



**Executive**  
23<sup>rd</sup> August 2006

**Report from the Director of  
Children and Families**

For Action

Wards Affected:  
Willesden Green

**St Mary Magdalen's RC Junior School – criteria for evaluation of  
tenders for proposed new-build school**

Forward Plan Ref: C&F-06/07-007

**1.0 Summary**

- 1.1 This report requests approval for the trustees of St Mary Magdalen's RC Junior School, on behalf of the Council, to invite tenders in respect of the above named works contract as required by Council Contract Standing Orders 89 and 90 and to evaluate tenders.
- 1.2 The project is being funded out of a successful TCF Bid (see paragraph 3.1), together with a share of the resources allocated to the Council for distribution to Voluntary Aided schemes under the LCVAP regime (see paragraph 4.2).

**2.0 Recommendations**

The Executive is recommended to:

- 2.1 Give approval to the pre-tender considerations and the outline evaluation criteria to be used to evaluate tenders as set out in paragraph 3.21 of this report.
- 2.2 Give approval to the Trustees of the school to invite tenders and evaluate them in accordance with the approved evaluation criteria, as referred to in paragraph 2.1 above.

- 2.3 Note that it will receive a further report recommending award of the contract in March 2007.

### **3.0 Detail**

#### **Background**

- 3.1 The Council (Children & Families Department) prioritised and has supported St Mary Magdalen's RC Junior School and the Trustees in their Targeted Capital Funding (TCF) application for capital funds from the regime's funding pot. The funding application was submitted to the Department for Education and Skills (DfES) on 27 May 2005. The funding submission quantified a level of resources required from the Trustees.
- 3.2 The DfES made an announcement on 22 November 2005 that the TCF application submitted by the Council to the DfES for a project to rebuild a 3 Form Entry (3FE) Junior School had been successful. The total project cost approved by the DfES is £5.6m – £4.480 is to be funded from the TCF grant, £560k from school governors/Trustees' private funds and £560k from formulaic capital. Further funding details are provided in paragraph 4.4 below.
- 3.3 The re-build is necessary in order to address the deficiencies of suitability, sufficiency and condition of the existing building and how they impact on learning, teaching, outreach, aspirations and attainment. These deficiencies are highlighted by the Council's Asset Management Plan and OFSTED Report 2004.
- 3.4 The Council's Asset Management Plan (AMP) categorises the current size of the school accommodation as insufficient and the layout unsuitable. They are, respectively classified as 'poor' and 'very poor'. The condition of various elements of the building is rated as Bs and Ds, where B is satisfactory and D requires immediate action. The suitability of space in SEN provision, staffing facilities, administration and WCs is classified between average and poor. All class bases are rated below the DfES space standards guidelines. There are no designated medical room, library, cloakrooms, group rooms and no disabled access to the first floor.
- 3.5 OFSTED, March 2004 stated: "There is one significant factor that prevents the curriculum from being an exemplar in its provision of opportunities. This factor is the accommodation. The classrooms....are too small and too cramped to allow the fullest provision of the National Curriculum....The limitations of space are an insurmountable hurdle".
- 3.6 The seriously sub-standard accommodation will be replaced with a new school on the existing site to ensure areas reflect the DfES guidelines. The new school will also be more suitable for extended school provision. Imaginatively designed, flexible, technologically equipped teaching, resource and support spaces will enable more practical

activities and investigative work in all areas of the curriculum. Teachers will be able to create active working situations and before and after-school provision will be available to the link school, Convent of Jesus and Mary RC Infants and the community. The school will therefore contribute to the Council's policy initiative on Extended Schools and including support for community development. The new school will be energy efficient and will be fully accessible. Security of buildings and users will be improved.

- 3.7 The new school is to be built on an external play area on the site. After completion, the old school will be demolished and play areas re-located. A site plan of the school is shown at Appendix 1.
- 3.8 The TCF grant is available for the school to drawdown at appropriate project development stages and as such, the school has drawn down some of it to appoint a team of Consultants to design and cost the project to Stage D, the formal planning approval application stage. It is envisaged that the appointed Consultants will be retained to develop and deliver the project within budget and to a specific timetable, with the Council, in its role to offer guidance where necessary.
- 3.9 A Planning Application was submitted on 21 April 2006. Brent Planning Department has notified that the application would be considered as a major case with a 13 weeks approval period. The target date for the issue of approval is 10th August 2006.
- 3.10 A programme for the development of the new build school is attached at Appendix 2, which shows construction completion in August 2008 to enable the new school to open in September 2008.
- 3.11 As this is a project where funding is to come principally and directly from the DfES, the appropriate Voluntary Aided (VA) Approval forms (forms issued by the DfES that incorporate information that forms the basis of the project brief for the project development) have been dispatched and subsequently approved by the DfES to the effect that the DfES has approved the Trustees to proceed to Tender. In order that the procurement of this project fully complies with the Council's Standing Orders and Financial Regulations, it is necessary to also obtain Executive approval/authority in this regard.

#### **The Tender Process**

- 3.12 The construction contract for the new build school will be let using the JCT Standard Form of Building Contract 2005 (as amended).
- 3.13 The estimated value of the building contract excluding professional fees, fixed furniture and equipment and VAT is £4,212,514 and exceeds the threshold at which the EU Procurement Regulations must be followed, currently £3,834,411.
- 3.14 Subject to all necessary approvals being obtained and, in line with the

Council's Standing Orders and the Public Contracts Regulations 2006 ("the EU Regulations"), advertisements are to be placed in the Official Journal of the European Union (OJEU) as soon as possible to obtain initial Expressions of Interest.

- 3.15 The tender evaluation process will be followed by a detailed tender report to be initiated by the Client, following agreed criteria and shall enable the Director of Children & Families to make a recommendation to the Executive on the award the contract.
- 3.16 Subject to all necessary approvals being obtained, the Executive is requested to authorise Trustees to advertise the contract, to evaluate Expressions of Interest and tenders and to make a subsequent recommendation to the Executive as to who to award the proposed works contract to for the new build St Mary Magdalen's RC Junior School.
- 3.17 The Client has opted for the Restricted Procedure under the EU Regulations which allows for competitive tendering to a restricted number of contractors (normally 5 or 6), following receipt and evaluation of Expressions of Interest.
- 3.18 The Consultant Team propose that they meet to score the Expressions of Interest, using a score sheet. Other interested parties, including the School, Brent Council and the Trustees would then be invited to join the process, to review the scoring already carried out on all contractors which expressed an interest. It is anticipated that the top 5 or 6 scoring tenderers will be invited to tender for the contract.
- 3.19 The proposed score sheet for the Expression of Interest stage is shown in Appendix 3.
- 3.20 Following receipt, tenders will be evaluated on the basis of the most economically advantageous tender against the award criteria set out in paragraph 3.21.
- 3.21 In accordance with Contract Standing Orders 89 and 90, pre-tender considerations are set out below for the approval of the Executive.

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>
(i)	The nature of the service	The construction of a new 3FE Junior School on the existing site, followed by the demolition of the existing school, together with associated external works.
(ii)	Estimated value	The estimated build project is £4,212,514
(iii)	Contract term	The contract will be for a period of 18 months with an intended commencement date of April 2007
(iv)	The tender procedure to be adopted	A traditional single stage competitive tendering procedure with Bills of

Ref.	Requirement	Response	
		Quantities will be adopted. Due to the estimated value of the contract the EU Procurement Directives must be followed.	
(v)	The procurement timetable	<b>Indicative dates are:</b>	
		Invitation of Expressions of interest by placing a Contract Notice in the OJEU	18 <sup>th</sup> September 2006
		Expressions of interest and PQQ information returned	30 <sup>th</sup> October 2006
		Shortlist drawn up in accordance with evaluation criteria	13 <sup>th</sup> December 2006
		Unsuccessful Contractors to be notified	13 <sup>th</sup> December
		Invite to tender	2 <sup>nd</sup> January 2007
		Deadline for tender submissions	12 <sup>th</sup> February 2007
		Panel evaluation and interviews	Week beginning 26 <sup>th</sup> February 2007
		Report recommending contract award circulated internally for comment	5 <sup>th</sup> March 2007
		Trustees and Executive approval	12 <sup>th</sup> March 2007
		Mandatory minimum 10 calendar day standstill period – notification issued to all tenderers and	13 <sup>th</sup> March 2007

Ref.	Requirement	Response	
		additional debriefing of unsuccessful tenderers	
		Publish Contract Award Notice in the OJEU	26 <sup>th</sup> March 2007
		Award Contract to the selected Contractor	26 <sup>th</sup> March 2007
		Contract start date	9 <sup>th</sup> April 2007
		Completion date	31 <sup>st</sup> August 2008
(vi)	The evaluation criteria and process	<p>Shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines namely the pre-qualification questionnaire and thereby meeting the Council's financial standing requirements, technical capacity and technical expertise. The panel will evaluate the tenders on the basis of the most economically advantageous tender against the following criteria:</p> <ul style="list-style-type: none"> <li>• Price (and its component parts)</li> <li>• Capacity to undertake project (proven ability to meet the works and service requirements)</li> <li>• Evaluation of economic and financial standing</li> <li>• Suitability of proposed project management team – experience and expertise including the CVs of the proposed personnel and references</li> <li>• Approach to project (appropriateness and effectiveness of proposed procedures) and working methodology, including collaborative working and sustainability</li> <li>• Identification and management of key risks</li> <li>• Approach to working on an</li> </ul>	

Ref.	Requirement	Response
		<p>occupied school site</p> <ul style="list-style-type: none"> <li>• Relevant project experience</li> <li>• Health and Safety record, capability and procedures</li> <li>• Quality control procedures, defects policy and after care service arrangements</li> </ul>
(vii)	Any business risks associated with entering the contract	No specific business risks are considered to be associated with entering the proposed contract. Financial Services and Legal Services have been consulted concerning this contract.
(vii)	The Council's Best Value duties	The competitive tendering process will assist the Council in achieving Best Value Qualities.
(viii)	Any staffing implications, including TUPE and pensions	See paragraph 7.0 below
(ix)	The relevant financial, legal and other considerations	See paragraphs 4.0, 5.0, 6.0 and 8.0 below

#### **4.0 Financial Implications**

- 4.1 The Council's Contract Standing Orders state that works contracts exceeding £500,000 (High Value Contracts) shall be referred to the Executive for approval to invite tenders. The estimated value of the building works is £4.244m.
- 4.2 The total estimated expenditure is £5.610m. The main elements of funding are being provided by Target Capital Fund grant, Devolved Formula Capital and LCVAP. LCVAP is a grant from the DfES that VA schools may apply for to address required capital works and is a programme that is co-ordinated by the Council, with the agreement of VA partners. The Council has agreed to fund the hygiene room up to the value of £10,000; this is being funded from the Children & Families capital programme.
- 4.3 The table below summarises the financial position in terms of estimated project costs and identified funding for this scheme.

Description	£'000
<b>Expenditure:</b>	
Building Works	4,244
Professional Fees	784
Furniture, Fixture & Fittings	582
<b>Total Estimated Costs:</b>	<b>5,610</b>
<b>Funding:</b>	
Targeted Capital Fund	4,480
LCVAP	375
Governors Non Aided expenditure	185
Council Contribution	10
Devolved Funding Capital Allocation	560
<b>Total Funding Available</b>	<b>5,610</b>

4.5 Members should note that in the event of any overspends on this scheme the risk will lie with the school and there will be no requirement on the Council to provide additional funding.

## 5.0 Legal Implications

5.1 The estimated value of this contract is above the Public Contracts Regulations 2006 threshold for Works (of £3,611,319) and is therefore subject to the full application of the EU Procurement Regulations. By virtue of the Financial Information for Schools under Devolved Funding booklet, the procurement is also subject to the Council's Standing Orders in respect of High Value Contracts and the Council's Financial Regulations.

5.2 In accordance with the Devolved Funding booklet, "All procurement on behalf of the Council" must comply with the Council's Contract Standing Orders, the Council's Financial Regulations as well as the EU public procurement regulations (if applicable). The School Financial Regulations outlined in that Devolved Funding booklet apply to all primary, secondary and special schools maintained by the Council and in receipt of delegated budgets.

5.3 "On behalf of the Council" means where the school is spending money provided by the Council. As noted in paragraph 4.2 above, the school will be using money which has come via the Council to fund part of the construction contract. Therefore, although the school is a voluntary aided school, it is subject to the rules outlined in the Devolved Funding booklet including the requirement to seek Executive approval to tender and award High Value Contracts.

5.4 Once the tendering process is undertaken the Consultant will report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award of the 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. The new proposals will provide a high quality inclusive building that will further improve the school's existing status as a centre of ICT excellence, which further helps inner city children achieve higher standards, it will contribute to the Council's policy initiative on Extended Schools, including support for the diverse community's development.
- 6.2 At the time of drafting the report, an Equality Impact Assessment is being carried out and will be available prior to the Executive on 23 August 2006.
- 6.3 This new high quality inclusive environment created through the new school design will further contribute to the Council's efforts in raising standards and benefit those of the wider communities deemed to be at most disadvantage.

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

- 7.1 For the immediate purpose of this report, there are no staffing implications for staff at St Mary Magdalen's RC Junior School. Recruitment and retention of staff is addressed as being greatly improved with the new build. The build works programme will ensure a smooth transition from the old to the new school building and ease accommodation issues for all pupils, staff and visitors to the school.
- 7.2 The school's existing cramped site conditions have meant staff and pupils have been housed in tight and insufficient accommodation, where the school has, nevertheless, managed particular health and safety measures well. The new school will mean that school users will no longer have to operate within sub-standard accommodation.

## **8.0 Environmental Implications**

- 8.1 Planning permission for the proposed development was granted on 27 July 2006 and the environmental implications were considered by the Planning Committee.

## **Background Papers**

- i) Children & Families (Asset Management Service) files
- ii) Cost consultant's schedules.
- iii) Equality Impact Assessment

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APPENDIX 1  
School Site Plan

## APPENDIX 2

### New Build School Development Programme

## APPENDIX 3

### Score Sheet – Expressions of Interest