

## **Cabinet Meeting on Wednesday 21 July 2021**

### **Framework Agreement for the Provision of Asbestos Removal and Encapsulation Services**



**Cllr Mark Deaville, Cabinet Member for Commercial Matters said,**

“As a county council we are committed to getting the best services delivered at the best value for Staffordshire taxpayers.

The procurement of a framework agreement will give us both flexibility and rigour for the removal of asbestos when needed.”

#### **Report Summary:**

The objective of the report is to establish approval to proceed with the procurement of a framework agreement for the provision of Asbestos Removal and Encapsulation Services (the “Framework Agreement”) and to secure approval for the Director of Corporate Services to be given delegated authority to approve the award of the Framework Agreement and the subsequent award of any call-off contracts under the Framework Agreement. The Framework Agreement will be for a period of 2 years starting 1<sup>st</sup> March 2022 to 28<sup>th</sup> February 2024 with the option to extend by 1 x 24-month period.

#### **Recommendations**

I recommend that Cabinet:

- a. Agree that Staffordshire County Council (the “Council”) concludes its regulated procurement in line with the Public Contract Regulations 2015 (the “Regulations”) for the Framework Agreement;
- b. Agree, following the procurement process, the successful suppliers be appointed to the Framework Agreement for the period 1<sup>st</sup> March 2022 to 28<sup>th</sup> February 2024 and that dependent on the quality of their delivery, that the 24-month service extension be implemented to a final contract end date of 28<sup>th</sup> February 2026; and
- c. Agree that the Director of Corporate Services be given delegated authority to:
  - i. Approve the initial awards of the tendered suppliers to the Framework Agreement and authorise the Council entering into the Framework Agreement with successful suppliers;

- ii. Approve all subsequent call-off contracts under this Framework Agreement and authorise the Council entering into any call-off contracts with suppliers under the Framework Agreement; and
- iii. (if applicable) approve the 2-year extension to the Framework Agreement in its 2<sup>nd</sup> year.

<b>Local Members Interest</b>
N/A

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#### **Recommendations of the Cabinet Member for Commercial Matters**

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- a. Agree that Staffordshire County Council (the “Council”) concludes its regulated procurement in line with the Public Contract Regulations 2015 (the “Regulations”) for the Framework Agreement;
- b. Agree, following the procurement process, the successful suppliers be appointed to the Framework Agreement for the period 1<sup>st</sup> March 2022 to 28<sup>th</sup> February 2024 and that dependent on the quality of their delivery, that the 24-month service extension be implemented to a final contract end date of 28<sup>th</sup> February 2026; and
- c. Agree that the Director of Corporate Services be given delegated authority to:
  - i. Approve the initial awards of the tendered suppliers to the Framework Agreement and authorise the Council entering into the Framework Agreement with successful suppliers;
  - ii. Approve all subsequent call-off contracts under this Framework Agreement and authorise the Council entering into any call-off contracts with suppliers under the Framework Agreement; and
  - iii. (if applicable) approve the 2-year extension to the Framework Agreement in its 2<sup>nd</sup> year.

#### **Report of the Director for Corporate Services**

##### **Reasons for Recommendations:**

1. The current Asbestos Removal and Encapsulation Services Framework Agreement (PC695) expires on 28<sup>th</sup> February 2022. The estimated annual value for the framework agreement is £375,000 per annum for the Council.
2. The procurement of the new Framework Agreement will be qualified for up to £3 million to consider flexibility in the Council’s spend and to accommodate the potential additional spend of public sector partners.
3. The Framework Agreement is being procured to provide the Council with an agreed schedule of rates for the removal of Asbestos and Encapsulation services within Council owned buildings. The Framework Agreement can also be accessed by public sector partners including schools and academies.

4. It is envisaged that 4 suppliers will be appointed to the Framework Agreement.
5. There are no equivalent agreements procured by any other independent 3<sup>rd</sup> party central purchasing bodies or contracting authority/council which uniquely hold the local suppliers. The option to publicly tender this not only serves as an opportunity for local suppliers to tender but also serves as a benchmark on value for money.
6. Without recourse to a Framework Agreement, Council officers would be required to invest more resource into spot tendering / quoting for individual work packages which would require a plethora of separately tendered projects per annum conforming to the Councils' own Procurement Regulations

### **Legal Implications**

7. The potential value of spend for the services lends the procurement process to strictly follow the "Regulations. The implications of any process failing to follow these Regulations could lead to serious legal challenges to the Council with the probable halt by a court on any contract award. A template framework agreement has been developed in conjunction with Legal Services to allow for the relevant works to be called off as and when required. The call-offs will be managed by Entrust Support Services Limited ("Entrust") and a call-off process is detailed within the Framework Agreement. We are not aware of any other legal implications at the time of writing this report.

### **Resource and Value for Money Implications**

8. The Framework Agreement will be commissioned by the Council, led by a Strategic Property lead, and procured by the Council's Commercial Team. The ongoing technical day-to-day contract management is delivered in conjunction and managed by Entrust. There are no resource implications known at the time of writing this report. The failure to conduct a competitive tender process will inevitably lead to a disaggregation of spend with each project being contracted separately when it arises leading to increase in prices, inefficiencies in the contracting process and a sharp increase in procurement and commissioning effort and therefore this is considered the best way to achieve best value.

### **List of Background Documents/Appendices:**

Community Impact Assessment – Summary Document

### **Contact Details**

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