

Operational Decision Record

Publication Date 04/10/2023	Decision Reference Number 5030
Decision Title	
Energy Accreditation Body	
Decision Value	
£240,000	
Revenue or Capital Spend?	
Revenue	
Department	
Environment and Sustainability	
Contact Officer (Name, job title, and contact details)	
Gina Clark, Compliance and Consultancy Manager, gina.clark@nottinghamcity.gov.uk	
Decision Taken	
To undertake a tender exercise to appoint an Energy Accreditation Body	
Reasons for Decision and Background Information	
<p>The council, as a landlord for commercial and domestic properties, has a requirement to hold valid energy performance certificates (EPCs) and ensure they are meeting the Minimum Energy Efficiency Standards (MEES) regulations. In addition we are required to gain Display Energy Certificates (DECs). In order to gain these certifications we have a team of energy assessors who undertake surveys however we require an accreditation body to “lodge” them with. The process of “lodging” provides the certifications with credibility and meets the standards set.</p> <p>In addition, as allowed via the Local Authorities Goods and Services Act 1970, we provide energy certification services to other local authorities.</p> <p>Due to the volume of work delivered increasing the number of lodgements has increased and therefore spend with our existing accreditation body is increasing over the CPA £25k threshold.</p> <p>The council therefore needs to go market and undertake a full tender process to appoint an accreditation body to deliver the lodgement services for a period of 4 years at an estimated value of £240k.</p> <p>This expenditure is all budgeted within the Medium Term Financial Plan and enables a market test of best value.</p>	

Other Options Considered and why these were rejected

- Not undertake tender: not undertaking a tender would limit the amount of income generated by the council in line with generic £25k CPA value - rejected
- Continue to utilise generic CPA: utilising the generic CPA would limit the amount of income generated by the council in line with generic £25k CPA value, this may also affect staffing – rejected
- Appoint a different supplier alongside existing: we need a dedicated accreditation body so utilising 2 suppliers with CPAs for each would lead to issues with delivery and consistency – rejected
- Undertake full tender exercise to appoint a formal supplier – in line with financial regulations, allows for competition and for the council to achieve best value - accepted

Reasons why this decision is classified as operational

Energy certifications are delivered by internal teams (Environment and Sustainability and Safer Housing) to allow for the council to perform its operational duties (from an energy efficiency perspective) as a landlord to commercial and domestic properties (property department and housing services). The decision value is within the thresholds for an Operational Decision.

Additional Information

Finance Advice:

Sejal Mistry:

Environment and Sustainability are looking to go out to tender for an accreditation body for a 4-year contract with an estimated value of £240k (average annual cost of £60k per annum)

In most cases there is no financial risk to the Council as the costs are only incurred when the team are commissioned to provide a service in which case the costs will be recovered apart from costs associated with training new staff and membership costs (estimated at max 6k p.a) which are funded from existing approved revenue budgets within the Energy Assessments team.

Alison Bennett:

Additional commentary; it will need to be agreed with procurement and potentially Constitutional Services to ensure that the decision route allows any potential additional costs to be dealt with in the existing contractual agreement.

Procurement Advice:

Procurement will assist in finding the most commercially viable and compliant solution for the council ensuring contract procedure rules remain adhered to. This route does not pose any risk to the Council.

Advice provided by Holly Fisher (Lead Procurement Officer (Products))

Legal Advice:

This report seeks approval to go to market for an accreditation body required to verify the certification work undertaken by colleagues for the Council as a private and commercial landlord. In respect of the work for the Council's benefit, this

proposal creates no significant legal concerns as long as the market engagement complies with the Public Contract Regulations 2015 and the Council's Constitution. Legal Services are happy to support both the procurement process and the resultant contracting arrangements.

In respect of work for other public bodies, it is assumed that this is in accordance with the Local Authorities (Goods and Services) Act 1970 although regular checks should be undertaken and relevant orders reviewed if new public body clients are proposed. Again, suitable contractual documentation should be put in place for such arrangements and Legal Services is happy to support this work.
Anthony Heath, Senior Solicitor, Contracts and Commercial, 16th August 2023

Decision Maker (Name and Job Title)

Colin Parr, Corporate Director for Communities, Environment and Resident Services

Scheme of Delegation Reference Number

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Date Decision Taken

26/09/2023