



Notice of Non-key Executive Decision

Subject Heading:	Bower Park Academy - Authority to award PCSA – (Pre-Construction Services Agreement) to Roof Limited.
Cabinet Member:	Councillor Robert Benham – Cabinet Member for Education, Children’s and Families and Deputy Leader of the Council
CMT Lead:	Robert South, Executive Director of Children’s Services
Report Author and contact details:	Ian Saxby – Head of Technical Services Telephone: 01708 433529 Email: ian.saxby@onesource.co.uk
Policy context:	<u>Communities</u> We want to help our residents to make positive lifestyle choices and ensure a good start for every child to reach their full potential. We will support families and communities look after themselves and each other, with a particular emphasis on our most vulnerable residents.
Financial summary:	Cabinet has approved an allocation of £4million for the expansion costs for Bower Park Academy as part of the schools expansion programme.
Relevant OSC:	Children & Learning Overview and Scrutiny Committee
Is this decision exempt from being called-in?	No

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

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Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

That the Technical Director approves the award of the proposed PCSA - Pre-Construction Services Agreement to Roof LTD for the reason set out within the body of the report, at a maximum value of £58,028.64.

AUTHORITY UNDER WHICH DECISION IS MADE

Constitution rule 3.4(a) Powers of Second Tier Managers
Contract powers to approve the commencement of a tendering process.

STATEMENT OF THE REASONS FOR THE DECISION

Cabinet recommended and Council approved a report relating to The Council's Commissioning Plan for Education Provision in Havering for the period 2019 to 2022.

This included an update on the 2017-18 programme that confirmed the requirement to expand Bower Park Academy to meet the projected need in the associated planning area.

Seven contractors were invited to tender from Construction Line on the basis of a Two Stage JCT Design and Build Contract 2016 with amendments. Five offers were returned and these have been assessed by a panel of officers from Technical Services and the Strategic Procurement Unit on a 30/70 quality /price basis. Two of these were rejected as they did not meet the required quality threshold. Of the three remaining offers, these were scored as follows:

Contractor	Technical 30%	Cost %	Total %	Ranking
Rooff Limited	23.10	70.00	93.10	1
Contractor A	26.10	66.28	92.38	2
Contractor B	25.80	63.25	89.05	3

The 1st ranking MEAT (Rooff Limited) bidder are also the most economical one.

Therefore the tender submitted by Rooff Ltd is considered to be the most economically advantageous tender and is therefore recommended for approval.

i) Programme

Issue of first stage Tender	January 2020
Tender submission deadline	January 2020
Checkpoint and ED approval (stages 1&2)	February 2020
Award	March 2020
Proposed start of works	April 2020
Estimated end of PCSA works	June 2020

ii) The project team comprise staff from Technical Services, Educational Asset Management and the Strategic Procurement Unit.

iii) Community and social benefits have been part of the evaluation criteria including utilisation of local resources and personnel.

iv) TUPE does not apply.

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- v) Project Risks
 - a. Ability to procure main contract within timescale
 - b. Main contractor willingness/ availability to work in challenging circumstances including phasing to maintain normal school operations
 - c. Tender received may exceed financial allocation.
 - d. Programme may be unachievable given need to maintain curricular activities.
 - e. All risks associated to the Pandemic Legislation i.e. Materials, Workforce, time,etc. shortage

OTHER OPTIONS CONSIDERED AND REJECTED

The decision to carry out these works to fulfil the Council's statutory requirements has been taken at the School Expansion Board, where the expansion of different schools is considered and decided upon.

An option for temporary accommodation (both purchased, and rented) was considered and dismissed as this would lead to ongoing costs, planning concerns and building quality issues.

Design option appraisals for this specific site and design solution are available upon request.

Other procurement routes, including framework agreements have been considered and rejected. Extensive experience of this department has demonstrated achievability of very good value for money with this procurement route (single stage selective tendering).

E-Auctions have been considered and rejected.

Doing nothing would lead to the Council failing in its statutory obligations to provide school places within the Borough.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Ian Saxby

Designation: Head of Technical Services

Signature:



Date: 3/4/2021

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. The Council has a duty under Sections 13, 13A and 14 of the Education Act 1996 to ensure that efficient primary, secondary and further education is available to meet the needs of its population. Technical Services seek to procure these Works in accordance with this duty.
2. The proposed contract value is below the EU threshold for Works contracts and accordingly, the Council is not under an obligation to publish a Contract Notice in the OJEU. However, the procurement must comply with the EU Treaty principles of equal treatment, non-discrimination and transparency as well as the Council's Contract Procedure Rules.

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3. The procurement process followed by the Council has already been set out in the body of this report. Due to the value of the contract, a minimum of seven organisations must be selected from Constructionline and invited to tender as set out in Contract Procedure Rule 13.3.
4. Furthermore, the Local Government Act 1999, requires the Council to make arrangements to achieve best value in the exercise of its functions, which includes the works contained in the proposed procurement. While conducting the procurement and evaluating the bids, officers must satisfy themselves that the procurement process is in accordance with this principle.
5. Upon award, the contract will incorporate the JCT Two Stage Design and Build Contract 2016. The contract will be sealed in accordance with rule 17.1 of the Havering Contract Procedure Rules.
6. The surveys, furniture, fixtures and fittings referred to in the Financial Implications must be procured in compliance with the Council's Contract Procedure Rules by obtaining written quotations or through appropriate frameworks. However, such decisions are not the subject of this report.

FINANCIAL IMPLICATIONS AND RISKS

PCSA Calculation:

Main contractor`s RIBA stage2-4 design fees	£ 41,244.00
Main contractors pre-construction management costs	£ 13,500.00
	<hr/>
	£ 54,744.00
Main contractors overheads 5%	£ 2,737.20
Main contractors profit 1%	£ 547.44
	<hr/>
	£ 58,028.64

A separate Key Executive Decision will be submitted at award of tender with detailed tender costs.

As with most capital schemes, there is a risk that the scheme could overspend due to issues arising during the build process. Any small issues arising can be funded from the main project contingency.

As with all contracts there is a risk to contractor delivery/continued operation, especially in light of Covid-19 and the response to it. However the contractor selection process has partly mitigated this risk, along with careful project management in the future.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no Human Resources implications associated with this decision.

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EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

There are not Equalities and Social Inclusion Implications.

BACKGROUND PAPERS

There are none

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed



Name: Mark Butler
Director of Technical Services

Date: 3/4/2021

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____