



Cabinet
12 October 2020

**Report from the Strategic Director of
Community Wellbeing**

**Authority To Tender For Framework Agreements For Housing
Refurbishment Works And Technical Consultancy Services**

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt:	Open
No. of Appendices:	One Appendix One: Contract Decision Making
Background Papers:	None
Contact Officer(s):	Giuseppe Coia, Asset Compliance Manager Giuseppe.Coia@brent.gov.uk Tel: 0208 937 2652

1.0 Purpose of the Report

- 1.1 The Council requires to establish a contractor and a technical consultancy supply chain in order that the future capital works programme in relation to several new Council and Government initiatives can be effectively delivered.
- 1.2 This Report seeks approval to commence procurement of two multi-supplier, multi-lot framework agreements for housing works and technical consultancy services as required by Contract Standing Orders 88 and 89. The proposed frameworks will be for a period of four (4) years commencing 1 July 2021. Delegated authority is also sought for the Strategic Director for Community Wellbeing, in consultation with the Lead Member for Housing Welfare Reforms, to appoint consultants and contractors to the Framework Agreements with Contractors and Consultants following a compliant procurement process.
- 1.3 The Council procured a 10-year Integrated Asset Management contract in 2014. This was intended for the provision of responsive repairs and planned maintenance services to Council housing. Recent Council and government initiatives have meant that additional works and technical consultancy capacity is required. These include the Asset Management Strategy, the Building Safer Futures Act (pending), the revised Fire Safety Regulatory Reform Order (pending), the Climate Change agenda, and the major refurbishment works programme.

2.0 Recommendations

That Cabinet:

- 2.1 Approve inviting tenders for a framework agreement for Housing Refurbishment Works on the basis of the pre - tender considerations set out in paragraph 3.11 of the report.

- 2.2 Approve inviting tenders for a framework agreement for Technical Consultancy Services to support the asset management and refurbishment programmes on the basis of the pre - tender considerations set out in paragraph 4.8 of the report.
- 2.3 That Cabinet approve Officers evaluating the tenders referred to in 2.1 and 2.2 above on the basis of the evaluation criteria set out in paragraph 3.11 of the Report.
- 2.4 That Cabinet delegate to the Strategic Director for Community Wellbeing, in consultation with the Lead Member for Housing Welfare Reforms, authority to appoint contractors and consultants to the framework agreements referred to in 2.1 and 2.2 above for a term of 4 years.
- 2.5 In line with the Council Procurement Rules, specific contract awards will be as set out in paragraphs 5.6 – 5.10.

3.0 Background

- 3.1 The new Framework Agreements will be used to deliver the following initiatives:
- The Building Safer Futures initiative will lead to comprehensive legislation evolving post-Grenfell.
 - The Fire Safety Regulatory Reform Order is being amended to develop further fire requirements.
 - The Council has committed to tackling climate change by achieving a SAP B rating for all of its housing stock by 2030. This is a significant undertaking that will require additional contractor and technical consultancy resource to ensure that the target is met.
- 3.2 The Asset Management Strategy has been drafted and is currently under consultation. It sets out a comprehensive strategy to bring together all pertinent property management requirements going forward. It contains six core commitments and these are that:
1. We have a good understanding of the condition of our housing stock and use this knowledge to target work, providing and maintaining quality, safe homes for our residents.
 2. The homes we manage are fully compliant with all fire safety regulations and as a service, we take a proactive approach to delivering fire safety works and providing peace of mind for our residents.
 3. The work we do is informed by resident priorities and feedback and we use what residents tell us about their experience to provide homes and estates where residents feel proud to live.
 4. Our housing stock is efficiently managed and opportunities to create greater economic and social value are recognised.
 5. The homes we manage are energy efficient and the services we deliver are mindful of environmental impact.
 6. We provide a quality repairs service that is accessible and accountable to our residents.

3.3 The Strategy spans five years and covers the following key areas:

- Stock condition.
- Fire safety.
- The investment programme and the required capital budget.
- The Climate Change emergency.
- Resident priorities.

The above initiatives and legislation will ultimately impact on the refurbishment programme for Council housing going forward creating a major refurbishment work stream. The benefits for our stock are that it will be refurbished and maintained at a high standard in terms of energy efficiency, quality of environment, amenity, and fire safety.

Importantly, residents will have a greater say in shaping their homes and community, providing feedback to the Council, and meaningful consultation.

Existing arrangements

- 3.4 Housing planned, cyclical and responsive repairs are currently delivered by a Contractor under a partnership contract with the Council. This is an up to 10-year contract which can run until late 2024, subject to contractor performance and annual renewal by the Council.
- 3.5 The contractor partner is Wates Construction Limited. Their current workload consists of the delivery of the responsive repairs service, and the planned maintenance programme.
- 3.6 As a significant major refurbishment works programme has been developed which will require additional contractor and consultancy support to deliver, this procurement is required to source additional capacity in order to deliver the core commitments of the Asset Management Strategy.

4.0 Detail

The new procurement requirements

Works

4.1 The works requirements are as follows:

- Major Works Refurbishment (multi-trade major works refurbishment)
- Planned Maintenance
- Minor Works (multi-trade minor works)
- Roof Top/Infill Developments (roof top, infill buildings, side extensions)
- Associated mechanical and electrical works

Consultancy Services

4.2 The technical consultancy services disciplines to support the delivery of housing projects include:

- Major Works administration
- Minor Works administration
- Building Surveying
- Structural Surveys

- Heating, mechanical and electrical
- Principal Designer
- Cost Consultant / Quantity Surveying
- Architectural Design Services
- Employer's Agent / Client Representative
- Fire Engineering
- Project Management

4.3 The intention is to set up two Council multi-supplier specific framework agreements (both of a four year duration). The Public Contracts Regulations 2015 do not allow for a term of a framework agreement to extend beyond four years save in exceptional circumstances. However, services and works ordered before the expiry of the term of the frameworks may run past this period.

4.4 It has been decided to set up frameworks as these facilitate a dedicated supply chain for the Council, provide flexibility and provide for much quicker procurement and contract award process. The frameworks will also be leaseholder compliant. The lots selected reflect the expected works and consultancy services to be procured over the next four years.

4.5 The Framework for works will be split into six Lots with bidders able apply for more than one Lot and a maximum number of contractors awarded a Framework for each Lot as indicated below:

Lot	Title	Annual Value From	Annual Value To	Award
1	Major Works Refurbishment and Associated New Build	£ 5,000,000	£ 25,000,000	4-8
2	Minor Works	£ 250,000	£ 2,000,000	4-8
3	Voids Re-Servicing	£ 250,000	£ 2,500,000	3-6
4	Fire Safety Works	£ 250,000	£ 3,000,000	3-6
5	Adaptations	£ 100,000	£ 300,000	2-4
6	Energy Efficiency and Retrofit Works	£ 250,000	£ 2,500,000	3-6

The proposed number of providers are the optimum number to obtain a good balance between ensuring ongoing competitive pricing and good service, whilst maintaining interest for the bidders. Too high a number will mean that many providers never obtain any work; too low a number will mean that the same bidders win work all of the time and there is restricted competition.

4.6 The Framework for consultancy will be split into seven Lots with bidders able apply for one or multiple Lots and a maximum number of consultants awarded a Framework as indicated below:

Lot	Consultancy Type	Annual Value From	Annual Value To	Award
1	Multi-disciplinary Consultancy Services - Major Works	£ 300,000	£ 1,000,000	4-8
2	Multi-disciplinary Consultancy Services - Minor Works	£ 100,000	£ 400,000	4-8

3	Structural Engineering	£ 50,000	£ 200,000	3-6
4	Energy Design and Retrofit Consultancy	£ 50,000	£ 250,000	3-6
5	Fire Engineering	£ 50,000	£ 250,000	3-6
6	Mechanical and Electrical Engineering	£ 100,000	£ 300,000	3-6
7	Partnering Contract Administration	£ 150,000	£ 300,000	2-4

4.7 This will ensure that the opportunity is attractive to suppliers by:

- Providing ongoing opportunities to win work based on price and ongoing good levels of service
- Encouraging long-term relationships to be formed
- Facilitating the ability to gain understanding of the borough and the Council so that future contracts become easier to deliver and will also benefit the Council by:
- Giving officers timely access to value for money services and works (a competitive process will ensure that the Council achieves optimum rates)
- Development of collaborative working practices
- High quality contract management
- Deliver social value outcomes that provide a greater social value impact to the Borough

4.8 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Cabinet.

Ref.	Requirement	Response
(i)	The nature of the service	<p><u>Works Framework</u></p> <p>A multi contractor framework with the following six Lots.</p> <ol style="list-style-type: none"> 1. Major Works Refurbishment (multi-trade major works refurbishment) and associated new build and infills 2. Minor works 3. Voids Re-Servicing 4. Fire Safety works 5. Adaptations 6. Energy Efficiency and Retrofit Works <p><u>Consultants Framework</u></p> <p>A multi supplier framework agreement for complementary consultancy services with the following seven Lots:</p> <ol style="list-style-type: none"> 1. Multi-disciplinary Consultancy Services - Major Works 2. Multi-disciplinary Consultancy Services - Minor Works 3. Structural Engineering 4. Energy Design and Retrofit Consultancy 5. Fire Engineering 6. Mechanical and Electrical Engineering 7. Partnering Contract Administration

Ref.	Requirement	Response																						
(ii)	The estimated value.	<p>Works – the estimated total annual values for works across all Lots on the framework will range between £6.1 million to £35.3 million per annum. £24.8 million to £141.2 million full term.</p> <p>Consultancy – the total annual value across all Lots for consultancy will range between £0.8 million to £2.7 million per annum. £3.2 million to £10.8 million full term.</p> <p>Use of the frameworks will be restricted to Brent Council.</p>																						
(iii)	The contract term.	The Framework will be a four year term. However, services and works ordered before the expiry of the term of the framework may run past this period provided that the award of contract will be in accordance with the Public Contract Regulations.																						
(iv)	The tender procedure to be adopted.	Restricted Procedure.																						
v)	The procurement timetable.	<table border="1"> <thead> <tr> <th>Indicative dates are:</th> <th>Required Date</th> </tr> </thead> <tbody> <tr> <td>Adverts placed and SQ issued</td> <td>25 October 2020</td> </tr> <tr> <td>S20 Leasehold consultation</td> <td>Dec 20</td> </tr> <tr> <td>Deadline for SQ submissions</td> <td>27 Nov 2020</td> </tr> <tr> <td>Evaluation of SQ submissions and notification of outcome to bidders</td> <td>10 January 2021</td> </tr> <tr> <td>Invitation to Tender Issued</td> <td>18 Mar 2021</td> </tr> <tr> <td>Deadline for tender submissions</td> <td>18 Apr 2021</td> </tr> <tr> <td>Panel evaluation and moderation</td> <td>15 May 2021</td> </tr> <tr> <td>Report recommending Contract (Framework Agreement) award circulated internally for comment</td> <td>25 June 2021</td> </tr> <tr> <td>S20 consultation</td> <td>July 21</td> </tr> <tr> <td>Contract (Framework Agreement) Award – Delegate Authority to</td> <td>8 August 2021</td> </tr> </tbody> </table>	Indicative dates are:	Required Date	Adverts placed and SQ issued	25 October 2020	S20 Leasehold consultation	Dec 20	Deadline for SQ submissions	27 Nov 2020	Evaluation of SQ submissions and notification of outcome to bidders	10 January 2021	Invitation to Tender Issued	18 Mar 2021	Deadline for tender submissions	18 Apr 2021	Panel evaluation and moderation	15 May 2021	Report recommending Contract (Framework Agreement) award circulated internally for comment	25 June 2021	S20 consultation	July 21	Contract (Framework Agreement) Award – Delegate Authority to	8 August 2021
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(vi)	The evaluation criteria and process.	<p>1. As a Restricted Procedure will be followed, all interested bidders will complete a Selection Questionnaire (SQ) which will be assessed to ensure bidders meet the Council's minimum requirements in respect of financial standing, technical capacity and technical expertise. The highest ranking qualified bidders will then be invited to tender.</p> <p>At tender evaluation stage, the panel will evaluate all of the tender lots for both frameworks against the following criteria: 40% Quality – delivery of the service/works, 10% Social Value and 50% Price.</p> <table border="1"> <thead> <tr> <th>Technical / Quality</th> <th>Area weighting</th> <th>Overall weighting</th> </tr> </thead> <tbody> <tr> <td>Q1 Resourcing & Management</td> <td>20%</td> <td rowspan="4">40%</td> </tr> <tr> <td>Q2 Delivery of Service</td> <td>40%</td> </tr> <tr> <td>Q3 Quality & Monitoring</td> <td>20%</td> </tr> <tr> <td>Q4 Stakeholder Engagement</td> <td>20%</td> </tr> <tr> <td>Total for Quality/Technical</td> <td>100%</td> <td></td> </tr> <tr> <th>Social Value</th> <th>Area weighting</th> <th>Overall weighting</th> </tr> <tr> <td>Social Value</td> <td>100%</td> <td>10%</td> </tr> <tr> <th>Commercial</th> <th>Area weighting</th> <th>Overall weighting</th> </tr> <tr> <td>Commercial (Tendered Framework Prices)</td> <td>100%</td> <td>50%</td> </tr> <tr> <td colspan="2" style="text-align: right;">Total</td> <td>100%</td> </tr> </tbody> </table> <p>Once successfully appointed to the Framework, Call off contracts will ordinarily be awarded to the Contractor or Consultant who can carry out the works/deliver the commission at the lowest rate as indicated by the SOR (Schedule of Rates). Where items are not included in the</p>	Technical / Quality	Area weighting	Overall weighting	Q1 Resourcing & Management	20%	40%	Q2 Delivery of Service	40%	Q3 Quality & Monitoring	20%	Q4 Stakeholder Engagement	20%	Total for Quality/Technical	100%		Social Value	Area weighting	Overall weighting	Social Value	100%	10%	Commercial	Area weighting	Overall weighting	Commercial (Tendered Framework Prices)	100%	50%	Total		100%
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Ref.	Requirement	Response
		Schedule of Rates (SOR) or there is a significant change of scope a mini competition will be undertaken between the appointed contractors/consultants to award any such works or services. Factors such as capacity, contract performance and financial standing will also be taken into account before awarding a Call off from either Framework. The use of right is reserved to undertake mini-competition regardless of the circumstances.
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the proposed Frameworks. Financial Services and Legal Services have been consulted concerning this. By setting up framework agreements, this does not commit the Council to any level of expenditure at this stage.
(viii)	The Council's Best Value duties.	Full advertising in accordance with the Public Contracts Regulations 2015, Contracts Finder and on the London Tenders Portal and a robust tender evaluation process will be carried out in order to support the Council's best value duties.
(ix)	Consideration of Public Services (Social Value) Act 2012	10% of the evaluation is included for Social Value benefits.
(x)	Any staffing implications, including TUPE and pensions.	See section 8 below.
(xi)	The relevant financial, legal and other considerations.	See sections 4 and 5 below.

4.9 Cabinet is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

Options Appraisal

4.10 In order to deliver the initiatives referred to above it will be necessary for the Council to have access to a number of suitable contractors and technical consultants. Several procurement options are available. Due to the scale and value of the future works programme it will be advantageous to have access to a supply chain that is procured under thorough tender conditions. The preferred option should be relatively easy to administer whilst still providing ongoing competition from the supply chain and opportunities to make further cost, quality and service benefits. The procurement of new Council framework agreements is the proposed option as outlined below.

Options Considered

4.11 Officers have considered the following three options:

4.11.1 **Deliver in house on an ad-hoc basis** – this would require a significant investment in officer and technical consultants time in regards to preparing bespoke specification and tender documents, administrating the procurement process, evaluating tenders, preparing award documentation, and mobilisation. This would have to be repeated for each procurement.

In addition, this would be extremely time-consuming as a new process is required each time.

Skills and expertise of this magnitude are not currently available in-house.

4.11.2 **Use an existing framework agreement** – no appropriate framework agreement has been identified that can meet the Council’s requirements across all areas of works/consultancy services. There are some frameworks that cover some of our services but not all them. In addition, existing frameworks have constraints in terms of the available contractors and consultants. It is often difficult to engage the supply chain from larger frameworks as their odds of winning works tend to be larger.

Importantly, existing established frameworks are not leasehold compliant and complications can arise when leasehold consultation is attempted. This would be an issue on every procurement.

4.11.3 **Go out to procure Council Framework Agreements** – a formal procurement process to enable works and services to be tailored to meet the Council’s requirements, with statutory consultation with leaseholders pursuant to s20 of the Landlord and Tenant Act 1985 as amended by the Commonhold and Leasehold Reform Act 2002. The frameworks will include robust social value commitments in the subsequent contracts. This is the option that is being proposed in this Report.

5.0 Financial Implications

5.1 The estimated annual value of each category/work stream is as follows:

Category	Annual Value From	Annual Value To
Major Works Refurbishment and Associated New Build	£ 5,000,000	£ 25,000,000
Minor Works	£ 250,000	£ 2,000,000
Voids Re-Servicing	£ 250,000	£ 2,500,000
Fire Safety Works	£ 250,000	£ 3,000,000
Adaptations	£ 100,000	£ 300,000
Energy Efficiency and Retrofit Works	£ 250,000	£ 2,500,000
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Structural Engineering	£ 50,000	£ 200,000
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Fire Engineering	£ 50,000	£ 250,000
Mechanical and Electrical Engineering	£ 100,000	£ 300,000
Partnering Contract Administration	£ 150,000	£ 300,000

- 5.2 These figures are based on historical expenditure and estimated future project expenditure during the term of the proposed framework.
- 5.3 The procurement of these contracts is affordable as they will be met from the existing HRA budget.
- 5.4 By setting up framework agreements, this does not commit the Council to any level of expenditure at this stage. Individual, framework call-offs and mini-competitions will continue to follow the standard Council's approval and governance processes.

Procurement and Contract Award Post Framework Award

- 5.5 Whilst works will continue to be awarded to Wates under the existing Integrated Asset Management Contract, the new framework agreements will facilitate the delivery of the wider capital works programme and related technical consultancy services.
- 5.6 Post-framework award, it will be necessary to tender and award a series of contracts either as direct call-offs or mini-competitions. The tender and award route will follow the Procurement Rules based on each contract award value.
- 5.7 The decision to tender and award most contracts will be by delegated authority to the Strategic Director / relevant Operational Director or such other person they have formally authorised for all values of contract with the exception of:
- Contracts for services and supplies above £2M
 - Contracts for works above £5M
- 5.8 The decision to tender and award these contracts will be via Cabinet.
- 5.9 DMT / Commissioning & Procurement Board / Capital Board requirements will be followed as set out in the Council Procurement Rules.
- 5.10 Appendix 1 sets out the procurement and award process that will be followed under the Framework Agreements. This follows the requirements of the Council Procurement Rules.

6.0 Legal Implications

- 6.1 The proposed estimate for the procurement of the two frameworks will be above the threshold for both works and also services as detailed in the Public Contracts Regulations 2015 ("PCR 2015"). The estimated value of Call-Off Contracts under the framework for works will be between £24.8 million and £141.2 million for the term of the framework. The estimated value of Call-off Contracts under the framework for consultancy services will be between £3.2 million and £10.8 million for the term of the framework.
- 6.2 The estimated value of the two frameworks is such that they are classified as High Value Contracts under the Council's Contract Standing Orders. For High Value Contracts, the Cabinet must approve the pre-tender considerations set out in paragraph 4.8 above (Standing Order 89) and the inviting of tenders for the framework (Standing Order 88). Delegated authority to the Strategic Director for Community Wellbeing, in consultation with the Lead Member for Housing Welfare Reforms is sought to appoint contractors and providers to the frameworks and therefore, once the tendering process is undertaken Officers will report back to the Strategic Director for Community Wellbeing, explaining the process undertaken in tendering the frameworks and recommending appointment to the frameworks.

- 6.3 As this procurement to establish two framework agreements is subject to the full application of the PCR 2015, the Council must observe the requirements of the mandatory minimum 10 calendar standstill period imposed by the PCR 2015 before the frameworks can be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the frameworks may commence.
- 6.4 There is a current Integrated Asset Management Contract with Wates. This procurement does not seek to replace those arrangements. However, there are significant areas of work that are not currently covered by the contract with Wates, and / or where Wates do not have sufficient capacity. These new frameworks provide this additional capacity and facilitates the delivery of other works and consultancy services as the need arises.
- 6.5 In procuring the frameworks, it will be necessary for the Council to carry out consultation pursuant to s20 of the Landlord and Tenant Act 1985 as amended by the Commonhold and Leasehold Reform Act 2002 as the frameworks will be classed as a Qualifying Long Term Agreements. A two-stage consultation will be required with at least a 30 day consultation period for each stage. The Council has a duty to regard any observations, comments or responses arising from consultation with the leaseholders. If it is possible to draft the frameworks with sufficient detail, it may be possible to ensure that no further consultation is required save for consultation under Schedule 3 of the consultation legislation when the Council undertakes any qualifying works i.e. building works.

7.0 Equality Implications

- 7.1 The Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,
- pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.
- 7.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 The purpose of the duty is to enquire into whether a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision. Due regard is the regard that is appropriate in all the circumstances.
- 7.4 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

8.0 Consultation with Ward Members and Stakeholders

8.1 A Notice of Intention to procure the Frameworks will be sent to leaseholders prior to the commencement of the procurement process. A notice of Proposal will be issued prior to the award of the framework agreements. This will be a Long Term Qualifying Agreement for the purposes of leaseholder consultation. Post framework award it is only necessary to issue a single Notice of Estimate when works or services are required.

8.2 The Lead Member for Housing Welfare Reform has been consulted

9.0 Human Resources/Property Implications (if appropriate)

9.1 There are no direct implications for council staff arising from the tender.

10.0 Public Services (Social Value) Act 2012

10.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers will incorporate social value into the specification, award criteria and contract for these Frameworks to ensure that a contribution of 10% of the contract value delivered is made to Brent’s Social Value commitments.

Report sign off:

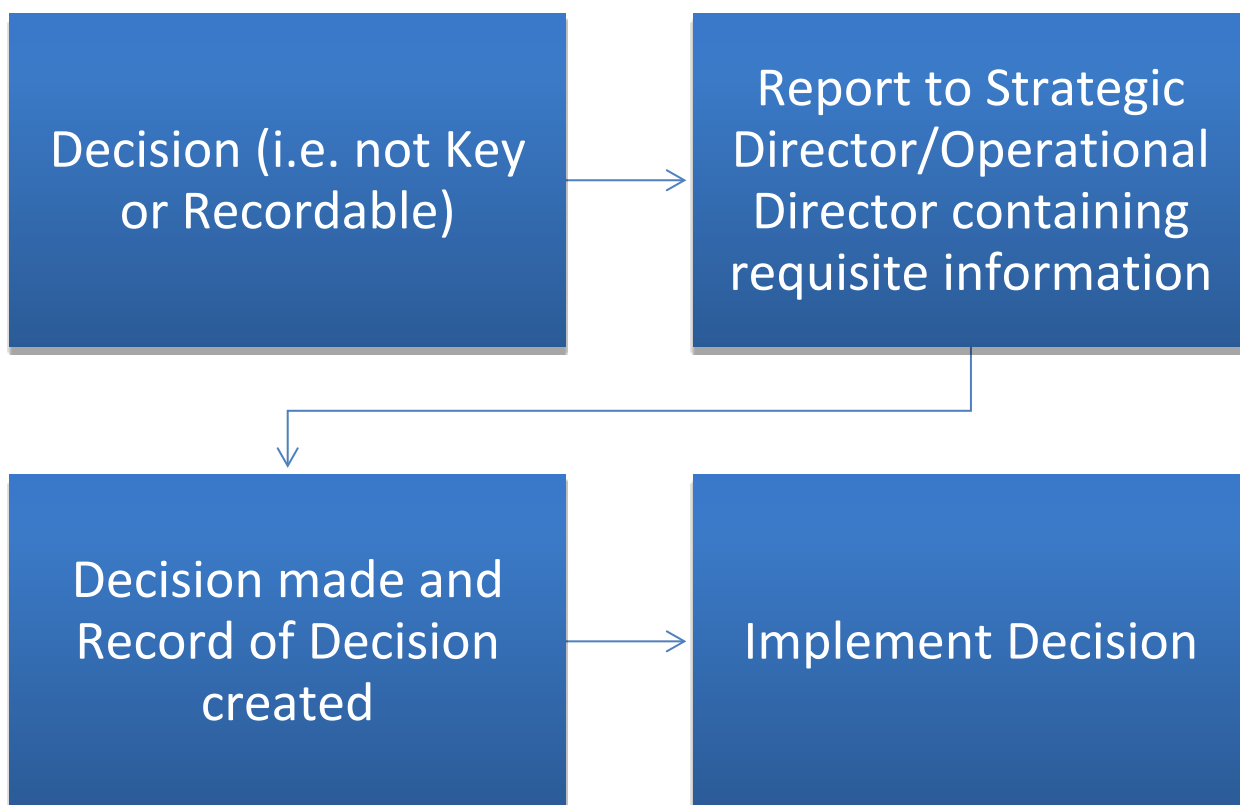
PHIL PORTER

Strategic Director of Community
Wellbeing

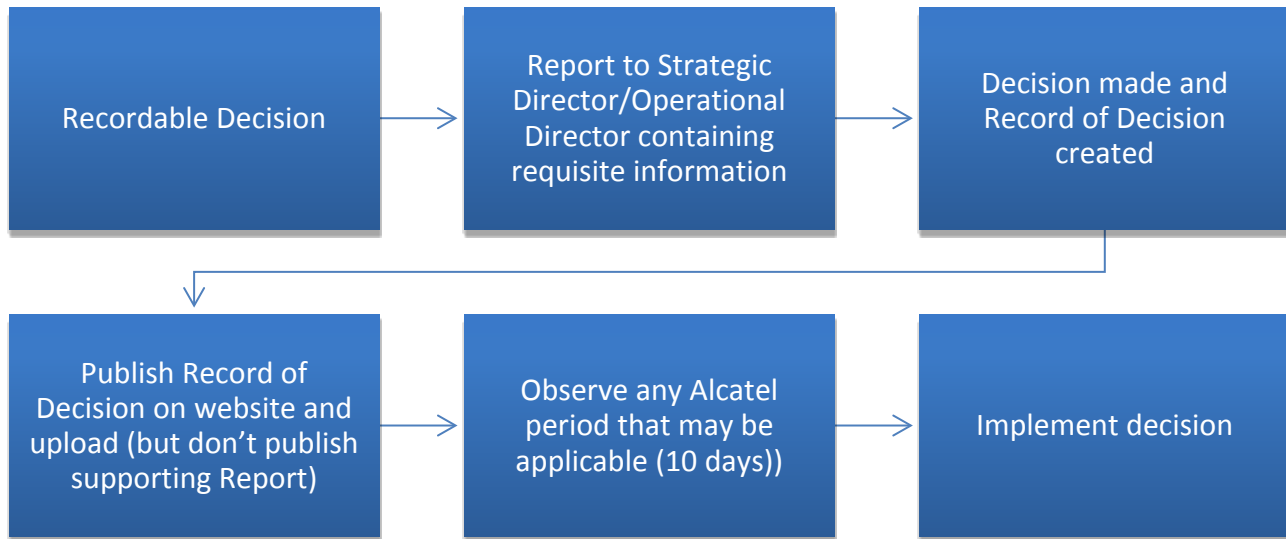
APPENDIX 1

CONTRACT DECISION MAKING

Estimated Value is less than £250,000

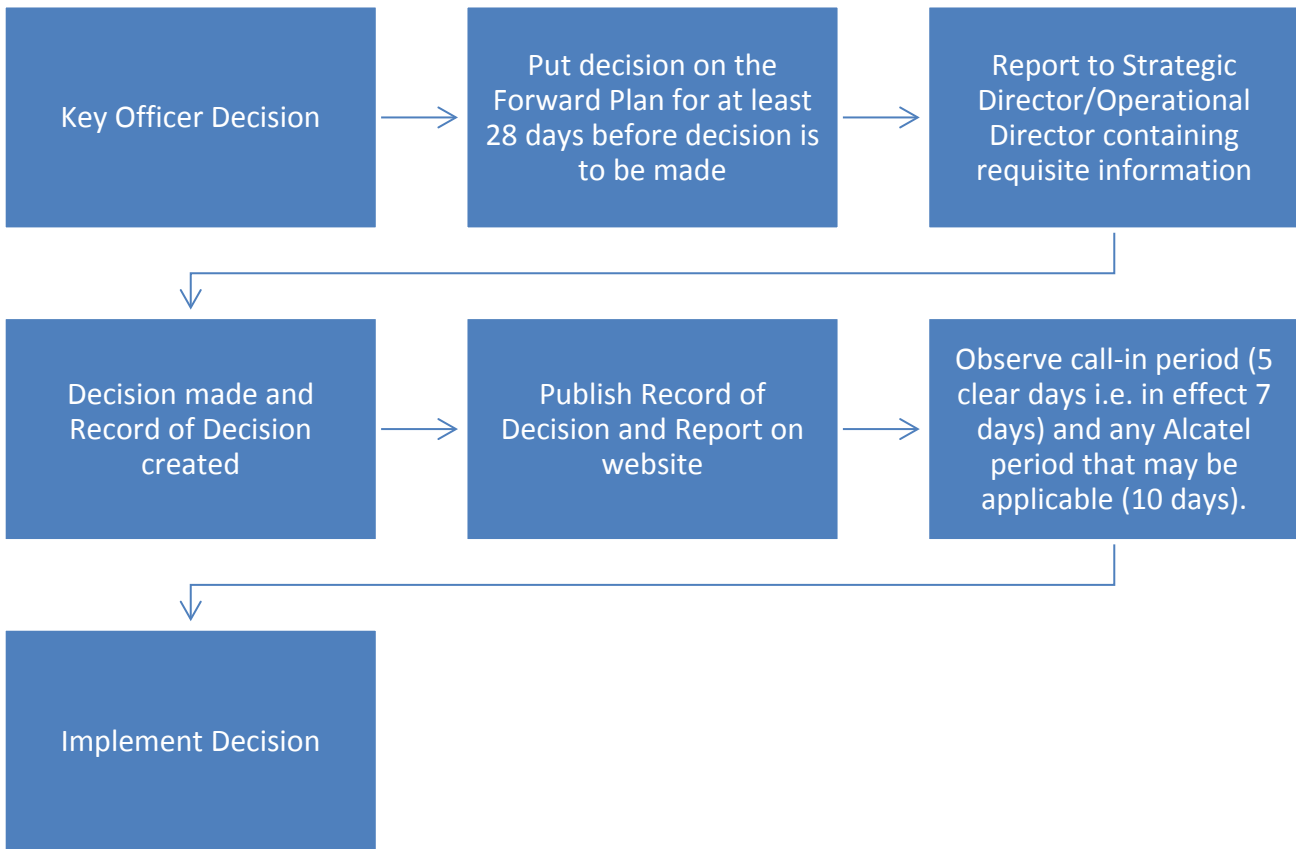


Estimated Value between £250k - £500k



Estimated value for Services and Supplies – from £500k to £2M;

and for Works from £500k to £5M



Estimated value for Services and Supplies - £2M and over; and for Works - £5M and over (or where Decision is particularly significant or controversial)

