

LONDON BOROUGH OF BRENT**EXECUTIVE – 23 MAY 2005****Report from Director Arts, Education & Libraries**

For action

Wards affected:
Preston**REPORT TITLE: WEMBLEY MANOR JUNIOR AND INFANTS SCHOOLS –
PROCUREMENT OF ARCHITECTURAL AND CONSULTANCY
SERVICES.**

FP Ref: EAL-05/06-0084

1.0 Summary

1.1 This report requests approval to invite expressions of interest and tenders for the proposed Architectural and Consultancy Services contract (RIBA stages A-L) in respect of the proposed development of Wembley Manor Junior and Infants Schools (“the Wembley Manor Schools”). The estimated commencement date of the contract is no earlier than September 2005. This report contains the relevant pre-tender considerations as required by Contract Standing Orders 89 and 90.

2.0 Recommendations

That the Executive:

- 2.1 Approve the outline pre-tender considerations and the outline evaluation criteria to be used to evaluate the tenders for the Wembley Manor Junior and Infants Schools Architecture and Consultancy Services Contract as set out in paragraph 3.21 of this report.
- 2.2 Authorise officers to invite expressions of interest and tenders and evaluate them in accordance with the approved outline criteria referred to in paragraph 2.1 above.

3.0 Detail

General

- 3.1 Both Wembley Manor Infant and Wembley Manor Junior Schools have major condition and suitability issues with their current buildings. The sufficiency of the accommodation is also at its limit. Up to 40% of the pupils of the schools are housed in temporary accommodation, which has either reached the end of its useful life or will in the next 2 to 3 years. The main buildings are built of a light weight construction and will need considerable investment in the next 5 years. The existing buildings do not meet the requirements of the Disability Discrimination Act 1995 and do not lend themselves easily for adaptations to meet the Act.
- 3.2 It is projected that in the North of the Borough, the LEA may be short of primary school places equivalent to up to a 5FE primary school. Due to the housing developments of the Wembley area, it is projected that there will be a need for extra pupil places in the local area equivalent to 1 form of entry in each year group or 210 pupil places by 2008. Preliminary site option appraisal studies have shown the feasibility of such a scheme. The scheme will provide a 21st Century learning environment and will allow for the extended school provision in line with DfES aspirations for community use of facilities and extended day use of the facilities. Wembley Manor Junior and Infants Schools accommodate 3 FE separate Infant and Junior Schools on a site owned by the LEA.
- 3.3 The Local Education Authority (LEA) is therefore taking this opportunity, to consult with the governing bodies of the two schools on the future organisation of an expanded and newly built school; amalgamation of the two schools is the preferred option of the Director of Education (this position has been confirmed by him, to staff and Governors at the schools during consultation meetings, in confirming the Council's allocation of a reserve budget of up to £10m for this scheme). The Director of Education, Arts and Libraries has issued a consultation document over the future organisation of Wembley Manor Infant and Junior Schools which sets out the case for the expansion (by one form of entry) and amalgamation of Wembley Manor Infant and Junior Schools as well as other school organisation models. A copy of that document is available from the contact officers. The statutory timescale for consultation meant that a headteacher needed to be appointed for September 2005, for a 12 month contract; an appointment has now been made. If the amalgamation proposal is accepted a headteacher designate would be appointed in September 2006 with the new building being completed for September 2007.

- 3.4 EAL officers are holding consultations with the two school governing bodies and staff of both Wembley Manor Junior and Wembley Manor Infants on the option of replacing the existing 3 form entry infant and junior schools with 21st Century provision which allows for the expansion of the current schools 3 forms of entry to 4 forms of entry to allow for pupil expansion.
- 3.5 A Joint Governors' working group has been set up to take forward the future organisation of the Wembley Manor Schools; the Director of Education Arts and Libraries has indicated that an amalgamated enlarged primary school is his preferred option.
- 3.6 A report will be presented to the Executive in due course on the outcome of the current consultation process.
- 3.7 The Council has a framework agreement for architectural and design services through which there are two architectural firms available. As the quality of the design team to be appointed [supported by a design adviser (CABE or other)] is central to delivering Brent's high quality first new build primary school for some time; the design team needs to demonstrate knowledge of current innovation in the design, development and delivery of school buildings; it is envisaged that the design team will have entered for and/or secured design awards for public or school buildings. In addition the LEA wishes to involve Wembley Manor Governors in the selection of the design team. In this context the LEA proposes to undertake a procurement exercise to appoint architects for this project rather than simply appointing one of the architect firms included in the framework agreement.
- 3.8 The Council's existing framework agreement for architectural and design services is due to expire on 31 March 2006 (unless it is extended). Officers may use this opportunity to recommend that the Council procure more than two architectural and design firms to be appointed for Brent Council work . This will provide a wider pool for future projects. Consultation on this process, between officers, has begun with the view to bringing a further report to Executive in due course.

The Special Education Needs Review

- 3.9 A review is currently under way of the LEA's provision for children with Special Education Needs (SEN); in consultation with the Governors, the LEA will explore the opportunities that a new build will offer in aiding the implementation of any of the outcomes of the SEN review.

Timescales

- 3.10 The estimated timescale (which will be kept under review to ensure a realistic delivery process) for the building works for the proposed Wembley Manor Infant and Wembley Manor Junior schools scheme is for commencement in September 2006 and completion in September 2007. It is partly for this reason that the appointment of the architectural team by the Council is time-critical as the drawings and plans will be required to be ready by February 2006.
- 3.11 The decision as to whether or not the Wembley Manor Schools will be expanded and amalgamated will be made by the School Organisation Committee ("SOC") in September 2005/October 2005. Where the SOC cannot reach a unanimous decision the proposal must be passed to the schools adjudicator to decide. However, in order to meet the design and build deadline for completion of September 2007, the architectural team will need to be appointed in September 2005 so that the design may be completed by February 2006. Although the advertisement and pre-qualification stage of the tender will occur during the early stages of the amalgamation consultation process, tenders will only be invited in mid-July 2005, by which time the Council should have a good indication of whether there is any major opposition to the amalgamation. The tender documents shall alert tenderers to the fact that the award of the Architectural and Consultancy Services Contract in respect of the amalgamated schools will only proceed if the SOC agree to the amalgamation.
- 3.12 If the amalgamation does not go ahead, officers will report such an outcome to the Executive for a decision on whether any design and build work should be undertaken to improve the non-amalgamated (either expanded or not) Wembley Manor Schools. In anticipation of the Executive deciding that work should be undertaken to improve the Wembley Manor Schools despite the non-amalgamation, tenderers will be requested to submit alternate tenders relating to this alternate contract at the same time that they submit tenders for the amalgamated schools contract. Alternate tenders will be evaluated on the same evaluation criteria as stated in paragraph 3.18 of this report.

Funding

- 3.13 The Council, on 28 February 2005, agreed to capital budget provision, which included resources for the newbuild of Wembley Manor Infant School and the Wembley Manor Junior School totalling £10.0m between 2005/06 and 2007/08.

Consultation

- 3.14 Consultations are taking place with the Wembley Manor Schools' governing bodies and staff of the schools. There is a Statutory process for proposed amalgamations which LEA officers and representatives of the two Governing Bodies are consulting on and responding to the process deadlines:

Consultation	January to May 2005
Decision to publish notice	June 2005
Publish statutory notice	July 2005
Decision on amalgamation	September/October 2005

The decision on amalgamation will be made by the School Organization Committee.

Further consultations on the design of any new building will take place with those parties, plus parents and pupils when work on the design starts.

- 3.15 A site plan, for information only, of Wembley Manor Infants and Junior Schools is attached at Appendix A.

Procurement

- 3.16 Subject to all necessary approvals being obtained and, in line with the Council's Standing Orders and the Public Services Contracts Regulations 1993 ("the EU Services Regulations"), advertisements are to be placed in the Official Journal of the European Union (OJEU), the relevant trade press and a local paper as soon as possible to obtain initial expressions of interest. Those organisations that respond to the advert will be sent the Council's Pre-Qualification Questionnaire, which addresses issues such as Business Probity, Economic and Financial Standing and Health & Safety considerations. Organisations meeting the Council's required standards will be invited to tender for this contract.
- 3.17 The tendering instructions will advise tenderers that their tenders will be evaluated in accordance with the outline evaluation criteria set out in this report and shall state that the recommendation to award the contract will be made on the basis of the most economically advantageous offer to the Council.

- 3.18 The proposed outline evaluation criteria are based on the fee proposal (value or percentage) and the Quality criteria including design capability:

Fee Proposal : Value or Percentage

The Fee Proposal for the full design team will constitute a 40% weighting in the evaluation;

Quality/Design Capability

Information relating to the Quality of the proposals and design capability will be weighted at 60% in the evaluation. The assessment of design capability and quality is to include at least, but not exclusively, information from practice profiles, experience, expertise and track record of developing school briefs and delivering high quality – statements about Impact, Functionality and Added Value - school buildings within budget and on time, understanding the process of inclusion (wider consultation methods) of and participation by stakeholders in the development of the brief, and an understanding of current innovative practice in developing school design such as the potential for use of School Design Quality Indicators (DQIs); demonstration of recent delivery of innovative design (including interpretation of the schools' and LEA brief); proposals for quality and cost control and measures for sustainability; current capacity including the leadership of the project by a principal architect in the practice who (if shortlisted) will also need to attend the selection process; the quality of references.

- 3.19 The tender evaluation panel will comprise Brent Officers (working in consultation with representatives of the two Governing Bodies) who will evaluate the tenders and make a recommendation to the Executive as to whom to award the Architectural and Consultancy Services contract.
- 3.20 Subject to all necessary approvals being obtained, the Executive is requested to authorise Officers to place advertisements as described in paragraph 3.21 , evaluate expressions of interest and tenders and make a subsequent recommendation to the Executive as to whom to award the Architectural and Consultancy Services contract for the Wembley Manor Infants and Wembley Manor Junior Schools.

3.21 In accordance with Contract Standing Orders 89 and 90, pre-tender considerations are set out below for the approval of the Executive.

Ref.	Requirement	Response	
(i)	The nature of the service.	Architectural and consultancy services for the proposed new build at Wembley Manor Junior and Wembley Manor Infants Schools.	
(ii)	The estimated value	Estimated in excess of £1 million (i.e. between 8% and 10% of the build contract for the Wembley Manor Schools of an estimated total budget of £10.0 m which is inclusive of fees).	
(iii)	The contract term	Estimated start date of September 2005, until the estimated completion date of new school buildings in September 2007	
(iv)	The tender procedure to be adopted	A two stage restricted procedure	
(v)	The procurement timetable		Indicative dates are:
		OJEC notice dispatched and other adverts placed	May 2005
		Expressions of interest (PQQs) returned	28 th June 2005
		Shortlist drawn up in accordance with the Council's approved criteria	12 th July 2005
		Invite to tender	15 th July 2005
		Deadline for tender submissions	26 th August 2005
		Panel evaluation and interviews	2 nd September 2005
		Contract decision	9 th September 2005
		Report recommending Contract award circulated internally for comment	September 2005
		Executive approval	September 2005 (following SOC decision as to the amalgamation)
		Notice of award published	Must be within 48 days of the award

		Contract start date	September 2005
		Completion date	Ongoing to September 2007
(vi)	The evaluation criteria and process	The completed pre-qualification questionnaires, which shall be in the Council's standard format (as outlined in the Council's Procurement and Contract Management Guidelines), will be used to evaluate and shortlist those contractors who meet the Council's standards in relation to financial standing and technical capacity. The panel will evaluate the tenders against the outline criteria set out in paragraph 3.18 above.	
(vii)	Any business risks associated with entering the contract	No specific risks other than has been outlined in this report. Financial Services and Legal and Democratic Services have been consulted concerning this contract.	
(viii)	The Council's Best Value duties	The competitive tendering process will assist the Council in achieving Best Value Qualities.	
(ix)	Any staffing implications, including TUPE and pensions	See section paragraph 7.0 below	
(x)	The relevant financial, legal and other considerations	See paragraph 4.0 and 5.0 below	

4.0 Financial Implications

4.1 The Council's Contract Standing Orders state that service contracts exceeding £500,000 (High Value Contracts) shall be referred to the Executive for approval to invite tenders.

4.2 The estimated value of this Architecture and Consultancy Services Contract is £1.0m.

4.3 Council members agreed in February 2005 a capital budget of up to £10.0m for the design and build of the Wembley Manor Schools.

5.0 Legal Implications

5.1 The estimated value of this contract is above the Public Services Contracts Regulations 1993 threshold for Part A Services (of £153,376). Architectural services are a Part A Service for the purposes

of the EU Services Regulations and as such are subject to the full application of the EU Services Regulations.

- 5.2 The estimated value of this contract is likely to be above the Council's Standing Orders threshold for High Value Service Contracts (of £500,000).
- 5.3 Once the tender evaluation panel has evaluated the tenders, Officers will report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contract and recommending award.
- 5.4 The Conditions of Contract and Specification for this service contract will be based upon the Royal Institute of British Architects standard Conditions of Engagement for the Appointment of an Architect and will incorporate amendments to reflect the Council's interests. The Council's Legal Services Unit will draft the Conditions of Contract.

6.0 Diversity Implications

- 6.1 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications. However, the new proposals will provide a high quality inclusive building.
- 6.2 The corresponding Equality Impact Assessment has been carried out and a copy of the report is available.

7.0 Staffing Implications

- 7.1 For the immediate purpose of this report, there are no staffing implications for Council staff nor for staff at either of the Wembley Manor Schools arising from the invitation of expressions of interest, the invitation of tenders, nor for the evaluation process enabling subsequent recommendation for the award of this services contract.

Background Papers

- i) EAL Asset Management Service Wembley Manor Infant School and Wembley Manor Junior School files.
- ii) Equality Impact Assessment report.
- iii) Public consultation documents.

Contact Officers

Nitin Parshotam (Head of Asset Management Service) and John Bowtell (Asset Manager), Chesterfield House, 9 Park Lane, Wembley Middx 020 8937 3080 nitin.parshotam@brent.gov.uk, john.bowtell@brent.gov.uk

John Christie
Director of Education, Arts and Libraries