



Officer Key Decision

Report to the Strategic Director, Regeneration & Environment

Authority to award contract for kitchen improvement works at Roe Green Infant and Junior Schools

Wards Affected:	Queensbury
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paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Partly exempt Appendix 1: This part of this report is not for publication as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information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 – moderation sheet
Background Papers:	
Contact Officer(s): (Name, Title, Contact Details)	Fareeda Ali, Capital Programme Officer, Property & Assets, Regeneration & Environment Email: Fareeda.ali@brent.gov.uk Tel: 020 8937 6416 Neil Martin, Head of Capital Programme , - Schools Property & Assets, Regeneration & Environment Email: neil.martin@brent.gov.uk Tel: 020 8937 4203

1.0 Purpose of the Report

- 1.1 This report concerns kitchen improvement works at Roe Green Infant and Junior Schools. The report requests approval to award the contract for delivery of kitchen improvement works at Roe Green Infant and Junior Schools as per contract Standing Order 88.

2.0 Recommendation(s)

2.1 That the Strategic Director, Regeneration & Environment:

Approves the award of a contract for the delivery of kitchen improvement works at Roe Green Infant and Junior Schools to Kingsbury Construction Co Ltd for £695,456.18.

3.0 Detail

- 3.1 Section 106, part 5 of the Children and Families Act 2014 requires schools to provide free school meals for all pupils in Reception, Year 1 and Year 2. It came into effect from September 2014 and applies to maintained schools, academies, free schools and pupil referral units. The Council requires the provision of an extended kitchen and services at the Roe Green Infant and Junior Schools, to ensure that free school meals can continue to be provided to Reception, Year 1 and Year 2 pupils, following the closure of Roe Green Strathcona where meals are currently being prepared and then transported to the Infant and Junior school.
- 3.2 Roe Green Infant School has four forms of entry, with classes of 30 children in each reception, year 1 and year 2 class, totalling 360 children across the infant school alone. At present, infant school meals are prepared at the Roe Green Strathcona School and then transported over to Roe Green Infant School. The current provision at Roe Green Infant School includes a kitchen servery, which is 25.2m² in size and below the minimum recommended area according to Building Bulletin 103 (BB103), which sets out the area guidelines for mainstream schools. Given the planned closure of the Roe Green Strathcona School, it will now be necessary to make alternative arrangements for the provision of infant free school meals. The extension to the existing kitchen will enable the school to meet its obligation to offer free school meals to all reception, year 1 and year 2 pupils. It will ensure health meals and sufficient nutrition are provided to pupils during the school day and will assist them in understanding good food choices. It will also assist the school and local groups to provide food related initiatives after and outside of the schools day through the provision of healthy cooked meals.
- 3.3 The Council appointed technical consultants to confirm the scope of works. This project relates to an extension of the kitchen and services at Roe Green Infant and Junior Schools, and will provide commercial kitchen facilities to replace the existing servery kitchen.
- 3.4 The estimated cost of the works, based on quantity surveyor analysis was £441,193, and therefore was classified as a medium value works contract as per CSO 82. The Council completed a procurement exercise in line with the pre-tender considerations approved by the Operational Director, Property & Assets.
- 3.5 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations were set out and approved by the Operational Director, Property

& Assets on 20 October 2021, and the tender process followed these approved considerations.

- 3.6 An advertisement was placed on Contracts Finder and was issued as an Open Tender on 22 November 2021 on the London Tenders Portal and was managed by officers in Procurement. Six bids were received by the extended tender submission deadline of 23 December 2021.

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: 60%
 - Quality: 30%
 - Project Methodology & Programme
 - Project Resources
 - Communication Plan
 - Demonstrating Logistical Solutions in the Live School Environment
 - Social Value: 10%
- 3.8 The selection questionnaire and 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:

Supplier	Selection Questionnaire	Quality Score % (max. 30%)	Social Value % (max. 10%)	Price Score % (max. 60%)	Total Score % (max. 100%)	Ranking
Supplier 1	Pass	12.00	5.20	Excluded	Excluded	Excluded
Supplier 2	Pass	15.00	3.80	Excluded	Excluded	Excluded
Supplier 3	Pass	22.50	6.00	56.10	84.60	1
Supplier 4	Pass	16.50	6.00	60.00	82.50	2
Supplier 5	Pass	21.30	5.80	45.14	72.24	3
Supplier 6	Fail	Excluded	Excluded	Excluded	Excluded	Excluded

- 3.9 Following the selection questionnaire evaluation, supplier 6 was excluded from further consideration due to not meeting the minimum requirements set out in the instructions to tender. This left suppliers 1, 2, 3, 4 and 5.
- 3.10 Following the quality component evaluation, suppliers 1 and 2 were excluded from further consideration due to not meeting the minimum requirements set out in the instructions to tender. This left suppliers 3, 4 and 5.
- 3.11 The Council's appointed technical consultants, Ingleton Wood, undertook a detailed evaluation of the pricing submissions. This review process included

checking for any formulaic or mathematical errors and issuing queries to each contractor to clarify any qualifications or exclusions in order to ensure compliant bids were received.

- 3.12 Supplier 3 was the highest scoring supplier, scoring 84.60% overall. Their quality score was 22.50%, their social value score was 6.0% and their pricing submission is £695,456.18, which scored 56.10%. The Council's appointed technical consultants confirmed the bid was compliant.
- 3.13 The highest scoring supplier confirmed that their submission is priced in accordance with the tender documentation, they have advised that they can complete the works in the required timetable of 24 weeks.
- 3.14 Subject to approval to award, the next stage is to issue the letter of acceptance, the contracts and purchase order to enable the contractor to assign labour and order materials in time for this period.

4.0 Financial Implications

- 4.1 The overall project budget is £727,581 which was endorsed by Capital Programme Board and approved by Cabinet on 06 April 2021.
- 4.2 The budget for the construction works element of the project, which this contract award report relates to, is £481,005. The highest scoring supplier's contract price for the construction works is £695,456.18. The projected construction overspend is offset by underspends in other sections of the project budget resulting in an overall deficit of £144,826.
- 4.3 It has been confirmed that there are underspends on other projects within the schools capital portfolio that can be used to meet this overspend and so funding will be vired to this project to meet the additional cost.
- 4.4 Supplier 3 received a lower than expected financial assessment outcome. The supplier has advised that Covid-19 has impacted their turnover, with projects delayed and additional expenses incurred in implementing government mandated Covid measures to all sites. The possibility of undertaking a performance bond has been explored with the supplier. However, they have advised this would take 4-5 weeks to put into place, which would have a significant impact on the programme and the ability to complete within the summer holiday period. In order to address concerns raised as a result of the financial assessment the supplier has agreed to a 10% retention, rather than the usual 5%, with 7.5% released on practical completion.
- 4.5 A retention figure of 2.5 per cent will then be used to ensure any snags/defects are dealt with in an appropriate manner during the 12 months defects liability period.

5.0 Legal Implications

- 5.1 The contract falls within the definition of a contract for works under the Procurement Legislation but as the value is below the threshold for works, the award is not subject to the requirements of the Procurement Legislation. However as it is deemed a Medium Value Contract under the Council's Contract Standing Orders (CSO) and Financial Regulations based on the Contract Value, Officers invited tenders as detailed in paragraph 5 above in accordance with CSO 96.
- 5.2 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.
- 5.3 The contract will be administered using the 2016 JCT Intermediate Contract with Contractors Design with the Council's amendments.

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 None identified

7.0 Consultation with Ward Members and Stakeholders

- 7.1 The Lead Members for Schools, Employment and Skills has been consulted as part of the drafting of this report.

8.0 Human Resources/Property Implications (if appropriate)

8.1 None identified

Related documents:

[Decision - Authority to invite tenders for kitchen improvement works at Roe Green Infant and Junior schools \(Recordable Officer Decision\) \(brent.gov.uk\)](#)

Report sign off:

NICK LJUSTINA

Operational Director, Property & Assets