

# Report to Cabinet

**17 July 2024**

<b>Subject:</b>	Consultancy for Building Safety Consultancy direct selection report via a Framework Provider Procure Plus
<b>Cabinet Member:</b>	Cabinet Member for Housing and Sustainable Development - Councillor Vicky Smith
<b>Director:</b>	Alan Lunt Executive Director of Place
<b>Key Decision:</b>	Yes - Works over £1 million
<b>Contact Officer:</b>	Assistant Director Asset Management and Improvement - Sarah Ager Tom Jones – Interim Head of Building Safety and Compliance <a href="mailto:tom_jones@sandwell.gov.uk">tom_jones@sandwell.gov.uk</a>

## 1 Recommendations

1.1 That approval be given for the Executive Director Place to award a contract from Firntec in the total sum of £1,328,169.57 plus VAT detailed as;

- Carry out 2 stages of Intrusive External Wall Surveys to our 52 High-Risk Blocks for the cost of at stage 1 - £283,645.35 & at stage 2 - £277,402.40 Grand Total £561,047.75 (average £10,789.38)
- Carry out Structural Surveys to our 52 High-Risk Blocks for the cost of £316,458.77 (average £6,085.75).
- Create Fire Strategies for our 52 High-Risk Blocks for the cost of £285,808.15 (average £5,496.31).
- Carry out Flat Entrance Door surveys to our 55 High and Medium rise blocks for the cost of £125,904.90.
- Allow for EWS1 forms to be created where Leaseholders reside in our High-Rise Blocks at a cost of £38,950.00.

*\*Costs excluding VAT.*



1.2 That the Assistant Director Asset Management and Improvement and the Assistant Director – Legal and Assurance be authorised to enter into a formal contract with Firntec and execute under seal any documentation in relation to the award of the contracts.

## 2 Reasons for Recommendations (Procure Plus, Framework Provider)

### 2.1 Summary

Consultant selection was run on behalf Sandwell Metropolitan Borough Council to appoint a consultant to provide various elements of consultancy for 55 high rise buildings in their borough.

The consultants were considered using the process outlined in Clause 27.9, Method 2: Direct Selection of a Consultant, contained in the Procure Plus Framework Agreement for the Provision of Various Fire Precaution and Risk Mitigation Works and Consultancy Services.

The consultants were appointed onto the framework via the PPR compliant selection process published in Find a Tender – 2021/S 000-026224. As per the Direct Selection Criteria outlined in Clause 27.9 of the Framework Agreement, the client wished to appoint the consultant that provided the most economically advantageous offer.

The direct call-off procedure utilises the rates tendered in for the original framework and therefore prevents the need for any further competition or tendering process.

### 2.2 Eligible Consultants

The Consultants were chosen from Lot 7 Building Safety Consultancy. The eligible Consultants who have been appointed to the Lot being:

- Firntec Ltd
- Trident Building Consultancy Ltd
- PRP
- Keegan's Ltd
- Oakleaf Surveying Limited
- Tetra Tech Limited



### 2.3 Capability assessment

The consultants were assessed on the capability set out within the framework agreement and all were confirmed as capable to be considered for the call off.

The Consultants were assessed on the capability matrix set out in schedule 8 of the framework Agreement:

- Size of scheme
- Geography
- The Consultant's financial stability and standing
- The Consultant's capacity, taking into account the value of Works already awarded to it under the Framework Agreement
- The Consultant's current performance, which may include a consideration of the
- Consultant's performance against the Key Performance Indicators, and whether any Warning Notices have been issued against the Consultant.
- The Consultant's health and safety performance
- Accreditations held by the Consultant
- Insurances held by the Consultant

It was confirmed that all consultants were currently in the green status on the live quality score and therefore could be considered for this opportunity.

### 2.4 Financial and quality assessment

Each consultant has priced a scenario to be appointed onto the framework. A review was undertaken of the framework consultant's quality and pricing to understand the framework ranking of the consultants on the Lot. The result of this is below:

Rank Company name Price score (weighted 40%) Quality score (weighted 60%) Total weighted score (100%)



Rank	Company name	Price score (weighted 40%)	Quality score (weighted 60%)	Total weighted score (100%)
1	Firntec Ltd	40	44	84
2	Trident Building Consultancy Ltd	4.74	56	60.74
3	PRP	20.31	36	56.31
4	Keegans Ltd	11.02	44	55.02
5	Oakleaf Surveying Limited	22.47	28	50.47
6	Tetra Tech Limited	11.47	32	43.47

### 2.5 Additional considerations


Sandwell Metropolitan Borough Council are wanting to appoint a consultant available to mobilise immediately.

### 2.6 Conclusion

Based on the framework evaluation, Sandwell Metropolitan Borough Council have chosen Firntec Ltd to deliver the works as they are the top ranked consultants based on quality and price.

*\*Provided by Procure Plus Simon O'Donnell, Regional Account Delivery Manager (Midlands)*

## 3 How does this deliver objectives of the Corporate Plan?

	<p>Quality Homes in Thriving Neighbourhoods</p> <p>Key to Resident safety in High rise blocks is knowing that are safe to occupy and have no hidden or unknown issues that may affect the overall Fire and Structural safety of these blocks.</p> <p>The Building Safety Act makes it a requirement to ensure buildings are safe to occupy and needs to be demonstrated in the Building Safety Case report we send to the Building Safety Regulator when asked to obtain our Building Assessment Certificate a legal requirement to continue to occupy High Rise Buildings.</p>
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## 4 Context and Key Issues



## 4.1 Addendum

Procure Plus have confirmed that the overall ranking of Firntec is No 1 as shown on the above table.

Having reassessed the requirements, consolidated other required workstreams into one contract and taking a risk-based approach by programming the required workstreams over 2 financial years, We have concluded using Firntec will help to alleviate the budget pressures and timescales pressures we would experience if we were to remain with a 1 year program.

## 4.2 Other considerations

Currently we do not meet our obligations under the Fire Safety England Regulations 2022 (Responsible Person) and the Building Safety Act 2022 (Principle Accountable Person), as we should have done these by now, we are not able to provide the information for the Building Safety Cases that were to be available from 1 April 2024.

- To be able to prove our compliance position by ensuring that the actual reports are on a digital platform as required for the Building Safety Cases.
- To provide our resident an up-to-date position for each of our buildings to give them assurance that we are managing their homes well.
- Generally, to be able to provide up to date for all stakeholders and relevant persons.
- We were reviewed recently by the Building Safety Regulator, and we confirmed that we are putting this into place as soon as possible and to complete them all within the financial year.

Sandwell Metropolitan Borough Council are wanting to appoint a consultant available to mobilise immediately.



## 5 Alternative Options

- 5.1 There are no reasonable alternatives for this specialised work as consultants with this skill set are in demand across the industry to meet these new and demanding requirements as set out in recent legislation. Notably the Building Safety Act 22 and the Fire Safety England Regs 22 both of which these workstreams aim to support SMBC compliance.

Noting the use of a Framework and a direct award to the No 1 supplier has already been through a thorough assessment for quality and Value for Money.

## 6 Implications

<p><b>Resources:</b></p>	<p>Financial - That the tender of Firntec in the total sum of £1,328,169.57</p> <p>Staffing – Use of the building safety team and support from the Capital team to manage the workstreams.</p> <p>land/building implications – access will be required with minor disruption during site visits and intrusive inspections.</p>
<p><b>Legal and Governance:</b></p>	<p>In order to become fully compliant on our High-Risk Buildings we need to start these works ASAP and provide the reports for the Building Safety Case which should have been in place by 1 April 2024.</p> <p>Flat Fire Door inspections are currently not in place. This will ensure we meet our legislative obligations under the Fire Safety England Regulations 22 in place since Jan 23.</p> <p>Based on the framework evaluation, Sandwell Metropolitan Borough Council have chosen Firntec Ltd to deliver the works as soon as practically possible (lead in 2-4 weeks) and to be completed within a 24-month period, due to their availability and as they were first ranked consultants based on price and quality which is important to us.</p>





<b>Risk:</b>	Risk of enforcement Notices due to non-compliance Risk of serious injury/death if defects that can affect fire and structural safety are not investigated and remediation measures not put in place. Risk to reputation as a good Landlord for poor block management if assurance not in place we provide safe places to live.
<b>Equality:</b>	Supports those with Vulnerabilities to remain safe if there were any incidents.  Ensures where access is required steps are taken to ensure consideration for any equality act characteristics are taken into account.
<b>Health and Wellbeing:</b>	Prevents serious injury and death due to poorly managed buildings
<b>Social Value:</b>	Implications for social value – None noted as work streams are specialist and limited consultant numbers
<b>Climate Change:</b>	Implications for climate change outcomes and any potential impact on the environment – none noted
<b>Corporate Parenting:</b>	Implications for Corporate Parenting responsibilities – none noted

## 7. Appendices

None

## 8. Background Papers

None

