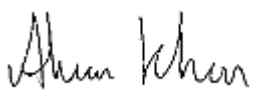


## LONDON BOROUGH OF WALTHAM FOREST

Meeting / Date	<b>Cabinet</b> <b>22<sup>nd</sup> September 2022</b>	
Report Title	<b>Building Safety - Waking Watch Procurement Update</b>	
Cabinet Portfolio	Councillor Ahsan Khan Deputy Leader and Portfolio Lead Member for Housing & Regeneration	
Report Author/ Contact details	Darren Welsh & Sumitra Gomer Corporate Director of Housing Divisional Director Housing-Place Services 020 8469 4943/2080, Darren.Welsh@walthamforest.gov.uk Sumitra.Gomer@walthamforest.gov.uk	
Wards affected	All	
Public Access	Open	
Appendices	None	

### 1. SUMMARY

- 1.1 Cabinet during its meetings on 5th November and 3rd December 2020 considered the approach being taken to prepare for pending Building Safety Legislation in relation to the Council's Housing Stock and agreed the procurement of Waking Watch as a precautionary measure whilst Building Safety remedial works were being undertaken.
- 1.2 This report seeks authority to re-commission these arrangements which will need to be in place until the remediation works are completed.
- 1.3 The Fire Safety Act and Building Safety Act were implemented with effect from April 2022, subject to transitional arrangements and the Council has a programme of work in place to make sure that these new requirements are met.

## **2. RECOMMENDATIONS**

- 2.1 Cabinet is recommended to approve that the Waking Watch Contract be re-procured in accordance with the strategic approach set out in paragraph 3.

## **3. PROPOSALS**

- 3.1 The Council owns and manages 14 High Rise blocks where a programme of remediation works is currently taking place. While the remediation works are on site, the blocks have been switched to a simultaneous evacuation fire strategy requiring waking watch support, until the works have been completed. The works involved are comprehensive and complex and form part of a £40M commitment to investing in building safety on our Council estates.
- 3.2 A Residents' Building Safety Panel is being independently supported in developing the Fire Safety Strategy and Building information requirements.
- 3.3 Personal Emergency Evacuation Plans (PEEPs) have been developed across the 14 blocks which have been identified and validated and are held by the Waking Watch.
- 3.4 A full range of Building Safety-Planned Maintenance checks are carried out on an ongoing basis including e.g. Gas, Water, Quality, Electrical, Fire Risk Assessments.
- 3.5 The following approach is recommended to re-procurement of the waking watch contract.
- 3.6 The current Waking Watch contract terminates December 2022. Due to market readiness, a variation of the current contract extending it until 31 March 2023 is under consideration allowing the current provider to deliver the waking watch service until a new provider is contracted from a Framework of similar suppliers.
- 3.7 Four frameworks were reviewed and the Procure Public Security Services and Equipment framework has been selected as being the most suitable. The framework offers four suppliers that match LBWF criteria and a mini competition between the suppliers will allow the Council to procure the most advantageous supplier having regard to our specification and criteria, TUPE and time scales. Suppliers will be evaluated on a price/quality ratio of 70:30.
- 3.8 This approach will allow a compliant procurement within the time scales required, achievable with the available resources and resulting in a single supplier to deliver a Waking Watch service in line with the recommendations of the national Fire Chief's Council.

**Key Procurement details for the proposed procurement are set out below:**

<b>Contract start date:</b>	1 <sup>st</sup> April 2023
<b>Contract end date:</b>	31 <sup>st</sup> March 2025
<b>Contract length (months)</b>	24 Months
<b>Possibility of extension (months)</b>	12 Months

**The indicative Procurement Timetable is:**

Issue ITT	27/09/2022
Evaluation completed by	08/12/22
Approval to award	03/01/2023
Notify bidders	04/01/2023
Contract signing	12/03/2023
Implementation	20/01/2023 – 31/03/2023
Contract Start	01/04/2023

#### **4. OPTIONS AND ALTERNATIVES CONSIDERED**

4.1 The proposed approach prepares for pending new duties and obligations. The council could have chosen to await primary and secondary legislation before developing the approach noted in this report, however, delaying the lead in time in preparing for required actions could risk services being non-compliant when legislation and compliance target dates are implemented

4.2 The Council's Strategic Commissioning Board (SCB) considered a number of options relating to Waking Watch procurement:

Option 1: Do nothing – The current contract with MPD expires in December 2022, it has run it full term with no compliant means of further extension.

Option 2: Varying the current contract -- there is no sustainable way to demonstrate value for money by waiver.

Option 3: Extend current contract – The current contract with MPD expires in December 2022, it has run its full term with no compliant means of further extension.

Option 4: Open or Accelerated open procedure – This route to market will allow a wider pool of suppliers to tender for the services. The market for WW is still expanding rapidly and the number of emerging suppliers with it, a great many security companies are now bidding for this type of work, hence it is feared that LBWF will receive many low-quality bids in an open competition, overwhelming the resources available to evaluate them.

Option 5: Accelerated Restricted Procedure - This option was considered however the reduction in timescales to 15 calendar days for stage 1 and 10 calendar days for stage two would result in minimal time for TUPE and mobilisation.

Option 6: Mini Competition via WW and Security Services Framework – which is the recommended procurement approach for the reasons set out above..

Option 7: Direct award via Framework There is an option to issue a direct award, however cost savings may be realised through running a mini competition.

- 4.3 Developing an in-house service has been considered previously but was not considered viable.

## **5. SUSTAINABLE COMMUNITY STRATEGY PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)**

- 5.1 The Waltham Forest Housing Strategy 2019-2024 supports wider Council priorities with a focus on a healthy, safe, green, and more equal Waltham Forest.
- 5.2 In support of those priorities, the Council is making a significant capital investment in its stock over the next 10 years calculated at £413 million (2021-32).

## **6. CONSULTATION**

### **6.1 Stakeholder Engagement and Communications**

- 6.1.1 The Housing Star (Scrutiny) panel has considered updates on Building Safety. A Residents Building Safety Panel has been formed. Resident representatives are reviewing key aspects of the approach noted in this report and are being supported by Tenant Participation Advisory Service on Resident Engagement in Fire and Building Safety.

### **6.2 London Council's Fire Safety Directors Meeting**

- 6.2.1 The Housing service is represented at the above meeting which includes the LFB, GLA, MHCLG, and the LGA and shares Fire Safety updates and good practice.

6.2.2 Consultation relating to the Building Safety Bill is informed through this forum.

### 6.3 **London Fire Brigade (LFB)**

6.3.1 The LFB are members of the London Councils Fire Safety group.

6.3.2 The Borough Commander Waltham Forest LFB are members of the quarterly Housing Health and Safety Compliance meetings and share expertise and guidance relating to Fire Safety management.

## 7. **IMPLICATIONS**

### 7.1 **Finance, Value for Money and Risk**

7.1.1 The costs of meeting Building Safety works relating to the council's Housing stock will be met from the Housing capital programme, which is funded by the Housing Revenue Account (HRA).

7.1.2 Current estimates, based on surveys, indicate that the cost to the HRA of bringing all buildings over 18m up to current Building Regulatory requirements will be in the region of £40m. Housing will invest over £136m within the next 5 years in upgrading the Housing stock, including an additional £40m resources invested in improving Building safety.

The Waking Watch contract costs are:

<b>Estimated contract value (annual)</b>	£3.58m Yr1, £1.01m Yr2, £1.0m Yr3
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7.1.3 Based on the anticipated progress of remedial works, where compliance breaches would have been remedied by use of non-combustible materials and preventative measures such as sprinklers /upgraded alarms would be completed it is estimated that by year 2, Waking Watch would not be required and Buildings would be returned to Stay Put.

7.1.4 Waking Watch resourcing will form part of the Medium Term Financial Strategy report to Cabinet in November 2022.

#### 7.1.5 **Risk Management**

The Council is managing Building Safety risk through the approach considered in this report such that it will meet transition timeline requirements.

A PwC Audit carried out in 2022, the Housing service approach to legislation gave a Substantial Assurance rating

### 7.2 **Legal**

7.2.1 The Regulatory Reform (Fire Safety) Order 2005 consolidated a number of different pieces of fire legislation. It applies to all non-domestic premises, including communal areas of residential buildings with multiple homes. The Order designates those in control of premises as the responsible person for fire safety and they have a duty to undertake

assessments and manage risks. The Order is enforced by Fire and Rescue Authorities.

- 7.2.2 The Fire Safety Act 2021 puts beyond doubt that under the Fire Safety Order, those responsible including the owners or managers of multi-occupied residential buildings must assess the fire safety risks of the structure, external walls (including cladding), balconies and flat entrance doors. The measures also allow enforcement action to be taken confidently by Fire and Rescue Authorities in respect of these parts of the building.
- 7.2.3 Government is currently consulting on Information Sharing regarding residents who can't self-evacuate by the introduction of regulations through a power in article 24 of the Fire Safety Order. The Fire Safety Order is the cornerstone of fire safety legislation and extends to England and Wales, regulating fire safety in non-domestic premises, including workplaces and the non-domestic parts of multi-occupied residential buildings. The Order adopts a risk-based approach to fire safety requiring Responsible Persons to ensure that general fire precautions are in place to mitigate against the risks which are identified. It places fire safety duties on persons with control of the premises – the Responsible Persons or others with sufficient control (duty-holders) to the extent of their responsibilities under the Order. In this way, the Fire Safety Order aims to reduce the risk of fires and mitigate their effect
- 7.2.4 The Building Safety Act 2022 contains provisions intended to secure the safety of people in or about buildings and to improve the standard of buildings.
- 7.2.5 The Secretary of State may require an Accountable Person to ensure there is adequate insurance against loss arising from building safety risks. Adequate insurance will be deemed to be in place if an insurance contract complying with any requirements in the Regulations is in force.
- 7.2.6 The procurement of the Waking Watch service will be undertaken in accordance with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules.

### **7.3 Equality and Diversity**

- 7.3.1 The Waking Watch service will provided support to vulnerable residents and people with a disability.

### **7.4 Infrastructure**

- 7.4.1 The Council requires that its Contractors maintain the professional qualifications of contract staff and allows the council to check training qualifications when requested to do so.
- 7.4.2 From the information provided, there are currently no staffing implications to be considered however it should be noted that should there be any future staffing implications, this should be managed in line with the relevant policies and procedures.

**BACKGROUND INFORMATION (as defined by Local Government  
(Access to Information) Act 1985)**

None