

# Executive Decision Report

<b>Decision maker and date of Leadership Team meeting or (in the case of individual Lead Member decisions) the earliest date the decision will be taken</b>	LEADERSHIP TEAM 13 DECEMBER 2018	 THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
<b>Report title</b>	<b>FIRE DOOR PROCUREMENT PLAN</b>	
<b>Reporting officer</b>	<i>Robyn Fairman</i>	
<b>Key decision</b>	Yes	
<b>Access to information classification</b>	<i>Public</i>	

## 1. EXECUTIVE SUMMARY

- 1.1. As part of the HRA Capital Programme, the Leadership Team approved a budget of £3.6M for door-set replacement, of which £2.4m was assumed to be spent in 2018/19. (Leadership Team, 26th February 2018 Forward Plan reference: KD05214). The Leadership Team, agreed in June to approve the award of a contract to Specialist Building Products trading as Permadoor (SBP) for the supply and installation of 4,000 flat entrance doorsets (FEDs) with a preliminary budget of £3.6M being allocated (Leadership Team, 6 June 2018 Forward Plan reference: KD05259).
- 1.2. Shortly after that decision, many FED manufacturers withdrew their products from the market. The withdrawal was because several doors (which were previously awarded global testing certificates) failed government tests. Furthermore, it became apparent that many, if not most, of the FEDs on sale, had not been tested separately on both sides; separate testing is a requirement of the building regulations.
- 1.3. Since July, manufacturers have carried out further tests, in some cases making variations to their products. New certificates for changed products means that the marketplace and product offerings are now different. Accordingly, frameworks offering doorsets may no longer be compliant with the Public Procurement Regulations 2015. It would not, therefore, be prudent to use such Frameworks.

- 1.4. The Council has carried out tests on one model of FED from the supplier Gerda. This FED was the only one we were able to identify as having been tested on both sides. This door successfully passed the Council's independent tests. The Council has an urgent short-term need to replace non-compliant FEDs (for example doors that have been damaged by vandalism), and a longer-term need to replace all doors that do not meet the current building regulations. A two-pronged strategy is recommended. In the immediate term, to deal with emergency replacements, the council will let a contract to Gerda for the supply of FEDs, communal doors and screens up to a capped maximum value of £250,000. This is a maximum provision for contract and procurement purposes. At the moment we are unsure how the market will respond to the tender, or what level of short-term need there will be. Should a greater sum be required we shall remit to the Lead Member. This response will deal with the immediate urgent need for replacement of defective doorsets and will be compliant with the emergency provisions of the Council's contract regulations. To satisfy the less urgent requirements a new tender exercise will be carried out in the open market for the supply of compliant FEDs, communal doors and screens.

## **2. RECOMMENDATIONS**

- 2.1. It is recommended that the Council let a twelve-month contract to Gerda Security Products Ltd for the supply of FED, communal doorsets and screens to a capped value of £250,000.
- 2.2. It is recommended that the Council carry out an open competition for the procurement of doorsets to replace those found not to meet the current building regulations. The Lead Member will be asked to make the decision.

## **3. REASONS FOR DECISION**

- 3.1. The Council have an urgent need to replace defective fire doorsets and screens. The Council is also committed to replace doorsets that do not meet current Building Regulation standards.

## **4. BACKGROUND**

- 4.1. In 2017 the Council committed to replacing existing flat entrance doors (FEDs) and frames with full FD30s (fire resistant for 30 minutes) door-sets, where these are not currently fitted, even where this is not a requirement of the Fire Risk Assessment. This replacement programme was intended to bring the FEDs up to current Building Regulation standards.
- 4.2. At its meeting on 6<sup>th</sup> June 2018 the Leadership Team agreed to award SPB Permadoor a contract for £3.6M to replace doorsets.

## **4.3. PROPOSAL AND ISSUES**

- 4.4. Before awarding a contract, the Council's procurement team undertook further due diligence. In doing so, they noted that the "Global Testing Certificate" covering SPB Permadoor's products expired on 31 May 2018. Having reviewed the global test

certificates in detail, officers became concerned that SPB Permadoor and their testing house Exova had not tested both sides of the doors (as required by building regulations). On 16 May 2018, the Government issued guidance on the testing of fire doors which re-iterated that:

*“9. Flat entrance fire doors should have test evidence demonstrating they meet the performance requirement in the Building Regulations guidance for fire resistance and smoke control from both sides.<sup>1</sup>”*

On 31<sup>st</sup> July the Government announced that *“Fire doors from 5 suppliers have now been identified as failing to meet requisite fire performance standard following an on-going investigation by MHCLG.”*

One of the failed doors was manufactured by SPB Permadoor. Permadoor and other manufacturers subsequently withdrew products from the market. National Trading Standards were asked to oversee local investigations. The Council terminated the procurement exercise soon after.

## **5. OPTIONS AND ANALYSIS**

5.1. The Council have two requirements regarding fire doors:

1. first the urgent replacement of doorsets which are not compliant for whatever reason (e.g. vandalism); and
2. second the fulfilment of its commitment to residents to replace all doors that do not meet the building regulations.

5.2. Following the withdrawal of product lines, we were only able to identify one supplier, that could provide doorsets tested on both sides and therefore meet the building regulations. In accordance with the Council’s commitment to residents, the Borough undertook independent tests on these Gerda Security Products Ltd FEDs; the doorsets passed those independent tests.

5.3. Other manufacturers are now returning to the market with retested and modified products. However, these have not been tested by the Council independently.

5.4. Options include:

1. Running a competition under the Public Contract Regulations 2015 (PCR), this would take approximately four months. The successful bidder, in accordance with the Council’s commitment to residents, would have their FEDs subject to independent tests overseen by the Council. However, there

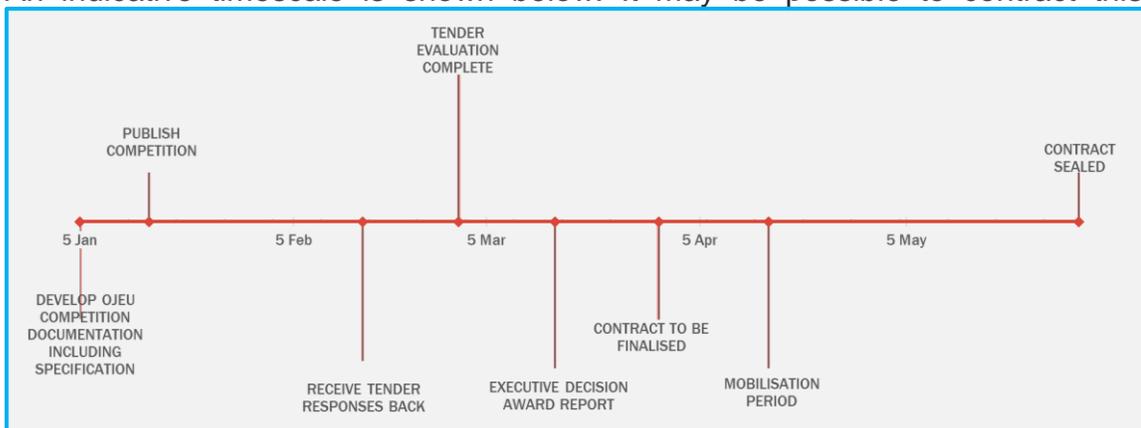
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are urgent replacements of non-compliant doors that continue to be carried out.

2. Award a contract for the full requirement to Gerda Security Products Ltd using emergency powers. However, this would not allow the Council to evaluate or consider other suppliers of compliant products. Moreover, it could be argued that whilst urgent there is, for at least some of the works, no emergency.
  3. Award a contract for the emergency FED replacements to Gerda Security Products Ltd and use this to deal with urgent works whilst conducting a new tender exercise.
- 5.5. Following option 3 allows the Council to ensure they are compliant with procurement regulations, replace FEDs where there is an urgent need, involve residents in the selection of a supplier for the larger programme of work and make a considered selection from the available compliant FEDs.
- 5.6. Given the new market conditions it is difficult to estimate the new tender prices. Previously the price submitted was in the region of £3.6M. Following the new competition the contract award would be delegated to the Lead Member.
- 5.7. An indicative timescale is shown below. It may be possible to contract this.



## 6. CONSULTATION AND COMMUNITY ENGAGEMENT

- 6.1. No consultation or engagement has taken place.

## 7. HUMAN RESOURCES AND EQUALITIES IMPLICATIONS

- 7.1. There are no implications.

## 8. LEGAL IMPLICATIONS

- 8.1. The proposed contract with Gerda Security products Ltd for the provision of door sets is a public works contract for the purposes of the public procurement regime works. The value of the proposed contract is up to £250K which is below the EU threshold for works. There is no requirement for an OJEU notice.

8.2. The Contract for the less urgent FEDs is also a contract for works. The value of the previous tender was £3.6M. As there is some uncertainty concerning the total number of FEDs that need to be replaced then it would be prudent for an OJEU notice to be published. There is no requirement to undertake Leaseholder Consultation.

## **9. FINANCIAL, PROPERTY AND ANY OTHER RESOURCES IMPLICATIONS**

9.1. Provision of £3.6 million has been included in the HRA Capital Programme to undertake the door replacement programme. The urgent priority work outlined in this report can therefore be contained within this provision.

9.2. However, should the full programme of work be required, then costs may rise because the unit price of the urgent works is greater than the tender price previously agreed by Council. If this is the case then the additional costs would require funding to be redirected within the Capital Programme towards the procurement of fire door sets. Whilst a clear priority, this would have an impact on the level of resources available for capitalised maintenance and improvements.

*Doug Goldring*  
**Director Housing Management**

## **Local Government Act 1972 (as amended) – Background papers used in the preparation of this report**

*None*

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### **Formal clearance requirements for all key decision reports**

Cleared by Finance (officer's initials)

[insert]

SM

Cleared by Director of Legal Services (officer's initials)

AJ

Cleared by Communications & Community Engagement (officer's initials)