

To: Cabinet
Date: 9 December 2020
Report of: Head of Housing
Title of Report: Award of Key Service Contract for Legionella Prevention and Control

| Summary and recommendations | |
|--|--|
| Purpose of report: | To seek project approval and delegation to award a contract to deliver Legionella Control Services to the Council. |
| Key decision: | Yes |
| Executive Board Member: | Councillor Ed Turner, Cabinet Member for Finance and Asset Management |
| Corporate Priority: | Support flourishing communities |
| Policy Framework: | Housing Asset Management Strategy |
| Recommendations: That Cabinet resolves to: | |
| <ol style="list-style-type: none"> 1. Grant project approval for the provision of Legionella Prevention and Control Services to the Council; and 2. Delegate authority to the Executive Director of Housing, after consultation with the Monitoring Officer and s151 Officer, to award the Legionella control contract to the successful supplier(s) following a tender process undertaken in accordance with the Public Contracts Regulations 2015 | |

| Appendices | |
|-------------------|---------------|
| Appendix 1 | Risk Register |

Introduction and background

1. The legionella contract, which ensures the risk management and control of legionella and associated services is coming to the end of its extension period and terminates on 31st March 2021. In order to maintain legislative compliance regarding water hygiene and to ensure the safe operation of water services in Council properties, the contract is being re-tendered.

2. Tender Process

An EU open tender process is being conducted, using the South East Business portal for contractors who are members of the Legionella Control Association. There are no suitable framework agreements that the Council is able to utilise.

3. Evaluation Criteria

The evaluation criteria for both opportunities have 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 and the Council's standard 0-5 scoring mechanism is being used.

As the Council is proud to be an accredited member of the Living Wage Foundation, procurement will seek to promote and increase the number of suppliers that adopt the Oxford Living wage or Living Wage Foundation rate on supply of goods, services or works.

The section in the tender response on Social Value counts towards 5% of the evaluation.

Social Value: please indicate what, if anything, is included in your offer to enable the Council to deliver in terms of its obligations under the Social Value Act (examples might include placements and apprenticeships, charity donations, volunteering for community work, contribution to Oxford's zero emission zone, supporting the Oxford Living wage, reduction of noise, air and chemical pollution. This is not an exhaustive list and there are many more ways to demonstrate social value).

Maximum word count 500 - score 5%

4. Contract Rules Compliance and Financial Assessment

Both opportunities will be call off contracts and a financial assessment of the successful tenderers will be carried out.

5. Financial implications

The budget available for the contract is in excess of £100,000 per annum. Based on a 5 year contract term this equates to a potential total contract spend in excess of £500,000.

6. Legal Issues

The Council has to comply with regulation surrounding the control of legionella which is enforced under the Health & Safety at Work etc. Act 1974 and the Control of Substances Hazardous to Health (COSHH) Regulations 2002. The tender process will follow the EU open tender process and will be competitively advertised in the Official Journal of the European Union, the South East Business Portal and Contracts Finder. The process followed will be in accordance with the Public Contracts Regulations 2015 and the requirements of the Council's Contract Rules in the Constitution.

7. Level of Risk

Please refer to the risk register

8. Equalities Impact

A full impact assessment is not relevant to this report, however, both sets of tender documentation have safeguarding requirements that suppliers will have to comply with.

| | |
|----------------------------|--|
| Report author | Paul Worts |
| Job title | Property Services Health & Safety Compliance Manager |
| Service area or department | Property Services |
| Telephone | 01865 252276 |
| e-mail | pworts@oxford.gov.uk |

Background Papers: None

This page is intentionally left blank