

SUPPLY AND SERVICING OF FIRE FIGHTING EQUIPMENT (APRIL 2004 – MARCH 2007)

Abstract

This report recommends the Committee to authorise the determination of the employment of Chubb Fire Ltd, Corporate Accounts Division, PO Box 16, Manchester and to seek to recover any additional costs to the Council.

RECOMMENDATION

The Property and Central Services Committee is recommended to:

1. note the contents of this report;
2. authorise the determination of the employment of Chubb Fire Ltd, Corporate Accounts Division, PO Box 16, Manchester, for the reasons stated;
3. authorise the Director of Property Services and the Director of Law and Administration to take appropriate action to seek to recover additional costs to the Council;
4. authorise the Director of Property Services to accept the offer from Assured Fire Protection, 40 Redford Road, Padanarm, Forfar in the appropriate proportion of £3,397.65 to undertake the completion of the outstanding works for the current three year term ending on 31st March 2007;

1 DESCRIPTION OF WORKS

The works comprise the supply and servicing of fire fighting equipment in Angus Council non housing properties for the period April 2004 to March 2007 together with any associated and authorised repairs.

2 BACKGROUND

The present contract with Chubb Fire Ltd was awarded in March 2004 after competitive tender and commenced in April 2004.

To date the performance of this firm has been unsatisfactory for the following reasons:

- failure to complete servicing of equipment within the required period. (Inverkeillor Primary School, Mechanics Institute Brechin, Brechin City Hall, Websters High School, Montrose Library, Carlogie Primary School, Monikie Primary School, Monikie Country Park, Kingsmuir Resource Centre, Dun Primary School, 4 Reel Community Centres, County Buildings, Seaview Primary School, Lintrathen Primary School, Brechin High School, Langlands Primary School, Lilybank Resources Centre)
- failure to repair fire equipment within the required timescale. (Carnoustie Beach Hall)

As a consequence, contract default notices were issued on 24/04/05, 06/05/05, 03/06/05, 23/06/05, 30/06/05 and 15/08/05.

The issuing of two default notices, in accordance with the conditions of contract, to the contractor provides the Council with the option of determining the contract. A meeting with the contractor was held on 5th September 2005 and it was decided by Property Services that the determination of the employment of the contractor should proceed. There was no agreement on the level of compensation payable by the contractor to the Council.

Tender documents were originally issued to three contractors who either responded to an advert placed in newspapers and on the Internet or who have already been on previous tender lists.

Tenders were lodged with the Director of Law and Administration on 11 March 2004 and remained open for acceptance until 9 June 2004.

The tenders received, and after checking the three lowest offers, were as follows:

	Tender Amount	Corrected Amount
Chubb Fire Ltd, Glasgow	£2,502.90	£2,503.05
Assured Fire Protection, Forfar	£3,418.65	£3,397.65
Stewart Ramsay Ltd, Carnoustie	£3,688.26	£3,690.15

It is proposed that the Director of Property Services be authorised to accept the second placed tender from Assured Fire Protection in the amount of £3,397.65

3 FINANCIAL IMPLICATIONS

Under the contract, the Council is entitled to employ and pay other persons for the purpose of carrying out and completing all existing works and to recover from the contractor sums due in respect of any direct loss and/or damage caused to the Council by the contractor's failure to perform. It is proposed therefore that the Council pursues a claim against Chubb Fire Ltd to recover the additional costs incurred and also withhold any sums currently due to the contractor for work done as set-off against the debt.

The value of the three year contract with Chubb Fire Ltd was £2,503.05 while that of the second placed tender by Assured Fire Protection was £3,397.65, a difference of £894.60. Allowing for authorised repairs, it is estimated that the additional cost to the Council by engaging the second placed contractor would be the appropriate portion of £894.60. (approximately £500)

4 CONSULTATION

The Chief Executive, the Director of Law and Administration, the Acting Director of Finance and the Director of Housing have been consulted in the preparation of this report.

5 CONCLUSION

As a result of the unsatisfactory service from Chubb Fire Ltd and the issuing of more than two default notices under the contract, it is recommended that this contract be determined and awarded to Assured Fire Protection who was the second placed contractor.

6 HUMAN RIGHTS ACT IMPLICATIONS

There are no Human Rights Act implications specific to this report.

Any implication, as a consequence of discharging recommendations detailed in this report, will be managed in accordance with the standing procedures and processes established by the Property Services department.

BACKGROUND PAPERS

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing the above report.

M G Lunny
Director of Property Services