

MUNICIPAL YEAR 2019/2020 REPORT NO. KD4941

MEETING TITLE AND DATE:	Agenda – Part: 1	Item:4941
REPORT OF: Executive Director- People	Subject: Eldon Primary School – Award of Contract – Boiler Replacement	
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1. EXECUTIVE SUMMARY

1.1 This report seeks approval for award of contract to "Contractor A" for construction works, and scheme expenditure as detailed in this report for the boiler replacement and associated works for Eldon 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 Executive Director - People:

Approves the contract award to "Contractor A" for the boiler replacement and associated works to Eldon Primary School as further detailed in Part 2 of this report.

2.1 Notes and approves total scheme expenditure of £336,129.75 which includes construction works, professional and technical costs and scheme contingency costs (as detailed in Part 2 of this report).

Details of the expenditure relating to the works of which includes the boiler replacement works contract, asbestos removal, enabling works costs, professional and technical costs and scheme contingency can found in Part 2 of this report.

3. BACKGROUND

3.1 Under the Scheme for Financing Schools, the Council retains responsibility for major items of repair within community schools above de minimus levels. 'Condition' is one strand of the Schools' Asset Management Plan alongside 'Sufficiency and Suitability' programme of projects has been collated to rectify and eliminate condition items of a high technical priority, this project has been identified as one of these schemes.

Support continued delegated authority to the Executive Director Resources and Executive Director People 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.
- e. The appropriate procurement routes for professional support services and construction for individual schemes.

3.2 Last cabinet 2018 approved KD 4303 for the School's Fire and Condition programme. A further operational decision adding these works to the programme has been signed and this Key Decision 4941 gives specific approval to the boiler scheme.

3.2.1 A scope of required works was produced by the council's Corporate Maintenance and Construction Team (CMCT) which included:

- Boiler and radiator work to the Adventure Hub building,
- all external works to the flues including scaffolding,
- works to the Heating manifolds in the Early Years Building
- Replacement of the 2No. Gas Boilers
- Amendments to the associated pipework and plant in the infant building
- Early Years Building – Replacement of the 2No. Gas Boilers and amendments to the associated pipework

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and plant. Upgrade/Replacement of the BMS Controls to the heating/domestic hot water.

- Junior Building – Upgrade/Replacement of the BMS Controls to the heating/domestic hot water systems in the Junior Boiler Room
- 3.3 CMCT compiled the Tender list using the Construction Line accreditation service to verify essential credentials including Financial Standing and Health & Safety compliance
- 3.4 CMCT issued the tender documents on the 3rd June 2019 and the tenders received were downloaded from the London Tenders Portal on Wednesday 19th June 2019.
- 3.5 The Tendering Procedure is in accordance with the JCT Practice Note 6 (series 2) 'Main Contract Tendering' Alternative 2. The tender was based on the JCT Intermediate Building Contract with Contractor's Design 2016 Edition. The tender documentation included: Preliminaries, Specification and Drawings, and Pricing Document. The Tender was invited on a lump sum firm price basis. The tender documents stated a contract period of 9 weeks.
- 3.6 Six contractors were invited to submit a return. The tenders were evaluated in accordance with the council's corporate tendering procedure to arrive at the recommendation for contract award to Contractor 'A' as detailed in Part 2 of this report.
- 3.7 CMCT have confirmed that all tenderers met the programme requirements as set out in the Preliminaries / General Requirements;
- 3.8 Provisional programme –
Pre-construction work will begin with Asbestos Removal on 22 July for a period of 2-3 weeks.
The construction work will begin on 12th August 2019 with completion on 21st October 2019.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To do nothing this could result in a school closure leading to a loss of statutory school days for Enfield pupils, this in turn could result in court action and damage to the council's reputation
- 4.2 There are no other options that will address the safeguarding, security and safety concerns.

5. REASONS FOR RECOMMENDATIONS

- 5.1 CMCT and Stace The Borough's Quantity Surveyors have advised that the tender from Contractor "A" is compliant and is the most economically advantageous tender.
- 5.2 Works will ensure that "the school" is functional from a heating and hot water perspective and minimises risk to school closure in colder months.

6. COMMENTS FROM OTHER DEPARTMENTS

6.1 Financial Implications

The total project cost of £336,129.75 will be wholly funded from central government capital grant allocation. Annual maintenance costs from this project will be funded from existing revenue budgets (which is wholly funded from central government grant also). Further expenditure breakdown is provided in the Part 2 report.

6.2 Legal Implications

- 6.2.1 The Council has a general responsibility for education which includes securing efficient primary education to meet the needs of the population in its area under Section 13 of the Education Act 1996 (as amended by the learning and Skills Act 2000).
- 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 value is below the EU threshold hence the Public Contracts Regulations 2015 do not apply. The contract has therefore been procured in accordance with the Council's Contract Procedure Rules (CPR 3.5), and six 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

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as such, must comply with the governance processes set out for Key Decisions.

- 6.2.5 All legal agreements (including all associated documentation) arising from the matters described in this Report must be approved in advance of contract commencement, by Legal 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.

Provided by LA based on the report dated 05.07.19 to Legal

6.3 **Property Implications**

- 6.3.1 The implementation of the Condition Programme will extend the life of school buildings and provide a safe and suitable learning environment for pupils.
- 6.3.2 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 The procurement was undertaken in accordance with the Councils Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015).
 - 6.4.1.1 The procurement was undertaken using the London Tenders Portal (ref DN412996).
- 6.4.2 The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract.
- 6.4.3 All awarded projects must be promoted to Contracts Finder to comply with the Government's transparency requirements.

7. **KEY RISKS**

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

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

9.1 The provision of local schools across the borough ensures quality of rights to good education provision.

10. PERFORMANCE AND DATA IMPLICATIONS

10.1 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.

11. PUBLIC HEALTH IMPLICATIONS

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

Background Papers

None