

**Area Panel:** 19 Feb, 20 Feb, 21 Feb, 01 March 2018  
**Briefing Paper:** The procurement of Legionella Assessment and Control Services for housing stock

**1. Background**

1.1 The Council is looking to procure a new contract for legionella assessment and control services within the Council's social housing stock, ensuring hot and cold water is safe for domestic use. The service provider will be expected to manage the communal water systems in council housing, including inspecting and testing the water systems for legionella and managing risk and treatment for remedial works.

1.2 As a Landlord, the Council has a legal responsibility under the Health and Safety Executive's (HSE's) Approved Code of Practice and Guidance on Legionnaire's Disease (ACOP) L8 to cover the water services for legionella in social residential housing stock. Following a Risk Assessment, it is essential that there is good management of any communal water systems under the Landlord's direct control or responsibility.

1.3 The current contract with Hertel (UK) Limited (commonly known as HSL) ends on 30<sup>th</sup> September 2018 and no extension option exists.

1.4 The total value of this contract is over the EU Threshold for Services (currently £181,302), therefore it must be procured under the Public Contracts Regulations 2015.

**2. Key recommendations**

2.1 That the Area Housing Management Panel note the recommendations to Housing and New Homes Committee to delegate authority to the Executive Director for Neighbourhoods, Communities and Housing to:

2.2 Procure and award a contract for the provision of legionella assessment and control services within housing stock for a term of three years; and

2.3 Approve any extension(s) to the contract referred to in 2.1(i) above for a period of up to two years following the initial three year term, subject to satisfactory performance by the provider.

2.4 The Council has entered into a partnership for some divisions with Surrey County Council and East Sussex County Council, known as Orbis. The partnership aims to enable sovereign authorities to protect front line services and improve outcomes for local residents, by providing sustainable, locally focused, efficient back office services. With this in mind, Procurement consider the appropriateness and advantages of collaborating with the Orbis partners. This has been considered and rejected for legionella services. The Council are unable to utilise their Orbis partners existing contracts and the Surrey County Council contract does not fulfil the Council's requirement as it is for risk assessments only and the Council also requires control and prevention.

2.5 The Council does not currently have the resource to undertake this service in-house.

2.6 Six frameworks were found to be accessible to the Council and therefore a stand alone tender was deemed an unnecessary use of resource. Officers plan to procure this service under an existing framework and analysis of the most appropriate frameworks to call-off is underway.

2.7 Leaseholder consultation is not applicable as the cost per leaseholder is below the £100 per annum threshold.

### **3. Conclusion**

3.1 The recommendations should be approved in order to comply with the Council's legal obligations as a Landlord and ensure the safety of the tenants and leaseholders in regards to water consumption.

3.2 It is proposed that Procurement will support the contract manager officer with this procurement to ensure that the Public Contracts Regulations 2015 are adhered to and a value for money contract is achieved.

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