

<b>Classification:</b> Open	<b>Decision Type:</b> Key
--------------------------------	------------------------------

<b>Report to:</b>	Cabinet	<b>Date:</b> 13 December 2023
<b>Subject:</b>	Procurement of Water Hygiene Monitoring Services for the Prevention of Legionella – Part A	
<b>Report of</b>	Cabinet Member for Corporate Affairs and HR	

## 1. Summary

The purpose of this report is to seek formal approval to use the ESPO supplier Framework 198\_20 Water Hygiene Monitoring Services to renew the councils water hygiene monitoring services contract via a further competition exercise. The contract is for the period 01 July 2024 to 30 June 2027 with a possible extension option for a further 2 years.

This Water Hygiene Monitoring Contract is for the prevention of Legionella, this is to ensure compliance with the Health and Safety at Work etc Act 1974 (HSWA) and the Control of Substances Hazardous to Health Regulations 1999 (COSHH) concerning the risk from exposure to Legionella bacteria.

This contract provides prevention of Legionella compliance to all council-controlled properties, schools that buy into the service and buildings occupied by Persona and Six Town Housing. There are 209 properties with the current contract, comprising of: 57 Schools, 11 Persona Buildings, 20 Six Town Housing managed properties and 121 council-controlled buildings.

This contract is managed through Architectural Services and is a traded service which is recharged out to individual client departments, schools that buy into the service and ALMO's such as Persona and Six Town Housing.

## 2. Recommendation(s)

Cabinet is asked to:

- 2.1 Approve the use of the ESPO Framework Agreement to procure the councils Water Hygiene Monitoring Service contract for the period 01 July 2024 to 30 June 2027 with a possible extension for a further 2 years. The council will use the framework by conducting a further competition exercise.
- 2.2 To note that a report back will be made to Cabinet following the completion of the mini - competition process with an award recommendation.

## 3. Reasons for recommendation(s)

- 3.1 The proposed arrangements ensure that the Council has a fully compliant water hygiene monitoring service provider in place.
- 3.2 The framework offers the council access to a choice of pre-approved, industry compliant water hygiene monitoring service providers where all supplier staff have been fully DBS checked and approved.
- 3.3 All suppliers on the framework have been pre-checked for financial stability, track record, experience and technical and professional ability.
- 3.4 Framework is fully compliant with UK procurement regulations, the EU procurement directive and the councils contract procedure rules. Advice from the council's procurement team has been sought.
- 3.5 Framework offers the option of conducting a further competition exercise from all suppliers, this can be tailored to the council's specific requirements with the ability to tender for best value split between price and quality.
- 3.6 Social Value can and will be incorporated into the further competition exercise. This will form part of the quality assessment and will carry a 10% weighting in the award criteria.
- 3.7 The framework is free and available for use by any public body in the UK this includes Local Authority Establishments. ESPO is a public sector owned professional buying organisation (PBO), specialising in providing a wide range of goods and services to the public sector.

#### **4. Alternative options considered and rejected**

##### **4.1 Carry out the water hygiene monitoring service in house.**

This option is currently not feasible as the council does not have the labour capacity, suitably trained staff or the necessary IT infrastructure to carry out a service such as this. In order for this option to work the council would need to invest in additional resources both in staff, training, hardware and software requirements and was therefore determined as not a financially viable solution.

##### **4.2 Carry out an open tender procurement exercise.**

This option was considered and is possible, however this would involve significantly more time and costs in the procurement process as a whole and for no real benefit. The use of this framework is free and ensures that all suppliers have been evaluated and approved based on their capabilities, expertise, and compliance within required criteria along with pre-negotiated terms and conditions. Further competition exercise enables the council to tailor the service requirements to the council's specific needs. There are little or no benefits to going out to open tender over using this framework and as a result this option was dismissed.

---

#### **5. Report Author and Contact Details:**

*Name: Wayne Jennings*

*Position: Project Manager (Compliance & Business Systems)*

*Department: Operations*

## 6. Background

The Approved Code of Practice (ACOP) L8 gives advice on the requirements of the Health and Safety at Work Act 1974 and the Control of Substances Hazardous to Health Regulations 2002 (COSHH) and applies to the risks from exposure to Legionella bacteria. It states that duty holders and those with responsibilities for the control of premises must identify and assess sources of risk in hot and cold water systems and where appropriate prepare a written scheme for preventing and controlling the risk.

Water Hygiene Monitoring forms part of the written scheme of control and is a scheduled regime of water system checks, monitoring and service requirements to ensure the water within the system is being stored appropriately, that necessary servicing of equipment is being carried out to reduce the risk of Legionella and other waterborne bacteria from proliferating.

In order to help manage the authorities' responsibilities and obligations with regards to water hygiene for the prevention of Legionella, Bury council has historically procured a competent and accredited water hygiene monitoring contractor to carry out all water hygiene risk assessments and ongoing water hygiene monitoring for all Bury Council controlled sites, schools (who opt into the council's service), Persona and Six Town Housing controlled properties.

The current contract was procured using a previous ESPO framework for Water Hygiene Monitoring Services and successfully provided the council with a competent water hygiene contractor to carry out the required water hygiene monitoring actions. This current contract was awarded in July 2019 as a 3-year contract with an option to extend for a further 2 years. Following a satisfactory appraisal of the contract after the first 3 years, a decision to extend was agreed and the current contract will now expire on the 30 of June 2024.

---

## 7. Links with the Corporate Priorities:

The Let's Do It Strategy sets out the Council's corporate priorities. This contract will support delivery in two key areas:

- 7.1 **Improved Quality of Life:** By its very nature this contract helps to ensure health and safety compliant water systems to protect all council-controlled building users and visitors, school staff and children, by preventing dangerous diseases such as Legionellosis.
- 7.2 **2025 Vision and Aims** - Connecting buildings & people to maximise performance and operational efficiency by transforming our building infrastructure into an integrated, rationalised, decarbonised health and safety

compliant estate in support of Bury's 2030 'Lets-do-it' strategy. This contract works towards creating and maintaining a health and safety compliant estate by ensuring all buildings domestic hot and cold water systems are controlled appropriately to prevent conditions that promote the proliferation of harmful bacteria within water systems.

---

**8. Equality Impact and Considerations:**

The proposal does not bring about any changes that would impact on one protected characteristic over and above another, it does not result in increased/decrease access to services or provision for any particular group of the population or cause any disadvantage to a community of interest. The approach is to ensure value for money in procuring a water hygiene monitoring service for the council.

---

**9. Environmental Impact and Considerations:**

Contributes to ensuring a safe and compliant environment for all council-controlled building users and visitors, school staff and children, by preventing dangerous diseases such as Legionellosis.

---

**10. Assessment and Mitigation of Risk:**

Risk / opportunity	Mitigation
Water Hygiene Monitoring Contract expires without being renewed resulting in potential risk from water systems not properly monitored or maintained. Risk of proliferation of Legionella bacteria within water systems.	December 2023 cabinet approval will enable the council to carry out a further competition exercise and evaluation process via the framework agreement in order to procure a new water hygiene monitoring contract in sufficient time for when the current contract expires.

---

**11. Legal Implications:**

The proposed procurement route utilising the ESPO framework is compliant with the Council's Contract Procedure Rules.

---

**12. Financial Implications:**

The costs of this contract are currently covered by the recharges to internal departments, schools, Six Town Housing and Persona.

---

**13. Appendices:**

None

---

**14. Background papers:**

None

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

<b>Term</b>	<b>Meaning</b>
ESPO	Eastern Shires Purchasing Organisation
ACOP	Approved Code of Practice
COSHH	Control of Substances Hazardous to Health
PBO	Public Buying Organisation
ALMO	Arms-Length Management Organisation