

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Cabinet

Date: 04 January 2021

Reporting officer: Daniel Killian, Assistant Director (Housing)

Subject: Fire Door Procurement and Installation Programme

Purpose and summary of report:

To inform Cabinet of the current position in relation to flat entrance fire doors, taking in to account fire safety recommendations and guidance following MHCLG's "Advice for Building Owners" and to seek approval to use a relevant framework to procure and award a contract to install compliant fire doors where required within Council housing stock, over a five year period, 2021/22 to 2025/26.

Recommendations:

1. The Director (Housing & Operations) in consultation with the S151 Officer and Lead Member be given delegated authority to conduct the procurement process and award a contract using a procurement framework by way of mini tender as outlined in the report.
2. The Director (Housing & Operations) in consultation with the S151 Officer and Lead Member be given delegated authority to grant annual extensions to the contract awarded subject to satisfactory contractor performance.

1. Background

- 1.1 As a landlord, Gravesham Borough Council has a statutory duty to ensure its housing stock is properly maintained, equipment is serviced, responsive repairs are completed within a timely manner and it is essential that external service providers are in place to assist with the delivery of required works.
- 1.2 Since the tragedy at Grenfell Tower, the Government's Building Safety Programme has predominantly focused on identifying and advising short-term interim and remedial measures, while developing wider reforms for the future building safety regulatory system.
- 1.3 In support of the Building Safety Programme, "MHCLG Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings" was issued earlier this year. It contained specific advice on key fire safety risks that need to be managed appropriately, including "MHCLG's Annex A – Assurance and Assessment of Fire Doors" which offered the following guidance:

- 1.3.1 Flat entrance fire doors leading to a shared or communal area are required to provide fire and smoke protection and are part of a layered approach to most fire strategies for residential buildings.
- 1.3.2 Building owners should aim to replace existing flat entrance doorsets if they suspect they do not meet the required fire or smoke resistance performance or they wish to be assured that they do. The owner should use an appropriate risk assessment process to determine how urgently such doors should be replaced.
- 1.3.3 Replacement flat entrance doors will have test evidence demonstrating that they meet the performance requirement in Building Regulations for fire resistance and smoke control from both sides of the door
- 1.3.4 It is important that all fire doors, including the closers, are routinely maintained by a suitably qualified professional. Residents should be made aware of the significant importance of a working self-closing device on all fire doors.

2. Legal Requirements & Standards

- 2.1 Article 17 of the Regulatory Reform (Fire Safety) Order 2005 makes it a legal requirement to ensure that fire resisting doors and escape doors are correctly installed and adequately maintained in order for them to be fit for purpose. Building owners need 'competent persons' as referenced in the Fire Safety Order to help them comply with fire door regulations.
- 2.2 Flat entrance doors are an essential feature of compartmentation and must meet the required standards, to afford suitable protection to residents and others who may be affected by a fire. As well as preventing smoke and fire from spreading from a property, they also prevent smoke and fire in communal areas spreading into a property where residents may be sheltering until the fire service arrives.
- 2.3 Building Regulations Approved Document B advises all new fire safety doorsets to flats, which allow access directly into the dwelling from a shared or communal corridor, should offer at least 30 minutes' fire resistance and tested in accordance with BS476: Part 22 1987 or BS EN 1634-1 2000. Test certification should be provided by the contractor supplying/fitting the door, confirming that the doorset meets the required standard.

3. Current Situation

- 3.1 As part of the Grenfell investigations, sales of composite fire doors were suspended following a press statement by the Ministry of Housing, Communities and Local Government (MHCLG). A number of manufacturers were named whose products had failed to comply with Building Regulations, bi-directional testing.
- 3.2 The composite fire doors historically installed within Gravesham's housing stock are not of the manufacture and type selected as part of MHCLG's testing programme. Therefore, test evidence to indicate if they would meet the required standard for bi-directional testing is unavailable.
- 3.3 Gravesham has used different suppliers for composite doors and providing samples for testing by a UKAS accredited test facility would prove problematic or near impossible. Samples would need to be provided by the manufacturer for testing (majority of products now discontinued). The alternative option to remove

an in-situ doorset for testing would require it to be a complete unit (as new) without any defects, which cannot be guaranteed.

- 3.4 Some of our fire doors are original to the buildings (referred to as notional fire doors) and would have complied with the fire regulations and standards at the time of construction. These doors have been in place for many years; alterations, change of components and current condition strongly suggest that they now no longer provide the protection that was intended or meet current standards.
- 3.5 In conclusion bi-directional testing certification for our doors is not evident and we cannot demonstrate they meet the performance requirements of current Building Regulations for fire resistance and smoke control from both sides of the door. Therefore, they may potentially offer less resistance than the recommended 30 minutes fire integrity.
- 3.6 To compile a programme which prioritises doors and buildings a risk assessment was completed on all of Gravesham's 2,852 flat entrance doors. The assessment followed the guidelines and flowcharts provided in MHCLG's Annex A and the proposed programme has been reviewed by an independent fire risk consultant to ensure it meets all our statutory obligations. This document can be found in Appendix 2.
- 3.7 A holistic approach has been taken to recommend a five year programme to replace 2,005 flat entrance doors, with our high rise/high risk buildings being a priority. We are not proposing to replace 847 flat entrance doors on the grounds their positioning in the building envelope, as outlined in the proposal below, mean they do not need to be fire rated under current regulations but this will be reviewed as and when government guidance is changed or updated.

4. Proposal

- 4.1 Based on the information above, its proposed that all multi-occupied buildings with flat entrance doors which have the following characteristics be replaced:
 - 4.1.1 Flat entrance fire doors opening onto an enclosed communal area
 - 4.1.2 Flat entrance doors opening onto an open walkway/balcony with only one escape route
 - 4.1.3 Flat entrance doors near or adjacent to stairs that form part of an escape route
- 4.2 To continue with the proactive work Gravesham Borough Council has already undertaken in relation to fire safety within high rise buildings, including the provision of fire suppression systems, it is proposed to establish a fire door replacement programme over the next five years, to be prioritised as follows:
 - 4.2.1 Phase 1: High Rise/High Risk Buildings. This equates to the replacement of 395 doors that will be completed throughout 2021/22.
 - 4.2.2 Phase 2: Sheltered Housing. This equates to the replacement of 392 doors that will be completed throughout 2022/23
 - 4.2.3 Phase 3: Low Rise Buildings. This equates to the replacement of 1,218 doors in total over a three year period 2023-26.

- 4.3 Fire doors to meet the specification confirmed will cost approximately £1,590 per door, fully installed. To fully complete the programme as outlined above, it will cost in the region of £3.2m over the next five years and officers from the Asset and Finance teams are working together to ensure this programme can be financed over the five years proposed.
- 4.4 A competent contractor will need to be procured to establish and undertake the programme of fire door replacements. It is proposed to award a contract initially for a two year period, followed by three one year extensions, subject to contractor performance using the South East Consortium Framework.
- 4.5 Post installation, fire door inspection and maintenance programmes will be certified and performed by competent and accredited contractors, to ensure the fire integrity remains intact throughout the life of the new fire doors. Use of new technology in conjunction with our in-house scheduling and asset database systems, will provide accurate record keeping is established and monitored.

5. Procurement and Awarding Contracts

- 5.1 Since 2012, Gravesham Borough Council has been an active member of the South East Consortium (SEC) which is a non-profit making organisation delivering efficiency savings to the South East social housing sector and which was set up to deliver procurement savings for social housing providers. Members of the SEC now collectively manage over 140,000 properties and use the procurement frameworks in place to deliver an efficient and value for money process which complies with EU procurement legislation.
- 5.2 The benefits of using SEC frameworks are as follows:
 - Our annual cost with SEC is 25p per property. For 2020-2021 this cost will amount to £1,417.75 and allows us to procure as many contracts as necessary.
 - SEC research has highlighted that the average cost of a procurement exercise is circa £20,000.
 - On completion of a procurement exercise SEC will charge 1.5% of the contract sum for the tender process. This cost is met by the successful contractor and not GBC.
- 5.3 The Fire Remedial Works framework provided by the SEC will meet our current procurement requirements which can be found in Appendix 3.
- 5.4 The Asset Management Team are actively developing a scope of works/specifications for the installation of fire doors, working closely with the relative framework to develop a Procurement Project Plan which will help to identify the most suitable contractors to perform the works.
- 5.5 When a contractor is identified from one of the pre-tendered lots, an initial expression of interest is made to ensure they are suitable and can undertake the works required at a competitive price. At this point a mini-tender exercise will be conducted. This is all managed by the framework provider in conjunction with council officers.
- 5.6 Once this process has been completed and a contractor selected, our shared Legal Services section will draft contracts on behalf of the council to enter into a formal contract. The arrangements will then be confirmed by the Director

(Housing & Operations) in conjunction with S.151 Officer and Lead Member who will authorise the signing the contracts.

- 5.7 To ensure competitiveness, the contract will be for an initial two years with potential 3 x 1 year extensions subject to contractor's performance, monitored via agreed Key Performance Indicators (KPI's). This approach will facilitate proactive contract management and will help ensure that contractors perform well throughout the duration of their contract with the council.
- 5.8 The Public Services (Social Value) Act came into force on 31 January 2013. It requires those who commission public services to think about how they can also secure wider social, economic and environmental benefits. Prospective contractors will be asked as part of the tender process to outline what social value commitments they could bring to GBC if they are successful.

6. Budget

- 6.1 To complete the programme and based on an estimated cost of £1,590 per fire door set, we are seeking a budget, based on the estimated unit cost, from the HRA of £3,187,950 allocated over five years as follows:

Phase	Year of Installation	No of Doors	Estimated Cost
1	2021-2022	395	£628,050
2	2022-2023	392	£623,280
3	2023-2024	406	£645,540
3	2024-2025	406	£645,540
3	2025-2026	406	£645,540

7. Tenants and Leaseholders

- 7.1 In accordance with Section 20 of the Landlord and Tenant Act 1985, as amended by the Commonhold and Leasehold Reform Act 2002, landlords are required to give notice to leaseholders and recognised tenants' associations of their intention to enter into 'long term agreements'. These are agreements entered into by or on behalf of a landlord for a term of more than 12 months and therefore officers will ensure that the required notice is given to leaseholders by the council as landlord in respect of the procurement contracts outlined in this report.

8. Background Papers

- 8.1 None.

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
Legal	<p>Landlords have a statutory duty under The Landlord and Tenant Act 1985 to maintain and repair property assets and to ensure leaseholder engagement throughout the procurement process.</p> <p>Landlords have a legal duty to comply with The Regulatory Reform (Fire Safety) Order 2005.</p> <p>Contracts will be secured through the pre-tendered frameworks which have been procured in accordance with domestic and European legislation.</p>
Finance and Value for Money	<p>The projected spend will be financed through the HRA and external borrowing.</p> <p>Fire Doors - £3,187,950 (Capital) over 5 year years.</p> <p>Aggregated buying power via the various Frameworks delivers competitive pricing and value for money.</p>
Risk Assessment	<p>Gravesham Borough Council has moral, legal and financial responsibility to ensure buildings have adequate management for fire safety.</p> <p>SEC frameworks are all OJEU compliant and service providers listed have already met specific criteria and requirements.</p> <p>In addition, the GBC Procurement Strategy 2017-2020 actively encourages the use of frameworks for procurement.</p>
Data Protection Impact Assessment	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk. Confirmed that successful contractors will be required to enter into a Data Sharing Agreement as part of the contract.</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>

Corporate Plan	<p>PEOPLE: Protected Environment - Enforce high regulatory requirements.</p> <p>PEOPLE: Quality Living - Safeguard residents.</p> <p>PEOPLE: Quality Living - Put our customers first.</p> <p>PLACE: Connected Community - Improve resident well-being.</p> <p>PROGRESS: Entrepreneurial authority - Deliver a more resilient, creative and cost effective council.</p> <p>PROGRESS: Strong Leadership - Sound financial management.</p> <p>PROGRESS: Strong Leadership - Successfully manage key business risks.</p>
Climate Change	N/A
Crime and Disorder	The new Fire Doors will meet the Secured by Design (SBD) standard, an official Police security initiative to prevent crime and anti-social behaviour or BS PAS 24:2016, an enhanced security performance for doorsets
Digital and website implications	.N/A
Safeguarding children and vulnerable adults	N/A