



**Cabinet**  
29 June 2015

**Report from the Strategic Director of  
Regeneration and Growth**

Wards Affected:  
ALL

**Authority to delegate award of contract for temporary classroom  
provision at Elsley Primary School to Strategic Director of  
Regeneration and Growth**

**Not for publication**  
**Appendix 1 of this report is Not for Publication**

## **1.0 Summary**

- 1.1 This report requests authority to delegate the award of a high value works contract as required by Contract Standing Order No 86 (e) (ii) for the provision of temporary classrooms at Elsley Primary School.
- 1.2 This report explains the anticipated requirement for temporary primary school classroom provision, seeks approval for this temporary project and associated budget and summarises the process undertaken in tendering the contract for the Elsley Primary School temporary classroom provision and the requirement to delegate award.

## **2.0 Recommendations**

**Cabinet is recommended to:**

- 2.1 Note the anticipated requirement for temporary primary school provision for the 2015-16 academic year.

- 2.2 Approve the proposed project at Elsley Primary School to provide two additional Reception bulge classrooms and two re-located Reception classrooms.
- 2.3 Approve the proposed capital allocation for this temporary project noting the proposed funding sources.
- 2.4 Delegate the award of the contract for the construction of temporary classroom provision at Elsley Primary School to the Strategic Director of Regeneration and Growth in consultation with the Chief Finance Officer and Chief Legal Officer.

### **3.0 Detail**

#### ***Background to 2015/16 Temporary Requirements***

- 3.1 The School Place Planning Strategy approved by Cabinet in October 2014 identified permanent school expansion projects that were to offer additional school places for September 2015. It also noted that projecting future demand for school places is not an exact science and whilst the primary projections were marginally (by less than five per cent overall) over-estimating demand, it was described as equally possible for the projections to err in the other direction. The match between projected and actual outcomes would need to be closely monitored so that informed adjustments to the planned programme could be made.
- 3.2 Revised school place planning projection data alongside actual applications is continually being reviewed and analysed by Officers. It is anticipated that there will be a requirement to provide additional temporary classrooms for the 2015/16 academic year in order to meet the projected demand for school places in all year groups. As it is difficult to predict exactly when those places will be required during the academic year due to the high volume of late and in-year applications, it is anticipated that most if not all places would need to be available at the start of the academic year in September 2015.
- 3.3 It is proposed that in order to meet this anticipated demand for school places that two additional classrooms are provided at Elsley Primary School for Reception classes in September 2015. This school is part of the approved Phase 3 Permanent Primary School Programme and half of the works proposed in this report will provide accommodation to facilitate the proposed permanent expansion, but in the event that the permanent expansion does not proceed will be required anyway for the temporary classes. Cabinet is asked to approve the proposed project at Elsley Primary School to provide two additional Reception bulge classrooms and two re-located Reception classrooms.

- 3.4 In order to provide the classrooms that are anticipated to be required for September 2015, Cabinet is asked to delegate authority to award the contract for the construction of temporary classroom provision at Elsley Primary School to the Strategic Director of Regeneration and Growth in consultation with the Chief Finance Officer and Chief Legal Officer. Any decision would be taken in the context of the approved School Place Planning Strategy and the emerging status of sufficiency of school places for September 2015. A full update to Cabinet on the provision of sufficient school places for the 2015/16 academic year will be presented in July 2015.

### ***Background to Elsley Primary School Procurement***

- 3.5 The expansion of Elsley Primary School by two forms of entry (2FE) is part of the approved Phase Three Permanent Primary School Expansion Programme. This proposed expansion will make the school a four form of entry (4FE) school. Statutory consultation is currently being undertaken and permanent expansion is subject to Cabinet approval.
- 3.6 Accommodation is required to deliver two bulge classes for September 2015 in advance of approval to permanently expand this school. In addition, the procurement exercise has included a further two temporary classrooms to facilitate the anticipated permanent expansion of the school. Therefore, four temporary classrooms are currently being procured for September 2015. The expanded procurement beyond the urgent temporary school places required in September increases the estimated cost of the work and makes this a high value contract.
- 3.7 Due to the exceptional circumstances and timeframe for delivery of the accommodation at Elsley Primary School for September 2015 to meet the anticipated need for additional school places, Members are asked to delegate authority to the Strategic Director of Regeneration and Growth in consultation with the Chief Finance Officer and Chief Legal Officer to award the proposed high value contract on completion of the tender process. This is because the tender evaluation process is expected to complete on Thursday 25 June 2015. The next available Cabinet Meeting for contract award would be 27 July 2015 which would not leave enough time to complete the project for September 2015. It is expected that the Strategic Director of Regeneration and Growth would be able to provide a verbal update on the tender process at this 29 June Cabinet meeting requesting authority be delegated as described to award the contract.
- 3.8 A planning application for the temporary buildings was submitted on 1 May 2015 and the decision on the case is expected by 23 July 2015.

- 3.9 Following planning approval, works will start and will complete so the accommodation is ready for September 2015.

### **The Procurement Process**

- 3.10 The Crown Commercial Service (CCS) Modular Building Framework (RM875) was identified and approved as a legally permissible framework to access for this opportunity on Friday 5 June 2015.
- 3.11 The framework provides a comprehensive range of building solutions arranged into five building types. Each building type has two lots, one for requirements to purchase and one for lease/hire. There are ten (10) lots in total and the lot specific for this opportunity is Lot Seven: Education Buildings – Call Off for purchase.
- 3.12 The new proposed contract will be let using the 2011 JCT Intermediate with Contractor's Design for two months with a further 12 months defects liability period.
- 3.13 Invitations were made to the framework lot contractors via the CCS e-sourcing tender facility on Friday 5 June 2015 to seek tender submissions. There are seven approved contractors on Lot Seven and to date five contractors have shown an interest in the opportunity. Contractors were provided with detailed specifications and plans in order to form their submissions.
- 3.14 The tendering instructions stated that the contract would be awarded on the basis of the most economically advantageous offer to the Council and that in evaluating tenders, the Council would have regard to the following:

<b>Criteria</b>	<b>Weighting</b>
Assurance of supply	20 %
Quality and management	10 %
Service	10 %
Regulatory	10 %
Innovation	10 %
Cost / Price	40 %

- 3.15 The tender evaluation was carried out by a panel of officers from Property and Projects with officers from Procurement overseeing the process. Also in attendance were representatives from Brent's appointed project and design team.
- 3.16 All tenders were required to be submitted electronically no later than Thursday 25 June 2015, 12:00:00. Tenders were opened on Friday 26 June 2015. Each member of the evaluation panel read the tenders

using evaluation sheets to note down their comments on how well each of the award criteria was addressed in order to justify the score given.

- 3.17 The panel will meet on Friday 3 July 2015 and each submission will be marked by the whole panel against the award criteria.
- 3.18 The names of the tenderers are contained in Appendix 1. The proposed scoring mechanism is included in Appendix 2. It will be noted that the Tenderer scoring the highest score will be recommended for award of the contract.
- 3.19 It is anticipated that the contract would be awarded and commence on 6 July 2015.

#### **4.0 Financial Implications**

- 4.1 Cabinet is asked to approve the proposed capital allocation for this temporary project noting the proposed funding sources. The total estimated cost of the project to provide these temporary classrooms with associated works and fees at Elsley Primary is £1.2m. Of this £665k is attributable to the approved permanent primary school project budget should the permanent expansion be approved first by the Governing Body to proceed with statutory consultation and then by Cabinet following consultation. In the event that the permanent expansion was not approved, the proposed works would still be required for September 2015 therefore approval is sought for the full temporary project cost.
- 4.2 An allocation of £1.2m is proposed to be made from unallocated Basic Needs Capital Funding within the Schools Capital Portfolio. The Financial Profile was previously approved by Cabinet in January 2015. This demonstrated that, whilst there was a forecast deficit across the whole Schools Capital Portfolio to 2020-21, there was sufficient secured funding to meet the forecast costs of delivering the current Phase 3 Permanent Primary School expansion programme of works. At that time, the forecasts for future unsecured Basic Need grant allocations totalled £29.64m for the remaining period of the Financial Profile. Since this information was last reported to Cabinet, a further sum of Basic Need Capital Grant has been secured for 2017/18 of £15.32m. This was in excess of the forecast amount of £7.41m that was previously reported to Cabinet as unsecured funding. This additional income reduces the forecast gap in the full expansions programme. However, the need to provide sufficient school places on time remains and it is therefore proposed that the required £1.2m for this project is allocated from the new Basic Need Capital Grant of £15.32m. It should be noted that in the event that the permanent expansion is approved then £665k of this £1.2m will be charged to the permanent Phase 3 project for which a budget has been established

within the School Expansions Programme, thus reducing the 'new' call on resources to £535k.

- 4.3 The full update to be submitted to Cabinet on the provision of sufficient school places for the 2015/16 academic year in July 2015 will include an updated Financial Profile for the School Expansions Capital Programme.
- 4.4 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £250k or works contracts exceeding £500k shall be referred to the Cabinet for approval of the award of the contract.
- 4.5 The estimated value of this works contract is £900,000.

## **5.0 Legal Implications**

- 5.1 The proposed procurement of a works contract to build four temporary classrooms at Elsley Primary School is deemed a High Value Contract in accordance with Contract Standing Orders and as such the tender process to appoint a works contractor must be in accordance with the Council's own Contract Standing Orders ("CSO") and Financial Regulations.
- 5.2 Officers have undertaken a Further Competition (mini-competition) under the CCS Framework, which was procured in 2011 in accordance with the then Public Contract Regulations 2006 ("the 2006 Regulations"). Therefore, the 2006 Regulations (and not the new Public Contract Regulations 2015) will govern the process for undertaking Further Competitions.
- 5.3 The estimated value of the works contract, as referred to in this report, is below the current EU Threshold for works (£4,322,012) but above the Council's own threshold (£500,000) [CSO 86(e)(ii)], whereby approval to award the contract must be sought from Cabinet. Further, the contract must be procured and awarded strictly in accordance with the criteria and weightings laid out in the CCS Framework call-off process. A standstill period need not be observed by Officers calling off a contract under a framework.
- 5.4 Officers are seeking delegated authority from Members to the Director of Regeneration and Growth in consultation with the Chief Finance Officer and the Chief Legal Officer to award the proposed works contract subject to the proposals tendered being in line with the Council's Place Planning Strategy.

5.5 Should Members be minded to approval the delegation to award the proposed works contract as stated in the recommendations of this report, then Officers are advised to publish the delegated authority decision by way of a report on the Council's website as an officer decision.

5.6 Under sections 13 and 14 of the Education Act 1996 (as amended by the Education Acts 2006 and 2011), a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. The local authority must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. It must also ensure that there are sufficient school places in their area and promote diversity and increase parental choice. To discharge this duty the local authority has to undertake a planning function to ensure that the supply of school places balances the demand for them.

## **6.0 Diversity Implications**

6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

7.1 This service will be provided by an external contractor and there are no implications for Council staff arising from tendering the contract.

## **8.0 Public Services (Social Value) Act 2012**

8.1 Not relevant

## **9.0 Impact on School Places**

9.1 If this request is not approved, the accommodation could not be provided in time for the start of the academic year in September 2015. It is anticipated that there would not therefore be sufficient Reception class places to meet projected demand at that time, and children who had applied for school places would need to wait until later in the year for accommodation to become available.

## **10.0 Background Papers**

10.1 Not relevant

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## APPENDIX 2

### TEMPORARY CLASSROOM PROVISION AT ELSLEY PRIMARY SCHOOL CONTRACT

#### TENDER EVALUATION TEMPLATE

Contractor	Assurance of Supply			Quality and Management			Service			Regulatory			Innovation		
	M	W	T	M	W	T	M	W	T	M	W	T	M	W	T
A		20%			10%			10%			10%			10%	
B		20%			10%			10%			10%			10%	
C		20%			10%			10%			10%			10%	
D		20%			10%			10%			10%			10%	
E		20%			10%			10%			10%			10%	

M = Marked score out of five / W = Weighting / T = Score (equals M÷5 x W)

**Table 1 – Quality Evaluation Matrix**

Contractor	Contractor Price	Lowest Price	Lowest Price ÷ Contractor Price (C)	Price / Cost Score (C x 40%)
A				
B				
C				
D				
E				

**Table 2 – Cost / Price Evaluation Matrix**

Contractor	Assurance of Supply Score (A)	Quality and Management Score (B)	Service Score (C)	Regulatory Score (D)	Innovation Score (E)	Price / Cost Score (F)	Total (A + B + C + D + E + F)	Ranking
A								
B								
C								
D								
E								

**Table 3 – Summary Evaluation Matrix**