

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

***PART 1 – PUBLIC DOCUMENT**

SERVICE DIRECTORATE: *RESOURCES*

1. DECISION TAKEN

The Council proposes to enter into a contract for the provision of property compliance, repair and maintenance with the successful tenderer (First Response Fire Safety UK Ltd) following call-off from a compliant Framework Agreement, for a period of 4 years with the possibility of an optional extension each year for a maximum further extension of 4 years. This is for Lot 3 which relates to fire safety equipment maintenance tasks.

2. DECISION TAKER

Ian Couper, Service Director: Resources

3. DATE DECISION TAKEN:

9th February 2024

4. REASON FOR DECISION

The Council was given notice by its current supplier to terminate their contract early.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 Various options have been tried in the past, these include:

- Joint working with neighbouring councils to procure this service. The last time the service was procured in this way other councils pulled out of the arrangement, leaving the contract unviable for the contractor, which led to early failure of the contract.
- Joint collaborative working arrangement with HTS, part of Harlow Council. Harlow Council have had a change in leadership leading to a change in strategic direction in relation to seeking external contracts. This has led to the failure of the contract.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

6.1 Stakeholders have been informed of the early termination of the existing contract and the procurement of new suppliers.

7. FORWARD PLAN

7.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

8. BACKGROUND/ RELEVANT CONSIDERATIONS

- 8.1 The Council has a statutory duty to provide building/premises compliance and maintenance to ensure the safe use of office and public accessible buildings. This primarily involves the maintenance of and repairs to properties, and plant and equipment within those buildings.
- 8.2 The compliance, planned and reactive works have been split into lots and the procurement process has only been made available to small and medium-sized enterprises (SMEs) in the anticipation of the work packages being more attractive to local companies. This decision notice relates to Lot 3 which is for fire safety equipment maintenance tasks.

9. LEGAL IMPLICATIONS

- 9.1 Under the terms of reference 14.6.4(a)(ii) of the Constitution, the Service Directors are delegated the following functions, powers and duties for their respective service areas to, amongst other things: entering into contract to carry out works and / or for the supply of goods and services within approved budget.
- 9.2 Under terms of reference 14.6.12 (a)(i) of the Constitution, the Service Director - Resources has delegated authority to manage, direct and control all resources allocated to the Directorate in line with the Councils policies and procedures.
- 9.3 Contracts must be let in accordance with the Contract Procurement Rules. This procurement will establish a compliant framework agreement from which the Council is permitted to contract via a direct award. Purchasing from the framework will ensure a compliant procurement approach is followed, value for money is obtained and efficiencies achieved. Legal services will work with colleagues as required to ensure contractual arrangements are implemented.
- 9.4 The Openness of Local Government Bodies Regulations 2014* (No. 2095) require officers undertaking non-executive decisions to record an award of a contract that materially affects the Council's position in a written delegated decision. At North Herts this is any award of a contract or financial decision, that is or is likely to be above £50,000.

10. FINANCIAL IMPLICATIONS

- 10.1 The expected contract value for Lot 3 in the first year is forecast to be £10.5K. For future years prices will increase in line with Office for National Statistics (ONS) Cpi detailed Indices D7DO 1988. It is expected that the costs will be in line with existing budgets, but will depend on the actual levels of service required.

11. RISK IMPLICATIONS

- 11.1 There is always a risk that the contract fails early leading to early re-procurement. Attempts have been made to mitigate this risk by changing the way that the service is procured.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no specific equalities implications arising from this decision.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations in the report relate to a contract with a value above £100,000 but below WTO GPA threshold, the go local policy does not apply.
- 13.2 Social value has been considered and included as part of the qualitative assessment of tender submissions and seeks for suppliers to provide volunteering hours and planned donations and/or in-kind contributions to the community.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1 The following were assessed as part of the Common Assessment Standard Questionnaire and how this is reviewed.
1. Policy and organisation for the management of construction-related environmental issues.
 2. Waste carrier licence.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no direct human resources implications arising from this decision.

16. BACKGROUND PAPERS

- 16.1 There are no background papers.

17. APPENDICES

None

NOTIFICATION DATE

16/2/2024

Signature of Executive Member Consulted

Date

Signature of Decision Taker 

Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

Call-in does not apply to NON-EXECUTIVE DECISIONS