

**To:** Cabinet  
**Date:** 29 May 2019  
**Report of:** Head of Housing  
**Title of Report:** Award of Asbestos Surveying Contract

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To seek delegated authority to award an asbestos surveying contract.
<b>Key decision:</b>	Yes
<b>Cabinet Member:</b>	Housing (Building New Homes)
<b>Corporate Priority:</b>	Meeting Housing Needs
<b>Policy Framework:</b>	Housing Strategy
<b>Recommendations:</b> That Cabinet resolves to:	
1. <b>Delegate</b> authority to the Assistant Chief Executive, after consultation with the Monitoring Officer, following completion of the EU-compliant tender process described in this report, to award an asbestos surveying contract to the successful contractor.	

<b>Appendices</b>	
Appendix 1	Risk Register

## Introduction and background

1. Currently the Council has a one year contract with an Asbestos surveying company which finishes in May 2019. This contract covered surveying of domestic communal spaces, void surveys and pre-construction surveys.
2. The new contract will enable the Council to undertake the required asbestos surveys to both domestic and commercial properties. The contract includes the surveying of all Council managed commercial properties within a year, the re-inspections of asbestos containing material in domestic communal areas and any required air monitoring. This contract will provide consistent and up to date information with which to populate the asbestos register and ensure the council has surveys for all of its buildings. The surveying is conducted in a way that presents no safety risk to building occupants. This helps to ensure the Council complies with its duties under the Control of Asbestos Regulations 2012.

3. Any required asbestos removal work would be an additional cost. A budget has been allocated for this, but until the council has carried out the surveys it will not know the full extent of removal work required. As asbestos can be managed safely in place the council will do this whenever possible in order to manage the budget effectively. The priority will be to remove any high risk asbestos identified or to isolate areas.
4. At the time of writing this report the OJEU procurement process has completed and the Council is evaluating tender submissions. As the contract sum is estimated to be above £1.3million officers are seeking the delegation from the Cabinet to award this contract.

## **5. Tender Process**

An EU open tender process has been conducted using the South East Business portal in line with the council's procurement procedures.

## **6. Evaluation Criteria**

The evaluation criteria for both opportunities has been set at 60% quality and 40% price, with the quality section questions seeking to examine how the tenderer will meet the service needs of the contract. Each question is weighted to reflect the importance of the criterion and the Council's standard 0-5 scoring mechanism is being used.

## **7. Contract Rules Compliance and Financial Assessment**

A financial assessment will be carried out on the successful tenderers and the contract rules have been complied with.

## **8. Financial implications**

This project will run for five years with a total estimated cost of £260k per annum. The work will be funded from a number of different budget lines depending on the property being surveyed. This involves both general fund and Housing Revenue Account (HRA) assets.

It should be noted that this funding has already been included in council budgets under the appropriate budget headings.

## **9. Legal Issues**

Under the Control of Asbestos Regulations 2012 (CAR 2012) the duty to manage asbestos is directed at those who manage non-domestic premises whatever type of business is carried out in them. This also covers the common areas of residential rented properties, including halls, stairwells, lift shafts, and roof spaces.

The duty under the CAR 2012 also extends to the responsibility for protecting others who work in such premises, or use them in other ways, from the risks to ill health that exposure to asbestos causes.

Where the Council is the Duty holder it would be required under Regulation 4 of the CAR 2012 to carry out an asbestos survey to confirm if and where the materials are present in communal areas of its premises. A proper record of the location and type of asbestos must be kept on an “asbestos register” and a plan put into place to manage the risks and monitor any changes in the condition of the materials. The information contained on the asbestos register should be passed to building or maintenance contractors when any repairs or renovations are to be carried out in the common areas of the property.

The Council also has a responsibility under Section 3 of the Health and Safety at Work Etc. Act 1974, under which it is responsible for the health, safety and welfare of persons not in its employment in connection with the manner in which it conducts its business. There are also extensive Codes of Practice and guidance information published by the Health and Safety Commission and subsequently the Health and Safety Executive which should be complied with.

In order for the Council to comply with the legislation surrounding Asbestos management, the legislative requirements have clearly been stated in the specification. The tender process is following the EU open tender process and has been competitively advertised in the Official Journal of the European Union, the South East Business Portal and Contracts Finder.

## 10. Level of Risk

Please refer to the risk register

## 11. Equalities Impact

A full impact assessment is not relevant to this report; however, the tender documentation has safeguarding requirements that suppliers will have to comply with.

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**Background Papers:** None

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