

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	2886
Author:	Deena Banting (Gold)
Department:	Commercial and Operations
Contact:	Deena Banting (Gold) (Job Title: Contracts Monitoring Officer, Email: deena.gold@nottinghamcity.gov.uk, Phone: 0115 876 4340)
Subject:	Provision of Asbestos Surveys and Analytical Services
Total Value:	180K over four years (Type: Capital and Revenue)
Decision Being Taken:	<ol style="list-style-type: none">1) To approve the initiation of a Procurement process for the delivery of these services.2) To delegate authority to the Corporate Director of Commercial and Operations to award and sign a contract to the successful tenderer following a compliant tender process.
Reasons for the Decision(s)	<p>Nottingham City Council as the owner/organisation responsible for the maintenance or repair of non-domestic property which form part of its property portfolio, is required to comply with the Control of Asbestos Regulations 2012 (CAR 2012). This is a legislative duty arising out of the Health and Safety at Work Act 1974.</p> <p>The Executive Body, HSE regulates the Council as a Local Authority to ensure compliance in accordance with the provision of the Health and Safety Regulations. In order to enable the Council to co-operate with legislation and comprehensively manage the risk from Asbestos in non domestic premises, the Council must ensure a suitable and sufficient assessment is carried out as whether Asbestos is or is liable to be present within its property estate.</p> <p>Procuring an Asbestos Framework will ensure that reputable companies undertaking Surveys and Analytical Services on behalf of Nottingham City Council will be scrutinised and evaluated prior to any works undertaken to ensure their ability to comply with the Council's Asbestos Policy and Procedures and to guarantee it's continued compliance with CAR 2012.</p>
Other Options Considered:	<p>Individual Tenders - Whilst individual tenders have been considered, this option has been deemed not cost effective for the Authority.</p> <p>Do nothing - By not approving and utilising an Asbestos Framework the Local Authority is at risk of breaching CAR 2006 and corresponding Health and Safety Regulations.</p>

Background Papers:	N/A
Published Works:	N/A
Affected Wards:	Citywide
Colleague / Councillor Interests:	N/A
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	N/A
Equality:	EIA not required. Reasons: Doesn't relate to changing policies, services or functions
Social Value Considerations:	The Procurement process will include an element of social value criteria to include job and training opportunities and the creation of local employment for the citizens of Nottingham.
Relates to Council Property Assets:	Yes
Relates to Building Services:	Yes
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	31/07/2017
Advice Sought:	Legal, Finance, Procurement, Property, Building Services

Legal Advice: The Council is required as the owner and in certain circumstances the organisation responsible for maintaining and repairing property, to manage asbestos in its portfolio of non-domestic property to ensure compliance with obligations imposed upon it under the Control of Asbestos Regulations 2012.

The establishment of a framework following completion of a full tender process will provide the Council with a cost effective method of assessing the risk of asbestos in its property portfolio prior to any works being undertaken.

On the basis that a tender process will be carried out and legal services will work closely with the client department and procurement to assist in this process, the proposals in this report raise no significant legal issues and are supported. Advice provided by Dionne Claire Screatton (Solicitor) on 11/05/2017.

Finance Advice: Procuring an Asbestos Framework is deemed critical to ensuring the risks of breaching such regulations as, CAR 2006 and corresponding Health and Safety Regulations, are mitigated. Legislation also dictates that there is a need for this framework to be in place.

The expected cost of £180K over 4 years (£45K per year) will be funded by base budgets within 'Planned Maintenance', 'Service Budgets' & 'Capital Projects'.

This expected cost is based on historical cost analysis.

There are no significant concerns and we would expect that a 'value for money' exercise is undertaken when procuring this framework and again in subsequent years, to ensure that the framework is still offering a competitive fee structure.

Advice provided by Meagan Milic (Commercial Business Partner) on 08/05/2017.

Procurement Advice: There are no significant procurement concerns with the recommendations set out within the report. The Procurement Team will work with the client to ensure that both value for money is delivered and compliance with Procurement Regulations is adhere to. Advice provided by Sue Oliver (Category Manager - Procurement) on 13/04/2017.

Property Advice: There are no Property concerns with the recommendations set out within this report. Advice provided by Rodney Alan Martin (Senior Surveyor) on 27/04/2017.

Building Services Advice: Their is no concerns - requirement for framework for draw down for asbestos removal Advice provided by Andrew Fletcher (Team Leader Property Safety & Compliance) on 08/05/2017.

Signatures

Graham Chapman (PH for Resources and Neighbourhood Regeneration)
SIGNED and Dated: 21/07/2017
Andrew Vaughan (Corporate Director Commercial and Operations)
SIGNED and Dated: 17/07/2017