

DECISION RECORD ¹

Officer Key Decisions are subject to the council's Call-In Procedure ([Part 4E of the Council's Constitution](#))

Subject: SBC Heating and Water Hygiene Contract Award
Staff Contact: Tina Warren
Tel: 01438 242578
Executive Member: Jeannette Thomas
Portfolio: Housing, Health and Older People

1. Decision

- 1.1. Has determined that Annex A to this Decision Record should not be disclosed to the public as it contains exempt information as defined by Section 100 of the Local Government Act 1972, Schedule 12A and the public interest in maintaining the exemption outweighing the public interest in disclosing that information.
- 1.2. Awards the contract for the Heating and Water Hygiene Contract to the preferred supplier set out in Annex A and approves the award and signing of the contract.

2. Reasons for the Decision

- 2.1. Following Executive decision in October 2019, based on Executive Report part 2, delegated authority was given to the Strategic Director Richard Protheroe (Tom Pike in the absence of RP) to enter into contract for the procurement of SBC's Heating & Water Hygiene Contracts.
- 2.2. Within the above report we proposed how we would procure a Partnering Contractor for each contract (Lot 1 – Domestic Gas, Lot 2 – Commercial Gas and Lot 3 – Water Hygiene) via an OJEU Open tender process.
- 2.3. The proposed Open Tender process outlined within the Executive Report dated 9th October 2019 was changed to a Two Stage tender process in December 2020 to ensure contractors bidding for the work met the minimum requirements.
- 2.4. Stevenage Borough Council (the council), under the regulation 36 (Duties of a Landlord) of the Gas Safety Use and Installations Regulations 1998, has a statutory obligation to inspect and maintain its gas appliances and services to a safe standard and keep records of such inspections.
- 2.5. The council are also responsible for ensuring that the risk of exposure to legionella in residential premises is properly assessed and controlled. All water systems require an assessment of the risk which landlords can carry out themselves, if they are competent, or employ somebody who is.
- 2.6. To ensure the council's requirements set out in the tender documentation could be met it was imperative for all contractors to complete a Two Stage tender process. For clarity all other amendments to the proposals set out in the SBC Heating & Hygiene Contract Award Executive Report dated 9th October 2019 are also provided for information in Annex B.

2.7. The successful contractors have evidenced a high quality response to the tender and their cost proposal and quality weighing against other contractors makes the successful contractor and the most attractive contractor to the council.

3. Alternative Options Considered and Rejected ²

3.1. Following the OJEU Two Stage tender process there were overall twenty-six contractors interested in bidding for the relative Lots at Stage One. Fifteen contractors were approved and were invited to Stage in line with the OJEU tendering process. Four contractors declined to submit tender responses at Stage Two.

3.2. The successful contractors have been selected for their respective contract Lot as they have provided a quality response to tender with an attractive price for their concept proposal.

4. Consultation

(a) Comments of Executive Member ^{3 4} (Cllr Jeannette Thomas)

Following a briefing dated 27th July 2021 by the lead panel member (Tina Warren), the Executive Member has concurred with the decision of the panel.

(b) Comments of other consultees ⁵

Executive Report (Part 1) outlining the process to appoint a Heating & Water Hygiene Contractor has been taken into consideration at Executive Committee in October 2019.

5. Following consultation with, and the concurrence of the Executive Member, I am proceeding with the proposed decision.

Signed:

Title: STRATEGIC DIRECTOR (Tom Pike)..... Date: 02nd August 2021

6. PLEASE RETURN COMPLETED/SIGNED FORM TO CONSTITUTIONAL SERVICES FOR PUBLICATION

¹ for guidance see Borough Solicitor's note "Taking Decisions"

² details of any alternative options considered and rejected by the officer at the time the decision was made

³ record any conflict of interest declared by any Executive Member consulted. If an Executive Member declares a conflict of interest DO NOT PROCEED without seeking advice from the Borough Solicitor

⁴ If the matter has general significance for the Council and/or is, or is likely to be, controversial, then the officer shall consult the appropriate Executive Member before proceeding. In some cases it will be necessary to consult more than one Executive Member, and in some cases the Leader of the Council will need to be consulted

⁵ If the matter has local significance, but no general significance for the Council and no controversial aspects, the officer shall consult or inform the local member in writing (or by e mail) and proceed. It is essential that all officers responsible for delivering services ensure that local members are kept well briefed on issues affecting their areas.