



Officer Key Decision

Report to the Corporate Director of Finance and Resources

AUTHORITY TO AWARD CONTRACT FOR THE TECHNICAL CONSULTANTS FOR THE TWO-FORM ENTRY PRIMARY SCHOOL DEVELOPMENT AT THE STRATHCONA SITE

Wards Affected:	Preston
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 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 (exempt) – Names of Tenderers Appendix 2 – Evaluation Scores
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	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 two-form entry primary school development of the Strathcona site at Strathcona Road, Wembley, HA9 8QW (the "Strathcona Site"). 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 the 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 Corporate Director, Finance and Resources:

- 2.1 Approves the award the contract for the two-form entry primary school development of the Strathcona site technical consultancy services to Arcadis LLP for £382,554.18.

3.0 Detail

- 3.1 Islamia Primary School, currently based at Salusbury Road, has been served notices to vacate by the Yusuf Islam Foundation, as owners of the site where Islamia Primary School is currently based by July 2024. The Strathcona site is a vacant site previously occupied by a primary school (the “Strathcona Site”) following Cabinet approval in 2019 to close Roe Green Strathcona School by July 2022 because of falling pupil numbers. The Strathcona Site has been identified as having development opportunities to increase the site capacity from a one-form entry primary school to a two-form entry primary school.

- 3.2 In September 2022, Cabinet approved the development of the Strathcona Site to a two-form entry primary school in order to preserve the future of the Islamia Primary School.

- 3.3 In order to deliver the required new two-form entry primary school, the Council is proposing to appoint a contractor using a DfE’s Framework. This framework promotes early contractor appointment (i.e. following RIBA 1) and so the technical consultancy services organisation will need to provide the following services throughout the commission to deliver the expanded school:

1. Employer’s Agent and Project Manager
2. Quantity Surveyor
3. Technical Design Advisor(s)
4. CDM Advisor

The Tender Process

- 3.4 In August 2022, the 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 – Lot 1 Built Environment and General Infrastructure. Prior to the approval, the Corporate Director, Governance provided confirmation that it is legally permissible for the council to participate in the Framework.

- 3.5 In accordance with the Framework’s rules, all suppliers on the Framework Lot were invited to express interest in the opportunity on 23 August 2022. Of the 20 suppliers on the Framework, five suppliers expressed an interest and all of those five were invited to tender on 01 September 2022. Suppliers were provided with the technical information and details of the council’s requirements and asked to submit bids by 30 September 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 30 September 2022. Tenders were opened on the same day and four 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 13 October 2022 and as part of the online moderation process 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 2 and 4 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 1 was the highest scoring tenderer. Officers therefore recommend the award of the Contract to Tenderer 1, namely Arcadis LLP.

4.0 Financial Implications

4.1 The assigned professional fees budget for the Strathcona development is £0.9m within the project budget of £10m.

- 4.2 The cost of the Contract will be funded from the Targeted Capital Funding (TCF), Basic Need and Council borrowing. The project's funding was approved by Cabinet in September 2022.
- 4.3 The highest scoring supplier's bid is within the assigned project budget as set out in paragraph 4.1.
- 4.4 Should the brief change, i.e. where the Council needs to progress a new build option as opposed to the current expansion option approved by Cabinet then this change in brief may increase the cost of this appointment.

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 Standing Orders 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 Corporate Director, Governance and considered appropriate for use in respect of this Contract. The relevant Chief Officer (Director, Property and Assets) also approved the pre-tender considerations raised in respect of this Contract as set out in Standing Order 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 Standing Order 86(e)(ii).
- 5.3 Under Part 3 of the Constitution, at paragraph 9.5 in section 3(a) of the table therein, relevant Corporate 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 Corporate Director, Finance and Resources is responsible for, it is considered that the Corporate Director, Finance and Resources 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 this project were set out in the September 2022 The Future of Islamia Primary School Cabinet report.

7.0 Consultation with Ward Members and Stakeholders

7.1 The Deputy Leader and Cabinet Member for Finance, Resources & Reform 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 Queens Park and Preston Ward members will be kept apprised on project milestones such as the planning application submission, statutory consultation and any works on site.

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 is 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.

Related documents:

The Future of Islamia Primary School, Cabinet Report, September 2022
Authority to Procure Report, Recordable Decision, August 2022

Report sign off:

Tanveer Ghani
Director of Property and Assets
(Acting).