

 <b>Brent</b>	<b>Officer Key Decision</b>
	<b>Report to the Operational Director, Property and Assets</b>
<b>Authority to award a contract for boiler replacement works at Roe Green Infant and Junior Schools and Wykeham Primary School</b>	

<b>Wards Affected:</b>	Queensbury and Welsh Harp
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> (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paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt Appendix 1: This part of this report is not for publication as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information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)"
<b>No. of Appendices:</b>	2 Appendix 1 – exempt Appendix 2 – Moderation Sheet
<b>Background Papers:</b>	<a href="#">Authority to Tender Report</a>
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## 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 and this project is part of the 2018 – 2023 School Asset Management Programme. This report requests approval to award a contract for boiler replacement works at Roe Green Infant and Junior Schools and Wykeham Primary School as per Contract Standing Order 88.

## **2.0 Recommendation(s)**

That the Operational Director, Property & Assets:

- 2.1 Approves the award of a contract for boiler replacement works at Roe Green Infant and Junior Schools and Wykeham Primary School to BSW Heating Ltd for £336,908.

## **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 as per CSO 82.
- 3.5 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations were set out and approved by the Operational Director of Property & Assets on 20 April 2020 and the tender process followed these approved considerations. An advertisement was placed on Contracts Finder

and was issued as an Open Tender on 07 May 2020 on the London Tenders Portal and was managed by officers in Procurement.

- 3.6 All suppliers were given an opportunity to visit the school to assist them in submitting a bid. These were arranged with the school.
- 3.7 This tender was a single stage tender as per Contract Standing Order 96(b) and 70 expressions of interest were elicited and 12 contractors completed and submitted tender bids by the due date of 8 June 2020. Of the 12 bids received, five did not meet the Council's minimum standards and so were disqualified from the evaluation process. During the evaluation process, one of the suppliers withdrew their bid. Therefore, six suppliers were evaluated.

### **Tender Evaluation**

- 3.8 The instructions to tenderers document stated the contract would be awarded on the basis of the most economically advantageous offer to the Council based on the following evaluation criteria:
- Price: 60%
  - Quality: 30%
    - Project Methodology & Programme
    - Project Resources & Delivery
    - Working in the school environment
    - Previous Experience/References
  - Social Value: 10%
- 3.9 The Council's appointed technical consultants, Kier Business Services, undertook a detailed evaluation of pricing submissions. 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 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 1 provides a more detailed breakdown of the full tender evaluation outcome.

<b>Supplier</b>	<b>Price Score % (max. 60%)</b>	<b>Quality Score % (max. 30%)</b>	<b>Social Value % (max. 10%)</b>	<b>Total Score % (max. 100%)</b>	<b>Ranking</b>
Supplier 1	60.00	21.60	8.00	89.60	1
Supplier 2	49.66	16.80	8.00	74.46	2
Supplier 3	50.45	14.70	8.00	73.15	3
Supplier 4	47.54	11.40	6.00	64.94	5
Supplier 5	46.37	17.40	4.00	67.77	4
Supplier 6	45.51	10.20	4.00	59.71	6

- 3.11 Supplier 1 was the highest scoring supplier, scoring 89.60% overall. Their quality score was 21.60%, their social value score was 8.00% and their pricing submission is £336,908 which scored 60.00% and is within the budget assigned to the project. The Council's appointed technical consultants confirmed the bid was compliant.
- 3.12 The highest scoring supplier has submitted a compliant programme at tender stage and has programmed completion of the project by September 2020. This is in line with the stated tender programme.

#### **4.0 Financial Implications**

- 4.1 The project budget for the works at these schools is £572,100. This project is part of the wider AMP Programme budget which CIP endorsed and Cabinet approved through the annual budget setting process.
- 4.2 The highest scoring bidder's contract price is £336,908 which within 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.
- 4.5 Insurance limits (as minimums) will be set as follows and the highest scoring supplier has confirmed these insurance levels are in place:
- Public Liability Insurance: £10,000,000
  - Employers Liability Insurance: £10,000,000
  - Professional Indemnity Insurance: £2,000,000
  - A Principals Clause is required

#### **5.0 Legal Implications**

##### **EU Regulations**

- 5.1 The contract falls within the definition of a '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 £4,551,413), 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 In this case, an open tender procedure was published on the Council's Electronic Tender Facility and advertised on Contracts Finder in line with CSO 96(b).

### **Council CSOs**

- 5.3 The award of the Contract is subject to the Council's own CSOs in respect of Medium Value Contracts and Financial Regulations. The relevant Chief Officer (Operational Director Property & Assets) also approved the pre-tender considerations raised in respect of this Contract as set out in CSO 89 and the inviting of tenders for the Contract in accordance with CSO 88 (as provided in the report dated 20 April 2020).

### **Authority to Award**

- 5.4 Under Part 3 of the Constitution, at paragraph 9.5 in section 3(a) of the table therein, approval to award Medium Value Contracts for services is delegated to the Chief Executive and Strategic Directors. Pursuant to paragraph 9.7 thereof, officers designated as Operational Directors have delegated to them (subject to the same restrictions as would apply to their Strategic Director (or the Chief Executive as applicable) all the powers of their Strategic Director (or the Chief Executive if the Operational Director reports directly to her) in so far as they relate to the services for which they are responsible (and save in so far as that is inconsistent with any other part of the Constitution or their Strategic Director (or the Chief Executive) has directed them not to exercise particular powers). As the Contract relates to services for which the Operational Director Property & Assets is responsible, it is considered that you have delegated the power of the Strategic Director Regeneration & Environment to award the Contract, and this is not inconsistent with any other part of the Constitution and Legal Services is not aware of any direction given by the Strategic Director Regeneration & Environment (or the Chief Executive) to the Operational Director Property & Assets not to exercise this power.

### **Contract Terms & Conditions**

- 5.5 The contract will be administered using the 2016 JCT Intermediate Contract 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 evaluation criteria is assigned to evaluating the suppliers’ social value proposals. The highest scoring supplier included a number of initiatives in their bid including works to the school, community event sponsorship and work placements/experience.

### **Report sign off:**

**7<sup>th</sup> July 2020**

**Nick Ljustina**

Operational Director, Property & Assets