

North Lanarkshire Council

Report

Housing & Regeneration Committee

approval noting

Ref HO TB 19 108

Date 09/09/20

Tower Strategy Programme: Contract for Noting – Sprinkler Design Team Services

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Executive Summary

The purpose of this report is to notify the committee regarding the award of a contract to Michael Dyson Associates Limited (MDA Ltd) for design team services associated with the installation of sprinkler systems to thirty tower blocks and the design of sprinkler systems to the remaining nine tower blocks.

This award has been made utilising the Council's Negotiated Tender Procedure (NTP) as the contract could not be tendered competitively within the programme proposed for the project. The completion of a competitive procurement procedure would have taken 12 months, due to the unforeseen tragedy at Grenfell Tower in London there was a need to accelerate this programme. The use of the NTP was identified as the most appropriate procurement route to deliver this project to avoid the risk of further delay and to ensure the continued safety of residents within tower blocks.

Recommendations

It is recommended that the Committee notes the action taken to award the contract for the design team services associated with the installation of sprinkler systems to **thirty** tower blocks and the design of sprinkler systems to the remaining **nine** tower blocks using the NTP.

The Plan for North Lanarkshire

Priority Improve the health and wellbeing of our communities

Ambition statement (14) Ensure the highest standards of public protection

1. Background

- 1.1 Committee will recall the report Tower Strategy Programme: Tower Survey & Sprinkler Design & Installation reported to the September 2018 Enterprise and Housing Committee. This report provides an update to members of the actions taken to date.
- 1.2 Following consultation with internal and external stakeholders, it became necessary to revise the NTP as follows into two separate NTP's:-
 - NTP 1 – Design Team Services associated with the installation of sprinkler systems to thirty nine tower blocks;
 - NTP 2 – The sprinkler Installation to a Pilot Block at Birkshaw tower in Wishaw; (works now complete) and
 - Contract award procedure - sprinkler installation to the remaining tower blocks. This aspect will be tendered as it was considered that there is sufficient time to complete a full tender procedure.
- 1.3 The NTP with MDA Ltd covers the design team services for the thirty tower blocks including for the provision of concept design; principal designer role; and contract administration. The design services for the sprinklers to the other nine blocks is for concept design only.

2. Report

- 2.1 A user intelligence group (the 'UIG') of technical and procurement representatives was formed to review technical specifications, discuss trading processes, market conditions and trends, ways to maximise community benefits and sustainability and to agree the procurement strategy that would deliver maximum benefit for the Council.
- 2.2 Following the agreement of the negotiated tendering procedure, in line with Regulation 33 of the Public (Contracts) Scotland Regulations 2015, tender documents were prepared and a negotiated tender was submitted by MDA Ltd for a total value of up to £600,000 across a maximum five year period. A Contract Award Notice was published on Public Contracts Scotland advising the market of this award (notice reference JUL389659). Previously, the Scottish Fire and Rescue Service had identified that the retrospective fitting of automatic sprinkler systems to tower blocks as one of the safest mitigation factors in relation to towers and public safety. This initiative was approved at the Enterprise and Housing Committee in February 2018. To ensure consistency in advice and reduce the risk to the Council, it was concluded that MDA would be best placed to deliver the Design Team Services for the sprinkler installations within the Councils' tower blocks. This would form part of their ongoing work with the Council in relation to the three phase tower survey programme using their knowledge and understanding gathered to date in relation to the design and construction of the towers.
- 2.3 The total value of the NTP is up to £600,000. This is considered to be the best value available to ensure the proposals are delivered in the programmed timescales.
- 2.4 Officers from Housing, Property & Projects will be responsible for managing the Contract which will be undertaken in accordance with the Councils agreed approach to Contract and Supplier Management.

3. Equality and Diversity

3.1 **Fairer Scotland Duty**

This NTP will account for measures that will ensure that design parameters and Building Control Regulations are adhered to when undertaking the installation of sprinkler systems within tower blocks. The contract will also ensure fire integrity of structures; installation of suitable fire protection systems; and allow for enhanced means of safe escape to residents within tower blocks.

3.2 **Equality Impact Assessment**

The Council will continue to carry out Equality impact assessments to determine if policies, practices, decisions, functions and strategies identify any negative impact on any particular group covered by the protected characteristics of the Equality Act 2010.

4. **Implications**

4.1 **Financial Impact**

To ensure flexibility within the capital programme and to ensure there are suitable contingencies should any additional design services be required, the contract was awarded for up to a value of £600,000 over a maximum of a five year period.

The costs associated with contract delivery will be contained within the Housing Revenue Account Mainstream Capital Programme over financial years 2019/2020; 2020/2021; 2021/2022; 2022/2023 and 2023/2024.

Price Stability

Contract pricing is fixed for the duration of the Contract.

4.2 **HR/Policy/Legislative Impact**

This contract has been awarded in accordance with the Council's General Contract Standing Orders - version 15.

4.3 **Environmental Impact**

The Contract has the following environmental impacts:

- Encourage use of environmentally friendly materials through drafting appropriate Employers Requirements;
- Ensuring that sprinkler tanks are not overdesigned to ensure that there is no unnecessary water consumption; and
- Including highly technical sprinkler heads to reduce the number of "false alarms" and therefore reducing water consumption.

4.4 **Risk Impact**

Risk will be minimised and managed by a designated Contract Manager in accordance with the works specification and in line with the Councils agreed approach to Contract and Supplier Management.

5. Measures of success

It is anticipated that the award of the Contract will deliver the following successful outcomes:

- 5.1 The appointment of a Service Provider who has the experience and capability to deliver an innovative, high quality and responsive service;
 - 5.2 The Procurement Procedure is compliant with the procurement legislation and internal procedures; and
 - 5.3 That best value is both demonstrable and achieved.
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Brian Lafferty
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