

MUNICIPAL YEAR 2016/2017 REPORT NO.

**ACTION TO BE TAKEN UNDER
DELEGATED AUTHORITY**

PORTFOLIO DECISION OF:
Cabinet Member for Education,
Children's Services & Protection

REPORT OF:
Chief Education Officer

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Agenda – Part: 1

KD Num: 4360

Subject: Brimsdown Primary School – The
award of contract for Dining Hall Extension,
Kitchen and External Works

Wards: Enfield Highway

1. EXECUTIVE SUMMARY

- 1.1** This report seeks approval to award a contract to "Contractor A" for construction works and scheme expenditure including related services, loose and fixed furniture & equipment. This approval is required to enable the provision of a new school meals kitchen dining room and associated works at Brimsdown Primary School ("School").
- 1.2** The construction works have been procured following a competitive quotation process via the London Tenders Portal in accordance with the Council's Contract Procedure Rules ("CPRs").

2. RECOMMENDATIONS

That the Cabinet member for Education, Children's Services and Protection:

- 2.1** approves the contract award to Contractor A for the construction work relating to the new school meals kitchen, dining hall and associated works at Brimsdown Primary School, as further detailed in Part 2 of this report.
- 2.2** Notes and approves total scheme expenditure including construction works, professional and technical costs equipment and scheme contingency costs as detailed in Part 2 of this report
- 2.3** Notes that loose furniture shall be provided by the Council/ Brimsdown Primary School.
- 2.4** authorises the Chief Education Officer to allocate project contingency, via operational decisions, as and when required.

3. BACKGROUND

3.1 Cabinet held on 12 March 2014 approved the following recommendations in relation to Brimsdown Primary School Investment Works.

1) That the School's kitchen and dining facilities are re-provided at an estimated cost of up to £3m including contingency, from within the PEP2 project costs already included in the Council's Capital Programme. It is proposed that these facilities are provided in such a way which will facilitate either an improvement of the current building stock or the re-provision of the School on site.

2) That a detailed options appraisal is undertaken on the site to assess the benefits and costs of either upgrade the current building stock to enable the School to deliver the curriculum into the 21st century or to re-provide the School within the school site.

3) Delegated authority to the Director of Schools and Children's Services and the Cabinet Member for Children and Young People (via Portfolio Decision) to take decisions on:

- entering into contractual arrangements and placing orders for required construction works.

4) Delegated authority to the Director of Schools and Children's Services on the:

- appointment of appropriate technical services such as architects, surveyors and contract managers;
- submission of planning applications; and
- the appropriate procurement routes for individual schemes.

3.2 On the 20 July 2015 the Cabinet Member Education, Children's Services and Protection agreed to the revised scope of works which had been formulated to address the key issues whilst allowing for a higher level of investment in the key teaching and learning spaces within the main body of the school. The revised scope of works acknowledges the issues addressed in the Cabinet report on 12 March 2014 regarding the varied age and quality of the existing building whilst negating the need for a full school rebuild as was mooted in the report. Central to this revised plan is to fulfil the original principal set out in the Cabinet report dated 12 March 2014.

- Provide new kitchen and dining facilities to replace the existing substandard ones

- To eliminate the obvious Health and Safety risk of children crossing an internal road.
- Removal of the existing HORSAs huts

3.3 The DfE announced Priority Schools Building Programme 2 ("PSBP2") and invited local authorities to bid for condition based school projects. The PSBP2 initiative was aimed at schools with the worst buildings to be rebuilt or those schools in need of significant refurbishment. The Council's Schools and Children Services officers prepared six bids of the highest priority poor condition schools in Enfield, which included, in order of priority:

- 1 Broomfield Secondary School - whole school rebuild.
- 2 West Lea Special School - whole school rebuild.
- 3 Walker Primary School- Whole school rebuild.
- 4 Durants Special School - Old Building rebuild
- 5 Brimsdown Primary School – Kitchen rebuild
- 6 Eldon Primary School – Kitchen rebuild

The DfE informed the Council that the bids submitted for: Walker, Durants, Brimsdown and Eldon Schools were successful. The Education Funding Agency ("EFA") has not yet indicated what monetary value is attached to the successful bids but the EFA has invited the Council to be a pilot for local project delivery for Brimsdown and Eldon Primary(s) kitchen rebuilds. The monetary values of PSBP2 of the Brimsdown and Eldon projects is currently in negotiation but a final figure will be announced soon and will be incorporated into the Corporate Capital Programme through the Capital Monitoring process.

4. PROPOSAL

- 4.1. After detailed consultation, a design has been agreed with the Governing Body.
- 4.2. Planning approval dated 24 March 2016 for a single storey extension to create new dining hall refurbishment of Infants Toilet block, demolition of HORSAs huts, reconfiguration of the staff car park, new footpath, new landscaping to courtyard and play areas. New Landscaping to car park, Junior courtyard, Infants play area, new Early Years frontage, Nursery and reception play areas.
- 4.3 The construction works have been procured following a competitive quotation process via the London Tenders Portal in accordance with the Council's CPRs. The form of contract will be the JCT Standard Building Contract without Quantities (SBC/XQ) 2011 Edition incorporating Amendment Nr1 and JCT 2011 Public Sector Supplement. Insurance option C shall apply which means that the employer is required to take out a Joint Names Policy for all risks insurance associated with the works. The insurance amount is dependable on the construction value

and will be agreed with the Council and the parties shall ensure that such agreed insurance cover is in place, before work commencement.

- 4.4 The tender had been conducted through a single stage process. The tendering procedure in accordance with JCT Practice Note 2012, Alternative 2 is to apply.
- 4.5 Five contractors were invited; however, only three competitive tenders were received. The tenders were evaluated in accordance with the tendering procedure to arrive at the recommendation for contract award to Contractor 'A' as detailed in Part 2 of this report.
- 4.6 All tenderers met the programme requirements as set out in the Preliminaries / General Requirements. No alternative time tenders were offered.
- 4.7 The construction work should commence at the beginning of October 2016 with completion envisaged to occur in November 2017.
- 4.8 An Operational Decision was signed by the Chief Education Officer on 1 September 2016 to authorise a Letter of Limited Liability to underwrite contract mobilisation with the recommended Contractor 'A' in order to maintain the programme. This was a risk subject to the outcome of this key decision.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Not to proceed with this project would mean that Brimsdown Primary School, would not have suitable kitchen or dining facilities to provide hot free school meals to all Key Stage 1 pupils which, in turn, could have a detrimental effect on teaching standards for pupils.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The tender from Contractor 'A' is compliant and is the most economically advantageous tender.
- 6.2 The design has been future-proofed to enable the kitchen and dining provision to provide free hot school meals to all pupils if this becomes a statutory requirement in the future.
- 6.3 Any delay will severely affect the ability of the school to continue providing hot free school meals to all Key Stage 1 pupils from the Autumn Term 2017.
- 6.4 Poor quality surplus teaching accommodation to be removed.
- 6.5 Health and Safety issues to be addressed with regard to pupil circulation around the school site.

- 6.6 Significate reorganisation and refurbishment to the pupils' toilets to improve wellbeing, behaviour and access.
- 6.7 Improvements to the external leaning and teaching environment for key stage 1 and 2 pupils.

7. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES, AND OTHER DEPARTMENTS

7.1 Financial Implications

The SCS Capital Programme as at Q1 2016/17 currently has a budget provision of £5.8m for the School Condition programme for 16/17 and a further £4.5m for 17/18 which includes a provision for this scheme.

The scheme will be funded from a combination of Free School Meals, Basic Need and Maintenance Capital grants at no borrowing cost to the Council. Any shortfall in grant funding will be covered from redirecting resources from elsewhere in the SCS capital programme.

The scheme is currently profiled as follows and any adjustments will be reported through the usual capital monitoring process.

2016/17 Est	2017/18 Est	Scheme Total
£2,500,000	£300,000	£2,800,000

7.2 Legal Implications

7.2.1 The Council has a general responsibility for education and to secure efficient primary education to meet the needs of the population in its area under Section 13 of the Education Act 1996 (as amended).

7.2.2 Section 111 of the Local Government Act 1972 further enables local authorities to do anything, including incurring expenditure, borrowing, which facilitate or are conducive or incidental to the discharge of their functions and the Council has the power under section 1(1) of the Localism Act 2011 to do anything that individuals generally may do, provided it is not prohibited by legislation and subject to Public Law principles. The recommendations within this report are in accordance with these powers.

7.2.3 A formal mini competition tender process was undertaken through the London Tenders Portal and the Council has conducted the evaluation and award of contract process in a fair, transparent, proportionate and non-discriminatory manner.

- 7.2.4 The fees associated with this works contract fall below the threshold for Public Service Contracts under the Public Contracts Regulations 2015 and therefore the full EU procurement procedures do not apply. However, the Council must ensure that it complies with the EU general principles of equality, transparency, proportionality, non-discrimination and mutual recognition when awarding any contract.
- 7.2.5 The Council must comply with all requirements of its constitution and CPRs. Throughout the engagement of Contractor A as a provider, the Council must comply with its obligations of obtaining best value, under the Local Government (Best Value Principles) Act 1999. The Council must keep a clear audit trail of its decision to award these services to Contractor A, in order to demonstrate that best value has been and will continue to be obtained for the Council.
- 7.2.6 All legal agreements (including all associated documentation) arising from the matters described in this Report must be approved in advance of contract commencement, by the Assistant Director of Legal & Governance Services. Contracts whose value exceeds £250,000 are required to be executed under seal and performance security should be obtained unless the Director of Finance Resources and Customer Services considers this to be unnecessary.

7.3 Property Implications

- 7.3.1 The design and build of the new kitchen, dining facilities and new teaching areas should be implemented so that it does not cause a hindrance or redesign to any new or modified school on site in the future. It should link to the new school seamlessly.
- 7.3.2 Future proof systems engineering should be envisaged at this stage to avoid high costs later in the development life cycle. These should be carried through the options appraisal and be weighted high accordingly to any evaluation criteria.
- 7.3.3 Any future evaluation of the school options should include consultation with all relevant stakeholders and departments.
- 7.3.4 To meet statutory requirements it is vital to ensure that the Council's financial accounts do not include buildings (or parts of buildings) that have been demolished. To ensure we have high quality records and meet our statutory obligations Education Asset Managers will complete a demolition notification form and return to Property Services.
- 7.3.5 All new data regarding the new development including revised site plans, floor plans and room data will be sent by the Project Manager to Strategic Property Services for input onto the Asset Management Data System, ATRIUM.

- 7.3.6 An inventory list of any material procured and produced will need to be kept. In the event of failure, appropriate arrangements will need to be made for these supplies to be retained and secured for the Council until a decision is made on how best to dispose of them.
- 7.3.7 Adequate measures should be taken including the safe passage of teachers, pupils and members of the public when construction is taking place when the school is operational, especially at Brimsdown Primary School due to the layout of the site.

7.4 Procurement Implications

- 7.4.1 All procurement must be carried out in line with Contract Procedure Rules and compliant to UK & EU regulations.
- 7.4.2 Where the minimum number of responses have not been met then under CPRs approval to proceed must be sought from Procurement and Commissioning Hub; as best value must be demonstrated.
- 7.4.3 All information and contracts must be managed and loaded into the London Tenders Portal.

8. KEY RISKS

- 8.1 The key risks to this term contract relates to the possible poor performance of the Consultant/Contractors. This risk is mitigated by the recommended Consultant being an approved supplier within a major framework contract let as part of the London Construction Programme.

9. IMPACT ON COUNCIL PRIORITIES

9.1 Fairness for All

This term contract will assist the Council to deliver its construction related projects and programmes which in turn help support the delivery of services to the benefit of the community.

9.2 Growth and Sustainability

This term contract will assist in the procurement of construction related activity within the borough and its associated employment and economic benefits. The Borough needs to ensure appropriate infrastructure is in place to allow for the growth of the population.

9.3 Communities

The provision of good quality schools helps to ensure a stable strong community.

10. EQUALITY IMPACT IMPLICATIONS

- 10.1 The provision of local schools across the borough ensures quality of rights to good education provision

11. PERFORMANCE MANAGEMENT IMPLICATIONS

- 11.1 The contract requires the consultant to meet the professional standards of the Royal Institute of British Architects and the Framework Contract. The performance of the consultant will be monitored by Corporate Maintenance and Construction Team.

12. HEALTH AND SAFETY IMPLICATIONS

- 12.1 There are no direct health and safety implications arising from this contract.

13. PUBLIC HEALTH IMPLICATIONS

- 13.1 There are no direct public health implications arising from this term contract.

Background Papers

None.