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1. PURPOSE

- 1.1 The Ministry of Housing, Communities and Local Government (MHCLG), herein referred to as “The Authority”, is seeking to award a Contract to assess the current provisions related to balconies, spandrels and selected external wall materials in Approved Document B (ADB) and provide knowledge and evidence for future policy options. This aim of the project is to ensure ADB provides adequate guidance to meet the minimum requirements under Schedule 1 of the Building Regulations 2010.
- 1.2 The project will review and provide evidence and knowledge on the current provisions in ADB and alternative policy options. The project will establish the current research knowledge and review it in view of modern building design approaches, technology, building use, and operation.
- 1.3 The project will develop robust data and evidence that will enable MHCLG to support future policy decisions for possible improvements, simplification, and changes of guidance so that people can have confidence in the regulatory standards.
- 1.4 The proposal should include establishing an expert Technical Steering Group to support MHCLG officials at a strategic decision-making level of the project and assist where necessary, steering the research programme and providing feedback on the research methodology, as well as key deliverables and milestones throughout the duration of the project.

2. BACKGROUND TO THE CONTRACTING AUTHORITY

- 2.1 The Authority's aim is to help create great places to live and work right across the country and to back communities to come together and thrive. The Authority's responsibilities include:
 - Ensuring people throughout the country have access to affordable and high-quality housing
 - Providing opportunities for all parts of the country to thrive economically
 - Building integrated communities
 - Supporting effective local government
- 2.2 Amongst its other interests, the Authority has also established the Building Safety Programme which is responsible for delivering the changes where needed to make the building safety system fit for purpose.
- 2.3 The Building Regulations control certain building work – principally to protect the health, safety and welfare of people in and around buildings. Part B of Schedule 1 of the regulations relates to fire safety aspects of building design and construction and Approved Document B (ADB), the statutory guidance to the regulations which demonstrates how the provisions can be complied with. <https://www.gov.uk/government/publications/fire-safety-approved-document-b>



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- 2.4 In response to Dame Judith Hackitt's review following the Grenfell tragedy in 2017 the Government has committed to a full-scale [review](#) of Approved Document B.
- 2.5 The technical review started with a [Call for Evidence](#) which invited views on technical issues and further improvements that could be made to ADB. A [summary](#) of the findings from the call for evidence was published on the 5 September 2019.
- 2.6 MHCLG received a total of 140 responses to the call for evidence, a number of replies called for the inclusion of guidance on balconies to be directly included in ADB.
- 2.7 Through these findings, stakeholder workshops, and advice from the Building Regulation Advisory Committee (BRAC), MHCLG has identified balconies, spandrels and laminate glazing as requiring research.

3. BACKGROUND TO REQUIREMENT

- 3.1 This project is expected to consider these three separate elements which are relevant to fire spread over external walls.

3.2 Balconies

- 3.3 Balconies have become increasingly common in modern buildings with developers and designers of blocks of flats incorporating private balconies to provide a private outdoor amenity. Common balconies are also included to provide access to one or several flats.
- 3.4 Whilst balconies are not new, in modern buildings their construction has become more varied with a wider use of materials and design approaches. Depending on the particular design and purpose, balconies can present considerations for means of escape, structure, external fire spread, and firefighting.
- 3.5 The Authority monitors fire incidents and investigates those which are of special interest. As a result of this work case studies of balcony fires have been published and The Authority has issued advice in the form a circular letter to building control bodies.

- 3.6 There is a need to establish the risk of fire involving balconies, review the current provisions in ADB, and provide the Authority with robust evidence to inform future policy options.

3.7 Spandrel Panels

- 3.8 Spandrel panels (also including window panels and infill panels) are part of the external wall of the building. Spandrels are generally characterised by being a discreet element within the wider external wall assembly, located to infill parts of the façade, and spaced at intervals for aesthetic or functional purposes.



- 3.9 In modern buildings the materials and design of the panels have become more varied as acoustic, thermal, moisture, and fire performance requirements have developed.
- 3.10 As part of the external wall, they have a role in resisting external fire spread and sometimes providing fire resistance. Advice has been issued by the Authority which discusses the fire safety of spandrel panels and highlights that further work is planned research into the risks.
- 3.11 There is a need to establish the risk of fire involving spandrel panels, review the current provisions in ADB, and provide the Authority with robust evidence to inform future policy options
- 3.12 **Glazing**
- 3.13 The ban of combustible materials applies to relevant buildings (as set out in Regulation 7(4) of the Building Regulations 2010 (as amended)) and restricts materials on or in external walls, or that become part of external walls to those which achieve A1 or A2-s1, d0.
- 3.14 Laminate glazing used outside of window and frame, e.g. within a balcony balustrade or spandrel are subject to the performance requirements of the ban and are therefore prohibited. There is little research into the fire performance of types of glazing, the influence of fixing, thickness and interlayer composition. Further understanding of the fire performance of such products will help advise on future policy options related to fire spread over external walls.

4. DEFINITIONS

| Expression or Acronym | Definition |
|-----------------------|---|
| ADB | Approved Document B (Fire Safety) volumes 1 and 2 |
| MHCLG | Ministry of Housing, Communities and Local Government |

5. SCOPE OF REQUIREMENT

- 5.1 The overall scope of the project is to:
- Conduct a scoping study to identify key issues and establish current knowledge on balconies, spandrel panels, and laminate glazing in modern buildings;
 - Review the current provisions in ADB;
 - Develop further evidence to consider alternative policy options.



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- 5.2 The scope of buildings are those covered by the Building Regulations and more specifically ADB. Uncommon buildings are outside of the scope for this project.
- 5.3 A range of balcony, spandrel and laminate glazing systems are available, the review will scope the different types and select some for further research. Those selected should be relevant and common to modern building designs and future trends.
- 5.4 At the completion of each milestone a suitable review will be carried out to ensure the suitability of research and allow for variations (improvements, expansion, and/or reduction). Such variations will be subject to formal change control where they include cost implications.
- 5.5 Facilities for face to face or video call meetings with The Authority and stakeholder groups established to further research goals of the project should be provided by the supplier.
- 5.6 The supplier will work with the contract manager and other MHCLG suppliers as required to deliver project objectives, update meetings, and reports.
- 5.7 The Technical Review programme comprises a number of research projects covering different areas. It is recognised that each area is not mutually exclusive and there may be evidence and considerations relevant across workstreams. As such the supplier is expected to work collaboratively across projects to share and consider knowledge.
- 5.8 The supplier is also expected to work collaboratively with industry, academia and government bodies and interest groups to collect and research knowledge related to the workstream.
- 5.9 The research will also be used to inform impact assessments for future consultation proposals where evidence suggests changes may be necessary to current statutory guidance.
- 5.10 The main output from the research will be an objective presentation of the results in the form of technical reports.
- 5.11 Each objective, as laid out in the next section, is mandatory. However, the elements described that could contribute to achieving each objective is optional. It is for the supplier to define their approach in their bid and to justify the exclusion of any point in the requirement.

6. THE REQUIREMENT

- 6.1 The supplier will be expected to have:
- Expertise in the policy area and a good working understanding of ADB and thorough understanding of the principles of fire safety guidance in building design and application of this in practice.
 - Expertise in carrying out multi-faceted research projects in the area of fire safety (or related).
 - A clear understanding of the research objectives and context of the work.



- Capacity to complete the work to the proposed timeframe with appropriate staff and resource allocation.
- A clear and appropriate choice of methodology that addresses each research question/objective laid out in the tender

6.2 There is a requirement to assess the suitability and effectiveness of the current provisions in ADB and to provide robust evidence for alternative policy options. This overall requirement is broken down into objectives with elements that are expected to contribute to achieving the objective listed below.

Objective A – Undertake a scoping study

6.3 Undertake a scoping study to provide the Authority with information on modern buildings and the basis for the current provisions. It is expected that this will include:

- i) Establish the basis, principles and assumptions underpinning the current guidance in ADB and regulations for external fire spread;
- ii) Establish the current state of knowledge and research in this technical policy area;
- iii) Work with industry and stakeholders to build a picture of modern buildings, understanding the application of ADB in practice.

Objective B – Review

6.4 To undertake a review which provides sufficient information that will allow the Authority to consider whether the guidance/ policy approach is adequate, it is expected the supplier will:

- i) Review the evidence for the performance and effectiveness of the current provisions in ADB;
- ii) Identify and outline evaluate potential policy options to be researched further;
- iii) Consider alternative international regulatory approaches.

6.5 The overall aim of Objectives A and B is to inform the Authority about the effectiveness of the current provisions by considering the basis for, and application of, the provisions in ADB in the context of the latest body of research in this policy area and knowledge of modern buildings. It is expected the findings will be reported with an outline appraisal of future policy options for further research. This will to be considered by the Authority and will help steer the direction of further work.

Objective C – Generate further knowledge

6.6 Upon understanding the current state of knowledge gathered as part of the scoping study (Objective A) and review of current provisions (Objective B), the Authority expects the Supplier to develop robust evidence to consider future policy options for ADB.



- 6.7 This is expected to include the development of the necessary evidence through assessment, analysis, or experimental research to enable the Authority to make informed decisions on future potential policy options. This includes providing scientific and engineering data as well as costs, benefits, and impacts of future alternative approaches/policy options.
- 6.8 The tasks required to complete Objective C will be directed by the findings of the scoping study, review of current provisions, and the input of the steering group. The scope of the further research work will be agreed the Supplier following the review (Objective B). Since scope of this later research will not be defined until later in the project, Suppliers should set out in their bid flexible proposals and work tasks for this stage.
- 6.9 **General Requirements**
- 6.10 The Supplier will be expected to establish and manage a Technical Steering Group who will periodically review progress of the project.
- 6.11 The Supplier will be expected to produce:
- A proposed methodology report;
 - Reports for each objective (1: Objective 1 across all workstreams, 2: Objective 2 across all workstreams, 3: Objective 3 across all workstreams)
 - Final report covering information across all Objectives report.
- 6.12 A contract break will be included between milestones for Objective B and C as set out in section 7 of this attachment. Early termination of the contract will be taken if the research at these stages points towards an early conclusion as determined by The Authority.
- 6.13 The supplier will be expected to provide ad-hoc advice as requested by the Authority.

7. KEY MILESTONES AND DELIVERABLES

- 7.1 The supplier will provide and present to the Authority the following specific deliverables:
- A proposed research methodology consisting of a report (electronic and hard copy where appropriate) detailing the scope of the project, methodology, key deliverables and any preconceived risks.
 - Draft interim reports (electronic and hard copy where appropriate) for each phase of the research including methodology, results/findings to date, detailed assumptions intended to underpin analysis along with any other issues identified and how these will be dealt with. Draft reports should also include indications of next steps the supplier will be taking,



and any proposed further research not previously agreed with the contract manager. Draft reports should be preceded by a face to face meeting to update the Authority and any relevant groups of stakeholders (e.g. steering group established as part of the research project).

- Final report (electronic and hard copy where appropriate) including all results/findings throughout the project, detailed assumptions intended to underpin analysis along with any other issues identified. The final report should be preceded by a face to face meeting to update The Authority and any relevant groups of stakeholders (e.g. steering group established as part of the research project).

7.2 All reports (draft and final) should include a front cover and QA sheet including: the report title, the Authority and supplier reference numbers, the milestone identifier, the version number, the date, and checking/approving signatures. The front should be marked as a draft until an approved final version is requested by MHCLG. The front cover may be removed and replaced when reports are prepared for publication by The Authority.

7.3 Final reports will be published on the gov.uk website after review and quality assurance.

7.4 Research results/findings should be made available to any established Technical Steering Groups during the project.

7.5 The supplier will also be expected to provide a secretariat service for project meetings and meetings of any Technical Steering Groups established, with a record of the minutes being provided to The Authority with three (3) working days of each meeting. Minutes should be provided to The Authority's Contract Manager in an electronic format.

7.6 The supplier will be expected to update The Authority on progress at least monthly verbally and in writing, through a brief report, to the Contract Manager.

7.7 All outputs must be clearly written and thoroughly proof-read prior to submission.

7.8 Performance measures;

- Methodology agreed
- Technical Steering Group established
- Draft reports provided to agreed timeframe
- Final report provided to agreed timeframe
- Satisfactory research output

7.9 The following Contract milestones/deliverables shall apply:

| Milestone / Deliverable | Description | Timeframe |
|-------------------------|-------------------------------|---------------------------------|
| 1 | Commencement date: Start Date | Within 1 week of Contract Award |



| | | |
|-----------------------|---|---------------------------------------|
| 2 | Objective A methodology reported and agreed | Within 2-3 weeks of Commencement Date |
| 3 | Technical Steering Group established | Within 3-4 weeks of Contract Award |
| 4 | Objective A Draft Report provided | Within 14 weeks of Commencement Date |
| 5 | Objective A and B Draft Report provided | Within 22 weeks of Commencement Date |
| 6 | Objective A and B Final Report provided | Within 24 weeks of Commencement Date |
| Contract Break | | |
| 7 | Objective C start date | Within 26 weeks of commencement Date |
| 8 | Objective C methodology reported and agreed | Within 32 weeks of commencement Date |
| 9 | Objective C Draft Report provided | To be agreed at milestone 8 |
| 10 | Final Report provided | To be agreed at milestone 8 |
| 11 | Contract completion | Within 2 years of Contract Award |

8. APPROACH (OPTIONAL)

8.1 The workstream considers three elements relevant to the external walls of buildings. The approach should consider the role these components take on modern buildings and seek to generate evidence and knowledge on fire safety for the department to make informed policy decisions. An outline approach is provided below:

8.2 Balconies

The supplier's approach should consider balcony to balcony fire spread and understand the factors which affect it. The role of the balcony should also form part of any analysis, e.g. whether the balcony is used for means of escape/firefighting access.

Objective A - Undertake a scoping study

- The Supplier is expected to review past research and other evidence to establish the basis and principles underpinning the current guidance for fire spread over external walls and relevance to balconies;
- The latest engineering and scientific knowledge in this technical policy area should be established;



- Current and historical fire statistics should be reviewed along with incident reports and case studies;
- Relevant standard, test methods, and classification criteria for balconies should be considered;
- The Supplier is expected to work with industry and stakeholders to build up a picture of modern buildings and understanding the application of ADB in practice;
- The Supplier should understand the application of the current guidance in practice (e.g. gaps, misunderstandings, limitations, less relevant aspects);
- The Supplier is expected to establish the current range of designs and construction of balconies, identifying drivers for design teams. The review should consider the different forms balconies can take, and the relationship with the rest of the building as a whole. The prevalence of different designs and forms should be established, identifying the most common types and identifying future trends across building types.
- The functions of balconies should be identified, considering any role the balcony has in the building fire strategy (e.g. providing for access, escape).
- Balconies must meet a number of requirements in addition to fire safety e.g. thermal efficiency, measures to prevent collapse and falling. Such requirements should be considered with the impact on fire safety considered.



Objective B - Review

- Compare and evaluate the approach and provisions in ADB in view of current technical research and knowledge.
- Identify and evaluate differences between underpinning principles and assumptions behind the provisions in ADB and the reality of modern buildings;
- Undertake initial research (analytical/experimental/testing) to help address gaps in knowledge to review the effectiveness/limitations of the current ADB provisions;
- Present analysis on the performance of the current provisions and conclude on the possible shortfalls in this existing fire safety guidance;
- Identify and appraise potential alternative or additional policy options for further research;
- Review the approaches of alternative guidance and other regulatory approaches internationally.

Objective C - Generate further knowledge

- 8.3 Where there is a lack of knowledge or where areas of further research are highlighted by the review of the current provisions in ADB, the Supplier will undertake research to generate data and information to further understand the behaviour of fires involving and affecting balconies.
- 8.4 The supplier is expected to produce a robust body of evidence and data based on research, experimental fire testing (large and small scale), computer modelling, and laboratory testing (as appropriate).
- 8.5 The evidence should be generated with a view to providing sufficient and relevant information to support the Authority in making informed policy decisions.



8.6 **Workstream 2: Spandrels**

The approach should consider spandrel to spandrel fire spread, identifying the implications of variations in materials and configuration. The approach should be able to evaluate the contribution of spandrel panels in an overall building fire scenario and identify the potential for flame propagation away from the initiating heat source over an external wall.

Objective A - Undertake a scoping study

- 8.7 The review should identify the current use of spandrel panels with a view to identifying factors which could influence fire spread.
- 8.8 The supplier is expected to identify the types composition and range of designs of spandrel panels on the market. The purpose and use of spandrels on buildings should be reviewed, e.g. for aesthetic or functional purposes. The review should consider materials, design and the underlying drivers for product development, taking a view on future trends.
- 8.9 The review should consider the spandrels in the context of the wider building; identifying spatial arrangements, alignments and relative positioning across external walls, and particularly common configurations (e.g. placement below windows). The review should identify factors for consideration in understanding the fire risk.
- 8.10 The current state of knowledge around fires involving spandrels should be identified through a review of literature, case studies, and statistics.
- 8.11 Previous case studies of fire incidents in the UK and internationally should be considered. Statistical information should be reviewed where relevant information can be identified.

Objective B – Review

- 8.12 The fire risks associated with spandrels should be established and reviewed identifying relevant factors related to design, construction, configuration, function etc.
- 8.13 The supplier is expected to identify and consider the current relevant provisions in ADB and indicate the possible shortfalls in this existing fire safety guidance considering the evidence collected.
- 8.14 The report should outline and appraise potential alternative options for further research and consideration by the Authority.

Objective C - Generate further knowledge

- 8.15 Where there is a lack of knowledge or where areas of further research are highlighted by the review, the Supplier will undertake research to generate data



and information to further understand the behaviour of fires involving and affecting spandrel panels.

8.16 The supplier is expected to produce a robust body of evidence and data based on research, experimental fire testing (large and small scale), computer modelling and laboratory testing (where necessary).

8.17 The evidence should be generated with a view to providing sufficient and relevant information to support the Authority in making informed policy decisions.

8.18 Laminate glazing

The approach should understand how types of glazing, but particularly laminate glazing, behaves when exposed to fire. It should seek to evaluate the contribution in an overall building fire scenario, and identify the potential for flame propagation away from the initiating heat source. The implications of variations in fixings and panel specifications should be identified.

8.19 Workstream 3: Glazing

8.20 Objective A – Undertake a scoping study

8.21 The composition of different types of glazing should be reviewed, considering materials and design. Identification of common methods of manufacture, fillers, coatings/films, treatments and installation. The review should have a particular focus on glazing with combustible elements such as interlayers.

8.22 The review should cover glazing assemblies across a range functions (e.g. windows, balcony balustrades, solar shading) to understand other detailing factors such as fixings. Common installation practices and configurations on buildings should be reviewed.

8.23 The current state of knowledge around fires involving glazing should be identified through a review of literature, case studies, and statistics.

8.24 Previous case studies of fire incidents in the UK and internationally should be considered. Statistical information should be reviewed where relevant information can be identified.

8.25 Objective B – Understanding of risk

8.26 The fire risks associated with glazing should be researched identifying relevant variables related to design, construction, configuration, function etc.

8.27 The supplier is expected to identify and consider the current relevant provisions in ADB and indicate the possible shortfalls in this existing fire safety guidance considering the evidence collected.



8.28 The report should outline and appraise potential alternative options for further research and consideration by the Authority.

8.29 Objective C - Generate further knowledge

8.30 Where there is a lack of knowledge, the Supplier will undertake research to generate data and information to further understand the behaviour of fires involving and affecting selected types of glazing.

8.31 The supplier is expected to produce a robust body of evidence and data based on research, experimental fire testing (large and small scale), computer modelling and laboratory testing (as appropriate).

8.32 The research should seek to understand the fire behaviour expected in conditions that are representative of the interaction between fires in common building types and the glazing in application. The impact of design variables should be determined with a view of understanding factors affecting fire behaviour.

8.33 The evidence should be generated with a view to providing sufficient and relevant information to support the Authority in making informed policy decisions.

9. MANAGEMENT INFORMATION/REPORTING

9.1 The Authority requires a dedicated account management structure including a single point of contact for day to day enquiries, with a nominated deputy to act in their absence.

9.2 A detailed escalation procedure must be outlined, with named individuals outlined on an organogram provided by the supplier.

10. CONTINUOUS IMPROVEMENT

10.1 The supplier should present any proposed changes to the project methodology to The Authority during monthly update meetings with the Contract Manager.

10.2 Changes to the way in which the Services are to be delivered must be brought to the Authority's attention and agreed prior to any changes being implemented.

11. QUALITY

11.1 The supplier should operate under an appropriate quality management system, such as ISO (9000 series) or equivalent.

12. PRICE

12.1 Attachment 4 – Price Schedule must be completed. The supplier is expected to provide sufficient detail for evaluation.

12.2 The budget for this Contract is up to a maximum of £460,000 (excl. VAT) and the work is to be completed within 2 years of commencement.



- 12.3 Prices are to be submitted via the CCS e-Sourcing Suite (Attachment 4 – Price Schedule) excluding VAT and including all other expenses relating to Contract delivery.

13. STAFF AND CUSTOMER SERVICE

- 13.1 The Supplier should provide a sufficient level of resource throughout the duration of the Contract in order to consistently deliver a quality service.
- 13.2 The Supplier's staff assigned to the Contract should have the relevant qualifications and experience (i.e. detailed knowledge of the construction industry, construction techniques, technology and design, relating to means of escape and in particular to means of escape for disabled people) to deliver the Contract to the required standard.
- 13.3 The Supplier shall ensure that staff understand the Authority's vision and objectives and will provide excellent customer service to the Authority throughout the duration of the Contract.

14. SERVICE LEVELS AND PERFORMANCE

- 14.1 The Authority will measure the quality of the Supplier's delivery by assessing each task, including meeting target dates, appropriateness of methodology, completeness of information and readability of reports. The Authority will take account of the views of any Technical Steering Groups and will provide feedback to the supplier.

| KPI/SLA | Service Area | KPI/SLA description | Target |
|---------|---------------------|---|---------------------------------|
| 1 | Delivery timescales | Completion of milestones to agreed timeframe | 100% |
| 2 | Research output | Completion of research to satisfactory standard | To be agreed with The Authority |
| 3 | Methodology | Proposal and agreement of appropriate methodology | To be agreed with The Authority |

- 14.2 The supplier will be required to report regularly on progress toward achievement of objectives.
- 14.3 Applicants will need to explain how they will collect and record this information to maintain a fully evidenced audit trail. It should be noted that if a supplier fails to deliver contracted outputs, a performance review may apply which could lead to and early termination of the contract.



15. SECURITY AND CONFIDENTIALITY REQUIREMENTS

- 15.1 There are no requirements for employees of the supplier to have any level of security clearance.
- 15.2 The Authority's office is part of the Home Office building, which has enhanced security arrangements, including baggage searches and photo-ID being needed for entry. The supplier must make allowances for delays caused by security when attending meetings or where the Suppliers staff is working at The Authority's office.

16. PAYMENT AND INVOICING

- 16.1 Payment can only be made following satisfactory delivery of pre-agreed certified deliverables and Milestones.
- 16.2 Before payment can be considered, each invoice must include a detailed elemental breakdown of work completed and the associated costs.
- 16.3 The Purchase Order (PO) number must be included when the Invoice is submitted.
- 16.4 Payment of Invoices follow a process of checking and approval; timeframe is subject to agreement with the Contract Manager.

17. CONTRACT MANAGEMENT

- 17.1 Feedback of performance will be provided to the contractor at progress meetings and at the end of the project, to ensure the quality of research is maintained.
- 17.2 The Contract Manager for this project will act as the formal point of contact between The Authority and the supplier.
- 17.3 The following will be agreed with the Contract Manager;
- The outputs from the research (presentation, reports etc) and the proposed approach being taken by the suppliers to complete the research.
 - How progress will be fed back to MHCLG (including the frequency of face to face progress meetings with the suppliers).
- 17.4 Where outputs will be required and cleared by The Authority, it will be important that the supplier is able to take into consideration the time for The Authority to clear these outputs.
- 17.5 All data and supporting information used in draft or any interim reports and the final report will be provided to The Authority in an electronic format at the end of the contract.

18. ADDITIONAL INFORMATION

- 18.1 This requirement can be undertaken by a single firm or a consortium.



- 18.2 In the case of a consortium, the Authority will only enter into a contract with the lead contractor and all formal contacts between the Authority and members of the consortium should be made through the lead contractor. The lead contractor will be expected to enter into Service Level Agreements (SLA) with consortium members and these members will form part of the Steering Group when it is established.
- 18.3 The supplier agrees to take out a policy of 'Professional Indemnity Insurance' with a capped liability level of 125% of the contract value.

19. LOCATION

- 19.1 The location of the Services will be carried out generally at the Suppliers offices, although there may be a need for some tasks to be undertaken at the Authority's office (currently 2 Marsham Street, London SW1P 4DF).
- 19.2 Some services may need to be carried out remotely (e.g. via video conference calls) depending on health and safety requirements, this should follow government advice at the time.