

To: Finance, Resources and Customer Services Policy Board

On: 18 April 2024

Report by: The Director of Finance and Resources and the Director of Environment, Housing and Infrastructure

Heading: Contract Award: Lot 2 – Asbestos Removal and Disposal (RC-CPU-23-005)

1. **Summary**

- 1.1 The purpose of this report is to seek the approval of the Finance, Resources and Customer Services Policy Board to award a Works Contract for Lot 2 – Asbestos Removal and Disposal (RC-CPU-23-005) to Aspect Contracts Limited.
- 1.2 The recommendation to award the Contract follows a procurement exercise conducted as a Mini-Competition under Lot 2 (Asbestos Removal and Disposal) of the Scotland Excel Asbestos Related Works and Services Framework Agreement (Reference 0722).
- 1.3 A Contract Strategy was approved by the Corporate Procurement Manager on 21 February 2024 and the Head of Housing Services on 27 February 2024.
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2. **Recommendations**

- 2.1 It is recommended that the Finance, Resources and Customer Services Policy Board authorises:

- (a) the Head of Corporate Governance to award a Works Contract in the form of NEC4 Term Service Short Contract June 2017 (as amended January 2019, October 2020 and January 2023) and 'Z' Clauses for Lot 2 – Asbestos Removal and Disposal reference RC-CPU-23-005 to Aspect Contracts Limited following a Mini-Competition under Lot 2 (Asbestos Removal and Disposal) of the Scotland Excel Asbestos related Works and Services Framework Agreement (Reference 0722);
- (b) the approved contract value of up to £2,160,000 excluding VAT for the Service Period, including use of any extension periods, for all Task Orders made under this Contract;
- (c) a Service Period of 2 years with the option to extend by 12 months on 2 separate occasions. The Starting Date anticipated to be 21 May 2024. Any changes to this date will be confirmed in the Council's Letter of Acceptance; and
- (d) notes the award of this Contract requires the provision of a Data Processor Agreement as indicated within the tender documentation.

3. **Background**

- 3.1 A central requirement of the Environment, Housing and Infrastructure Service is to ensure Council properties are free of asbestos and are properly maintained in a manner that complies with statutory legislative standards and that the appropriate records are maintained.
- 3.2 Renfrewshire Council requires a suitably qualified and specialist contractor for the provision of asbestos removal and disposal within Council domestic and non-domestic properties within Renfrewshire Council area.
- 3.3 Scotland Excel has an Asbestos related Works and Services Framework Agreement (Reference 0722) ("Framework") that has been in place since 14 December 2023. The Framework has a Lot specific to the Removal and Disposal of Asbestos (Lot 2). This procurement exercise was conducted as a mini competition under Lot 2 of this Framework.

- 3.4 In accordance with the Scotland Excel Asbestos related Works and Services Framework Agreement (Reference 0722), the Council invited all ten contractors appointed to Lot 2 to participate in the Council's Mini Competition issued via Public Contracts Scotland – Tender Portal (PCS-T) on 27 February 2024.
- 3.5 By the closing date set for the return of electronic tender submissions, 12 noon, Tuesday 12 March 2024, five contractors submitted a tender response to the mini competition and five contractors failed to respond.
- 3.6 During the evaluation period two Contractors were excluded from the tender process. The Scotland Excel Framework Agreement for Asbestos related Works and Services (Reference 0722) Terms allows contractors to submit rates equivalent to or lower than the Framework rates. Each of the two contractors submitted rates higher than the Framework rates and therefore each tender submission was rejected as non-compliant.
- 3.7 The remaining three Contractors continue to meet the requirements of the Single Procurement Document (SPD) they each had completed when applying for a place on the Framework.
- 3.8 The three tender submissions were each evaluated against the Award Criteria of 60% Price and 40% Quality.
- 3.9 The scores relative to the Award Criteria for each tender submission are noted below:

Tenderer	Price (60%)	Quality (40%)	Total
Aspect Contracts Limited	60.00%	36.50%	96.50%
Clarke's Environmental Limited	40.74%	36.63%	77.37%
Carymar Construction Services Limited	33.38%	21.38%	54.75%

- 3.10 The evaluation of tender submissions received identified that the tender submission by Aspect Contracts Limited was the most economically advantageous tender.
- 3.11 The form of Contract is NEC4 Term Service Short Contract June 2017 (as amended January 2019, October 2020 and January 2023) with 'Z' Clauses.

3.12 The costs for this Contract will be met from the Housing Revenue Account Capital Budget.

3.13 Community Benefits were requested as part of this procurement exercise and Aspect Contracts Limited confirmed that the following Community Benefits would be made available to the Council for this Contract:

Community Benefit Description	No of People / Activity
Job for a young person (age 16-24) from a recognised priority group e.g. from the councils' most deprived data zones.	3
Industry Awareness Events	4
Industry Skill Transfer to Schools	4
Business advice/support to a local SME /Social Enterprise/ Voluntary organisation	4
Commitment to ensure that supply chain opportunities are prioritised for Renfrewshire based businesses	4

Implications of the Report

1. **Financial** – Contract costs of up to £2,160,000 over 4 years excluding VAT (including extension periods) will be met through the Housing Revenue Account (HRA) Capital Programme Budget.
2. **HR & Organisational Development** – None directly arising from this report.
3. **Community/Council Planning** –
 - **Our Renfrewshire is thriving** – maximising economic growth, which is inclusive and sustainable.
 - **Our Renfrewshire is well** – supporting the wellness and resilience of our citizens.
 - **Our Renfrewshire is fair** – addressing the inequalities which limit life chances.
 - **Our Renfrewshire is safe** – protecting vulnerable people and working together to manage the risk of harm.

Place:

- Working with partners to ensure our neighbourhoods are safe, vibrant, and attractive places to live.

Economy:

- Creating sustainable opportunities for people who live in Renfrewshire, attracting good employers to the area and encouraging growth of businesses already operating here, ensuring that all people can benefit from the inclusive growth in Renfrewshire.
- Supporting our citizens, particularly those furthest from the jobs market, into fair work – well paid, fulfilling employment.
- Matching the skills developed in Renfrewshire with the opportunities available in Renfrewshire and equipping all children and young people to achieve success in life.

Fair:

- Working with a range of partners to support the improved health and wellbeing of our citizens, including for people experiencing loneliness and isolation.

Green:

- Working across partners and communities to deliver the priority areas highlighted in our Plan for Net Zero, working towards a net zero Renfrewshire by 2030.
- Ensuring our journey to net zero is a just transition with climate justice and fairness at the heart, finding opportunities to challenge inequalities in new green ways as we tackle the climate crisis.
- Empowering colleagues, organisations, businesses, and communities to access the information they need to make informed and positive green choices.

Living our Values:

- Ensuring Renfrewshire Council delivers best value for our citizens and customers, that we are well governed, effective organisation.

4. **Legal** – The Procurement of this Contract was conducted in accordance with the requirements for a Mini Competition under Lot 2 of the Scotland Excel Asbestos Related Works and Services Framework Agreement (Reference 0722) and the Council's Standing Orders Relating to Contracts.
5. **Property/Assets** – This Contract will ensure that Council properties and assets meet statutory legislative standards and that appropriate records are maintained.

6. **Information Technology** – None directly arising from this report.
7. **Equality & Human Rights** - The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** - Aspect Contracts Limited health and safety credentials were evaluated by Corporate Health and Safety and met the Council's minimum requirements regarding health and safety.
9. **Procurement** – The procurement procedures outlined within this report ensures that the Council meets its statutory requirements in respect of procurement procedures, efficiency, and modern Government.
10. **Risk** - Aspect Contracts Limited insurances have been assessed and evaluated to confirm that they meet the requirements regarding insurance risk.
11. **Privacy Impact** – A Data Processor Agreement will be in place between Renfrewshire Council and Aspect Contracts Limited.
12. **Cosla Policy Position** – None directly arising from this report.
13. **Climate Risk** – The level of impact associated with provision of these works have been assessed using the Scottish Government Sustainability Test and is considered High Risk.

To mitigate against the High Risk, impact the contractor is:

- ISO 14001 Accredited

The contractor is also required as per the Scope:

- Must comply with all aspects of the Environmental Protection Act 1990 as amended or superseded, and in particular, must ensure that all relevant asbestos waste arising from work is removed to a licensed disposal point using registered carriers.
- The transportation and disposal of this asbestos waste shall comply with the Control of Pollution (Special Waste) Regulations 1996.

- All contamination removed during the removal operations shall immediately be placed in approved polythene bags or sheets and be clearly marked as asbestos waste.
- The Contractor shall ensure that a consignment note is completed, and the procedure strictly adhered to. The asbestos waste is to be disposed of at a licensed site ensuring that the copies of the consignment note are distributed correctly in accordance with Section 17 of the Control of Pollution Act 1974.
- The Contractor must state the licensed site that they will use in the consignment note. The Contractor must inform the Client of the licenced site that they will use.
- The Classification, Packaging and Labelling of Dangerous Substances Regulations 1984 apply in these circumstances. The regulations make special provisions for the labelling of such dangerous substances, including all types of asbestos waste.

List of Background Papers

(a) None

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