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|  | Officer Key Decision |
| | Report to the Corporate Director of Finance and Resources |
| | Lead Cabinet Member for Finance & Resources |
| Authority to Award the Design and Build Contract for the St Margaret Clitherow RC Primary School Additionally Resourced Provision project | |
| Wards Affected: | Stonebridge |
| 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> | Open |
| List of Appendices: | 0 |
| Background Papers: | None |
| Contact Officer(s): <small>(Name, Title, Contact Details)</small> | Name: Neil Martin Job Title: Head of Capital Delivery Email: neil.martin@brent.gov.uk |

1.0 Executive Summary

- 1.1. This report concerns the appointment of a contractor to build an Additionally Resourced Provision (ARP) project at St Margaret Clitherow RC Primary School. The report requests authority to award the design and build contract to Morgan Sindall Construction & Infrastructure Ltd to complete this project.

2.0 Recommendation(s)

That the Corporate Director, Finance and Resources:

- 2.1 Approves the award of the design and build contract for the St Margaret Clitherow RC Primary School ARP to Morgan Sindall Construction & Infrastructure Ltd for the sum of £2,563,131.57.

3.0 Detail

3.1 Contribution to Borough Plan Priorities & Strategic Context

- 3.1.1 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.

3.1.2 This project delivers on Strategic Priority 4 The Best Start in Life from the Council's Borough Plan 2023 – 2027 through the investment in additional SEND places. This project also meets objectives within with the Council's School Place Planning Strategy 2024 – 2028 and SEND Strategy 2021 – 2025.

3.2 Background

3.2.1 One of the identified work streams within the SEND Capital Programme is the provision of new ARPs across a number of schools. One of these schools is St Margaret Clitherow RC Primary School and the ARP will provide 25 places for pupils with Autistic Spectrum Disorder.

3.2.2 Officers initially attempted to appoint a contractor in November 2023 but the tender exercise was unsuccessful. The Council approached the SCAPE Construction Framework ("the Framework") with regard to using Lot 1 to request the sole supplier on this lot to undertake feasibility work to provide an indicative cost plan and programme to deliver the ARP.

3.2.3 In February 2024, the Council called off the framework and appointed Morgan Sindall Construction & Infrastructure Ltd (Morgan Sindall) under a Professional Services Contract to complete the design and submit a cost to build the St Margaret Clitherow RC Primary School ARP.

3.2.4 Since then, Morgan Sindall has completed further site surveys, liaised with statutory undertakers and worked with the school and Council to complete the design. As part of the cost submission proposals, Morgan Sindall sought three tenders from their supply chain for each of the works packages and they have been assessed by the contractor and the Council's appointed technical consultants and cost consultants. Due to the constraints of the site and nature of the building, it is considered value for money.

3.2.5 Subject to approval and on-site progress, the St Margaret Clitherow RC Primary School ARP is expected to be completed and handed over for the autumn term of 2025.

4.0 Stakeholder and ward member consultation and engagement

4.1 The Lead Member for Children, Young People and Schools and the Lead Member for Finance, Resources and Reform have been consulted on the SEND Capital Programme progress and these specific projects.

4.2 Ward Members will be kept up to date with project progress.

4.3 The Senior Leadership Teams at the school has been kept up to date with the progress on the contractor procurement and will be contacted to arrange kick-off meetings with the Contractor should the contract be awarded.

5.0 Financial Considerations

Budget Overview & Financial Capacity

- 5.1 The contract value of £2,563,131.57 can be met from the SEND Capital Programme budget for ARP's, which is funded by the available capital grants provided to the Council by the Department for Education (DfE). The SEND Capital Programme Budget was approved by Cabinet in 2022 and has sufficient capacity to award this contract.

Funding

- 5.2 As above, the SEND Capital Programme Budget is funded via DfE grant funding for school place planning and SEND capital expenditure (Basic Need, Special Provision Fund, High Needs Capital Grant). There are sufficient funds in these funding streams to deliver the St Margaret Clitherow RC Primary School ARP and the wider SEND Capital Programme.

6.0 Legal Considerations

- 6.1 The value of the contract over its lifetime is below the Public Contracts Regulations 2015 (the "PCR 2015") threshold for Works and the award of the contract is therefore governed in part only by the provisions of the PCR 2015. The authority to award report from August 2022 outlines how the Contract was procured in accordance with the PCR 2015.
- 6.2 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 should be noted that, in accordance with the 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.
- 6.3 Under Part 3 of the Constitution, at paragraph 9.5 in section 3(a) of the table therein, relevant Corporate Directors and 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 for 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.
- 6.4 The SCAPE Framework utilises the NEC suite of contractual documents. The NEC Engineering and Construction Contract with Council's amendments will be used as the contract for the St Margaret Clitherow RC Primary School ARP.

7.0 Equity, Diversity & Inclusion (EDI) Considerations

- 7.1 The Public Sector Equality Duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a "protected characteristic" and those

who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 7.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 7.3 This report is a precursor for a new asset that will have positive EDI implications as the new building will provide a purpose built space for pupils with special needs. Additionally, the Corporate Director, Finance and Resources is referred to the EDI implications described in the SEND Capital Programme report from January 2022. Officers do not consider there is any change in the EDI implications from the time of this report.

8.0 Climate Change and Environmental Considerations

- 8.1 The proposed new ARP will be built to current building regulations and incorporate proposals to the building's fabric to reduce heat loss and consequently reduce energy consumption and carbon emissions. The project will install air source heat pumps which will further reduce carbon emissions during building operation compared to a heating system powered by gas.

9.0 Human Resources/Property Considerations (if appropriate)

- 9.1 The works contract with the contractor and the provision of community services will be provided by external bodies and there is no implication for Council staff arising from the proposed arrangements.

10.0 Communication Considerations

- 10.1 Along with updating Ward Councillors, the contractor will keep residents updated on construction progress throughout the contract to manage the impact of the project.
- 10.2 The Contractor will also seek to engage with the school community and provide educational and learning opportunities related to construction.

Report sign off:

Minesh Patel

Corporate Director of Finance and Resources