

	Officer Key Decision
	Report to the Strategic Director, Regeneration & Environment
Authority to Award the contract for the Multidisciplinary Technical Services for the 2023 – 2026 School Asset Management Programme	

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt Appendix 1: This part of this report is not for publication as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
No. of Appendices:	2 - Appendix 1 – Exempt Appendix 2 – Evaluation grid
Background Papers:	None
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1.0 Purpose of the Report

- 1.1 This report concerns the multidisciplinary technical services required to deliver the 2023 - 2026 School Asset Management Programme (AMP). This report requests approval to award a contract for the multidisciplinary technical consultancy services for this programme as per Contract Standing Order 88.

2.0 Recommendation(s)

That the Strategic Director, Regeneration & Environment:

2.1 Approves the award of a contract for the AMP multidisciplinary technical consultancy services to McBains Limited for £566,034.25.

3.0 Detail

3.1 Brent Council (the Council) is the responsible body for 39 community and foundation schools across 42 sites and has a duty to undertake major projects at these schools to ensure the buildings are weather tight and provide a safe environment for education. Funding is provided to responsible bodies to carry out these works by the Department for Education (DfE) via the School Condition Allocation (SCA). This funding is provided each year based on an assessment by the DfE of high level building condition need and is provided to meet the responsible body's own local condition priorities across their schools. The Council places SCA monies in a specific capital budget, the AMP budget to meet its statutory requirement.

3.2 Officers wish to appoint a multidisciplinary consultancy organisation for the AMP programme to survey the schools, develop a three year programme (2023 – 2025) of projects before delivering the required projects as part of a programme.

3.3 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations were set out and approved by the Operational Director, Property & Assets on 16 November 2021 and the tender process followed these approved considerations.

3.4 The estimated cost of these services, based on based on comparable work and fee percentage rates for commissions of this size was £600,000 and therefore is classified as a medium value services contract as per CSO 82.

3.5 Officers initiated a call-off using a mini-competition from the Crown Commercial Services Framework Agreement for the provision of Project Management and Full Design Team Services (RM3741), specifically, in respect of Lot 1 Multi-Disciplinary Services Lot (the 'Framework'). The tender was issued via the London Tenders Portal on 25 November 2021 and was managed by officers in Procurement with assistance from officers in the Capital Programme Team.

3.6 In accordance with the Framework's mini-competition guidance, all 16 suppliers on the Lot were invited to bid for this opportunity. The Council received five bids by the deadline of 5pm on 7 January 2022 from the organisations listed in Appendix 1.

Tender Evaluation

3.7 The pre-procurement considerations stated that the contract would be awarded on the basis of the most economically advantageous offer to the Council based on the following evaluation criteria:

- Price: 50%

- Quality: 40%
 - Previous Experience and benefits of appointment (20%)
 - Approach to service delivery (45%)
 - Mobilisation and Management of personnel in the timescales required (35%)
- Social Value: 10%

3.8 The quality component tender evaluation was carried out by a panel of officers from the Council's Capital Programme Team (Property & Assets) and was moderated by the Council's Procurement Team. Table 1 below shows the summary ITT evaluation scores of the suppliers and Appendix 2 provides a more detailed breakdown of the full tender evaluation outcome:

Bidder	Quality Score % (max. 40%)	Social Value % (max. 10%)	Price Score % (max. 50%)	Total Score % (max. 100%)	Ranking
Bidder 1	23.60	3.90	41.42	68.92	4
Bidder 2	29.60	6.90	40.40	76.90	3
Bidder 3	23.20	5.20	50.00	78.40	2
Bidder 4	29.60	5.55	45.17	80.32	1
Bidder 5	18.80	5.20	38.68	62.68	5

Table 1 - Tender Evaluation Outcome

3.9 Bidder four was the highest scoring bidder, scoring 80.32% overall. Their quality score was 29.60%, their social value score was 5.55% and their pricing submission scored 45.17% and is within the budget assigned to the project. Officers confirm the bids were compliant.

3.10 The highest scoring bidder has submitted a compliant programme approach and identified appropriate resources to begin the first phase of the programme which is to commence the school surveys.

4.0 Financial Implications

4.1 The budget for the AMP programme services is £600,000. The funding comes from unallocated SCA.

4.2 The highest scoring supplier's contract price is £566,034.25, which is within the budget and below the pre-tender estimate as per paragraph 3.4. There is enough capacity within the School AMP budget to cover the contract and still enables the Council the ability to respond to any emergency works across the school portfolio if required.

4.3 Following completion of the surveys and programme formation, officers will seek approval for the 2023 – 2026 AMP Programme via the Council's Capital Project Governance Process. This is planned for the summer of 2022 and the

expectation is that the programme will be funded via the SCA provided by the DfE.

4.4 Insurance limits (as minimums) will be set as follows and the highest scoring bidder has confirmed these insurance levels are in place:

- Public Liability Insurance: £10,000,000
- Employers Liability Insurance: £10,000,000
- Professional Indemnity Insurance: £10,000,000

5.0 Legal Implications

5.1 The value of the proposed call off contract is above the threshold for Services under the Public Contracts Regulations 2015 (the “Procurement Regulations”) and the procurement is therefore governed by the Procurement Regulations. The award of the Contract is also subject to the Council’s own Contract Standing Orders (CSO) in respect of Medium Value Contracts and Financial Regulations.

5.2 The contract was procured through a framework as mentioned in paragraph 3.5 above and the Procurement Regulations prescribe rules for the use of framework agreements in that contracts may be called off under a framework agreements without the need to separately advertise the contract or procure such contract through a full procurement process. It also provides that call offs under the framework should be made in accordance with the framework rules, using evaluation criteria specified in the framework and the terms and conditions set out in the framework. It should be noted that, in satisfaction of CSO 86(e)(ii), the Council’s participation in the Framework has been confirmed as legally permissible by the Director of Legal, HR, Audit & Investigations. The Operational Director, Property & Assets also approved the pre-tender considerations and inviting of tenders in accordance with CSOs 89 and 88, and confirmed there is sufficient budgetary provision for the Contract as required by CSO 86(e)(ii) (as provided in the report dated 16 November 2021).

5.3 Under Part 3 of the Constitution, at paragraph 9.5 in section 3(a) of the table therein, relevant Strategic Directors have delegated to them authority to award Medium Value Contracts, so far as the contract relates to the service area which they are responsible for. As this contract relates to works which the Strategic Director, Regeneration & Environment is responsible for, it is considered that the Strategic Director, Regeneration & Environment has delegated authority to approve the award of the contract.

5.4 The form of agreement for this Contract is the CCS Template Call Off Agreement as given under the Framework, with additional and amended terms and conditions required by the Council (and approved by Legal Services) which strengthen the Council’s overall position and which the highest winning bidder has accepted without qualification.

6.0 Equality Implications

6.1 The Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.

6.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.3 The purpose of the duty is to enquire into whether a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision. Due regard is the regard that is appropriate in all the circumstances.

6.4 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

7.0 Human Resources/Property Implications (if appropriate)

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

7.2 The appointment of the technical consultancy organisation will lead to enhanced school buildings where the Council is the responsible body. These improvements will include, but not limited to boiler and associated heating and hot water plant replacements, roof renewals and replacements as well as window and door replacements.

7.3 The works are predominately programmed for school holidays and so will not involve school closures or temporary accommodation in order to complete the works.

8.0 Public Services (Social Value) Act 2012

- 8.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Ten per cent of the evaluation criteria is assigned to evaluating the suppliers’ social value proposals and is in line with the Council’s Social Value and Ethical Policy approved by Cabinet in April 2020.
- 8.2 The highest scoring supplier included a number of initiatives in their bid. These include work experience, apprenticeships, assistance/advice for community groups, area clean ups and encouraging healthy lifestyles initiatives within the local community.

Related documents:

[Authority to tender report](#)

Report sign off:

Nick Ljustina

Operational Director, Property & Assets