

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF AN EXTRAORDINARY MEETING OF THE RESIDENTIAL & WELLBEING SERVICES COMMITTEE ON 19 AUGUST 2021

SUBJECT: Waiver of Standing Orders to Award a Contract to Secure Replacement of the Communal Heating System at Bersted Green Court by the Current Contractor

REPORT AUTHOR: Steve Madell, Interim Asset Manager

DATE: 11 August 2021

TEL NO: 07733 125706

AREA: Services Directorate

EXECUTIVE SUMMARY:

The communal heating system at Bersted Green Court which provides heating and hot water for 75 older residents needs to be replaced.

A waiver of standing orders needs urgent approval from the Residential & Wellbeing Services Committee to allow the works to be undertaken urgently.

Approval is sought to appoint a contractor to replace the communal boiler and plant, the contractor has the necessary skills and knowledge to carry out this work, has extensive knowledge of Bersted Green Court, and the price for carrying out this work represents value for money.

Replacing the system prior to winter of 2021 is required to reduce the risk of the current heating system failing. The situation has been compounded by the need to remove asbestos from the plant room before works can start. Removal needs to take place during the summer.

This Extraordinary meeting has been called as these works could not wait for approval at the next scheduled meeting of the Committee on 30 September 2021.

RECOMMENDATIONS:

The Committee is recommended to:

Approve the waiver of standing orders to award a contract to replace the communal heating system at Bersted Green Court and to approve a virement of £150,000 from the Kitchen and Bathroom Programme Budget to the Boiler Programme Commercial Budget to fund the project.

BACKGROUND:

The heating system at Bersted Green Court is in poor condition and requires replacement. Replacing the system prior to winter of 2021 is required to reduce risk of current heating system failing during the colder months.

A waiver of standing orders needs urgent approval to carry out these works:

- There are only 2 contractors who can install specific BEMS control system.
- Specifying another system would add at least £15K to the project cost.
- Modifying an existing contract means work can commence promptly.
- This will reduce the risk of replacing the system during the colder weather.

A technical specification was prepared by our consultant, including an estimate of project costs. We invited one tenderer to price for the work against the specification. The tender was received on 7 July 2021. Our consultant produced a tender submission report recommending we appoint the contractor to carry out work and that their tender submission is reasonable, represents value for money and in line with pre-tender estimates.

2. PROPOSAL(S):

It is proposed that a contract is awarded to replace the current communal boilers and plant at Bersted Green Court.

3. OPTIONS:

Given the current age and condition of the boilers there is no option other than replacement. To manage the ongoing risk of heating failure we need to change the boiler as soon as possible,

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify)		X

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)

	YES	NO
Financial	X	
Legal	X	
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability	X	
Asset Management/Property/Land		X

Technology		X
Other (please explain)		x

6. IMPLICATIONS:

Financial

There are sufficient funds in the capital budget to pay for this project subject to virement being approved.

Legal. This a contract for the execution of works. It is not above the GPA(WTO) threshold of £4,733,252 and therefore the old EU now GPAWTO rules do not apply. It is governed by Contract Standing Orders (CSO).

In order to ensure competitiveness and value for money the CSOs state that formal tender process is required unless you can justify a waiver. The Council, Committees and Directors (in consultation with S151 Officer and Legal Services) have power to waive any requirement of Contract Standing Orders in specific instances (6.1). In this instance the value of the contract is above officer delegated powers and needs to be agreed by committee.

The Council has an obligation under the Tenancy Agreement to maintain any equipment it has installed to provide hot water and heating, and this includes the boilers. Sometimes the only cost-effective way to maintain an installation is to replace it.

Sustainability. The new boiler will be more energy efficient and effective than the existing boiler.

7. REASON FOR THE DECISION:

Urgent replacement of the communal heating system

8. BACKGROUND PAPERS:

The waiver of Standing Orders form has been attached as an Exempt paper as this contains confidential information Under Paragraph 3 of the Local Government Act 1972 – Information Relating to the Financial Affairs or Business Affairs of any Particular Person (including the Authority Holding that Information).