

TO: THE EXECUTIVE
20 MAY 2014

**EDUCATION CAPITAL PROGRAMME
DELEGATION OF AWARDS OF CONTRACT
Director of Children, Young People and Learning**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval from the Executive to delegate approval to the Director of Children, Young People & Learning in consultation with a sub group of Members nominated by the Portfolio Review Group to award the forthcoming contracts for the forthcoming construction works to create new school places. The timescales to deliver the projects are tight and there is insufficient time to go through the full Executive process and deliver the schemes for start of the relevant academic year.

2 RECOMMENDATION

- 2.1 **That Contract Standing Orders be waived to enable an executive committee, to be appointed by the Leader, to take the decisions in relation to the award of contracts for the construction works to create new school places at:**
- **Garth Hill College**
 - **Owlsmoor Primary School**
 - **The Pines Primary School**
 - **The Brakenhale School**
- 2.2 **That the award of the contracts be subject to sufficient resources being available for each project.**
- 2.3 **That the decisions be reported to the next available meeting of the Care Portfolio Review Group.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Garth Hill College project is a large and complex programme and will take a long time to build. The DfE grant funding is subject to a strict time condition requiring the works to be completed for September 2015. This programme has always been under significant pressure to achieve to this timescale. Tenders are due to be returned in late June 2014 for a contract award in July 2014.
- 3.2 The planned works at Owlsmoor are also subject to the same strict grant funding conditions as Garth Hill College. Tenders for the works at Owlsmoor Primary School will be returned in early July 2014, to allow the project to start in the 2014 school summer holiday period.
- 3.3 The tenders for the planned works at The Pines and The Brakenhale School have already been returned, but are in excess of the available resources, and now require value engineering to make the project affordable and within the available resources.
- 3.4 The sub committee of Members was proposed by Portfolio Review Group on 28-April to provide an appropriate level of Member oversight/involvement in the award decision-making process.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Delaying the award decisions would adversely affect the programmes of all four projects as set out in section 3 above.
- 4.2 The Executive, if they do not want to delegate the award decisions, could convene a special meeting to approve the contract awards within the timescale constraints of the programmes.

5 SUPPORTING INFORMATION

Garth Hill College

- 5.1 In October 2013 the Executive approved the project to expand Garth Hill College by 350 places.
- 5.2 In November 2013 the Executive Member for Finance, Transformation & Assets approved the procurement plan. By virtue of its value, this project will need to be advertised in the OJEU and will be subject to the full disciplines of the Public Contract Regulations. For this reason and for reasons of speed of construction this construction is therefore being procured through the Government Procurement Service (GPS) RM875 "Framework for the provision of modular buildings".
- 5.3 The 350 additional school places at Garth Hill College will be created by constructing a new detached Post 16 Centre increasing the overall school capacity from 1,620 to 1,972 from September 2015. This will free up the spaces occupied and timetabled for Post 16 in the main building for expansion of Key Stages 3 & 4.
- 5.4 The new Post 16 Centre will be is a stand alone building located at the north end of the staff car park and is designed to provide a more adult environment to attract pupils from outside the school and to encourage more College pupils to stay on into Post 16.
- 5.5 Tenders are due to be returned in late June 2014 for a contract award in July 2014.

Owlsmoor Primary School

- 5.6 In October 2014 the Executive approved the Phase 3 works to expand Owlsmoor by 98 places to a Published Admission Number of 90 in all year groups.
- 5.7 In October 2012 the Executive Member for Children, Young People & Learning approved the Procurement Plan. This construction will be tendered to a selected list of contractors from the results of a prequalification exercise completed following advertisement on the South East Business Portal.
- 5.8 The previous two phases of expansion involved works to the Key Stage 2 building and were completed in 2012/13.
- 5.9 The final Phase 3 of the expansion of Owlsmoor Primary School is being undertaken to meet the Council's statutory duty to provide sufficient school places in Sandhurst. The school expansion will create 98 new school places by refurbishing and extending the existing Key Stage 1 building.
- 5.10 Tenders will be returned in early July 2014 for award of contract in July 2014.

The Pines Primary School

- 5.11 In February 2012 the Executive approved the project to expand The Pines Primary School from 1FE to 2FE creating 210 new school places.
- 5.12 In October 2012 the Executive Member for Children, Young People & Learning approved the Procurement Plan. This construction has been tendered to a selected list of contractors, from the results of a prequalification exercise completed following advertisement on the South East Business Portal.
- 5.13 The Pines Primary School is being expanded from 1 form of entry to 2 forms of entry creating 210 additional school places in response to rising school rolls across South Bracknell.
- 5.14 This will be achieved by refurbishing the former infant school building currently used as an office base for LEA teams back into school use in phases.
- 5.15 Tenders were returned in April 2014, and contract award will be made once the project has been value engineered back within the available resources.

The Brakenhale School

- 5.16 In February 2011 the Executive approved the project to expand Brakenhale by 184 places to a Published Admission Number of 210 in all year groups.
- 5.17 In October 2012 the Executive Member for Children, Young People & Learning approved the Procurement Plan. This construction has been tendered to a selected list of contractors from the results of a prequalification exercise completed following advertisement on the South East Business Portal.
- 5.18 There have been three previous phases of expansion at Brakenhale which have provided for new teaching and learning spaces for key stages 3 and 4. The final Phase 4 works which are the subject of this report include for expansion of Post 16 to accommodate the rising numbers of pupils staying on to do higher education.
- 5.19 The works to the Post 16 accommodation will provide an enhanced and expanded contemporary 21st Century learning environment, encouraging students to stay on at the school to develop their further education as a stepping stone into university and working life.
- 5.20 Tenders were returned in March 2014 and contract award will be made once the project has been value engineered back within the available resources.

Costs and Finance

- 5.21 Approval is sought from the Executive to delegate the contract award decisions subject to the contract award sums being deliverable within the available resources for each project. For reference the available resources are set out in the attached Confidential APPENDIX A. In the event that tenders cannot be reconciled to the available resources, the overall programme for providing new school places will need to be reviewed and further proposals referred back to the Executive before awards of contract can be made.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Council's Contract Standing Orders provide that decisions to award contracts in excess of £1 million should be taken by the full Executive. Accordingly, in order for an Executive Committee to make the decision on the proposed contracts referred to in this report, a waiver of Contract standing Orders is required. Under the terms of Contract Standing Orders the decision to waive is reserved to the Executive.

Borough Treasurer

- 6.2 As the final awards of contract will be subject to being within the available resources, the Borough Treasurer is satisfied that no significant financial implications arise from this report.

Head of Procurement

- 6.2 These procurements are being carried out carefully, in strict accordance with the Procurement Manual (and where appropriate the Public Contracts Regulations) and with the full involvement of the Corporate Procurement Team. The evaluation models will/have been published with the tender invitations and the Evaluation Team will adhere rigorously to its own published guidelines in scoring the tenders. A full debriefing will need to be given to each tenderer at the end of the process explaining precisely why they were or were not successful. In these circumstances the risks of delegating the award decision are quite limited as there is no real scope for the governance process to influence the outcome of the evaluation itself.

Equalities Impact Assessment

- 6.3 The new construction will be designed and built to comply with current British Standards for accessibility for disabled people.

Strategic Risk Management Issues

- 6.4 The strategic risk management issues are as follows:

	ISSUE	RISK	COMMENT
1	Cost Risk	LOW	Contracts will not be awarded unless they can be delivered within the available resources.
2	Programme Risk	MEDIUM	Delegation of the contract awards will reduce this risk to LOW.
3	Planning Risk	MEDIUM	Planning applications are expected to be determined by July 2014.
4	Contractor/Supplier Capability Risk	LOW	Tender lists have been/will be drawn from contractors who have demonstrated a track record of successful delivery of similar projects.
5	Contractor Financial Risk	LOW	The successful tenderers will be subject to all of the requirements of our independent financial checks.

7 CONSULTATION

- 7.1 The Headteachers and Governors at all four schools have been consulted both over the principle of the proposed expansion, the scope and timing and also the design. This was achieved through meetings and correspondence. The designs of the construction have been informed by input from the schools who have agreed the proposals which are subject of the award of contract in this report.
- 7.2 Pre-planning public consultations at all four schools have been held to capture feedback on the proposed developments from the whole school community, neighbours and residents. These include an open afternoon/evening when the plans and drawings are on display in the school and the Council, school and designers are be available to answer questions. Leaflets have/will be sent to all neighbours and the designs submitted for planning permission have/will be reviewed in the light of the feedback, comments and suggestions received during the consultations.
- 7.3 Neighbours, residents the whole school communities at all four schools are also statutory consultees through the planning permission process and all four planning applications are expected to be determined by the Planning Authority by July 2014.

Background Papers

Procurement Plans

Building Plans are available for inspection should the Executive wish to view them

Confidential APPENDIX A

Contacts for further information

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