



PURPOSE: Key decision

MEETING: Cabinet

DATE: 03 December 2019

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| TITLE | Drain clearance and land drainage CCTV surveys on properties owned or leased by Bristol City Council | | |
| Ward(s) | Citywide | | |
| Author: Zara Naylor | Job title: Service Manager, Response Repairs | | |
| Cabinet lead: Cllr Paul Smith | Executive Director lead: Stephen Peacock | | |
| Proposal origin: BCC Staff | | | |
| Decision maker: Cabinet Member Decision forum: Cabinet | | | |
| Purpose of Report: | | | |
| <ol style="list-style-type: none"> To approve the extension of the contract with Domestic Drains Service to continue to provide responsive repairs drainage services to Bristol Social Housing Residents and leaseholders from 1st October 2019 – 31st January 2020 (4 months) £387,000 Due to the nature of this area of work being responsive and reactive and fast paced, it is required that a quarterly call off approval limit of £250k is approved so that no CPG or administration delay is incurred for each call off when the new tender is awarded. | | | |
| Evidence Base: | | | |
| <p>Approval is requested for an extension to the existing Drainage Framework, currently delivered by Domestic Drains Services. As a result of two previous unsuccessful procurement exercises we are committed to getting the right outcome for our tenants and leaseholders for a further 4 year period.</p> <p>The appendices reference earlier decisions taken regard the unsuccessful outcome of each regard drainage and clearance requirements across Homes and Landlord Services. A further extension is required to enable the current contractor Domestic Drains Service to continue providing a service whilst the third tender is complete. Previous waivers were approved on:</p> <p>Waiver 1: 1/9/18 – 31/12/18 £250k, Waiver 2: 1/1/19 – 30/4/19 £270k, Waiver 3: 1/5/19 – 30/9/19 £600k, each waiver was to allow for the completion of the tender process following delays to that process.</p> <p>The current waiver 3 expired on 30/09/19. The service is currently being retendered. The closing date for tenders is 23/10/19. We anticipate the new contract to commence on January/February 2020.</p> <p>A further extension is required to ensure there are services being delivered until the start of the new contract. For continuity of service it is proposed that the current contractor is directly awarded a contract from 1st October 2019 to 28th February 2020.</p> | | | |
| First Tender | | | |
| <ol style="list-style-type: none"> A tender process commenced on 10/09/18 to secure a provider of drain clearance, regular maintenance and stack maintenance programme for Bristol City Council Housing Tenants (HRA). This involved identifying requirements, producing tender documents, securing relevant procurement and legal support. A decision taken to withdraw the procurement process on 19/11/18 as bidders submitted low prices against the schedule of rates (SOR) pricing structure. This indicated that the published SOR was not accurate and needed to be reviewed. Following advice from Procurement and Legal teams the decision was made to cancel the tender and all bidders were notified. | | | |

Second Tender

1. A new tender was advertised and published on 23/01/19 following replacement procurement support.
2. Due to errors in the published tender documents, including the evaluation criteria it was not possible to evaluate the bids received and achieve a result which was in line with the intended quality and service standards.
3. In these circumstances the Council decided to withdraw this tender in accordance with section 1.60 of the ITT "The Council reserves the right to cancel the tender process or alter the above programme at any time and are not liable for any costs resulting from any alterations or cancellation" and will be reissuing a tender with revised criteria in due course.

Third Tender

1. A full review of tender 1 & 2 was carried out (See Appendix I Tender Review). A new evaluation team was formed.
2. A full review of tender documents and quality commitment questions was been carried out and all tender documents were re-written in light of the issues raised by tenders 1 and 2 and further identified by the Service through the review.
3. The new tender is now live and is a Framework with 3 lots:
 - Lot 1 – Housing Response Repairs
 - Lot 2 – Estate Management & Caretaking Responsive Repairs
 - Lot 3 – Stack Maintenance
4. All lots will have up to 3 contractors who will be awarded a place on the framework based on their highest combined score (Price, Quality and Social Value) in rank order. This is to ensure additional capacity, security of supply and commerciality.
5. Due to the nature of changes required following the suspension of prior rounds, necessary changes to the tender team, additions to the contract requirement and the need for a full review in order to prevent future errors has required additional time prior to publication of Round 3 to ensure it is correct.
6. The current tender was published on 20/09/19, the timeline is below:

| DATE | STAGE |
|--|--|
| 20 th September 2019 | Bid & clarification process opens |
| 27 th September 2019 at 12:30pm | Tender Briefing Session, City Hall , College Green Bristol BS1 5TR |
| 14 th October 2019 at 12 noon GMT | Clarification period closes. |
| 1st November 2019 at 12 noon GMT | Closing date and time for receipt by the Council of completed bidder responses via the ProContract tendering system. |
| 1 st November 2019 | Evaluation of bids commences |
| 13 th November 2019 | Notification to bidders |
| 14 th November 2019 | Commencement of Standstill Period |
| 24 th November 2019 at 12 midnight GMT | Expiry of Standstill Period. |
| January 2020 | Commencement date of contract. |

Cabinet Member / Officer Recommendations:

That Cabinet: -

1. Approve the extension of the contract with Domestic Drain Services from 1st October 2019 to 31st January 2020 to continue to deliver a responsive drainage service to Social Housing residents, whilst the tender process is completed at a cost of £387,000
2. Approval of quarterly call off approval limit of £250k so that no CPG or administration delay is incurred for each call off.

Corporate Strategy alignment:

This service would fall under the Bristol Health and Wellbeing Strategy.

Theme: A city filled with healthy, safe and sustainable communities and places.

Priority: Create a high quality and well-connected built and green environment, and manage the health impacts of Climate Change.

City Benefits:

1. This contract is used by the CSC, ECO, Caretaking Services, Estate Management, Planned Programmed and Responsive Repairs. There are major health and safety implications with raw sewage backing up.
2. We have 14,000 flats across the city whereby if there are blockages the back-up is so fast that flats become flooded out by contaminated waste in very short periods of time.
3. When there are fires across the city in our multi storey flats the lift shafts and communal areas can become flooded by Avon Fire Authority and require immediate pump out to prevent electrical damage.
4. This contract also provides provision of de humidifiers to assist drying out damp problems. We also work with pest contractors to eliminate vermin entering out drain infrastructure across the city.
5. We have a statutory requirement under section 11 of the Landlord and Tenant Act 1988 to keep our properties maintained.

Consultation Details:

1. **Corporate Procurement Group (CPG) – See Appendix B**
2. **Minuted at HSLT 15/10/19 & EDM 16/10/19**

Background Documents:

Not Applicable as we are currently in a tender process so all documents are undisclosed please see Appendix I.

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| Revenue Cost | £387k | Source of Revenue Funding | Housing Revenue Account budget for Response Repairs |
| Capital Cost | £N/A | Source of Capital Funding | |
| One off cost <input type="checkbox"/> | Ongoing cost <input checked="" type="checkbox"/> | Saving Proposal <input type="checkbox"/> | Income generation proposal <input type="checkbox"/> |

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice: Since the original framework contract of £4m which ended in August 2018, there have been three waivers to 30/9/2019, with a total value of £1.12m due to unsuccessful procurement exercises. Officers are now retendering as a matter of urgency and this request is for a further waiver for £387k to cover the period 1/10/19 to 31/01/20 whilst the procurement process takes place. The expenditure for drainage works for 2019/20 is within the Housing Revenue Account budget and is planned expenditure with no additional costs arising from this waiver. There is a risk that this waiver is contrary to procurement legislation as detailed in the legal advice.

Finance Business Partner: Wendy Welsh, Finance Manager, 16th October 2019

2. Legal Advice: It is recognised that the further extension of the contract with Domestic Drains Services places the Council in a situation where it may breach the procurement regulations. The fact that the extension is required to allow time for the Council to follow a fully compliant procurement process will help mitigate the risk of challenge. Legal services will advise and assist officers with regard to the conduct of the proposed procurement process and the resulting contractual arrangements.

Legal Team Leader: Husinara Jones, Team Leader, 15 October 2019

3. Implications on IT: There are no IT implications to be noted.

IT Team Leader:

Simon Oliver

4. HR Advice: Section to be completed by the HR partner ONLY. If there are none, this must be stated by the HR partner. Additional information can be added in Appendix H or Appendix K.

HR Partner: HR Partner to enter their name to confirm they have provided comments on the full and final report and

the date.

PR officer: Alison Butts

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| EDM Sign-off | Patsy Mellor | 16 October 2019 |
| Cabinet Member sign-off | Paul Smith | 22 October 2019 |
| Mayor's Office sign-off | Mayor's office | 25 November 2019 |

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| Appendix A – Further essential background / detail on the proposal | NO |
| Appendix B – Details of consultation carried out - internal and external | YES |
| Appendix C – Summary of any engagement with scrutiny | NO |
| Appendix D – Risk assessment | YES |
| Appendix E – Equalities screening / impact assessment of proposal | YES |
| Appendix F – Eco-impact screening/ impact assessment of proposal | NO |
| Appendix G – Financial Advice – See section 1 above | NO |
| Appendix H – Legal Advice – See section 2 above | NO |
| Appendix I – Exempt Information | YES |
| Appendix J – HR advice | NO |
| Appendix K – ICT | NO |