake Fire Risk Assessments to comply with statutory requirements and to maintain resident safety

Implications completed by: David Hughes, Director of Audit, Fraud, Risk and Insurance, 25 August 2023

Procurement implications

This report seeks approval to appoint Faithorn Farrell Timms LLP for the delivery of Fire Risk Assessment Services in relation to fire safety compliance subject to a maximum total cost of £360,000 over a period of 24 months.

In line with CSO 13.1, a call-off will be made through LBHF Consultancy Services Framework, Lot 8 (Fire Consultancy Service) using the direct award call-off method. A direct award is available through Lot 8 (Fire Consultancy Service) which is permitted to the top ranked provider under this Lot. Faithorn Farrell Timms LLP are the top ranked provider, this is therefore a direct award which is compliant with Public Contract Regulations and our Contract Standing Orders.

In accordance with CSO 15.2 the SLT Member shall approve the award of contract.

A contract shall be concluded before the commencement of services (CSO 15.7) and an electronic copy of the completed contract shall be uploaded to the Contracts Register along with a copy of the award report (CSO 15.8).

Verified by Jason Barrett, Category Specialist, 20 September 2023

Local Economy and Social Value

It is a requirement that all contracts let by the council with a value above £100,000 provide social value commitments that are additional to the core services required under the contract.

Faithorn Farrell Timms LLP has submitted a 'Themes, Outcomes and Measures' matrix with its application to deliver a Social Value measure to the value of 10% of

the contract price. This is £36,000 of donations to “local community projects as advised by LBHF”.

It is advised that the project lead works closely with the council’s Social Value Officer and the provider to agree on social value measures and their delivery plan.

It is advised that the commissioner works with Legal to ensure appropriate social value clauses are included in the contract, so that the council can enforce its right to compensation if social value commitments are not delivered.

Implications added by: Paul Clarke, Social Value Officer, 12 September 2023