

	Officer Key Decision
	Report to the Operational Director, Property & Assets
Authority to tender for a contract for boiler replacement works at Roe Green Infant and Junior Schools and Wykeham Primary School	

Wards Affected:	Queensbury and 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)	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Neil Martin Capital Programme Manager 020 8937 4203 neil.martin@brent.gov.uk

1.0 Purpose of the Report

1.1 This report concerns the boiler and associated plant replacement projects at Roe Green Infant and Junior Schools and Wykeham Primary School. This project is part of the 2018 – 2023 School Asset Management Programme. This report requests approval to issue an Open Tender in respect of a contract for the boiler replacement projects at Roe Green Infant and Junior Schools and Wykeham Primary School as required by Contract Standing Orders 88 and 89.

2.0 Recommendation(s)

That the Operational Director, Property & Assets:

2.1 Approves issuing an Open Tender for the boiler replacement projects at Roe Green Infant and Junior Schools and Wykeham Primary School on the basis of the pre-tender considerations set out in paragraph 3.5 of the report.

2.2 Approves Officers evaluating the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in paragraph 3.5 of the report.

3.0 Detail

3.1 Brent Council (the Council) is the responsible body for 40 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 five year programme was agreed by Capital Investment Panel (CIP) in October 2017 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 Phase 2. The proposed projects at Roe Green Infant and Junior Schools and Wykeham Primary School involves replacing the boilers and associated plant at both schools. The construction works are programmed to commence in July 2020 and run for six weeks. The contractor will be expected to work during school holiday periods in order to complete the project. This has been agreed in principle with the school.

3.4 The estimated cost of the works, based on quantity surveyor analysis is £572,000 and therefore is classified as a medium value works contract (£250,000 - £5,000,000) as per CSO 82.

3.5 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Operational Director of Property & Assets.

Ref.	Requirement	Response
(i)	The nature of the works.	Boiler and associated plant replacement

Ref.	Requirement	Response	
(ii)	The estimated value.	£572,000	
(iii)	The contract term.	The contract will be 6 weeks with a 12 months defects liability period after completion of the works.	
(iv)	The tender procedure to be adopted.	Single stage open tender procedure as per CSO 96(b)	
v)	The procurement timetable.	Indicative dates are:	
		Invite to Tender	20 April 2020
		Deadline for Tender submissions	15 May 2020
		Panel evaluation	18 May – 29 May 2020
		Report to the Operational Director, Property & Assets to approve contract award	5 June 2020
		Contract Award Decision	8 June 2020
		Contract Start date	22 July 2020
(vi)	The evaluation criteria and process.	<p>The panel will evaluate the quotations to establish the Most Economically Advantageous Offer based upon the following criteria:</p> <ul style="list-style-type: none"> • Price – 60% • Quality – 40% this will include the following: <ul style="list-style-type: none"> ○ Project Methodology & Programme ○ Project Resources ○ Working in school environments ○ Previous Experience/References ○ Social Value – 10% 	
(vii)	Any business risks associated with entering the contract.	None identified	
(viii)	The Council's Best Value duties.	The Council has a duty under Best Value to secure cost-effective and efficient services that meet the needs	

Ref.	Requirement	Response
		of the Borough's customers. This will be achieved through inviting bids from the open market and awarding the contract based on Most Economic Advantageous Tender
(ix)	Consideration of Public Services (Social Value) Act 2012	10% of the quality evaluation criteria is assigned to evaluating the bidders' social value proposals. It is likely that offers will include school engagement, local suppliers and employment opportunities.
(x)	Any staffing implications, including TUPE and pensions.	None identified
(xi)	The relevant financial, legal and other considerations.	As set out in this Report

3.6 The Operational Director, Property & Assets is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

4.0 Financial Implications

4.1 The project budget for the boiler replacement projects at Roe Green Infant and Junior Schools and Wykeham Primary School is estimated to cost £572,000m. This project budget has been approved as part of the wider AMP programme approved by Capital Investment Panel and Cabinet through the 2018/19 budget setting report.

4.2 The project's pre-tender estimate is within the remaining project budget. There is enough capacity within the School AMP budget to cover the project spend and to respond to any emergency works across the school portfolio if required.

4.3 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 'public works contract' under the Public Contracts Regulations 2015 ('EU Regulations') but as the value of the contract is below the EU procurement threshold for works (currently £4,733,252), the procurement is not subject to the requirements of the EU Regulations. However, contracting authorities are expected to comply with the principles of the Treaty of the Functioning of the European Union of transparency, non-discrimination, fairness and equal treatment when procuring, by publishing the contract

opportunity and undertaking a competitive procurement process before the contract is awarded.

- 5.2 Based on the value of the contract, it is deemed a Medium Value Contract under the Standing Orders (CSO) and for such contracts, CSO provides that tenders should be invited in accordance with CSO 96 (a) and CSO96 (b) (i.e. a Single Stage Tender). Approval of the pre-tender considerations set out in paragraph 3.5 above and to invite of tenders are also required in accordance with Standing Order 89 and Standing Order 88. Paragraph 3.5 of this report sets out the procurement process that will be used and the pre-tender considerations for approval.
- 5.3 Under section 3(a) of the table at paragraph 9.5 of Part 3 of the Constitution, Chief Officers have delegated to them power to invite expressions of interest, agree shortlists, invite Tenders, negotiate, award, and terminate contracts provided that any works contract will not exceed £5m over the life of the contract. It is considered that you have delegated authority to approve the invitations of tenders for this project as the value of the contract is below £5m.
- 5.4 Once the tendering process is undertaken, Officers will report back to the Operational Director, Property & Assets in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.
- 5.5 The project will be administered using the 2016 JCT Minor Works Contract with Contractors Design with the Council's amendments.

6.0 Equality Implications

- 6.1 None identified

7.0 Human Resources/Property Implications (if appropriate)

- 7.1 None identified

8.0 Public Services (Social Value) Act 2012

- 8.1 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. This duty does not strictly apply to the proposed contract as it is not a services contract. Nevertheless, Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.

- 8.2 Ten per cent of the quality evaluation criteria is assigned to evaluating the

bidders' social value proposals. It is likely that offers will include school engagement, local suppliers and employment opportunities.

Report sign off:

Nick Ljustina

Operational Director, Property & Assets.