

Report to: Cabinet



Date of Meeting 31 March 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Exemption from Contract Standing Orders – Fire Risk Assessments (Housing)

Report summary:

In line with The Regulatory Reform (Fire Safety) Order 2005 and in line with EDDC's Fire Safety Policy we must undertake fire risk assessments (FRA) of all communal areas. Compliance with this duty is by law and to ensure the safety of our residents and staff in our blocks of flats, community centres & district.

To ensure continuity with the large volume of improvement work carried out it is beneficial to East Devon District Council and our residents to direct award this contract to FCS Live and therefore an exemption from contract standing orders is applied. Cabinet are asked to note the exemption as the contract exceeds £20,000.00.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- a) That Cabinet approves the exemption from Contract Standing Orders in accordance with 3.2 of the Council's Contract Standing Orders.

Reason for recommendation:

The fire risk assessments are due to be completed and any delay in this process could leave the service and council at risk. The approval of the exemption will ensure unbroken continuity in risk assessments and will support the continuation of the large fire safety improvement work that has taken place following the previous round of fire risk assessments carried out by FCS Live.

Carrying out Fire Risk Assessments is a specialist area with a limited number of contractors who meet our specific criteria and due diligence requirements, as outlined in our fire safety policy. FCS Live met those credentials, as evidenced during the last procurement exercise and have proven to be a trusted and competent contractor.

Following the Grenfell Tower tragedy it is paramount that we engage with a contractor we trust to assess the fire risk within our blocks of flats.

The impending Building Safety Act will put even greater responsibility on the Council to ensure our properties are maintained and monitored to the highest standard and therefore these risk assessments need to be carried out as a matter of urgency.

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Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk;

Links to background information

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

Report in full

Background

In line with The Regulatory Reform (Fire Safety) Order 2005 and in line with EDDC's Fire Safety Policy we must undertake fire risk assessments of all communal areas. Compliance with this duty is a point of law and ensures the safety of our residents and staff in our blocks of flats, community centres & other areas throughout the district

Advantage South West Portal (E-tendering) supported the procurement process that saw FCS Live awarded the contract. This was due to their impeccable credentials, market experience and their ability to meet our strict requirement to be a member of the Institute of Fire Engineer, a nationally recognised qualification within the sector.

FCS Live carried out the fire risk assessments and compliance actions within an electronic portal that enabled staff to review and update the fire risk assessment as a live document, ensuring our risk assessments are always current, relevant and reflect our current position. From the risk assessments there was a number of recommendations required to be carried out to improve the fire safety within our blocks and over the past 18 months Property & Asset have carried out a large volume of these works across the sites.

To ensure continuity of improvement work it is beneficial to East Devon District Council and our residents to direct award this contract at a value of £20,718.00 (exc VAT) and therefore an exemption from contract standing orders is requested.

Conclusion

The exemption has been approved by both Finance and Legal and the monies required are within the current budget

This FRA work programme will be going out to open market procurement next year

Financial implications:

Works are within existing budgets

Legal implications:

The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure (which is still currently relevant) does not apply and an exemption can be validly relied upon pursuant to the Council's Contract Standing Orders Rule 3.2. The reason for using the exemption in this case appears justified