

To: Finance, Resources and Customer Services Policy Board

On: 13 June 2024

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

Heading: Contract Award: Asbestos Surveying & Analytical Services; Housing External Capital Programme Works (RC-CPU-24-004)

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 Services Contract for Asbestos Surveying & Analytical Services; Housing External Capital Programme Works, (RC-CPU-24-004) to Environtec Limited.

1.2 The recommendation to award the Contract follows a procurement exercise conducted in accordance with the Council's Standing Orders Relating to Contracts and the Scotland Excel Framework Agreement for Asbestos Related Works and Services (Reference 0722) ("Framework").

1.3 A Mini-Competition was conducted under Lot 4 (Asbestos Surveying & Analytical Services) ("Lot 4").

1.4 A Contract Strategy was approved by the Corporate Procurement Manager and the Head of Housing Services on 19 April 2024.

2. Recommendations

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

- (a) Authorises the Head of Corporate Governance to award a Services Contract being a Call-Off Contract made under Lot 4 of the Scotland Excel Framework Agreement for Asbestos Related Works and Services, reference 0722, for Asbestos Surveying & Analytical Services; Housing External Capital Programme Works, in the form of NEC4 Term Service Short Contract June 2017 (as amended January 2019, October 2020 and January 2023) and 'Z' Clauses reference RC-CPU-24-004 to Environtec Limited.
 - (b) Authorises the maximum approved contract value of up to £492,000 excluding VAT for the *service period*, including use of any extension periods, for all Task Orders made under this Contract;
 - (c) Authorises a *service period* of 1 year with the option to extend by 12 months on 3 separate occasions. The *starting date* is anticipated to be 29 July 2024. Any changes to this date will be confirmed in the Council's Letter of Acceptance;
 - (d) Authorises that the Contractor's total liability is limited to the levels of insurance to be maintained for this specific Work Order. This is a minimum of £10 million each and every claim in respect of loss or damage to property (except Plant and Materials and Equipment), and in the aggregate in respect of Products, and a minimum of £5 million in the annual aggregate for Professional Indemnity; or such increased level as a Council may specify for a particular Work Order under the competitive selection procedure; and;
 - (e) Notes the award of this Contract requires the provision of a Data Processor Agreement as indicated within the tender documentation.
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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 to carry out Asbestos Surveying & Analytical Testing within domestic and non-domestic properties within Renfrewshire for the Housing External Capital Programme Works team, as part of the Council Housing Investment Programme.
- 3.3 The Scotland Excel Framework Agreement for Asbestos related Works and Services, reference 0722 was identified as a suitable framework to use. The Framework has been in place since 14 December 2024. For this Contract a mini-competition was conducted under Lot 4 (Asbestos Surveying & Analytical Services) of the Framework.
- 3.4 In accordance with the Framework further competition requirements, the Council invited all 11 Contractors appointed to Lot 4 to participate in the Mini Competition for the required Asbestos Surveying & Analytical Services; General Housing – Void & Repairs via Public Contracts Scotland – Tender Portal (PCS-T) issued on 24 April 2024.
- 3.5 By the closing date set for the return of electronic tender submissions, 12 noon, 8 May 2024, five Contractors submitted a tender response to the mini competition, two Contractors declined and four Contractors failed to respond.
- 3.6 During the evaluation period, one Contractor was excluded from the tender process. The Framework allows Contractors to submit rates equivalent to or lower than the Framework rates. This Contractor submitted rates higher than the Framework that deemed their tender submission non-compliant.
- 3.7 The four remaining Contractor submissions were each evaluated against the Award Criteria of 30% Price and 70% Quality.
- 3.8 The scores relative to the Award Criteria for each of the four tender submissions are noted below:

Tenderer	Price (30%)	Quality (70%)	Total
Environtec Limited	26.51%	62.25%	88.76%
Environmental Essentials Limited	30.00%	57.25%	87.25%
Socotec Asbestos Limited	20.92%	59.75%	80.67%
OHS Limited	25.32%	52.50%	77.82%

- 3.9 The evaluation of tender submissions received identified that the tender submission by Environtec Limited was the most economically advantageous tender.
- 3.10 The form of Contract is NEC4 Term Service Short Contract June 2017 (as amended January 2019, October 2020 and January 2023) and 'Z' Clauses.
- 3.11 The costs for this Contract will be met from the Housing Revenue Account (HRA) Capital Programme budget.
- 3.12 Community Benefits were requested as part of this procurement exercise and Environtec Limited confirmed that the following Community Benefits would be made available to the Council for this Contract:

Community Benefit Description	No of People / Activity
Modern Apprenticeship	4
Industry Awareness Events	4
Industry Skills Transfer to Schools	4
Non-financial support for a Social Enterprise or other approved community initiative	8

Implications of the Report

1. **Financial** – The costs of up to £492,000 excluding VAT over the full term of an initial one year period, plus a further three extensions of 12 months each, will be met through the Housing Revenue Account (HRA) Capital Programme budget. The anticipated *starting date* is 29 July 2024.
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.

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 4 of the Scotland Excel Framework Agreement for Asbestos Related Works and Services (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** – Environtec 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** - This Contract includes limits on the Contractor's liability to the required levels of insurance for the Contract which is a market standard position. These limits are also based on the Framework liability limits. The Council's Risk Manager has also confirmed that the levels of insurance are adequate for the requirements of the Framework Agreement and this Call-Off contract. Environtec Limited insurances have been assessed and evaluated to confirm that they meet the requirements regarding insurance risk, including noted limits of liability.
11. **Privacy Impact** – A Data Processor Agreement will be in place between Renfrewshire Council and Environtec Limited.

12. **Cyber Security** - Environtec Limited Cyber Security credentials were evaluated by Security and Compliance and have passed the Council's minimum requirements. Environtec Limited have confirmed that they will obtain Cyber Security Essentials Certification within 6 months of award of contract.
13. **Cosla Policy Position** – None directly arising from this report.
14. **Climate Risk** – The level of impact associated with provision of these services have been assessed using the Scottish Government Sustainability Test and is considered to be overall Low Risk.

List of Background Papers - None

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