

**Decision Maker:** Executive

**Date:** 10th February 2016

**Decision Type:** Non-Urgent Executive Key

**Title:** **GATEWAY REVIEW 0,1 & 2 APPROVAL OF 2016/17 OPERATIONAL BUILDING MAINTENANCE BUDGETS, PLANNED MAINTENANCE PROGRAMME AND PREFERRED PROCUREMENT OPTION**

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**Chief Officer:** Director of Corporate Services

**Ward:** (All Wards);

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1. Reason for report

This report sets out the criteria used to assemble each programme based on the draft budget proposals.

The report also addresses the strategic assessment and business justification for the programmes and the preferred procurement option for completing them.

The proposed planned maintenance programme is contained in Appendix B.

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2. **RECOMMENDATIONS**

2.1 **Members are asked:**

**(i) subject to the Council agreeing the budget, to approve an overall expenditure of £1,928,930 for the Building Maintenance budget in 2016/2017, as set out in paragraph 5.1.**

- (ii) to approve the planned maintenance programme in Appendix B.**
- (iii) to approve the proposal to carry forward any underspend in the sum set aside for works to Anerley Business Centre as outlined in paragraph 3.11.**
- (iv) to delegate authority to the Director of Corporate Services to vary the planned programme to accommodate any change in the approved budget or where such action is considered necessary to either protect the Council's assets or make the most effective use of resources.**
- (v) to approve the criteria used to assemble the planned maintenance programme and to approve the proposed procurement options, as set out in paragraph 10 of this report.**
- (vi) to delegate authority to the Director of Corporate Services to select the most economically advantageous tender for any individual item of expenditure under the approved programme referred to at (i) – (v) above.**
- (vii) to agree that the Director of Regeneration and Transformation be authorised to submit planning applications where appropriate in respect of schemes set out in this report.**
- (viii) to agree that £75k be vired to Operational Property budget as detailed in para 5.3.**
- (ix) to agree that £53k be drawn down from the Infrastructure Investment Fund earmarked reserve as detailed in para 5.4.**

### Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Excellent Council:
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### Financial

1. Cost of proposal: £1,928,930
  2. Ongoing costs: Recurring Cost:
  3. Budget head/performance centre: Operational Property Services
  4. Total current budget for this head: £1,928,930
  5. Source of funding: Draft 2016/17 Revenue Budgets and Infrastructure Investment Fund earmarked reserve
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### Staff

1. Number of staff (current and additional): Not applicable
  2. If from existing staff resources, number of staff hours: Not applicable
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### Legal

1. Legal Requirement: Statutory Requirement:
  2. Call-in: Applicable:
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough wide
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not applicable

### **3. COMMENTARY**

- 3.1 The Operational Property Service is responsible for the maintenance of the Council's portfolio of operational buildings.
- 3.2 As a result of previous savings, there is no longer a budget for Disability Discrimination Act works, for Minor Improvement works or for Internal and External Redecorations.
- 3.3 The maintenance budget heads are described in more detail below.

### **PLANNED MAINTENANCE**

- 3.4 This budget is used to fund planned maintenance works on operational premises and on investment properties for which the Council has repairing obligations under the terms of the lease or tenancy agreement. This budget head will be £454,930 in 2016/17, if the draft budget is approved.
- 3.5 The planned maintenance programme is compiled by Strategic and Operational Property Services by identifying, costing and prioritising works needed to safeguard the long-term life of the Council's property portfolio.
- 3.6 The planned programmes for both education (to be reported separately) and operational properties are compiled using condition survey data, data from statutory compliance testing and maintenance data. In addition it is recognised that the local knowledge of client departments is invaluable in identifying maintenance issues. They have therefore continued to be involved in the development and management of the programme.
- 3.7 The condition survey predicts when maintenance expenditure may be required in the future. Each element of a building is assessed and given a condition and priority classification by an inspecting surveyor or engineer. The remaining life of the element is also assessed. The surveys use the following grading criteria:

#### **Condition**

Grade A – Good. Performing as intended and operating efficiently.

Grade B – Satisfactory. Performing as intended but exhibiting minor deterioration.

Grade C – Poor. Exhibiting major defects and/or not operating as intended.

Grade D – Bad. Life expired and/or serious risk of imminent failure.

#### **Priority**

Priority 1 – Urgent work that will prevent immediate closure of premises and/or address an immediate high risk to the health and safety of occupants and/or remedy a serious breach of legislation.

Priority 2 – Essential work required within two years that will prevent deterioration of the fabric or services and/or address a medium risk to the health and safety of occupants and/or remedy a less serious breach of legislation.

Priority 3 – Desirable work required within three to five years that will prevent deterioration of the fabric or services and/or address a low risk to the health and safety of occupants and/or remedy a minor breach of legislation.

Priority 4 – Long term work required outside the five year planning period that will prevent deterioration of the fabric or services.

- 3.8 Members should be aware that because of the continuing pressure on budgets only the very highest priority schemes are programmed for completion. Only those items that meet condition grades D or C and/ or Priority 1 and are considered by officers to have the highest risk of failure are included in the programme.
- 3.9 This is a budget driven as opposed to needs driven programme and is likely to produce a backlog of planned maintenance projects. This will increase demand on the reactive budget as building elements deteriorate to a point where they become critical.
- 3.10 Twelve projects with a total estimated cost of £455,125 have been identified for inclusion in next year's programme. They have a priority grading of C/D1. Appendix B outlines the projects, their estimated cost and the reasons for giving them the C/D 1 priority.
- 3.11 An additional project with an estimated cost of £187,875 has been identified with a C/D1 priority and officers advise that this project is also carried out in 2016/17. The sum of £270,000 has been set aside in previous years to remedy subsidence issues at Anerley Business Centre and Public Hall. The subsidence has been monitored over a number of years by structural engineers and appears to have stabilised. Subject to a final report in February, it is anticipated that only works in the region of £60k will be required to the building. It is proposed that £75k be vired to Operation Property as detailed in para 5.3, and that the remaining underspend is carried forward to 2016/17 and allocated to the reserve project identified in Appendix B, with the remaining £53k to be funded from the Infrastructure Investment Fund, as detailed in para 5.4.
- 3.12 Previously the Director of Corporate Services has been authorised to vary the programmes during the course of the year where such action is considered necessary to either protect the Council's assets or make the most effective use of resources. It is proposed that this authority continues.

### **REACTIVE MAINTENANCE**

- 3.13 Funding for reactive maintenance is allocated to individual service headings based on previous year's expenditure. This budget is used to fund works of an unplanned or emergency nature enabling the Council to keep operational buildings open and to enable the Council to provide services to the people of Bromley. The pressure on this budget increases as fewer planned maintenance projects are undertaken. It is important that the Director of Corporate Services retains the flexibility to re-direct funding to areas of greatest need. The draft 2016/17 budget for Reactive Maintenance is £960,200.

### **CYCLICAL MAINTENANCE**

- 3.14 This budget enables the Council to meet its statutory obligations with regard to gas and electrical safety, fire safety and the servicing of mechanical and electrical plant. This budget will be £349,960 in 2016/17.

### **ASBESTOS MAINTENANCE**

- 3.15 This budget enables the Council to meet its statutory obligations for the management of asbestos in its buildings, which includes annual condition monitoring, maintenance, testing and removal. The proposed budget for 2016/17 is £78,420.
- 3.16 The costs of asbestos inspection and removal prior to the commencement of building projects, including those in the planned programme are now a cost against the individual project. Each project within the planned programme has a contingency of 2.5% added for asbestos costs.

## **WATER TREATMENT WORKS**

3.17 This budget usually enables the Council to meet its statutory obligations with regard to the control of Legionella and water hygiene. However significant remedial works have been identified as a result of the monitoring inspections and it has been necessary to include a number of high priority water hygiene works within the planned maintenance programme. It is proposed that the budget for 2016/17 is set at £85,420 for monitoring and minor works.

## **DISABILITY ACCESS**

3.18 The budget for these works was withdrawn in 2013/14. The Council has a responsibility under the Equality Act, to ensure that, where a public service is offered, it is available to all members of the public. Individuals cannot be discriminated against because of their physical disabilities. In many instances compliance can be provided by a change in the way that service is provided. However in some cases physical adaptations to the building are required to ensure accessibility. Disability Access works to operational buildings have been carried out over a number of years and the majority are now compliant with the Act. If any adaptations are required in the course of the year in order to comply with the Act, then funding will have to be vired from one of the other budget heads.

## **REDECORATIONS (INTERNAL & EXTERNAL)**

3.19 The programme of redecoration at operational buildings has been suspended. This will result in a deterioration of key timber building elements and more significant repairs at a later date.

## **MINOR IMPROVEMENTS**

3.20 The budget for these works was withdrawn in 2012/13. Departments have to fund such works from their own budgets or wait until major works are undertaken to the areas concerned.

## **CONDITION SURVEYS**

3.21 Condition surveys are being carried out. The survey data is used for the following purposes:

- to compile the planned maintenance programme
- to inform the property reviews and rationalisation plans
- to ensure that the authority is fulfilling its duty of care to its staff and the public by ensuring that its buildings are well maintained and safe

## **4. POLICY IMPLICATIONS**

4.1 As less funding is available for maintenance of the operational property portfolio, it is essential that the Council optimises the utilisation of its assets and ensures that it retains only those properties that meet the corporate and service aims and objectives. A series of property reviews have been undertaken to ensure that this remains the case in the light of the ongoing efficiency savings.

## **5. FINANCIAL IMPLICATIONS**

5.1 The building maintenance budget is controlled by Operational Property Services (excluding education properties) and the draft budget for 2016/17 is £1,928,930 which is broken down under its various budget heads in the table below:-

**2016/17 Draft  
Budget  
£'000**

Planned Maintenance	454,930
Reactive Maintenance	960,200
Cyclical Maintenance	349,960
Asbestos	78,420
Water Treatment	85,420
	<b>1,928,930</b>

- 5.2 In recognition of the risks arising from the significant reduction in the building maintenance budget, there is an earmarked reserve for an Infrastructure Investment Fund. The Fund has an uncommitted balance of £1.6m. These resources will help ensure there is provision within the Council's overall resources to mitigate partly against such risks. If there is a request for additional in year resources during 2016/17 a full Business Case will need to be reported to the Executive which will take into account the alternative funding options, the need to reduce the budget to a sustainable level, as well as any reprioritisation of works required.
- 5.3 As previously reported to members through budget monitoring, an overspend has arisen in Operational Property as a result of the conversions of schools to academies and the resulting reduction in the 10% management fee recharged to capital schemes. It is therefore requested that £75k of the projected £210k underspend relating to Anerley Business Centre be vired to Operational Property to cover the shortfall in 2015/16. It is anticipated that future years' budgets will be dealt with as part of the Total Facilities Management proposals.
- 5.4 There is a shortfall in funding of £53k to fund the reserve project detailed in Appendix B and it is requested that this be drawn-down in 2016/17 from the Infrastructure Investment Fund earmarked reserve, to supplement the £135k remaining from the Anerley Business Centre underspend to be carried forward to 2016/17 as detailed in the table below.

	£'000	£'000
Reserve Projects (appendix B)		188
Anerley Business Centre provision	270	
Less projected costs	-60	
Less virement to Operational Property	-75	
Remaining to be carried forward to 2016/17	135	
Shortfall to be drawn down from Infrastructure Investment Fund		53

## 6. LEGAL IMPLICATIONS

- 6.1 There is, as is outlined in this report, a range of specific duties which requires the Council to undertake certain maintenance of its properties. Failure to ensure that its properties and buildings are maintained to a level to avoid risks to its staff and members of the public can lead to criminal and civil liability. The funding is allocated against the different budget heads in a way that will ensure that the Council fulfils these obligations. The budget reductions mean that there will be year on year deterioration to the operational buildings.

6.3 Contracts will be procured and monitored in accordance with the Council's Financial Regulations and Contract Procedure Rules. Individual contracts are recorded in the Corporate or Departmental Contracts Register, depending on the value of the work.

## 7. PERSONNEL IMPLICATIONS

7.1 None

## 8. CUSTOMER PROFILE

8.1 The programmes outlined in this report represent the cornerstone of Operational Property Services' responsibilities. The ongoing maintenance of the Council's operational buildings has an impact on all Council staff, customers and visitors.

## 9. STAKEHOLDER CONSULTATION

9.1 Focus Groups are held with each department. They provide the local knowledge used in the compilation of the programme and their representatives will be notified of any planned programmed works being undertaken in the buildings connected with their services.

## 10. PROCUREMENT STRATEGY

10.1 The programmes outlined in this report comprise a number of discrete building maintenance projects. The works range from minor/ reactive maintenance costing less than £100 to planned maintenance projects up to £200,000.

### **Planned Maintenance Programme**

10.2 The **planned maintenance programme** makes up 24% of the cost of the total maintenance budget.

10.3 The procurement route for this programme is via competitive tender using the traditional JCT form of contract. Where appropriate, projects of a similar type will be grouped and tendered together.

10.4 The Public Contracts Regulations 2015 incorporate new EU and UK Regulations which have changed the procedures that must now be followed when procuring public sector contracts. Different procedures apply depending upon whether the contracts are above or below £100k.

10.5 For contracts below £100k contractors can be selected by random selection within certain parameters from an approved list managed by Constructionline.

10.6 "Local Rules – OK" also applies to any contract between £5k and £50K. This is a procurement protocol to encourage the use of SMEs and local trading organisations. It enables local businesses to be added to a tender list.

10.7 For contracts above £100k the approved list cannot be used. Contracts have to be publically advertised using the Contracts Finder portal. Tenders can be sought directly in response to an open advertisement or a shortlist of suppliers can be compiled using a two-stage procurement process in which a Pre-Qualification Questionnaire is used to compile a shortlist. Competitive tenders are then sought from the shortlisted suppliers.

10.8 An alternative to open advertisement is using a framework. Frameworks are usually available to public sector bodies, often within a geographical area, and the contractors on the framework are selected via an EU compliant tendering process. LB Bromley has signed the Access Agreement



to the Major Works 2014 (LCP W1-MW14) Framework Agreement. The Framework covers projects from £100k to £5m plus. Officers have assessed the suitability of the framework for use for capital projects and will also assess its suitability for planned maintenance programme works. If it is considered to be suitable, it is recommended that it available as an option for procuring contracts. An overview of the Framework as it applies to low value projects is provided in Appendix C.

10.9 All compliant tenders are assessed and contracts are awarded in accordance with Bromley’s Contract Procedure Rules. In the case of discrete building maintenance projects the contracts are usually awarded on the criteria of lowest price.

**Reactive and Cyclical Maintenance Programme**

10.10 The **reactive and cyclical maintenance programmes** which make up 76% of the cost of the total maintenance budget will be procured mainly via trade based, competitively tendered, Measured Term Contracts.

10.11 The maintenance budgets are made up from a combination of services and works. For instance with water treatment works, the monitoring inspections are services and minor repairs that are required as a result of these inspections are works. These services and works are carried out by measured term contractors. When these contracts are retendered the procurement route will be determined by the Public Contract Regulations 2015 depending on the aggregated value of the type of activity (as provided for in Cl. 6 of the Regulations). The Regulations apply to services with a value greater than £164K and to works with a value greater than £4.1m. The Regulations also have “Small Lots” provisions that may be applied in certain circumstances. The Head of Procurement will be consulted at the appropriate time to ensure that the correct procedure is followed.

<b>Non-Applicable Sections:</b>	None
Background Documents: (Access via Contact Officer)	

## **APPENDIX A**

The Gateway Process examines a project at critical stages in its lifecycle to provide assurance that it can progress successfully to the next stage. It is designed to be applied to projects that procure services, construction/property, IT-enable business change projects and procurements utilising framework contracts. The Gateway Review process applies equally for those Directorates that already have strategic partnering arrangements in place.

There are six Gateways during the life cycle of a project, four before contract award and two looking at service implementation and confirmation of the operational benefits. The process emphasises early review within the projects for maximum added value.

### **Gateway Review 0 – Strategic assessment**

This Gateway relates to the report of procurement needs resulting from a Best Value or service review and the suggested implementation plan. Elements of the other Gates may be rolled up into this process; for example options around Procurement routes/Strategies where they need to be predetermined to enable project progression. They should, however, be confirmed as the appropriate solution at the relevant stage.

### **Gateway Review 1 – Business Justification**

This Gateway relates to the option appraisal stage of a procurement exercise.

### **Gateway Review 2 – Procurement Strategy**

This Gateway confirms the preferred procurement option and method to be used, (open, restricted, competitive dialogue or negotiated etc.).

## APPENDIX B

### Projects Proposed for Year 2016/17

Premises	Work Element	Estimated Cost* (£s)	Comments
Beckenham Public Hall	Replacement of operating plant to lift.	67,500	The operating plant is at the end of its serviceable life. The lift is subject to frequent breakdowns and spare parts are becoming obsolete.
Civic Centre (East Wing)	Replacement of hot and cold water pipework.	78,750	A monitoring inspection is undertaken annually to identify and assess the risk of exposure to legionella bacteria from work activities and water systems on premises. The inspection has identified a high risk of exposure in the East Wing and recommends the replacement of the hot and cold water distribution pipework.
Pavilion Leisure Centre	Replacement of operating plant to service lift.	33,750	The operating plant is at the end of its serviceable life. The lift is subject to frequent breakdowns and spare parts are becoming obsolete.
Coney Hall Recreation Ground Pavilion	Replacement of hot water pipework	16,875	A monitoring inspection is undertaken annually to identify and assess the risk of exposure to legionella bacteria from work activities and water systems on premises. The inspection has identified a high risk of exposure and recommends the replacement of the hot water distribution pipework.
Harvington Pavilion	Replacement of hot and cold water pipework.	16,875	A monitoring inspection is undertaken annually to identify and assess the risk of exposure to legionella bacteria from work activities and water systems on premises. The inspection has identified a high risk of exposure and recommends the replacement of the hot and cold water distribution pipework.
Bertha James Day Centre	Replacement of hot and cold water pipework.	33,750	A monitoring inspection is undertaken annually to identify and assess the risk of exposure to legionella bacteria from work activities and water systems on premises. The inspection has identified a high risk of exposure and recommends the replacement of the hot and cold water distribution pipework.
Melvin Hall Day Centre	Replacement of hot and cold water pipework.	50,625	A monitoring inspection is undertaken annually to identify and assess the risk of exposure to legionella bacteria from work activities and water systems on premises. The inspection has identified a high risk of exposure and recommends the replacement of the hot and cold water distribution pipework.
Duke Youth Centre	Replacement of hot and cold water pipework.	33,750	A monitoring inspection is undertaken annually to identify and assess the risk of exposure to legionella bacteria from work activities and water systems on premises. The inspection has identified a high risk of exposure and recommends the replacement of the hot and

			cold water distribution pipework.
Astley Day Centre	Replacement of hot and cold water pipework.	33,750	A monitoring inspection is undertaken annually to identify and assess the risk of exposure to legionella bacteria from work activities and water systems on premises. The inspection has identified a high risk of exposure and recommends the replacement of the hot and cold water distribution pipework.
Norman Park Pavilion 1 and 3	Replacement of hot and cold water pipework.	45,000	A monitoring inspection is undertaken annually to identify and assess the risk of exposure to legionella bacteria from work activities and water systems on premises. The inspection has identified a high risk of exposure and recommends the replacement of the hot and cold water distribution pipework.
Sparrows Den Pavilion	Replacement of hot and cold water pipework.	22,500	A monitoring inspection is undertaken annually to identify and assess the risk of exposure to legionella bacteria from work activities and water systems on premises. The inspection has identified a high risk of exposure and recommends the replacement of the hot and cold water distribution pipework.
Civic Centre	Replacement of operating plant to Stockwell Lift	22,000	The operating plant is at the end of its serviceable life. The lift is subject to frequent breakdowns and spare parts are becoming obsolete.
<b>TOTAL</b>		<b>455,125</b>	

\* Estimated cost includes 10% general contingency and 2.5% asbestos contingency

### Reserve Projects (See Paragraph 3.11 of the report)

Premises	Work Element	Estimated Cost (£s)	Comments
Central Depot	Reconstruct brickwork to Old Stable Block wall	187,875	The Old Stable Block consists of several buildings which back onto a rear wall. The wall forms a boundary wall to the land behind which is raised. Behind the boundary wall at a higher level is a mud track which serves the houses at the rear of the Depot. The wall is cracking and bulging in places and significant repairs are required to ensure the continued stability of the wall

## **APPENDIX C**

### **Major Works 2014 (LCP W1 – MW14) Framework Agreement Overview**

#### **1. Introduction**

The London Construction Programme has now set up a Major Works Contractors' Framework, which is led by L B Haringey. The framework is divided into 33 Lots covering different sub regions, value bands and work type. Each Lot has 8-10 contractors, some of whom have carried out work for L B Bromley before. The Framework applies to projects ranging in value from £100k to £5m plus. The Framework, with its standardised documentation, could potentially simplify and speed up the tendering process.

The Construction Related Consultancy Services Framework, which is being used successfully by LBB, was also set up by LCP.

The framework is OJEU compliant.

Contractors can be selected by direct call-off or mini competition. Direct-call off can only be used under certain limited circumstances.

Mini competition is the preferred process for selecting a contractor using an Invitation to Tender (ITT) based on Quality/ Price. Mini competition can be with all contractors in a Lot or to a shortlist of 3 or more depending on the project size or the commissioning organisation's own Contract Procedure Rules. A shortlist is selected following evaluation of responses to an Expression of Interest (EOI).

#### **2. Evaluation**

EOIs and ITTs are evaluated. The scoring criteria for EOIs and Mini Competitions are determined by the framework. The scores range from 0 for unacceptable to 5 for excellent with the criterion clearly described for each score.

##### **EOIs**

EOIs will include a simple questionnaire relating to technical suitability and resources. Questions that will be included at tender stage should not be included in the EOI.

##### **ITTs**

L B Bromley often assesses its planned maintenance projects on the criteria of lowest price.

The Framework recommends evaluation on a quality price ratio. However it permits a variety of evaluation techniques.

There are several options for evaluating price under the framework: First Quartile Deviation; First Quartile no Deviation; Lowest Price Option on a Quality/Price tender; lowest price only. The Lowest Price Only Option is the methodology currently used by LBB for its planned maintenance works.

If a quality evaluation is required, then tenderers have to submit a Quality Delivery Proposal that should include all the information required for the quality evaluation and the contractor must address the quality evaluation criteria set by the commissioning organisation. The framework allows an organisation to set its own quality criteria, which means that L B Bromley's own tender evaluation process can be used. There is one mandatory requirement, not currently used by LBB, which is the inclusion of an Employment and Skills Method Statement. The purpose of this statement is to encourage apprenticeships and training.

The evaluation method has to be defined in the mini competition documentation.

### **3. Procurement Methods**

There are two levels of procurement defined in the framework:

#### **Level 1**

Two Stage Design and Build or Two Stage Traditional procurement and other procurement processes that involve Early Contractor Involvement. This is the default level for all projects over £1m.

#### **Level 2**

Single Stage Design and Build and Single Stage Traditional procurement for contracts less than £1m.

The Procurement methods covered by the Framework include the following:

- Two Stage Open Book
- Cost led Procurement
- Single Stage Traditional
- Two Stage Traditional
- Single Stage Design and Build
- Two Stage Design and Build
- Design and Construct
- Develop and Construct
- Target Cost

For the Planned Maintenance Programme, the Council is only likely to use the method highlighted.

### **Standardisation of Documentation**

Standard templates are available for the Project Initiation Documentation, the Call Off Documentation and the Framework Tender Documents.

The templates will include some that the Commissioning Organisation will have to alter subject to the specific project and its own Contract Procedure Rules, some that cannot be altered and are from the overarching Framework Agreement and others that are suggested for inclusion.

### **Advantages of Using the Framework**

New EU and UK Procurement Regulations have recently been introduced that are more onerous and problematic. Under the new Regulations, for any project over £100k it is no longer possible to shortlist using an approved list; instead an open advert has to be placed through Contract Finder. It is possible to shortlist through a PQQ, but the majority of PQQ questions are prescribed making it difficult to distinguish between the contractors and select a shortlist.

LBB has signed the Access Agreement to the LCP Major Works Construction Framework and has assessed the available documentation and guidance.

The assessment carried out so far has focussed on high value capital works, but the Framework will also be assessed for its suitability for use for lower value planned maintenance programme works.