

	Officer Key Decision
	Report to the Strategic Director of Regeneration and Environment
AUTHORITY TO AWARD CONTRACT FOR THE TECHNICAL CONSULTANTS FOR THE LONDON ROAD SEND SCHOOL DEVELOPMENT	

Wards Affected:	Wembley Central
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt – Appendix 1 is exempt 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:	Appendix 1 – List of tenderers (exempt) Appendix 2 – Evaluation Grid
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Name: Neil Martin Job Title: Head of Capital Programmes (Schools) Email: neil.martin@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report concerns the technical consultants to act as technical advisors and Employer's Agent for the required Special Educational Needs and Disabilities (SEND) School proposed for London Road. This report requests authority to award the technical consultancy services contract as required by Contract Standing Order 88. This report summarises the process undertaken in tendering a contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

2.0 Recommendation(s)

That the Strategic Director of Regeneration and Environment:

- 2.1 Approves the award the contract for London Road SEND School technical consultancy services to Mott MacDonald Limited for £731,551.

3.0 Detail

- 3.1 In November 2021, Cabinet approved the School Place Planning Strategy Refresh. This report evidenced the growing demand for places that meet the needs of children and young people with SEND. In order to meet this growing need and to tackle increasing pressures on the High Needs Block of the DSG, creating additional local school places for children with SEND is identified as a key part of the School Place Planning Strategy and is also contained within the new SEND Strategy (2021-24).
- 3.2 In January 2022, Cabinet approved the SEND Capital Programme Business Case which detailed how the council intends on increasing SEND provision within the borough to meet the growing need as well as reducing the pressure on the High Needs Block of the DSG. The programme aims to deliver 427 places over the next 2-3 years along with capital improvement projects to enhance accessibility at mainstream schools. The cost of the approved programme is £44.19m and this will be funded by Basic Need, High Needs Capital Grant and the Special Provision Fund.
- 3.3 One of the identified work streams within the SEND Capital Programme is the provision of a new SEND school at London Road. This project will create 150 new SEND places. It is expected that the new school will open in the 2024/25 academic year. This report relates specifically to the contract award for the technical consultancy services for the London Road SEND School project.

The Tender Process

- 3.4 In May 2022, the Operational Director, Property and Assets approved the pre-tender considerations and the council's participation in a call-off procedure under the Crown Commercial Service RM6165 Construction Professional Services Framework Agreement Agreement – Lot 1 Built Environment and General Infrastructure. Prior to the approval the Director of Legal, HR, Investigation & Audit's confirmation that it is legally permissible for the council's participation in the Framework was also obtained.
- 3.5 In accordance with the Framework's rules, all suppliers on the Framework Lot were invited to express interest in the opportunity on 11 May 2022. Of the 20 suppliers on the Framework, seven suppliers expressed an interest and of those seven, six were invited to tender on 23 May 2022. Suppliers were provided with the technical information and details of the council's requirements and asked to submit bids by 24 June 2022.
- 3.6 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:

- Commercial / Price: 30%
- Quality: 60%
- Social Value: 10%

3.7 The tendering instructions also required the tenderers to meet certain requirements prior to being considered for contract award:

- Did tenderer score 0 out of available 5 for any of the method statement questions?
- Did tenderer score 2 out of the available 5 on two or more of the scored Method Statement Questions?
- Did bidder score less than 25 % for the overall Quality score?
- Did the bidder exceed the council's budget for the contract?

Evaluation process

3.8 The tender evaluation was carried out by a panel of officers from Procurement and Property and Assets.

3.9 All tenders had to be submitted electronically no later than noon on 24 June 2022. Tenders were opened on the same day and three valid tenders were received. Each member of the evaluation panel read the tenders and carried out an initial evaluation of how well they considered each of the award criteria was addressed in the tender.

3.10 The panel met on 05 July 2022 and each submission was marked by the whole panel against the award criteria. Officers undertook a detailed evaluation of the pricing submissions. This review process included checking for any formulaic or mathematical errors and issuing queries to each bidder to clarify any qualifications or exclusions in order to ensure compliant bids were received.

3.11 Tenderers 1 and 2 were excluded from the final ranking stage as they did not meet the council's requirements as listed in paragraph 3.7.

3.12 The names of the tenderers are contained in Appendix 1. The outcome of the tender evaluation exercise is included in Appendix 2. It will be noted that Tenderer 3 was the highest scoring tenderer. Officers therefore recommend the award of the Contract to Tenderer 3, namely Mott MacDonald Limited.

4.0 Financial Implications

4.1 The assigned professional fees budget for the London Road SEND School is £1.5m within the project budget of £20m.

4.2 The cost of the Contract will be funded from the £44.19m SEND Capital

Programme which is funded via Basic Need, High Needs Capital Grant and the Special Provision Fund which was approved by Cabinet in January 2022.

- 4.3 The highest scoring supplier's bid is within the assigned London Road SEND School budget as set out in paragraph 4.1.

5.0 Legal Implications

- 5.1 The value of the Contract over its lifetime is in excess of the threshold for services under Public Contracts Regulations 2015 (the "PCR 2015") and the award of the Contract is therefore governed by the PCR 2015. The procurement was carried out through a framework and the PCR 2015 prescribe rules and controls for procurement of framework agreements. PCR 2015 provide that when calling off from a framework, the framework rules must be adhered to and paragraph 3 of this confirms that the procurement was carried out in accordance with the Framework rules.
- 5.2 The award of the Contract is subject to the council's own CSOs in respect of Medium Value Contracts and Financial Regulations. In this respect, it is 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 and Investigations and considered appropriate for use in respect of this Contract. The relevant Chief Officer (Operational Director, Property and Assets) also approved the pre-tender considerations raised in respect of this Contract as set out in CSO 89 and the inviting of tenders for the Contract in accordance with CSO 88, and has confirmed there is sufficient budgetary provision for the Contract as required by CSO 86(e)(ii)
- 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 and Environment is responsible for, it is considered that the Strategic Director, Regeneration and Environment has delegated authority to approve the award of the contract.
- 5.4 The council had identified the JCT Consultancy Contract (2016) as a suitable contract allowed under the Framework.

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 equality implications associated with the School Place Planning Strategy 2019-23 were set out in the report to Cabinet to approve the same (November 2018). This report considers more specifically the demographics around the demand for SEND school places and the options for meeting that demand.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 The Lead Member for Children, Young People and Schools has been consulted as part of the drafting of this report. They have also been kept up to date with progress on the project.
- 7.2 Ward Members will be kept up to date with project progress such as planning application submissions and works starting on site.
- 7.3 Upon approval of the Free School Provider by the Regional Schools Commissioner, the Free School Provider will be a key stakeholder during the project's progress.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 This contract will be provided by an external organisation and there are no implications for council staff arising from tendering the Contract.

9.0 Public Services (Social Value) Act 2012

- 9.1 The council is under a 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. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.

- 9.2 Ten percent of the overall evaluation criteria is allocated to Social Value and will be in line with the council's Social Value and Ethical Policy approved by Cabinet in April 2020. The highest scoring supplier will be offering apprenticeships, support for local businesses and engaging with local community groups to encourage participation in events.

Relevant documents:

SEND Capital Programme, Cabinet report, January 2022
Authority to Procure Report, Recordable Decision, May 2022

Report sign off:

Tanveer Ghani
Operational Director of Property and Assets (Acting).