

MUNICIPAL YEAR 2018/2019 REPORT NO.

MEETING TITLE AND DATE:

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

REPORT OF:

Executive Director- People

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Agenda – Part: 1

Item:

Subject: Award of Contract and Overall
Scheme Expenditure -New Build
Reception Class and External Play,
DeBohun School Report
Wards: Cockfosters
Key Decision No: 4725

Cabinet Member consulted:
Cllr Achilleas Georgiou – Cabinet Member
for Education, Children's Services

1. EXECUTIVE SUMMARY

- 1.1 This report covers the next decision in line with the November 2016 Cabinet report (KD4395) on the strategy and approach to deliver pupil places.
- 1.2 This report seeks approval to award a contract to "Contractor A" for construction works and approval for scheme expenditure included related services, fixed furniture and equipment.
- 1.3 This approval is required to enable the construction of a single storey classroom building with associated accommodation and play area to the rear of DeBohun school site.

2. RECOMMENDATIONS

That the Cabinet Member for Education, Children's Services:

- 2.1 Approves the contract award to "Contractor A" for the construction of a classroom and associated works to the rear of DeBohun school, Green Road, Southgate N14 as further detailed in Part 2 of this report.
- 2.2 To note the details of the expenditure relating to the previous scheme
- 2.3 Approve overall scheme expenditure of £1,000,000 for construction works contract, professional and technical costs, fixed furniture and equipment plus scheme contingency

3. BACKGROUND

- 3.1 The November 2016 Cabinet report (K4395) on the strategy and approach to deliver pupil places which included:
 - 1. Support continued delegated authority to the Cabinet Member for Education, Children's Services and Protection and the

Cabinet Member for Finance and Efficiency in consultation with the Executive Director – Finance, Resources and Customer Services, the Chief Education Officer or the Assistant Director of Strategic Property Services, to take decisions on:

- a. The individual schools, sites and preferred partners for expansions, and decisions on statutory requirements, to meet the demand for extra pupil places, both mainstream and special, up to 2020/21.
 - b. Conducting suitable procurement exercises and either calling off EU-compliant framework agreements or conducting suitable procurement exercises, entering into contractual arrangements with successful contractors and placing orders for any capital works required for the projects in accordance with the limits set out in the Council's Contract Procurement rules: and
 - c. Conducting any necessary land transactions, including acquisitions by way of freehold or leasehold up to the value of £500,000, as individual schemes were developed.
2. Support continued delegated authority to the Executive Director, Finance, Resources and Customer Services and the Chief Education Officer to take decisions on the:
- a. Programme management arrangements and operational resourcing, including procurement of any required support services.
 - b. Commencing feasibility or initial design to inform pre-application discussions with planning and procurement of resources for this activity.
 - c. Cost estimates, budgets and spend for projects in advance of updates to the Capital Programme.
 - d. Submission of planning applications; and
 - e. The appropriate procurement routes for professional support services and construction for individual schemes.

- 3.2** In September 2015 the Council changed the way in which it delivered its Children's Centre services and created 5 Hub and Spoke Centres, delivering services from the existing 22 sites.

De Bohun School became the Central region hub, however in order to accommodate the service it has, over the last two years, given up space within the main school to accommodate the service. The school is now at its full 2FE capacity and there is no space to reprovide any of these areas within the main building.

- 3.3** Towards the end of 2017 the service went through a further review.

Despite a reduction in funding, the Local Authority is still committed to Children's Centres being the backbone of its early help offer for families with children under 5. De Bohun was one of two schools that successfully bid to jointly run the new single Children's Centre hub from April 2018 (the other was Eldon). These two schools will therefore have prime responsibility for reaching the entire under 5 population of the borough (approx. 25,000) through a mixture of universal and targeted services. So, in effect the scope of the work that De Bohun will be delivering through the Children's Centre will actually increase. Also, De Bohun is likely to be the only main site (6 have been identified in total) that will deliver on the west side of the borough. It therefore becomes even more crucial that it can continue to deliver these services.

It was anticipated that the review would free up some of the spaces the school had previously given up, but as set out above, the school will continue to use these spaces.

- 3.4** Previously a scheme was developed and a planning application submitted to provide two teaching spaces with ancillary areas to the rear of the site. However the tender return cost for the scheme was in excess of the available funding and a decision was taken to re look at the entire scheme and the requirements of the school to develop a scheme that would be better suited to the changing needs of the school and would fit within the approved budget,
- 3.5** The school undertook an exercise to look at the entire site and consider ways to reorganise the spaces to ensure the best use. The exercise also helped to identify what deficiencies there was within the school accommodation, due to the provision of Children Centre Services. The study showed that in order to have sufficient space to continue to offer the early years provision and the statutory education provision to the 2FE student body a scheme would need to look at addressing the current undersized classes used for Reception.
- 3.6** Planning approval was granted by Decision Notice on 20th November 2018, Planning Application reference 18/03000/RE4 for the proposal to construct a single storey classroom building with associated accommodation and play area to replace the undersized classroom identified above, freeing up space within the school.
- 3.7** The construction works have been procured following a competitive quotation process via the London Tenders Portal in accordance with the Council's CPR's. The form of contract will

be a JCT Intermediate Building Contract with Contractor's Design, 2016 Edition where insurance option A is to apply.

- 3.8 The tender has been conducted through a single stage process. The tendering procedure is in accordance with JCT Practice Note 2012, where Alternative 2 is to apply.
- 3.9 A list of five tenders jointly selected by the project team based on location, turnover, relevant experience, Construction Line status and proven experience working with the client team.
- 3.10 All five confirmed their agreement to submit a tender in line with the project programme, however one contractor failed to submit a tender and didn't give a reason.
- 3.11 The tenderers 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.
- 3.12 A Tender Report has been prepared by the Quantity Surveyor, Stace LLP, who recommended contract award to "Contractor A" on the basis that their tender was the most economically advantageous and programme compliant. Tenders were evaluated in accordance with the award criteria, and arithmetic or pricing errors were dealt with in accordance with the Tender procedure set out in the Invitation to Tender document.
- 3.13 Subject to a planning decision notice, the construction work will commence 19th January 2019 with completion 2 July 2019.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not to proceed with this project. This would mean that DeBohun School would have to continue to use the current inadequate space for Reception aged children and may have to reduce its Early Years offer meaning many under 5's throughout the Borough could be disadvantaged.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The tender from Contractor "A" is compliant and is the most economically advantageous tender.
- 5.2 It is also compliant and below the pre tender estimate.

- 5.3 The external layout has been designed so that both the nursery and reception pupils are able to use the improved play space between both buildings.

6. COMMENTS FROM OTHER DEPARTMENTS

6.1 Financial Implications

The total budget for this scheme is £1,000,000 which is entirely funded from central government grant allocation.

	Up to 2017/18 £'000	2018/19 £'000	2019/20 £'000	TOTAL £'000
Total expenditure	279.5	160.4	560.1	1,000.0

The revenue funding for the school places to be provided will come from the Dedicated Schools Grant (DSG).

6.2 Legal Implications

6.2.1 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).

6.2.2 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. Furthermore, 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.

6.2.3 The contract is below the threshold where a European procurement is required under the Public Contracts Regulations 2015 (currently £4,551,413 for works contracts). The contract has therefore been procured in accordance with the Council's Contract Procedure Rules (CPRs). In accordance with CPR 3.5, five tenderers were asked to submit quotations.

6.2.4 As the value of the contract is over £250,000, the award constitutes a Key Decision under the Council's Constitution and, as such, must comply with the governance processes set out for Key Decisions, including publication in the Forward Plan (see CPR1.22.4).

6.2.5 The Cabinet Member has power to approve the award under CPR 1.22

6.3 Property Implications

6.3.1 The school building was constructed in the 1930's and it is a grade II listed property. It is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest. The Planning Application 18/03000/RE4 and 18/03001/LBC was approved at Planning Committee on 20th November 2018.

6.3.2 The implementation of the Condition Programme will extend the life of school buildings and provide a safe and suitable learning environment for pupils.

6.3.3 All new or revised asset data arising out of the proposed works must be sent by the Project Manager to Strategic Property Services for input onto the Asset Management Data System, ATRIUM, including revised site plans, floor plans, asset information and maintenance regimes.

6.4 Procurement Implications

6.4.1 All procurement must be carried out in line with Contract Procedure Rules and compliant to UK & EU regulations.

6.4.2 For Works Contracts from £50,001 to £500,000, Contract Procedure Rules require that if less than three quotes are received the P&C Hub must approve the award. The decision must be recorded in writing and all documentation supporting the decision retained in the E-Tendering Portal. Four quotes were received via London Tenders Portal.

7. KEY RISKS

7.1 The key risks to this contract related to the possible poor performance of the consultant/contractors. This risk is mitigated by robust performance/contract management.

7.2 The risk in not accepting the tender is that the contractor will fail to deliver a new building which in turn means the school would not have the correct space to provide the statutory places required by the LA and may have to reduce its early years offer to some under 5's within

the Borough meaning that not all children would be given the same life chances and could possibly affect the long term outcomes.

8. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

8.1 Good homes in well-connected neighbourhoods

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

8.2 Sustain strong and healthy communities

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.

8.3 Build our local economy to create a thriving place

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

9. EQUALITIES IMPACT IMPLICATIONS

None.

The reason for not undertaking an equalities impact assessment is because there is no fundamental change to the cohort of pupils who will be educated from the new facility.

10. PERFORMANCE AND DATA IMPLICATIONS

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.

11. PUBLIC HEALTH IMPLICATIONS

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

Background Papers

None