

	<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">CABINET MEMBER DECISION</p> <p align="center">JANUARY 2015</p>
<p align="center">PROCUREMENT APPROACH FOR THE INDEPENDENT TENANTS ADVISOR FOR THE STRATEGIC HOUSING STOCK OPTIONS APPRAISAL PROGRAMME</p>	
<p>Report of the Cabinet Member for Housing</p>	
<p>Open Report</p>	
<p>Classification - For Decision</p> <p>Key Decision: Yes</p>	
<p>Wards Affected:</p> <p>All</p>	
<p>Accountable Executive Director:</p> <p>Melbourne Barrett, Executive Director, Housing and Regeneration</p>	
<p>Report Author:</p> <p>Geoff Wharton, Interim Director of Housing Services</p>	<p>Contact Details:</p> <p>Tel: 020 8753 1313</p> <p>E-mail: Geoff.Wharton@lbhf.gov.uk</p>

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 9 January 2015.....

1. EXECUTIVE SUMMARY

- 1.1. This report seeks the approval to amend the procurement approach for the engagement of the Independent Tenants Adviser following feedback from Tenant and Resident Associations, from the use of a framework to an OJEU Open Procedure which enables any capable provider to tender for this requirement. This change in approach will incur an additional month before the Independent Tenant Adviser can start engaging with residents

but will ensure that residents views and input into the procurement process have been incorporated into the programme.

2. RECOMMENDATIONS

- 2.1. That approval be given to commencing an accelerated full OJEU Open Procedure procurement for the Independent Tenants Adviser instead of using an existing national framework.

3. REASONS FOR DECISION

- 3.1. The Housing Transfer Manual (July 2014) requires that residents be involved in decision making from the outset of any stock options appraisal in order to later receive consent from the Greater London Authority (GLA) and Homes & Communities Agency (HCA). Following consultation with Tenants and Residents Associations across the Borough, a decision made by way of a vote at their meeting on 15th December 2014 saw a request for the Council to procure their Independent Tenants Advisers by way of a full procurement rather than a pre-qualified national framework agreement.

4. INTRODUCTION AND BACKGROUND

- 4.1. On 1st December 2014, the Cabinet approved the procurement of external advisers, to provide advice and support for the Strategic Housing Stock Options Programme in accordance with the provisions of Contract Standing Orders paragraph 11.4, for issuing further competitions off national framework agreements operated by the Crown Commercial Service (CCS) and/or the Homes and Communities Agency (HCA).
- 4.2. The Cabinet further approved that the requirements contained in Contract Standing Order 12.3 for the Cabinet to make contract awards be delegated to the Cabinet Member for Housing, in order to progress the related procurement processes for external legal advice including Contract Award on the basis that extension options are included to allow for further advice, should stock transfer be recommended.
- 4.3. Officers progressed the related procurement processes for the Legal, Financial and Communications Advisers using the national frameworks and invitations to tender were issued on 9th December 2014 with tenderers' submissions received on 13th January 2014 which are currently being evaluated.

5. PROPOSAL AND ISSUES

- 5.1. For the Independent Tenants Adviser (ITA), residents need to be at the heart of the process from the outset for the options appraisal and Residents Commission to be successful. Officers are enabling this to happen by ensuring the procurement of the Independent Tenants Adviser is as resident-led as possible.

- 5.2. Officers circulated the draft Specification for the proposed Independent Tenants Adviser to Tenant and Resident Associations (TRAs) on 10th December 2014 with the envisaged approach of using a national framework. The Tenant and Residents Forum expressed a wish that the competition for an Independent Tenants Adviser be open and not restricted to existing framework agreements.
- 5.3. The Cabinet approved a budget of £1.5 million for the Strategic Housing Stock Options Appraisal on 1st December 2014 and the costs for the Independent Tenants Adviser were included within this approved budget envelope. Actual costs of the external advisers will be confirmed once the evaluation of tenders received has been completed.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. **Option A – Continue procurement of Independent Tenants Adviser by way of pre-qualified national framework agreement as per Cabinet report of 1st December 2014.**
- 6.2. This option has therefore been discounted as not a suitable option to progress the procurement of the Independent Tenants Adviser as it restricts selection from only those who have pre-qualified to existing frameworks to which the Council has access.
- 6.3. Indicative timeline for procurement of the Independent Tenants Adviser using Option A: -

Issue framework further competition to pre-qualified partners	12/01/15
Clarifications questions deadline (<i>CCS may request a week time extension given their request for the Communications Adviser further competition</i>)	27/01/15
Submission deadline for tenders	02/02/15
Consensus meeting of the Tender Marking Panel	09/02/15
Tender Appraisal Panel	12/02/15
Cabinet Member decision to award	16/02/15
Adviser appointment confirmed	20/02/15

- 6.4. **Option B – Widen procurement approach from framework to OJEU Open tender in response to residents feedback and enable any competent adviser to tender for the requirement.**
- 6.5. This option is recommended to progress the procurement of the Independent Tenants Adviser and accede to the residents expressed wish that no restriction should be placed upon those Independent Tenants Advisers qualified to undertake this work.

6.6. Indicative timeline for procurement of the Independent Tenants Adviser under Option B: -

Issue OJEU Contract Notice and Invitation to Tender to open market enabling any competent tenderer to submit	12/01/15
Clarifications questions deadline	20/02/15
Submission deadline for tenders (statutory 45 days tender period)	26/02/15
Tenderer presentations (if required)	TBC
Consensus meeting of the Tender Marking Panel	05/03/15
Tender Appraisal Panel	09/03/15
Cabinet Member decision to award	15/03/15
Standstill period (10 days)	25/03/15
Adviser appointment confirmed	26/03/15

7. CONSULTATION

7.1. Tenants and Residents Associations have been consulted on the Specification and their feedback has been incorporated where appropriate into the tender documentation.

8. EQUALITY IMPLICATIONS

8.1. An equalities impact assessment was undertaken prior to tender as part of the approval of the Cabinet report on 1st December 2014 and the findings integrated into the specification.

9. RISK MANAGEMENT

9.1. The Housing Transfer Manual (July 2014) requires that residents be involved in decision making from the outset of any stock options appraisal in order to later receive consent from the Greater London Authority (GLA) and Homes & Communities Agency (HCA).

9.2. The Independent Tenants Adviser is the adviser and advocate of residents for the stock options appraisal process and for the programme to be resident-led, it is felt prudent that the residents feedback as to the procurement process is incorporated into the programme.

10. LEGAL IMPLICATIONS

- 10.1. The procurement of the Independent Tenants Adviser should be procured in accordance with the Public Contracts Regulations 2006 (as amended) and the Council's Contract Standing Orders.
- 10.2. Legal Services will be available to advise throughout the procurement process.
- 10.3. Implications completed by: Kay-Yee Chan, Bi-Borough Solicitor (Contracts), 020 8753 2772.

11. FINANCIAL AND RESOURCES IMPLICATIONS

- 11.1. The choice of procurement process does not have a financial implication. Provision has been made within the overall £1.5m for an Independent Tenants Advisor and tenders, through either process, will need to be assessed against this provision.
- 11.2. Implications completed by: John Higgins, Interim Head of Housing Financial Strategy & Investment, 020 8753 6997.

12. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 12.1. The procurement of the Independent Tenants Advisor must be procured in Accordance with the Public Contracts Regulations 2006 (as amended) and the Council's Contract Standing Orders.
- 12.2. The corporate Procurement team will be available to advise throughout the procurement process.
- 12.3. Implications completed by: Robert Hillman, Procurement Consultant, Bi-Borough Corporate Services Procurement Team, 020 8753 1538.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Tenant and Residents Association Forum Minutes – 15 th December 2014 (published)	Daniel Miller xx6652	HRD, 3 rd Floor, Hammersmith Town Hall Extension

LIST OF APPENDICES:

None.