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Award

## **Future of Building Control; Epsom and Ewell Borough Council**

Epsom & Ewell Borough Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-020747

Procurement identifier (OCID): ocids-h6vhtk-035743

Published 29 July 2022, 10:07am

### **Section I: Contracting authority/entity**

#### **I.1) Name and addresses**

Epsom & Ewell Borough Council

Town Hall, The Parade

EPSOM

KT185BY

#### **Contact**

Clare Lawrence

#### **Email**

[clawrence@epsom-ewell.gov.uk](mailto:clawrence@epsom-ewell.gov.uk)

#### **Telephone**

+44 1372732000

#### **Country**

United Kingdom

**Region code**

UKJ - South East (England)

**Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

<https://www.epsom-ewell.gov.uk/>

**I.4) Type of the contracting authority**

Regional or local authority

**I.5) Main activity**

General public services

## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

Future of Building Control; Epsom and Ewell Borough Council

#### **II.1.2) Main CPV code**

- 71315400 - Building-inspection services

#### **II.1.3) Type of contract**

Services

#### **II.1.4) Short description**

A contractual relationship with Elmbridge Building Control Service (EBCS) for the delivery of a statutory building control service in Epsom & Ewell.

#### **II.1.6) Information about lots**

This contract is divided into lots: No

#### **II.1.7) Total value of the procurement (excluding VAT)**

Value excluding VAT: £1,350,000

### **II.2) Description**

#### **II.2.2) Additional CPV code(s)**

- 71315400 - Building-inspection services

#### **II.2.3) Place of performance**

NUTS codes

- UKJ - South East (England)

Main site or place of performance

Epsom and Ewell

#### **II.2.4) Description of the procurement**

1. Epsom and Ewell Borough Council (EEBC) has a statutory duty to provide a building control service to its residents in accordance with the Building Act 1984. The Council must ensure that there is a building control service in its area which fulfils both the Council's statutory obligations as defined within the Building Act 1984 and ensures provision of a cost effective, and customer focussed chargeable building control service within the Borough.

2. Building Control activity is split into 2 types, that which is chargeable (fee earning) and that which the local authority must provide funded through Council budgets. The Council is unable to make a profit from the fee earning activity and the fees must be set to cover the cost of the service with the objective of this being cost neutral to the Council.

3. EEBC has approached Elmbridge Building Control Services Ltd (EBCS) a company wholly owned by Elmbridge Borough Council with a view to them providing the required service.

4. An annual fee of £90,000 per annum is required by EBCS for provision of the statutory building control service. This fee would be reviewed annually to reflect the true cost of EBCS undertaking the following duties on behalf of Epsom & Ewell Borough Council:

- Dealing with dangerous buildings and all matters where a dangerous structure is investigated including correspondence, court action (in partnership with EEBC legal officers) and site inspections.
- Providing an emergency out of hours service dealing with dangerous structures.
- Demolitions: includes providing advice on demolition applications; correspondence relating to demolition applications, site inspection and validation of demolition applications.
- Administration of the approved inspectors' regulations (excluding work resulting from reversions). Includes the completion of Initial Notice (IN) applications on Uniform, correspondence relating to applications, validations of IN applications.
- Liaison with the fire authority and other statutory authorities on a goodwill basis.
- The enforcement of those national and local acts relating to the building regulations that approved inspectors cannot undertake.
- Building Regulations Enforcement work: Inspections carried out to identify unauthorised building work (excluding regularisation applications), either on specific properties or on a geographical basis.

- Undertaking a Plan Checking service for all non-chargeable plan checking activities (those exempt from charges) including work on disabled applications, cavity wall applications, boiler applications.
- Administering the Safety at Sport Ground (SAFE) regulations. Relates to all matters other non-chargeable Building Control matters where a charge has not been paid. Including site inspection of (for example) temporary structures at the racecourse. Attending meetings relating to the racecourse and other large scale sporting events.
- Structural Engineer: this relates to non-chargeable Building Control structural matters where a charge has not been paid and includes checking calculations for charge earning applications and site inspections carried out on non-charge earning applications.
- Carrying out building regulation functions in relation to work which is aimed to provide facilities designed to secure the greater health, safety, welfare or convenience for disabled people in accordance with regulation 4 of the Building (Local Authority Charges) Regulations 2010.
- The first hour of officer's time in giving pre-building regulation application advice on specific chargeable functions regarding the requirements of the building regulations and associated legislation.
- Giving general advice on council matters to members of the public, their representatives and other council departments on any matters, including advice relating to questions asked of the need to apply for building/planning consents and on the provisions of the building regulations.
- Examples of the 'general advice', referred to above, could include the following matters:
  - Checking planning conditions if requested on site and advising Development Management
  - Discussions on applications with development management
  - Providing advice on negligence claims
  - Advice to Environmental Health on grant payments
  - Advice on the effects on buildings not related to chargeable applications
  - Advice on searches
  - Building Control surveys

- Committee reports
- Competent Person Scheme
- Consultancy work where no re-charge is made
- Answering building control enquiries
- Answering general correspondence
- Providing health and safety advice
- Providing advice on emerging building control legislation and the implications for Epsom & Ewell Borough Council
- Liaison with Councillors (unless relevant to chargeable work)
- Maintaining and updating service FAQ's
- Pre application advice
- Addressing and advising on matters of Public Safety
- Attending site inspections to give advice
- Attending staff meetings with Council officers where necessary
- Statistical collation (site inspection date, time recording)

5. EBCS will retain fee income for providing the building control services in addition to the £90k per annum for the statutory non-fee earning services.

6. Elmbridge Building Control Services to provide Building Control Services on the Council's behalf for a 10-year period with the ability to extend for a further 5 years.

### **II.2.5) Award criteria**

Price

### **II.2.11) Information about options**

Options: Yes

Description of options

Yes - Elmbridge Building Control Services (EBCS) to provide Building Control Services on the Council's behalf for a 10-year period with the ability to extend for a further 5 years.

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Negotiated without a prior call for competition

- The works, supplies or services can be provided only by a particular economic operator for the following reason:
  - absence of competition for technical reasons

Explanation:

EEBC's rationale for using Regulation 32 - Use of negotiated procedure without prior publication, specifically 32 (2) (b) (ii) the absence of viable competition:

In early 2021, officers undertook extensive research into alternative options for building control services. During this exercise, collaboration and partnering opportunities for shared building control services were explored.

It was evident that private building control contractors were uninterested in undertaking any non-fee earning work on behalf of local authorities, therefore deeming this route unviable.

In line with regulation 99 (3) (c), the Council will allow a 10-day standstill period for legitimate procurement challenges to be received. Should no legitimate challenge arise, EEBC will enter a contract with EBCS on or after day 11.

#### **IV.1.8) Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: No

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## **Section V. Award of contract/concession**

### **Title**

Future of Building Control; Epsom and Ewell Borough Council

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

26 July 2022

#### **V.2.2) Information about tenders**

The contract has been awarded to a group of economic operators: No

#### **V.2.3) Name and address of the contractor/concessionaire**

Elmbridge Building Control Services Limited

53/57 High Street

Cobham, Surrey,

KT11 3DP

Email

[admin@ebcsLtd.co.uk](mailto:admin@ebcsLtd.co.uk)

Telephone

+44 1372303145

Country

United Kingdom

NUTS code

- UKJ - South East (England)

Companies House

09266041

Internet address

<https://ebcsltd.co.uk/>

The contractor/concessionaire is an SME

Yes

**V.2.4) Information on value of contract/lot/concession (excluding VAT)**

Initial estimated total value of the contract/lot/concession: £1,350,000

Total value of the contract/lot/concession: £1,350,000

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## Section VI. Complementary information

### VI.4) Procedures for review

#### VI.4.1) Review body

Epsom and Ewell Borough Council

Town Hall, The Parade

Epsom, Surrey

KT18 5BY

Email

[clawrence@epsom-ewell.gov.uk](mailto:clawrence@epsom-ewell.gov.uk)

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