

Classification: Open	Decision Type: Key
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Report to:	Cabinet	Date: 30 June 2026
Subject:	Procurement for Gas Compliance, Repairs and Maintenance Framework	
Report of	Cabinet Member for Housing Services	

Summary

This report seeks Cabinet approval to proceed with procurement for Gas Compliance, Repairs and Maintenance services for the Council (“Service Provision”), and sets out the governance, current position, key objectives and route-to-market considerations. The purpose is to provide senior leadership with a clear and comprehensive set of options, including associated benefits, risks, and implications, enabling them to review, agree, and approve the preferred route to market.

The procurement this Service Provision will be undertaken in accordance with:

- Procurement Act 2023 principles: fairness, transparency, value for money, and accountability.
- Bury Council’s Contract Procedure Rules.
- Social Value Act requirements and Bury Council’s Social Value Policy.
- Assurance from Legal, Finance, Procurement, and relevant service leads.

A decision on the preferred route to market and how the scope of works is packaged will be made by the Senior Leadership Team.

Recommendation(s)

Cabinet is requested to approve the re-procurement of Gas Compliance, Repairs and Maintenance services for the Council.

Reasons for Recommendation(s)

To maintain compliance with The Gas Safety (Installation and Use) Regulations 1998 and statutory obligations of the Procurement Act 2023 and ensures principles of fairness, transparency, value for money, and accountability.

Bury Council is currently in contract with ‘Sureserve Compliance North West’ until 31 December 2026, and who are currently delivering the Gas Compliance, Repairs and Maintenance for the Council. This contract is due to end on 31st December 2026, and whilst the contract does not provide a contractual right to extend, it is proposed that it be extended by a further period of 3 months to 31st March 2027.

Alternative options considered and rejected

All procurement options listed below are being considered:

Route to Market		Key Features
Option 1	Direct Procurement – Public Advertisement	A full tender issued under the Procurement Act 2023 regime, with Bury Council designing lots to reflect service needs and publicly advertising the contract. Contractors may self-deliver or subcontract to local SMEs
Option 2	Third-Party Public Sector Framework	Use of compliant external frameworks such as Procurement Hub, ProcurePlus, Fusion21. Contractors are pre-qualified and call-offs may be via direct award or mini competitions.
Option 3	Dynamic Purchasing System (DPS)	A live system where suppliers can join at any point, ideal for trade-based repairs like gas engineers. Supports open SME access
Option 4	Term Service Contract / Measured Term Contract (MTC)	Long-term contract (3–5 years) suitable for reactive repairs and cyclical maintenance using SOR frameworks.
Option 5	Multi Provider Local Authority Framework	Bury Council establishes its own multi-lot framework, allowing several suppliers for each category.

Rejected: None.

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Background

Bury Council is currently in contract with 'Sureserve Compliance North West' until 31st December 2026, and who are currently delivering the Gas Compliance, Repairs and Maintenance for the Council. This contract was strategically procured and awarded in 2022 via the Fusion21 Servicing, Maintenance and Installation of Domestic Heating Systems Framework (Lot 1).

The term of this contract is 4 years + from 1st January 2022, and therefore it is due to expire on 31st December 2026. There is no further contractual right to extend the term under the contract. Nevertheless, the Council proposes to extend the contract by a further three months, to 31 March 2027, to enable effective mobilisation of the

successor contract outside of the peak winter period and to support a seamless transition to a new contractual arrangement commencing on 1st April 2027.

The three-month extension to the existing contract is a deliberate strategic measure to avoid implementing a new contract during the peak seasonal period. The market has already been formally notified of the forthcoming re-tender via the Find a Tender Service as part of the Council's statutory obligation to publish tenders due in the next 18 months exceeding £2million. As a result, the risk of a legal challenge arising from this short-term extension is considered to be extremely low.

The current annual contract value is approximately £1.5m.

The contract scope includes the servicing, testing, repair, and installation of domestic heating and hot water systems using combustible fuels. This supports Bury Council in its role as landlord by delivering statutory servicing and safety checks for domestic and commercial heating appliances, hot water systems, and associated pressure systems.

The existing payment mechanism under the Sureserve contract is considered onerous and provides limited transparency. Improved cost control and commercial mechanisms will therefore be a key consideration in the development of this future procurement strategy.

Links with the Corporate Priorities:

Local – ensuring that tenants are kept safe and live in properties they can be proud of, increasing life chances of residents in our most deprived areas.

Enterprise – The re-procurement of a new framework will assist the Council in achieving its best value obligations under the Local Government Act 1999.

Together – respect for our tenants by ensuring their voices are heard and respected.

Equality Impact and Considerations:

As a provider commissioned by Bury Council to provide services on behalf of the Council, the provider is required to meet the requirements and obligations of the Equality Act 2010. This includes the Public Sector Equality Duty (Section 149 of the Equality Act 2010) as the provider is providing services on behalf of Bury Council

As such, the provider is required to:

- Have policies, procedures, strategies, objectives or action plans in place which demonstrate the provider's knowledge and understanding of the requirements of the Equality Act 2010 as an employer and provider
- As an employer and provider, take steps to ensure no activity causes discrimination, harassment or victimisation of individuals or groups of people on the grounds of age, disability, gender reassignment, marriage and civil

partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

- Have the same considerations to ensure no activity causes discrimination, harassment or victimisation of individuals or groups of people who are carers, care experienced children, care leavers, military veterans or socio-economically vulnerable
- On request, provide anonymised service user demographics data to cover age, carer status, disability status, ethnic group, sex assigned at birth, gender identity, military veterans, religion and sexual orientation.

For providers with more than 250 employees

- Voluntarily calculate and publish disability and ethnicity pay gaps (note this is voluntary and not a requirement)

Environmental Impact and Considerations:

The delivery of this Service Provision to the Council is expected to have a manageable environmental impact, with carbon emissions primarily arising from contractor travel, material use and on-site activity. The Service Provision can embed measures to reduce these emissions by requiring low-carbon working practices, efficient scheduling, sustainable and recycled materials, and ongoing contractor carbon reporting aligned with Bury Council's Net Zero ambitions.

Although the Service Provision does not involve new build development, maintenance activities may affect local habitats and green spaces. To mitigate this, the Service Provision can include requirements to protect existing ecological features, comply with biodiversity legislation, use environmentally sensitive products, and support opportunities to enhance biodiversity through routine works.

These commitments align with the Procurement Act 2023, which requires contracting authorities like Bury Council to consider environmental sustainability as part of maximising public benefit. While the Act does not explicitly reference biodiversity, it enables authorities to incorporate wider environmental protections — including habitat safeguarding and ecological enhancement — within procurement specifications and evaluation criteria where relevant.

Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
Non-compliance with statutory obligations of The Gas Safety (Installation and Use) Regulations 1998 and the Procurement Act 2023	Carry out a procurement exercise in line with the Procurement Act 2023.

Procurement Implications:

Re-tender will be compliant with the Procurement Act 2023 and the short term extension a tactical choice to maximise the opportunity and de-risk a mobilisation period during winter.

Legal Implications:

The Council is under statutory obligations as a housing authority and landlord to keep its housing stock in repair and to ensure gas installations and appliances are maintained in a safe condition. These duties arise in particular under section 11 of the Landlord and Tenant Act 1985 and the Gas Safety (Installation and Use) Regulations 1998, which require the Council to ensure that gas appliances, flues and pipework are safely maintained and that annual gas safety checks are carried out by appropriately qualified engineers. Any re-procurement must therefore secure continuity of service, compliance with these requirements, and sufficient contractual protections to mitigate risks to tenant safety, regulatory enforcement action and potential civil liability.

The contract provides for an initial four-year term with a single one-year extension, which has been fully utilised. There is therefore no contractual right to extend the agreement further. The Council seeks to 'extend' the contract by a further 3 months so that it has sufficient lead-in time to re-procure the service. However, it should be noted that any proposed continuation beyond the current expiry would constitute a new arrangement rather than an extension under the existing contract, and may amount to a material modification for the purposes of the Public Contracts Regulations 2015. Proceeding without a lawful procurement basis carries a risk of challenge for the Council and audit criticism. If a short period of continuation is considered unavoidable to ensure service continuity, this would need to be treated as a strictly time-limited interim arrangement, supported by a clear and documented procurement law justification, alongside the commencement of a compliant procurement exercise. The Council must ensure that the chosen procurement route complies with the Procurement Act 2023, including the statutory objectives of transparency, equal treatment and value for money, and with any applicable transitional provisions depending on the timing of the procurement. While the original contract was awarded through a framework, the Council may lawfully explore alternative compliant routes (for example, use of a framework, dynamic market or competitive tender) provided the process is conducted in accordance with the Act and the Council's Contract Procedure Rules, and appropriate governance approvals are obtained.

Financial Implications:

The estimated costs outlined in the report have been provided for in the recently approved HRA budget and business plan.

Appendices:

None.

Background papers:

None.

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

Term	Meaning
Procurement Act 2023	The Procurement Act 2023 is a UK law that came into effect in February 2025, replacing the previous EU-derived procurement regulations. Its purpose is to simplify, modernise, and improve transparency in public procurement while promoting fair competition and social value.
Framework	A contract between a contracting authority and one or more suppliers that provides for the future award of contracts by a contracting authority to the supplier or suppliers
SME	Small and Medium-sized Enterprises