



Report of the Cabinet Member for Climate Change & Service Transformation

Cabinet – 15 July 2021

Framework Agreement for the Provision of Asbestos Surveying/Inspection, Testing/Analytical Services and Licensed Removal

Purpose:	To approve the All Wales Frameworks for: Asbestos Surveying/Inspection Services; Testing/Analytical Services, and Removal of Asbestos Works: LOT 1 - Asbestos Survey/ Inspection LOT 2 - Asbestos Testing/ Analytical Services LOT 3 - Asbestos Removal (the Lots)
Policy Framework:	Council Constitution – Contract Procedure Rules
Consultation:	Legal, Democratic Services, Procurement and Commercial Services, Finance, Corporate Building Services and Access to Services
Recommendation(s):	It is recommended that Cabinet: 1) Approve the appointment of the Contractors listed in Appendix 1 for all Lots to the Frameworks for: Asbestos Surveying/Inspection Services; Testing/Analytical Services and Removal of Asbestos Works. 2) Delegate authority to the Head of Building Services to approve the terms of any future call-off contracts under the Framework Agreement in consultation with the Chief Legal Officer. 3) Authorise the Chief Legal Officer to enter into and execute the Framework Agreements and relevant call off contracts as necessary to protect the council's interests.
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Finance Officer:	Ben Smith
Legal Officer:	Debbie Smith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 A procurement process has been undertaken to establish an All Wales Framework for: Asbestos Surveying/Inspection Services; Testing/Analytical Services and Removal of Asbestos Works. Swansea Council is the lead authority responsible for procuring and managing the framework. The Framework is for a 2 year term with an option to extend for a further 2 years.

2. Procurement Process

- 2.1 The potential estimated spend over the duration (4 years) of the Framework is £20,000,000. This is based on historical spend across Wales. This is a framework arrangement and no guarantee as to volumes or expenditure can be given and each Contracting Authority would be responsible for its own costs incurred when using the framework.
- 2.2 Tenders were invited under the Open Procedure. The opportunity was advertised in the Official Journal of the European Union via Sell2wales. The tendering process was conducted electronically via the eTenderWales tendering portal.
- 2.3 The invitation to tender was split in to 3 Lots as follows:
- LOT 1 - Asbestos Survey/ Inspection;
 - LOT 2 - Asbestos Testing/ Analytical Services; and
 - LOT 3 - Asbestos Removal
- 2.4 The Council's intention is to enter into a Framework Agreement with six (6) Provider/s, per Lot, per region.
- 2.5 The award criteria used for this process was 70% quality 30% price and this criteria was detailed in the Tender Documentation.

3. Tenders Received

- 3.1 23 Tenderers submitted tenders for the different lots by the return date of 15 February 2021 as detailed below:
- Lot 1 13 Bidders
 - Lot 2 12 Bidders
 - Lot 3 10 Bidders
- 3.2 The tenders were opened by Commercial Services in accordance with Contract Procedure Rules and no tenders were disqualified at opening.

4. Tender Evaluation

- 4.1 Tenders were evaluated by Officers from Corporate Building Services Alan Llewelyn, Robert James, David Jones.
- 4.2 Tender evaluation was undertaken in accordance with the criteria set out in the Invitation to Tender documents as a two stage process.
- 4.3 At stage one of the process; the Council undertook a suitability assessment. All Tenderers met the minimum standard and proceeded to stage two of the process.
- 4.4 Stage two of the process was the tender assessment stage, which comprised of two parts and had the following award criteria: Quality 70% and Price 30% for each of the Lots.
- 4.5 The quality evaluation ensured tenderers were able to demonstrate a minimum understanding of key requirements. The quality evaluation was based on the assessment of method statement questions on the following:

Lot 1

- Quality Assurance Management System
- Environmental Safety Management System
- Health and Safety Management System
- Asbestos Survey/Inspection

Lot 2

- Quality Assurance Management System
- Environmental Safety Management System
- Health and Safety Management System
- Asbestos Inspection Report

Lot 3

- Asbestos Removal
 - Health and Safety Management System
 - Quality Assurance Management System
 - Environmental Safety Management System
- 4.6 Tenderers were required to attain a minimum score for the quality questions. Any tender attaining a score of less than 3 for 3 or more Method Statement responses resulted in tenders being rejected without further evaluation as per the Instructions to Tender. No tenders were rejected.
- 4.7 Tenderers who achieved the required score in the quality evaluation proceeded to the price evaluation.

- 4.8 The scores of bidders recommended for appointment onto the Frameworks are detailed in Appendix .1
- 4.9 Contracting Authorities/Public Bodies will have the option to directly award to the first ranked tenderer within the Lot for the specified prices for call offs up to £50,000, or conduct a further competition, as contained within Schedule 2 of the Framework Agreements.
- 4.10 Should participating Contracting Authorities/Pubic Bodies decide to conduct a further competition then all framework providers that have been appointed on their Region will have to be invited. The specific requirements of the further competition shall be provided and assessed separately to these Frameworks. Time limits for any return of mini-competitions shall be provided up front and shall , in the view of the Contracting Authorities /Pubic Bodies, be sufficiently long enough to allow bidders to return their bids.

5. Community Benefits

- 5.1 For all projects over £50,000 then Community Benefits will need to be considered by each Contracting Authority/Public Body and included where appropriate.

6. Well-being of Future Generations and the Environment

- 6.1 Contracting Authorities/Public Bodies are committed to delivering the requirements of the relevant legislation through their individual Corporate Wellbeing Objectives and collectively through the Public Service Board's Local Well-being Plans. Each Contracting Authority/Public Body will need to include this, where appropriate, on each of their call off contracts.

7. Integrated Assessment Implications

- 7.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage
 - Consider opportunities for people to use the Welsh language
 - Treat the Welsh language no less favourably than English.

- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 7.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 7.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 7.4 An IIA screening form was completed by Officers from Building Service & Procurement and the agreed outcome was that no full IIA is required because the framework has no impact on the groups mentioned in the IIA screening form (see Appendix 2).

8. Financial Implications

- 8.1 The sufficiency of budget provision and other financial matters will be determined for each call off contract under the Framework Agreements.
- 8.2 This work will need to be funded by revenue, capital and contributions from the HRA budget. There is sufficient budget in cost centres 701.70001, 891.89101 and 551.55121 from the revenue budget to cover CCS's share (up to approx. £120K pa).
- 8.3 Capital budget to be costed to projects when known/required.

9. Legal Implications

- 9.1 The Responsible Officer is satisfied that the tender process has been undertaken in compliance with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules, and recommends approval in accordance with those Rules.
- 9.2 The Framework Agreements are to be prepared by the Chief Legal Officer. All contractual liabilities and obligations will be covered by the contract documentation, which will consist of the over-arching Framework Agreement together with separate call-off contracts.
- 9.3 It is recommended that authority is delegated to the Responsible Officer to approve the terms of each call off contract in consultation with the Chief Legal Officer.

Background Papers: None

Appendices:

Appendix 1 - Bidders Recommended for Award Lot 1

Appendix 1 - Bidders Recommended for Award Lot 2

Appendix 1 - Bidders Recommended for Award Lot 3

Appendix 2 - IIA Screening Form