



Officer Key Decision

**Report to the Corporate Director,
Finance & Resources**

**Authority to Award the contract for roof replacement works
at Wembley Primary School and Wykeham Primary School**

Wards Affected:	Wembley Hill, Welsh Harp
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paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt Appendix 1: This part of this report is not for publication as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information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 – List of Bidders (Exempt) Appendix 2 – Evaluation Grid
Background Papers:	None
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1.0 Purpose of the Report

1.1 This report concerns the roof replacement works at Wembley Primary School and Wykeham Primary School and forms part of the 2023 – 2026 School Asset Management Programme. This report requests approval to award a contract for the roof replacement works at Wembley Primary School and Wykeham Primary School as per Contract Standing Order 88.

2.0 Recommendation(s)

That the Corporate Director, Finance & Resources:

- 2.1 Approves the award of a contract for the roof replacement works at Wembley Primary School and Wykeham Primary School to Amber Construction Services Ltd for £1,174,885.43.

3.0 Detail

- 3.1 Brent Council (the Council) is the responsible body for 39 community and foundation schools 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 Education and Skills Funding Agency (ESFA) via the School Condition Funding (SCF). This funding is provided each year based on an assessment by the ESFA 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 SCF monies in a specific capital budget, the School Asset Management Programme (AMP) budget to meet its statutory requirement.
- 3.2 A three year programme was agreed by Capital Programme Board (CPB) in September 2022 to address condition improvement priorities across the schools. These projects are considered the most vital and cover boiler replacement, fire safety, electrical distribution upgrades and roof and window improvements. This programme is in line with the Council's responsibilities for schools in terms of major replacement or renewal projects. Making improvements to school buildings will enhance the teaching and learning environment that will enable the schools and the Council to deliver a superior learning experience for Brent school aged children.
- 3.3 The Council appointed consultants to confirm the scope of works at each project identified in Year 1 of the programme. The proposed project at Wembley Primary School involves replacement and remedial works to the existing roof to address ongoing leaks. The proposed project at Wykeham Primary School involves roof and window replacement works as these are at the end of their life.
- 3.4 The estimated cost of the works, based on quantity surveyor analysis is £1,336,800 and therefore is classified as a medium value works contract as per CSO 82. In accordance with Contract Standing Orders 88 and 89, pre-tender considerations were set out and approved by the Director, Property & Assets on 29 March 2023 and the tender process followed these approved considerations.
- 3.5 As per the approved procurement route, Officers invited bids by way of a mini-competition using the LHC Roofing Systems and Associated Works Framework Agreement, under Workstream 2 liquid flat roofing. The suppliers on this framework were invited to bid on 19 April 2023 via the London Tenders Portal

and this was managed by officers in Procurement. Four bids were received by the tender submission deadline of 16 May 2023.

Tender Evaluation

- 3.6 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%
 - Project Methodology & Programme
 - Project Resources
 - Communications Plan
 - Logistical Solutions in the live school environment
 - Social Value: 10%
- 3.7 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
Supplier 1	25.60	5.20	50.00	80.80	1
Supplier 2	30.60	6.00	38.01	74.61	2
Supplier 3	22.40	4.80	36.28	63.48	3
Supplier 4	16.00	3.20	36.69	55.89	4

Table 1 - Tender Evaluation Outcome

- 3.8 Following the quality and social value component evaluation, suppliers 3 and 4 were excluded from further consideration due to not meeting the minimum requirements set out in the instructions to tender. This left suppliers 1 and 2.
- 3.9 The Council's appointed technical consultants, McBains, undertook a detailed evaluation of pricing submissions of the remaining bidders. 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.
- 3.10 Supplier 1 was the highest scoring supplier, scoring 80.80% overall. Their quality score was 25.60%, their social value score was 5.20% and their pricing submission is £1,174,885.43, which scored 50.0%.

- 3.11 The highest scoring supplier, Supplier 1, confirmed that their submission is priced in accordance with the quotation documentation and they can complete the works in the required timetable of 18 weeks.
- 3.12 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 project budget for the works at the two schools is £1,336,800. This project is part of the wider AMP Programme budget, which CPB endorsed in September 2022, and Cabinet approved in February 2023, through the annual budget setting process for 2023/24.
- 4.2 The highest scoring supplier's contract price is £1,174,885.43, which is below the budget and below the pre-tender estimate as per paragraph 3.4. The difference between the contract price and the pre-procurement estimate relates mainly to a difference in the access provision costs, which the technical consultants have reviewed and deemed as reasonable.
- 4.3 The AMP budget for 2023-24 is £3.27m, and contractual commitments to date are £1.24m, so there is enough capacity within the School AMP budget to cover the contract and it still enables the Council the ability to respond to any emergency works across the school portfolio if required.
- 4.4 A retention figure of 2.5 per cent will be used to ensure any snags/defects are dealt in an appropriate manner with during the 12 months defects liability period.

5.0 Legal Implications

- 5.1 The contract falls within the definition of a 'public works contract' under the Public Contracts Regulations 2015 ('PCR') but as the value is below the threshold for works. The procurement as stated in section 3 above was undertaken through a framework established by LHC Roofing Systems and Associated Works Framework Agreement.
- 5.2 The PCR 2015 allow the use of framework agreements and prescribe rules and controls for their procurement. Contracts may then be called off under such framework agreements without the need for them to be separately advertised and procured through a full procurement process. Call offs under the framework agreement need to be carried out in accordance with the framework rules, to include using evaluation criteria specified in the framework agreement and utilising the terms and conditions set out in the framework agreement.
- 5.3 The Council's Contract Standing Orders state that no formal tendering procedures apply where contracts are called off under a framework agreement established by another contracting authority, where call off under the framework

agreement is approved by the relevant Corporate Director or Director and provided that the Corporate Director, Governance has advised that participation in the framework is legally permissible. The Corporate Director, Governance has confirmed that participation in the Framework is legally permissible.

5.4 The award of the contract is subject to the Council's own Contract Standing Orders (CSO) in respect of Medium Value Contracts and Financial Regulations in that Chief Officers have delegated to them power to award Medium Value Contracts in accordance with paragraph 9.5 and paragraph 9.7), of Part 3 of the Constitution 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 & Resources, is responsible for, it is considered that the Corporate Director, Finance & Resources has delegated authority to approve the award of the contract.

5.5 As the procurement of the Contract is from a framework, there is no requirement for the Council to observe a 10 day standstill period under the PCR 2015.

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 Member for Finance, Resources and Reform has been consulted as part of the drafting of this report.

8.0 Human Resources/Property Implications (if appropriate)

8.1 None identified

9.0 Public Services (Social Value) Act 2012

9.1 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. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.

9.2 Social value was put into consideration in the procurement and 10% of the evaluation weighting was attributed to Social value as mentioned in section 3 above.

Related documents

[Decision - Authority to procure a contractor to carry out roof replacement works at Wembley Primary School and roof and window replacement works at Wykeham Primary School, using a Framework Agreement \(Non-Key Recordable Officer Decision\) \(brent.gov.uk\)](#)

Report sign-off:

Tanveer Ghani
Director, Property & Assets