

 Brent	Officer Key Decision
	Report to the Corporate Director of Neighbourhoods & Regeneration
Authority to Award the contract for the demolition and rebuild of the nursery building at Northview Junior & Infants School	

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	Part Exempt Appendix 1: This part of this report is not for publication as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information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

- 1.1. This report concerns the demolition and rebuild of the nursery at Northview Junior & Infant school. This report summarises the process undertaken in procuring a contract for demolition and rebuild of the nursery at Northview Junior & Infant school ('the Contract') and following the completion of the evaluation of the bids, recommends to whom the contract should be awarded.

2.0 Recommendation(s)

That the Corporate Director, Neighbourhoods & Regeneration:

- 2.1 Approves the award of a contract for the demolition and rebuild of the nursery at Northview Junior & Infant school to Ash Contracting Ltd for £999,397.14.

3.0 Detail

3.1 Contribution to Borough Plan Priorities & Strategic Context

The Council has a statutory duty to maintain schools it is the responsible body for and fulfils the duty by undertaking major projects at the schools to ensure the buildings are weather tight and provide a safe environment for education. The proposed works will include demolition of the existing nursery, which is beyond economic repair, and replacement with a new low carbon nursery. These works are necessary condition improvement works and will contribute towards strategic priority 4 of the Borough Plan, providing young residents with the best start in life.

3.2 Background

- 3.2.1 Brent Council (the Council) is the responsible body for 36 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 Department for Education (DfE) via the School Condition Allocation (SCA). This funding is provided each year based on an assessment by the DfE 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 SCA monies in a specific capital budget, the Asset Management Programme (AMP) budget to meet its statutory requirement.
- 3.2.2 A three-year programme for 2023-26 was agreed by Capital Programme Board (CPB) in September 2022 to address condition improvement priorities across the schools. The works at Northview Junior & Infant school involve the demolition and rebuild of the nursery at Northview Junior and Infant school, with installation of low carbon heating facilities. These works were identified as part of a condition survey carried out by the Council's appointed technical consultants, McBains in 2022, which identified that the existing nursery was at the end of its life and in need of replacement. The consultants then developed a design for these works.
- 3.2.3 The estimated cost of the construction works on completion of the stage 4 design was £648,954.99, and therefore is classified as a medium value works contract as per CSO 82.

3.3 The Tender Process

- 3.3.1 The Contract will be let using JCT Intermediate Building Contract (with Contractor's Design) 2024, with the Council's amendments.

- 3.3.2 A mini-competition process was commenced under Lot 2 of the Pagabo Medium Value works framework (South East of England, Outer London West and North Works) (the 'Framework'), with request for expression of interest issued to all the contractors on Lot 2 of the Framework. The contractors that expressed interest were invited to submit tender via the London Tenders Portal on 10 January 2025. The Council received three bids by the deadline of 12pm of 14th February 2025 from the contractors listed in Appendix 1.
- 3.3.3 The tendering instructions stated that the Contract would be awarded on the basis of the most economically advantageous offer to the Council. On advice from the Council's Procurement Team the price and quality split as stated in the Framework for mini competition was revised from 50% quality and 50% price, to 60% quality and 40% price to ensure adequate weighting given to quality considerations in evaluating tenders.
- 3.3.4 The process was managed by Officers from the Council's Procurement Team with input from Officers in the Capital Programme Team.

The Evaluation Process

- 3.3.5 The quality and social value components tender evaluation was carried out by Officers from the Council's Capital Delivery Team (Property & Assets) and was moderated by the Council's Procurement Team. Each member of the evaluation panel carried out an initial evaluation of how well they considered each of the award criteria was addressed in the tender.
- 3.3.6 The Council's appointed technical consultants, McBains, carried out a detailed evaluation of pricing submissions. This review process included checking for any formulaic or mathematical errors and the issuance of any queries to each contractor to clarify any qualifications or exclusions in order to ensure complete and compliant bids were received.
- 3.3.7 The tenders received were considerably higher than the budget for the project. The main reasons were the cost of the mechanical, superstructure and external works as well as prelims costs. The prelims costs are reflective of additional site supervision (priced by all contractors) for a full-time banksman & labourer due to the constrained nature of the site. These were reviewed by McBains to determine if they conformed with the specification as well as Planning requirements and reflect the market rates as evidenced by the tenders received.
- 3.3.8 As the majority of the proposed savings did not meet Planning, part L requirements, they were rejected. A small level of savings, proposed by the previously highest scoring tenderer, were deemed acceptable, on review by McBains. These relate to use of an alternative roofing system and on internal roller blinds.

3.3.9 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. It should be noted that Tenderer 1 was the highest scoring tenderer.

3.3.10 A more detailed breakdown of the full tender evaluation outcome:

Tenderer	Quality Score % (max 50%)	Social Value% (max 10%)	Price Score % (max 40)	Total Score % (max 100)	Ranking
Tenderer 1	36.70	6.00	40.00	82.70	1
Tenderer 2	34.10	7.00	35.80	76.90	2
Tenderer 3	36.50	7.60	30.80	74.90	3

Table 1 – Tender Evaluation Outcome

3.3.11 Tenderer 1 was the highest scoring tenderer, scoring 82.70% overall. Their quality score was 36.70%, their social value score was 6.00% and their pricing submission is £999,397.14, which scored 40.00%. The Council's technical consultants confirmed the pricing submission was compliant.

3.3.12 Officers therefore recommend the award of the Contract to Tenderer 1, namely Ash Contracting Ltd as appearing in the Framework.

4.0 Stakeholder and ward member consultation and engagement

4.1 The Cabinet Member for Regeneration, Planning & Property has been consulted as part of the drafting of this report. The school has been involved in the design process from the start of the project.

5.0 Financial Considerations

5.1 The budget for the Northview nursery replacement project is £600,000. The project is part of the Schools Asset Management programme AMP, which has a total budget of £2,573,903 for the 2025-26 financial year. The AMP programme was endorsed by the Capital Programme Board in September 2022 and approved by Cabinet in February 2024.

5.2 The Schools AMP budget has capacity to cover the £999,397.14 required for the nursery replacement works at Northview Junior and Infant School.

5.3 The Schools AMP budget is fully funded by the DfE and does not require Brent Council capital funding.

5.4 A retention figure of 2.5% will be held to address any snags or defects during the 12-month defects liability period, ensuring all work is completed to the specified standards and any issues post-completion are rectified.

6.0 Legal Considerations

- 6.1 The procurement as set out in Section 3 above was carried out through a framework established by Pagabo under, and in compliant with the Public Contracts Regulations 2015 (the 'PCR'/'Procurement Regulations'). The PCR 2015 allow the use of framework agreements for procurement and also prescribe rules/controls for procurement through a framework.
- 6.2 The award of the Contract is also subject to the Council's own Contract Standing Orders (CSO) in respect of Medium Value Contracts and Financial Regulations. In this respect, it should be noted that, in accordance with CSO 86(e)(ii), the Council's participation in the Framework was confirmed as legally permissible by the Corporate Director of Law & Governance and it was considered appropriate to use the framework for the procurement. The Director, Property & Assets also approved the pre-tender considerations and inviting of tenders in accordance with CSOs 89 and 88, and confirmed there is sufficient budgetary provision for the Contract as required by CSO 86(e)(ii).
- 6.3 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, Neighbourhoods & Regeneration is responsible for, it is considered that the Corporate Director, Neighbourhoods & Regeneration has delegated authority to approve the award of the Contract.
- 6.4 The form of agreement for this Contract is the JCT Intermediate Building Contract (with Contractor's Design) 2024 with the Council's amendments.

7.0 Equity, Diversity & Inclusion (EDI) Considerations

- 7.1 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.

- 7.2 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.

- 7.3 The purpose of the duty is to enquire into whether 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.
- 7.4 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

8.0 Climate Change and Environmental Considerations

- 8.1 Within the design, consideration has been given to maximising the use of the roof area for green energy with the installation of photovoltaic and thermal solar panels, and also to reducing carbon emissions through a number of energy efficiency measures. The measures include the use of high-performance fabric elements, the windows glazing specification, the use of energy efficient lights and lighting controls, the provision of energy efficient air source heating pumps for heating and cooling. These will provide an energy efficient nursery building and contribute to the objectives in the Homes, Buildings and the Built Environment theme within the Council's Climate and Ecological Emergency Strategy, namely to make buildings more energy efficient, and be powered by renewable sources.

9.0 Human Resources/Property Considerations (if appropriate)

- 9.1 This is a works contract which will be delivered by an external contractor and there are no implications for Council staff arising from the procurement of the contract.

10.0 Communication Considerations

- 10.1 The school has been involved since the start of the design phase of this project to ensure the design meets the school's requirements. The school will also be involved in regular progress meetings once the works start on site.

Report sign off:

Tanveer Ghani
Director of Property & Assets