

MUNICIPAL YEAR 2020/2021 REPORT NO. KD5128

MEETING TITLE AND DATE:	Agenda – Part: 1	Item:
REPORT OF: Executive Director- People	Subject: Oaktree School – Award of Contract – Temporary Mobile Class	
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	Wards: Cockfosters	

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 procurement and installation of a temporary mobile classroom associated works for Oaktree School. ("School")

1.2 The contract will be a direct award from the Crown Commercial Service Framework Modular Building Solutions Framework Agreement - RM6014 Lot 1:
Purchase of Education Related Modular Buildings following market testing to six suppliers from the Lot 1 Framework.

1.3 The works contract is proposed to be the JCT Design and Build Contract, 2016 Edition.

2. RECOMMENDATIONS

That the Executive Director - People:

Approves the contract award to "Contractor A" for the procurement and installation of a temporary mobile classroom associated works for Oaktree School. As further detailed in the restricted Appendix 'A' of this report.

2.1 Notes and approves total scheme expenditure of £291,812.82 which includes construction of the mobile classroom and installation works, professional and technical costs (as detailed in the restricted Appendix 'A' of this report).

Details of the expenditure relating to the works professional and technical can found in the restricted Appendix 'A' of this report.

3. BACKGROUND

3.1 The update on the strategy to Approach to Delivering Pupil Places presented to November 2019 Cabinet.

The report set the scene for the administration's approach to the provision of school places for Enfield residents and updates the strategy for the provision of places up to the financial year 2022/23. The update reflects:

- the increasing demand pressures on provision for children who need additional high-level specialist support;
- Demand for high support provision for children with certain categories of special education need continues to increase

3.2 The report agreed the strategy of increasing capacity in special schools and establishments that provide education services for some of the most acute special need categories.

3.3 Approved delegated authority to the Cabinet Member for Children's Services to:

- Approve the adding of individual school projects and budgets to the capital programme in support of the strategy of providing additional special school places up to 2022/23;

3.4 KD 5082 - Updated School Condition and Fire Safety Programme 2020/21 to 2021/22 (Schools Capital Programme).

Approval has been given to:

- the proposed programme of works including professional and technical expenses detailed in the restricted Appendix A of this report or any other emergency schemes proceeding up to the total three-year indicative Programme value of £28 million.
- the Executive Director People to continue:
 - (i) approving tenders for individual schemes or schemes of aggregated value up to a maximum of £500,000 including professional and technical expenses;
 - (ii) manage the Programme in a flexible way within the overall budget available, to take account of variations between estimates and tender costs and the need to substitute schemes having a greater technical priority if the need arises using the tender acceptance report pro forma; and
 - (iii) allocate any contingency provision (up to a maximum of £250,000 including professional and technical expenses) to emergency projects and/or to schemes identified as priority but not yet programmed

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(iv) That it is recommended, through this report, to reduce the schools de minimis limits to £15,000 for primary and special schools and £25,000 for secondary schools.

3.5 To note that:

- A portfolio decision Cabinet Member for Children's Services will be sought in relation to the approval of tenders for any proposals exceeding £500,000 in value including professional and technical expenses.

3.6 A scope of required works was produced by jointly by Children's Services the council's Corporate Maintenance and Facilities Management Team (CMFM) which included:

- The procurement of a mobile classroom with toilets.
- Associated ground works, ramp and steps.
- Utilities

3.7 The contract will be a direct award from the Crown Commercial Service Framework Modular Building Solutions Framework Agreement - RM6014 Lot 1: Purchase of Education Related Modular Buildings following market testing to six suppliers from the Lot 1 Framework.

The works contract is proposed to be the JCT Design and Build Contract, 2016 Edition.

3.8 Six suppliers from the Crown Commercial Service Framework Modular Building Solutions Framework Agreement - RM6014 Lot 1 were requested to provide quotations for market testing on 4th February 2020.

3.9 Responses were received and quotations from 4 contractors 2 contractors did not submit quotations. After review of the submitted quotations Contractor 'A' had submitted the most competitive quotation as detailed in the restricted Appendix 'A'.

3.10 It was decided to proceed with a direct award via the Crown Commercial Service (CCS) Framework Modular Building Solutions Framework Agreement - RM6014 Lot 1. due to the need to have the accommodation available during the autumn term.

3.11 CCS have confirmation that the price submitted by Contractor 'A' does not exceed the framework alliance contract prices.

3.12 Provisional programme:

- 16 weeks upon receipt of order

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To do nothing this would result in a school not having sufficient places for new pupils who are to start school at the beginning of the autumn term 2020. It is the council's legal obligations to provide enough school places not to do so could result in court action and damage to the council's reputation.
- 4.2 There are no other options that will address providing additional teaching accommodation by the beginning of the autumn term.

5. REASONS FOR RECOMMENDATIONS

- 5.1 CMFM and Stace The Borough's Quantity Surveyors have advised that the quotation from Contractor "A" is compliant does not exceed the CCS framework alliance contract prices and is the most economically advantageous tender.
- 5.2 Works will ensure that "the school" have sufficient pupil places during 2020/21.

6. COMMENTS FROM OTHER DEPARTMENTS

6.1 Financial Implications

- 6.1.1 On the 12th Feb 2020, Cabinet recommended that Council approve the 10-year Capital programme, which included £28m for the School Condition and Fire Safety Programme funded from central government grant. This report is seeking approval to allocate £291,813 for the procurement and installation of a temporary mobile classroom for Oaktree School.
- 6.1.2 The annual maintenance costs from this project would be contained within existing revenue budgets funded from the central government schools grant
- 6.1.3 Tables below summarises a breakdown of the spend:

	2019/20 £'000	TOTAL £'000
Overall P&T Costs	44,513.82	44,513.82
Procurement of the mobile classroom, installation and fit out	247,299.00	247,299.00
Total expenditure	291,812.82	291,812.82

6.2 Legal Implications

- 6.2.1 The Council has the power under s.1(1) Localism Act (2011) to do anything individuals generally may do providing it is not prohibited by legislation and subject to Public Law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way.
- 6.2.2 Under s.111 Local Government Act (1972) local authorities may do anything, including incurring expenditure or borrowing which is calculated to facilitate or is conducive or incidental to the discharge of their functions. The recommendations within this report are in accordance with these powers.
- 6.2.3 The Council has a general responsibility for education which includes securing efficient primary education to meet the needs of the population in its area in accordance with S.13 Education Act (1996) (as amended).
- 6.2.4 The contract value is below the EU threshold for 'works' hence the Public Contracts Regulations (2015) do not apply. Therefore, the contract has been procured in accordance with the Council's Contract Procedure Rules (CPRs) and in line with the Framework rules. Six tenderers were invited to submit quotations.
- 6.2.5 The Council should have considered (before procurement commencement) whether additional security should be sought from the successful provider (in accordance with CPR 1.18). For contract values between £250,000 - £1,000,000 sufficient security should be considered to manage risk. Evidence of the form of security required OR the reason why no security was required in this instance, must be stored and retained on the E-Tendering portal for audit trail purposes.
- 6.2.6 As the value of the contract is over £250,000, the award constitutes a Key Decision under the Council's Constitution and as such the Council must comply with the governance processes set out for Key Decisions.
- 6.2.7 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. The Council shall ensure that it's Quantity Surveyors (Stace) collaborate and work closely with Legal Services to ensure that any required changes to the standard form of JCT D&B 2016 are made (in light of Covid-19 and generally) in order to fully protect the Council's interests.
- 6.2.8 Contracts whose value exceeds £250,000 are required to be executed under seal and the Council shall ensure it seeks assistance from Legal Services to ensure the contract is executed correctly.

6.3 Property Implications

- 6.3.1 The proposed project will ensure that sufficient accommodation is available to enable the School, to 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 Client 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 Direct award via the Crown Commercial Service (CCS) Framework Modular Building Solutions Framework Agreement - RM6014 Lot 1.
- 6.4.2 The procurement was undertaken in accordance with the Councils Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015).
- 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 r lights 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