

Finance and Resources Committee

10.00am, Thursday, 21 January 2021

Waiver Extension – Electrostatic Fogging

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| Item no | |
| Executive | Executive |
| Wards | All |
| Council Commitments | |

1. Recommendations

- 1.1 It is recommended that the Finance and Resources Committee:
- 1.1.1 Notes the contract extension for electrostatic fogging services awarded to RON Services Limited until 30 March 2021, through a waiver of the Contract Standing Orders, at an estimated total cost of £760,000. This contract extension was awarded as an urgent decision in accordance with section 4.1 of the Council's Committee Terms of Reference and Delegated Functions by the Executive Director of Resources, in consultation with the Convenor and Vice Convenor of Finance and Resources; and,
 - 1.1.2 Approves a further waiver extension until 30 June 2021, at an estimated cost of £400,000, to ensure there is sufficient flexibility and contingency to enable the procurement process for a new contract for these services to be completed.

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Waiver Extension – Electrostatic Fogging

2. Executive Summary

- 2.1 This report notes the contract extension for electrostatic fogging services which was awarded to RON Services Limited, through a waiver of the Contract Standing Orders, to run until 30 March 2021, at an estimated value of £760,000. This contract extension was awarded as an urgent decision in accordance with section 4.1 of the Council's Committee Terms of Reference and Delegated Functions, the Executive Director of Resources having taken that decision in consultation with Convenor and Vice-Convenor of the Committee, subject to it being reported to this meeting of the Committee.
- 2.2 The report also seeks approval for a further extension until 30 June 2021, at an estimated cost of £400,000, to allow completion of a tender exercise, award of contract and subsequent transition to a new contract which will cover the future needs of the Council related to COVID-19 cleaning and infection control.

3. Background

- 3.1 As part of the Scottish Government COVID-19 guidance, there is a requirement for the Council to provide an enhanced cleaning and infection control solution for the operational property estate, including schools. Since July 2020 and starting within the learning estate, a medical grade electrostatic spraying technology and patented chemical has been deployed on a monthly rolling programme by an external supplier as part of our enhanced cleaning and infection prevention and control regime.
- 3.2 Various alternative options had been investigated for consideration, ultimately it was not deemed viable to be able recruit and train sufficient additional cleaners to deliver the enhanced solution. Various options were considered and assessed, including obtaining two quotes within a very short timeframe (less than one month) for electrostatic fogging provision. The selected option delivered by RON Services Limited was the most cost-effective option, and was subject to providing scientific evidence, health and safety evidence and safety documentation, which was reviewed by Facilities Management, Corporate Health and Safety, Environmental

Health, Edinburgh Scientific Services and the Council's Incident Management Team. This arrangement was also fully discussed, in advance, with the recognised Trade Unions.

- 3.3 The current Contract Standing Orders waiver for the initial appointment of an electrostatic fogging supplier was put in place in July 2020, initially for the learning estate at a value of £240,000 over a period of 4 months. Adequate time is required to tender, which requires analysis of scientific and safety information. Changing from the current process and chemicals used would also need an extensive transition plan.

4. Main report

- 4.1 Within the current COVID-19 environment, continuation of electrostatic fogging services is critical across the Council's operational property estate to ensure that buildings and their users are adequately protected from COVID-19, significantly reducing the risk of the virus spreading.
- 4.2 Since July 2020, all Council educational buildings are part of a 30-day rolling treatment programme. From the original Contract Standing Orders waiver, RON Services have provided a strong, very responsive service and the number of buildings in scope increased as buildings were re-opened e.g. libraries and community centres (out of school clubs). In addition, essential buildings that have been open since the lockdown period are now part of the fogging programme e.g. Council Resilience Centres, depots, etc. Over 150 operational buildings are now part of the programme.
- 4.3 The technology is significantly more effective than relying wholly on regular cleaning as it kills viruses, including COVID-19 and eliminates human error with missed areas through manual cleaning. Regular cleaning is being maintained to help prevent the spread of the viruses as a complementary part of the enhanced regime. The medical grade technology and patented chemicals kill 99.99% of pathogens and has EN14476 accreditation.
- 4.4 Buildings receive a 'Certificate of Decontamination and Whole Room Disinfection Services' to evidence the protection against harmful pathogens. Patented chemicals and innovative electrostatic machines decontaminate and disinfect buildings of harmful pathogens including: Coronavirus; Norovirus; MRSA; C. difficile; E. coli; Fungi; and, over 280 other harmful pathogens. The patented chemical is 100% environmentally friendly and poses no threats to humans, animals or plants. It's also non-corrosive and is safe and recommended for use on electrical devices and catering equipment. The patented chemical has a residual value of up to one month against harmful pathogens.

- 4.5 At this time, it is considered that this will be a recurring requirement that will be dependent upon future guidance issued by the Scottish Government and Health Protection Scotland. There will be an ongoing review of the requirement for “fogging”, however, realistically this service can only be considered to end when COVID-19 is under control and national guidance enables the return to business as usual cleaning services. Consideration is also being given to the protection electrostatic fogging gives to more common winter illnesses such as colds, flu and norovirus.
- 4.6 The process for tendering this service is underway and will need to consider the complexity of scientific evidence and the health and safety of building occupants. However, given the critical need for the ongoing provision of this service which could not await this meeting of the Committee, a contract extension was awarded as an urgent decision pursuant to section 4.1 of the Council’s Committee Terms of Reference and Delegated Functions, the Executive Director of Resources having taken that decision in consultation with Convenor and Vice-Convenor of the Committee, subject to it being reported to this meeting of the Committee. For the reasons detailed above, and whilst the new procurement process is undertaken, it was considered that it was in the Council’s best interest for the contract with the existing supplier to be extended.
- 4.7 Committee is therefore asked to note the approved contract extension until 30 March 2021. However, permission is also sought to extend this for a further 3-months until 30 June 2021, at an estimated cost of £400,000, to allow completion of a tender exercise, award of contract and subsequent transition to a new contract which will cover the future needs of the Council related to COVID-19 cleaning and infection control. While this further extension may not be required, it provides flexibility and contingency in the event that the new contract is not awarded by 30 March 2021, and again, for the reasons stated, is considered to be in the Council’s best interests.

5. Next Steps

- 5.1 With the extension to the previous contract with the supplier having now been completed, the tender exercise for the new contract will be taken forward.

6. Financial impact

- 6.1 The estimated value of the approved extension until 30 March 2021 is £760,000.
- 6.2 The estimated value of the proposed extension, from 1 April until 30 June 2021, is £400,000.
- 6.3 This waiver represents an increased risk of challenge within what is becoming a competitive market; however, this is mitigated by the intention to use the extension

period to undertake a tender exercise, which will permit other potential suppliers to come forward for consideration.

- 6.4 As the majority of the Council's operational estate that is currently open relates to educational facilities, the Council will manage additional fogging costs for education facilities by utilisation of government grants for Early Years and Education Recovery. For libraries and community centres, utilisation will be made of £200,000 of unallocated reserves, agreed by Policy and Sustainability Committee on 10 November 2020 and the subsequent meeting of the full Council. Where additional properties are proposed to be re-opened, the Council's Incident Management Team (CIMT) will undertake scrutiny of additional resource implications.

7. Stakeholder/Community Impact

- 7.1 Significant stakeholder engagement has taken place in relation to the electrostatic fogging process and chemicals used, in relation to the scientific evidence and health of building occupants.
- 7.2 The use of such technology will be subject to regular review, directly related to Scottish Government and Health Protection Scotland guidance, along with benchmarking other local councils through ASSIST FM (Facilities Management representative group for all Scotland's councils).

8. Background reading/external references

- 8.1 Not applicable

9. Appendices

- 9.1 Not applicable.