

**TO: THE EXECUTIVE**  
**DATE: 10 FEBRUARY 2015**

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**Binfield Learning Village at Blue Mountain  
Delegation of Award of Contract  
Chief Executive**

**1. PURPOSE OF REPORT**

- 1.1 Further to the approval of the delivery strategy for the Learning Village and Community Facilities on 21 October 2014, the purpose of this report is to agree the process for awarding the contracts for the pre-construction services and main works for Binfield Learning Village at Blue Mountain using the IESE framework. The report proposes that the decision, as to contract award, be taken by the Executive Committee approved by the Leader.

**2. RECOMMENDATIONS**

That the Executive:

- 2.1 approve the addendum to the Learning Village Procurement Plan in Appendix 2 to create an option for combining the procurement of the refurbishment works to the existing club house building earmarked for community facilities with the previously approved procurement plan authorising the use of the Improvement Efficiency South East (IESE) framework for the Learning Village.
- 2.2 a) waive contract standing orders such as to permit the decision for the award of the contracts for pre-construction services and the main contract (including enabling works) in relation to Binfield Learning Village at Blue Mountain to be taken by an Executive Committee.
- b) requests the Leader to delegate the decision to be taken by the Executive Committee.
- 2.3 require the decisions be reported to the next available meeting of the Care Portfolio Review Group.

**3 REASONS FOR RECOMMENDATION**

- 3.1 The Binfield Learning Village at Blue Mountain is a priority for Bracknell Forest Council. The programme will deliver statutory school places required in the Borough alongside meeting the need for new housing and the associated community facilities.
- 3.2 The development of the Blue Mountain site in accordance with the Site Allocation Local Plan has been previously approved through the Executive process, which included a full Council consultation.
- 3.3 The new Learning Village is due to commence from September 2017, which means that the current timetable has very limited contingency. The programme also has

several external dependencies, which could negatively impact the programme delivery.

- 3.4 The scope, timetable, funding model and the procurement plan for the Learning Village was approved by the Executive in October 2014. An addendum to the procurement plan to include the use of the same procurement process for the refurbishment design and main works for providing community facilities requires Executive approval.
- 3.5 Following the decision taken by the Executive on 21 October 2014 to use the IESE Framework, the next decision to appoint a contractor using the IESE framework for pre-construction services is required in April 2015. The procurement evaluation activities will continue into early April 2015. This will not leave sufficient time for a report to be taken to the full Executive due to the timings of the Executive meetings in 2015; hence it is recommended for the Executive to waive the Contract Standing Orders and for the Leader to delegate the decision to award contracts to an Executive Committee.

#### **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 A decision to award the contract for pre-construction services and main works (including enabling works) could be taken by the Executive after it reconvenes in June 2015, which would lead to a significant delay to the delivery of the programme. As a result, the new Learning Village would most likely open a year later in September 2018. Over and above, external dependencies could further delay the programme delivery. The cost of delivering the programme would also increase during this period due to inflation. In addition, there would be the added risk of not being able to use the current IESE framework rates, which are due for renewal in July 2015 and are likely to increase as a result of the current market situation.
- 4.2 The Executive could convene a special meeting to approve the contract awards within the timescale constraints of the programme. However, this approach may be difficult to achieve due to the restrictions around the election period.

#### **5 SUPPORTING INFORMATION**

##### Background

- 5.1 The Executive on 10 December 2013 expressed support in principle for land at Blue Mountain Golf Course, Binfield, Luff Farms Limited and the current owners being released from the provisions of the Section 52 Agreement dated 16 February 1990 made between the Council, Berkshire County Council, Bracknell Town Council and Luff Farms Limited relating to land at Park Farm/Jocks Lane, Bracknell, on the basis that any housing development of the site will be in accordance with the Site Allocations Local Plan Policy SA7. It also requested consultation with the full Council in order for Council to express its view upon the request and to formulate a recommendation to the Executive Member for Planning and Transportation. At its meeting on 22 January 2014, the full Council recommended to the Executive Member for Planning and Transportation that the Section 52 Agreement be released subject to:

- a) the Planning Committee having authorised the grant of planning permission for the development of Blue Mountain, which the Committee confirmed was substantially in accordance with SA7,
- b) the issue of such planning permission, and
- c) the completion of a Section 106 Agreement securing that the site is only developed in accordance with the planning permission.

In a decision taken on 4 February 2014, the Executive Member for Planning and Transportation accepted the Council recommendations.

- 5.2 The Executive on 21 October 2014 approved the scope, programme and the funding model for the Binfield Learning Village at Blue Mountain. The procurement plan was also approved, allowing the use of the Improvement Efficiency South East (IESE) framework to procure the contractor for pre-construction services and main works for the Learning Village.
- 5.3 The site access will be available in April 2015 once the existing golf club operator exits the site. The timetable approved by the Executive in October 2014, requires the commencement of surveys and design in April 2015, in order to progress to the planning application stage in August 2015.

#### Procurement – IESE Framework

- 5.4 Procurement activities through the IESE framework is due to commence in January 2015 with an appointment of the contractor for pre-construction services expected to be made in April 2015. Extensive mini-competition evaluation activities are likely to continue up to early April 2015, which will not allow sufficient time to secure an Executive decision prior to the elections in May 2015 unless a special meeting of the Executive is held in mid-April 2015.
- 5.5 The IESE Framework for Major Projects went live on 20 July 2011 and can be used for procuring construction projects of more than £1m in value, with no single project upper limit. The framework will expire in July 2015. A new replacement framework is currently being procured by Hampshire County Council. While one can only guess at this stage, it is expected that the new set of contractors may be appointed at a higher framework rate next year. This view is supported by the evidence that the construction market has seen a major improvement in business coming out of the recession and inflation in cost is expected to rise significantly. The forecasts from Atkins indicate that from Q1 2014 to Q2 2015, price inflation for constructing the schools will be 7.82%. Hence, the Council could benefit from using the existing framework rates under the current IESE framework.

#### Award of Contract – Two Stage Process

- 5.6 The award of contract for pre-construction services will not create additional risk to the Council for main works in the event that planning permission is not granted. The use of IESE framework is a two-stage process. Once the design has been completed, the Council will enter into a separate contract with the same contractor for the main works (including any enabling works). If planning permission is delayed then the decision to award contract for main works could be accordingly delayed.
- 5.7 Without a timely approval of the award of contract for the pre-construction services, the programme could be delayed by over two months, which would adversely impact opening of the Learning Village in September 2017. This could also increase the cost

of the programme due to inflation. The award of contract for the main works is equally time critical which is why an approval to delegate the decision is being sought.

- 5.8 Design activities (which will form part of the pre-construction services contract) need to be coordinated with the site owner's planning process. It will include agreeing location of the access road, sub-station, scoping for environmental impact screening, and co-location with the football club. A delay in progressing the design of the Learning Village is likely to create undue risks of poor coordination of the site masterplan with external stakeholders. Such a risk could lead time and cost overrun at a later stage.
- 5.9 On 20 May 2014, the Executive approved the waiver of the Contract Standing Orders 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 and The Brakenhale School. The approval was subject to availability of sufficient resources for each project. It was also agreed that the decisions be reported to the next available meeting of the Portfolio Review Group.

#### Programme

- 5.10 The programme risks are significantly higher without the Council owning the land for the Learning Village. The Council will receive the land from the existing owner for the Learning Village and community facilities after the grant of successful outline planning permission for the entire site. It is currently envisaged that the planning permission will be determined in December 2015. A delay in the design process for the Learning Village for which pre-construction services will be required could add risk of delay for determining the planning application and in turn land transfer.
- 5.11 The Executive approved the procurement timetable for the programme in October 2014. The current timetable is as follows:

#### **Procurement Timetable:**

<b>Item No.</b>	<b>Description</b>	<b>Timetable</b>
1.	<b>Main Procurement Plan Approved</b>	October 2014
2.	<b>Specification</b>	January 2015
3.	<b>Project Notification</b>	January 2015
4.	<b>First stage selection – The 'mini competition'</b>	
5.	<ul style="list-style-type: none"> <li>The Contracting Authority issues its mini competition document to all contractors.</li> </ul>	February 2015
6.	<ul style="list-style-type: none"> <li>The contractors submit mini competition part 1 to Contracting Authority.</li> </ul>	March 2015
7.	<ul style="list-style-type: none"> <li>The Contracting Authority evaluates and invites the top 3 or 4 contractors to submit mini competition part 2.</li> </ul>	March 2015
8.	<ul style="list-style-type: none"> <li>The contractors submit mini competition part 2 to Contracting Authority.</li> </ul>	April 2015
9.	<ul style="list-style-type: none"> <li>The Contracting Authority evaluates and identifies the best bid.</li> </ul>	April 2015
10.	<ul style="list-style-type: none"> <li>The Contracting Authority enters into a Pre-Construction Agreement with the successful contractor.</li> </ul>	April 2015
11.	<ul style="list-style-type: none"> <li>The Contractor completes the pre-construction service to the Authority's satisfaction.</li> </ul>	September 2015
12.	<b>*Second stage selection</b>	

13.	• The Contracting Authority enters into the underlying contract for the works.	December 2015
14.	<b>Construction Phase</b>	January 2016 to June 2017

\*Subject to completion of the site acquisition and the council having sufficient rights to access the site.

#### Costs and Funding

- 5.12 The cost of the Learning Village programme Q1 2014 prices as reported in October 2014 is £42.07m consisting of £39.07m plus £3m for contingency. As the Council currently does not have access to the site and has not been able to undertake surveys, the cost does not allow for abnormal risks.
- 5.13 The decision to award contract for pre-construction services and the main works (including enabling works) would be subject to the award of contract falling within the reported budget of the programme previously approved by the Executive. If additional capital is required then a further report to the Executive may be necessary.

#### Community Facilities

- 5.14 As reported previously, the Council does not intend to operate/manage a standalone community facility at the Binfield Learning Village at Blue Mountain. It will partner with external provider(s) to deliver such facilities. Work is currently underway to scope the type of facilities required, the supporting ownership model, and the requirement for funding. It is highly likely that some building works may be necessary for refurbishing the existing club house. If Binfield Parish Council takes on the management of the club house, then it may complete such works.
- 5.15 However, the operational risks of managing a large construction programme needs to be properly identified in advance. Having several contractors operating through the same site access and potentially at the same time may create substantial risks for delivering the Learning Village. It is possible that the construction timeline for the Learning Village may coincide with the construction of the proposed football club buildings, refurbishment of the existing club house and the new residential units. Once the scoping for the community facilities has been completed, it may be prudent to include the refurbishment works to the club house building within the package of the IESE contractor. The Parish Council will not be obliged to use this framework but it will be available for them to use if needed.
- 5.16 A procurement plan for the refurbishment of the existing club house to provide community facilities has been developed, which is listed in Appendix 2. It is envisaged that the refurbishment of the club house for community facilities could cost over £1m and this will be the responsibility of the Parish Council.

## **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. Unless a special meeting of the Executive is held, 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 award of contracts will be subject to being within the available resources approved by the Council, the Borough Treasurer is satisfied that no significant financial implications arise from this report.

### Head of Procurement

- 6.3 These procurement will be 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 model will be published with the tender invitations and the Evaluation Team will adhere rigorously to its own published guidelines in scoring the tender. 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 limited as there is no real scope for the governance process to influence the outcome of the evaluation itself.

### Equalities Impact Assessment

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

### Strategic Risk Management Issues

- 6.5 The strategic risk management issues are as follows:

	ISSUE	RISK	COMMENT
1	Cost Risk	Medium	Contract will not be awarded unless it can be delivered within the available resources. Risk will remain in terms of site unknowns and inflation.
2	Programme Risk	High	Delegation of the contract awards will positively support delivery of the programme within existing timescales.
3	Planning Risk	High	Full planning protocols will be adhered to including EIA and pre-application screening advice.
4	Contractor/Supplier Capability Risk	LOW	A robust procurement process will be followed, supported by comprehensive tender documentation and evaluation.
5	Contractor Financial Risk	LOW	The successful tenderer will be subject to all of the requirements of our independent financial validation.

## **7 CONSULTATION**

- 7.1 Pre-planning public consultation as well as the statutory planning application consultation will be held in due course. These include an open afternoon/evening when the plans and drawings are on display and the Council, school and designers

will be available to answer questions. Plans will also be reviewed at the Community Reference Group meeting. Leaflets will be sent to all neighbours and the designs submitted for planning permission will be reviewed in the light of the feedback, comments and suggestions received during the consultations.

### Background Information

- Business Case
- Programme Plan
- Programme Status Reports
- Risk & Issue Register
- Land Deal Options Paper
- Project Initiation Document
- Procurement Plan
- Communications Plan
- Terms of Reference, Community Reference Group
- Draft plans
- 21 October 2014 Executive Report

### Contacts for further information

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## Appendix 1

### Timescale

The key milestones approved by the Executive in October 2014 are as follows:

Table 3. Programme Plan

No.	Milestone Title	Date
1	S52 Agreement in Principle	Feb-14
2	Golf Course Closure 12-month Surrender Notice	Apr-14
3	Agree Land Deal Head of Terms	Oct-14
4	Executive Report – funding model, site transaction and procurement	Oct-14
5	Execute Property Agreement (subject to community asset Localism Act 2011)	Jan-15 to Apr-15
6	Issue mini-competition through IESE framework	Jan-15
7	Executive approval contractor for Pre-Construction Services	Apr-15
8	Golf course operator exits site on or before	Apr-15
9	Commence Surveys	Apr-15
10	RIBA Stage 2 Completed	Jun-15
11	Pre-application screening advice	Jul-15
12	RIBA Stage 3 Completed	Aug-15
13	Apply for hybrid planning application (outline for the entire site and full for the learning village)	Aug-15
14	Agree S106 Head of Terms	Sep-15
15	Planning Permission(s) Granted	Nov-15
16	School Provider Appointed	Dec-15
17	Contractor for Construction Phase appointed	Dec-15
18	RIBA Stage 4 commences	Jan-16
19	Site Mobilisation	Jan-16
20	Learning village constructed	Jun-17
21	Learning Village opens	Sep-17
22	Phase 1 to 9 – new housing (developer led)	Early 2017 to 2024

Note: Some of the above milestones are not fully finalised at this stage due to external dependencies. As such several key tasks could move over a period of time.



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**Circulation List:**

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## **Purpose**

This procurement plan is an addendum to the main plan v2.0 approved by the Executive on 21 October 2014. This addendum requires approval from the Executive.

## **BACKGROUND**

The Binfield Learning Village at Blue Mountain is a priority for Bracknell Forest Council.

The vision of the programme is to provide a combined living and learning environment, which enriches public open space and provides quality facilities to the community.

The programme will deliver statutory school places required in the Borough alongside meeting the need for new housing and the associated community facilities.

The Learning Village will consist of an all-through provision consisting of 2FE primary provision with a 52-place (PTE) nursery, 7FE secondary provision with post-16 provision, integrated SEN provision and community facilities from September 2017 to support the planned growth in the Borough.

A procurement plan for the Learning Village was approved by the Executive in October 2014. The decision has enabled the Council to procure a contractor for the pre-construction services through the current IESE framework.

A further report to the Executive is planned for the Executive meeting in February 2015 for seeking approval of this addendum.

## **Community Facilities**

In the procurement plan (v2.0), the main scope of the programme was stated as follows:

<b>Item</b>	<b>Summary</b>
Master Planning	<ul style="list-style-type: none"><li>• Overall site options analysis and concept planning along with the movement strategy for Blue Mountain.</li></ul>
Learning Village	<ul style="list-style-type: none"><li>• All through school consisting of:<ul style="list-style-type: none"><li>- 26 FTE Nursery provision (52 places PTE)</li><li>- 2FE Primary provision</li><li>- 7FE Secondary provision with post-16</li><li>- Integrated SEN provision (primary &amp; secondary)</li></ul></li></ul>
Community Facilities	<ul style="list-style-type: none"><li>• Integrated Community Facilities</li><li>• Re-use of existing club house if possible (detailed scope and funding to be decided)</li></ul>
Sport Facilities	<ul style="list-style-type: none"><li>• Football Club and co-location options</li></ul>

It was also noted that the procurement plan (v2.0) was mainly focused on the delivery of the Learning Village. Procurement of contractors for other deliverables such as the community facilities would be included at a later date once the details of the type of facilities and

timetable for delivery have been agreed with various stakeholders. Depending on the status, either the main procurement plan (v2.0) would be updated or a new plan would be created to cover additional items.

Since the October 2014 Executive meeting, the Council has met with the Binfield Parish Council to progress the scoping of the community facilities at the existing Blue Mountain site. A Community Reference Group meeting has also taken place.

The Parish Council has appointed a community consultant 'Grimes' to prepare a feasibility study with an aim to inform on the types of uses and operational income / cost that could be applicable with the re-use of the existing club house.

BFC has advised the Parish Council of the timetable with key milestones, which has allowed for co-ordination of activities as much as possible. The Parish Council is aiming to discuss the output from the early analysis stage of the feasibility study at its council meeting on 20 January 2015. It will then aim to conclude the study by mid-March 2015.

All discussions thus far indicate a positive position from the Parish Council with an aim for parish to operate and manage the community facilities.

BFC will continue to play an important role in coordinating the timetable for key milestones across the programme, agreeing project milestones and managing the overall programme benefits.

### ***Reason for Requirement***

In discussion with the Parish Council, BFC has agreed to create an option to make use of the Binfield Learning Village at Blue Mountain IESE procurement route for the pre-construction services for the refurbishment of the existing club house for community facilities at the Blue Mountain site.

The timescale for appointing a contractor for pre-construction services is April 2015. As the Parish Council is aiming to complete the feasibility study for the types of use by March 2015, the commencement of the pre-construction design would fit in with the main appointment; However, there may be a lag of 4 to 8 weeks in the Parish Council's decision making process and the inclusion of the club house refurbishment into the design process, which may require careful integration.

The Learning Village is due to commence operations from September 2017, which is a common timeline for other elements of the masterplan. At this stage, the community facilities, a new football club, first phase of residential units are all due to be completed by mid-2017. This means that all the stakeholders are likely to undertake construction activities during the same period. The risk of multiple contractors operating concurrently with limited site access and services could cause onsite issues including delays. It will be beneficial to have a single contractor for the Learning Village and the community facilities elements.

It is envisaged that the refurbishment of the club house for community facilities could cost over £1m and this will be the responsibility of the Parish Council. The requirement for funding will be clarified after the Parish Council has completed the feasibility study.

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***Project Constraints/Assumptions***

- Surveys have not been carried out, hence, site unknowns could impact cost and delivery
- Planning approval may be required for the community facilities element.
- A funding plan will be required once the scoping has been completed by the parish council.

***Dependencies***

- Sufficient interest from suitable contractors at tender.
- Property transaction to be completed before appointing a contractor.
- Possession of the site to be available.
- Service connections to the main grid to be made available through the developer's site.
- A timetable fit between the club house/community design and the Learning Village design.

**VALUE FOR MONEY**

The contractor for the community facilities under this route will be the same as the appointment for the Learning Village. The construction work will be tendered in accordance with the Council's procurement procedures and value for money will be demonstrated at contract award.

The cost consultant will compare the competitive tender returns and also review against the projects of similar nature and scale in South East England.

**FINANCIAL BREAKDOWN**

***Capital Costs***

Based on the feasibility study the total cost including fit out of the Educational Village at Q1 2014 prices was £42.07m including £3m for contingency.

It is envisaged that the refurbishment the club house for community facilities could cost over £1m.

Surveys and other associated activities will be procured through several routes including via the IESE contractor, Parish Council, partner organisations and directly by the Council.

***Revenue Costs***

The current BFC approach is for enabling the parish councils to operate and manage the community facilities. The same approach is envisaged for the community facilities at the Blue Mountain site.

The Parish Council will need to submit a viable business case to BFC for approval. One of the tests of the business case will be to evaluate and forecast future operational cost and income.

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***Cashable Savings***

None anticipated.

***Project Costs***

The cost of construction and fit out of the learning village are allowed for within the capital cost. It is inclusive of professional fees, furniture & equipment and ICT.

The costs allow for integrated community facilities which will be provided as part of the Learning Village development e.g. new sports hall for the secondary school could be used by the community during the non-school hours.

Additional cost will be incurred for a comprehensive stand-alone provision e.g. major refurbishment of the existing club house. The full definition of the scope of the community facilities will be agreed after the parish council has concluded its feasibility study in Mid-March 2015.

The additional element of procurement of the contractor for delivering pre-construction services for the existing club house for community facilities alongside the main scope for the new Learning Village will be agreed only after a viable business case has been approved by BFC.

**CONSTRUCTION PROCUREMENT**

***Procurement process and methods***

The combined construction value falls above the OJEU threshold. The Capital Construction Category Strategy considered all of the options for this type of procurement and that IESE framework is the preferred approach. In order to meet the Council's Contract Standing Orders, it is proposed to use a framework run by Improvement and Efficiency South East (IESE). The procurement plan for using the IESE framework for the majority of the works i.e. the proposed new Learning Village has already been approved. This addendum if approved will form part of the main procurement plan.

Contractors will be required to complete a mini-competition process. The contractors will be shortlisted to three or four in part 1 of the mini-tender. The Council will then select one contractor from the shortlist and will award a contract for delivering pre-construction services.

Once the pre-construction services have been delivered and planning has been granted, the Council will award the contract for main works to the same contractor for the construction phase.

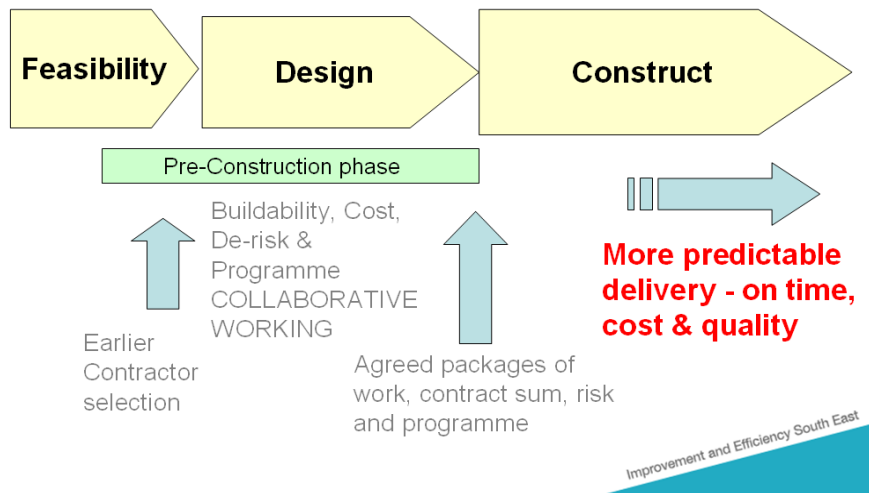
The specifications will be in two parts:

Option 1: fixed design fee for the pre-construction services for the Learning Village

Option 2: fixed design fee for the pre-construction services for the refurbishment of the club house for community facilities. This part will be optional. The Parish Council will not be obliged to use this framework but it will be available for them to use if required.

The procurement will include both options listed above. BFC will then be able to call off option 2 at a later date if required.

**IESE approach:**



The key benefits of IESE framework are:

- Value based tender process
- Early contractor involvement
- Integrated project team
- Cost-Time-Benefit recording
- Quality assurance process
- KPI performance approach
- Compliant with OJEU procurement
- Open book negotiation
- Time cost and quality certainty

The framework is based upon a 2 stage collaborative process. It is designed to complement Contracting Authorities' project processes and gives an increased emphasis to deliver efficiencies.

***Timescale***

The key milestones proposed are as follows:

<b>Item No.</b>	<b>Description</b>	<b>Timetable</b>
15.	<b>Procurement Plan Approved (main plan)</b>	Oct 2014
16.	<b>Specification</b>	January 2015
17.	<b>Project Notification</b>	January 2015
18.	<b>First stage selection – The ‘mini competition’</b>	
19.	<ul style="list-style-type: none"> <li>The Contracting Authority issues its mini competition document to all contractors.</li> </ul>	February 2015
20.	<ul style="list-style-type: none"> <li>The contractors submit mini competition part 1 to Contracting Authority.</li> </ul>	March 2015
21.	<ul style="list-style-type: none"> <li>The Contracting Authority evaluates and invites the top 3 or 4 contractors to submit mini competition part 2.</li> </ul>	March 2015
22.	<ul style="list-style-type: none"> <li>The contractors submit mini competition part 2 to Contracting Authority.</li> </ul>	April 2015
23.	<ul style="list-style-type: none"> <li>The Contracting Authority evaluates and identifies the best bid.</li> </ul>	April 2015
24.	<ul style="list-style-type: none"> <li>The Contracting Authority enters into a Pre-Construction Agreement with the successful contractor.</li> </ul>	April 2015
25.	<ul style="list-style-type: none"> <li>The Contractor completes the pre-construction service to the Authority’s satisfaction.</li> </ul>	September 2015
26.	<b>Second stage selection</b>	
27.	<ul style="list-style-type: none"> <li>The Contracting Authority enters into the underlying contract for the works.</li> </ul>	December 2015
28.	<b>* Construction Phase</b>	January 2016 to June 2017

\* Subject to the council having sufficient rights to access the site.

### ***Tender Evaluation***

The evaluation criteria for the procurement will be pre-determined and issued with the Invitation to Tender. Tenders will be evaluated on Quality 55%, and Cost 45% as per the IESE Framework, as follows:

#### **Part 1**

- Availability Yes/No
- Available Resources and Project Understanding 20%

#### **Part 2**

- Technical Criteria 35%
- Finance Criteria 45%

The Part 1 scores for shortlisted bidders carry forward and are combined with their scores for Part 2 of the mini-competition.

The tenders will be evaluated with advice from the Council’s technical advisory team.

***Other procurement options considered:***

Many procurement options were reviewed under the main procurement plan for the Learning Village, of which the main alternative routes considered were as follows:

a) A full OJEU tender procurement was considered to be unsuitable. Due to the complex property transaction for this programme timetabling a lengthy procurement timeline as sequential activity may lead to abortive cost and/or costly changes at a later stage. The full OJEU option will also carry a higher level of risk that that programme may not be delivered by September 2017.

b) The EFA framework has also been considered as a procurement route. However, its suitability is also compromised because the Binfield Learning Village at Blue Mountain has a unique set of on-going property issues. The EFA framework is better positioned when an initial feasibility study by the Council is followed by short-listing two contractors to progress the design stage. Surveys should ideally be completed ahead of the short-listing of the two contractors, which will not be possible until May 2015. Applying the framework after gaining site access from April 2015 may mean that that programme may not be delivered by September 2017. As two contractors develop the design in parallel, the cost incurred by the short listed contractors is significant. This risk to the contractor is generally not worthwhile if underlying risks exist e.g. the property deal may not materialise as per the timetable. Hence, it is highly likely that that several contractors may willingly not participate in the bidding process, which could have a significant impact on value for money.

c) Government Procurement Service is now part of the Crown Commercial Service was reviewed. The framework has recently been used by the Council to procure the Garth Hill College expansion for £6.5m but it was considered unsuitable for the large-scale Binfield Learning Village at Blue Mountain Programme.

## **RISK MANAGEMENT**

### ***Risks and Mitigation Options***

Affordability Risk is HIGH as the community facilities works are dependent upon funding from the Parish Council.

Programme Risk is assessed as HIGH. The programme has several external dependencies, hence, may slip by a year to 2018.

Planning Risk is HIGH, because the works involve redevelopment of a golf club which may also contain protected species. Survey will be carried out from April 2015 onwards. There will be issues with highways. Objections to the planning application from the community are expected. Whilst some of the community facilities proposed to be operated from the existing club house may not require change of use, the overall approach from a masterplanning perspective may require planning approval.

Availability of Site Risk is HIGH. The site transaction is progressing but obtaining vacant possession could be delayed due to various reasons e.g. lack of a commercial deal with the land owner of the Blue Mountain site, delay in the golf club exiting site.



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***Contingency Plans – Business Continuity***

Not applicable. Community facilities will be required only as part of the master planning approach which includes provision of the Learning Village and new residential homes.

**SUSTAINABILITY**

With respect to the works being purchased, the following sustainable areas will be considered as part of the procurement process:-

***Social***

- The facilities will provide bright and flexible accommodation for the community.
- The programme is seeking input from the Council's Business & Enterprise team to ensure that apprentices and trainees are included in the delivery. IESE has partnered with the CITB to establish a flexible, low cost and easy to use construction industry Shared Apprenticeship Scheme (SAS) for London and the South East. The scheme is fully endorsed by the Skills Funding Agency, National Apprenticeship Service. It operates across the IESE region with two not for profit organisations, CoTrain and Evolve, complimenting the contractors existing training schemes. The Council will give due consideration to suppliers and contractors whose employment practices include the use of apprenticeships.

**Environment**

- The existing building and facilities will minimally impact on the environment but this will be mitigated through the statutory planning and building control processes to ensure that the construction meets current standards.
- A method statement on how the contractor will manage the construction will be required.
- Proposals for reducing carbon and managing waste during the refurbishment and within the scheme design will be requested.
- The Council's energy manager will be consulted on the design and specification to ensure they are satisfied with the proposals.
- Renewable technology, probably solar panels and solar water heating will be part of the scope of the Learning Village.
- A BREEAM rating of 'very good' is being targeted for new build elements.

***Economic***

- The community facilities will support creation of new jobs and community engagement.
- The Council will seek to encourage potential contractors to engage local trades and businesses. As per the IESA published data, 92% of all sub-contractors are SMEs, 62.3% of the money goes to local SMEs and 61% of labour is local.
- The Council will require that the project is registered with the Considerate Constructor Scheme. IESE claims that Considerate Constructor Scheme Projects out performs industry average of (35.3) by 14%.

**EQUALITY**

***Equality Impact Assessment (EIA)***

- Particular attention will be paid to the disability access requirements and any age specific requirements in the design of the accommodation.

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## **DATA PROTECTION**

### ***Privacy Impact Assessment (PIA)***

- A PIA Screening Record Form is not required as the procurement does not include any system or services where personal data is collected or processed.

### ***Project Steering Group***

The Project Director will chair the Programme Steering Group (PSG) which will meet monthly to review the project against cost and programme, to deal with detailed issues raised by the project manager and to manage risk and change control.

### ***Contract Management***

Contact management may be provided by the Council's Managing Partner.

## **ADVICE RECEIVED FROM OTHER OFFICERS**

### **Procurement Comments**

Provided by: Derek Fitz-Gibbon

Programme uncertainties serve to increase the risk of a compromised procurement process and cost escalation both of which will need careful management.

### **Legal Comments**

Provided By: Simon Heard

There are complex legal issues that will need to be resolved in relation to the land deal prior to the commencement of the procurement exercise.

### **Finance Comments**

Provided by: Paul Clark

Included within the body of the procurement plan.

### **Category Manager Comments**

Provided by David Watkins

This procurement is being carried out in accordance with the approved Category Strategy.

## **CHANGE CONTROL**

If any major changes are required to this document it will be re-issued as a revision for approval. Change will be managed through a formal change control procedure and coordinated by the Programme Manager. Additional expenditure will not be incurred without written approval by the Project Director.

## Initial Equalities Screening Record Form

<b>Date of Screening:</b>	Directorate: Office of the Chief Executive	<b>Section: CO: SREI</b>	
<b>1. Activity to be assessed</b>	The Blue Mountain Site Delivery Strategy for the Learning Village and Community Facilities		
<b>2. What is the activity?</b>	<input type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input checked="" type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> <input type="checkbox"/> Service <input type="checkbox"/> Organisational change		
<b>3. Is it a new or existing activity?</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Existing		
<b>4. Officer responsible for the screening</b>	David Watkins, CO: SREI		
<b>5. Who are the members of the screening team?</b>	Rajesh Sinha (BM Programme Manager), Chris Taylor (Head of Education Property, CYPL)		
<b>6. What is the purpose of the activity?</b>	<p>The Binfield Learning Village at Blue Mountain is a priority for Bracknell Forest Council. The programme will deliver statutory school places required in the Borough alongside meeting the need for new housing and the associated community facilities.</p> <p>The Council is aiming to provide a 7FE secondary school with post-16 provision, a 2FE primary school with a nursery and community provision from September 2017 to support the planned growth in the Borough.</p>		
<b>7. Who is the activity designed to benefit/target?</b>	Nursery and primary aged children in the Binfield area Secondary aged children in North Bracknell Adults, Residents and Business across Bracknell		
<b>Protected Characteristics</b>	<b>Please tick yes or no</b>	<b>Is there an impact?</b> What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	<b>What evidence do you have to support this?</b> E.g equality monitoring data, consultation results, customer satisfaction information, etc. Please add a narrative to justify your claims around impacts and describe the analysis and interpretation of evidence to support your conclusion as this will inform members decision making, include consultation results/satisfaction information/equality monitoring data
<b>8. Disability Equality</b>	Y	Positive	New buildings and facilities will be built according to the regulations complying with the Equalities Act 2010. As the school will accommodate SEN pupils, a review of the appropriate needs will be taken account of in the design.
<b>9. Racial equality</b>	Y	Positive	Community engagement in developing community facilities will be undertaken. The Learning Village

			will be available to all sections of the community.
<b>10. Gender equality</b>	Y	Positive	Community engagement in developing community facilities will be undertaken. The Learning Village and standalone community facilities will be available to all genders of the community.
<b>11. Sexual orientation equality</b>	Y	Positive	Community engagement in developing community facilities will be undertaken. The Learning Village will be available to all sections of the community.
<b>12. Gender re-assignment</b>	Y	Positive	Community engagement in developing community facilities will be undertaken. The Learning Village and standalone community facilities will be available to all sections of the community.
<b>13. Age equality</b>	Y	Positive	Community engagement in developing community facilities will be undertaken. The Learning Village and standalone community facilities will be available to all school-aged children. School facilities will also be open to use by all members of the community during non-school hours.
<b>14. Religion and belief equality</b>	Y	Positive	Community engagement in developing community facilities will be undertaken. The Learning Village and standalone community facilities will be available to all sections of the community.
<b>15. Pregnancy and maternity equality</b>	Y	Positive	Community engagement in developing community facilities will be undertaken. The Learning Village and standalone community facilities will be available to all sections of the community.
<b>16. Marriage and civil partnership equality</b>	Y	Positive	Community engagement in developing community facilities will be undertaken. The Learning Village and standalone community facilities will be available to all sections of the community.
<b>17. Please give details of any other potential impacts on any other group (e.g. those on lower incomes/carers/ex-offenders) and on promoting good community relations.</b>	None		
<b>18. If an adverse/negative impact has been identified can it be justified on grounds of promoting equality of opportunity for one group or for any other reason?</b>	None		

<p><b>19. If there is any difference in the impact of the activity when considered for each of the equality groups listed in 8 – 14 above; how significant is the difference in terms of its nature and the number of people likely to be affected?</b></p>	<p>The development team has been structured to include architects and designers who are experienced in designing schools to ensure that these particular needs are met. Community facilities will be planned in consultation with the community. A Community Reference Group has been set up, which meets every two months.</p>		
<p><b>20. Could the impact constitute unlawful discrimination in relation to any of the Equality Duties?</b></p>		N	None
<p><b>21. What further information or data is required to better understand the impact? Where and how can that information be obtained?</b></p>	<p>Please contact the Programme Manager for further information.</p>		
<p><b>22. On the basis of sections 7 – 17 above is a full impact assessment required?</b></p>		N	<p>The latest DfE Design Guide (BB103) along with previous guidance BB98 and BB99 for primary and secondary schools will be adopted as a template for the new accommodation. Statutory consents for Planning and Building Control will ensure that the new accommodation and alternations to existing buildings meet with current statutory requirements for disabled access.</p>
<p><b>23. If a full impact assessment is not required; what actions will you take to reduce or remove any potential differential/adverse impact, to further promote equality of opportunity through this activity or to obtain further information or data? Please complete the action plan in full, adding more rows as needed.</b></p>			
<p><b>Action</b></p>		<p><i>Person Responsible</i></p>	<p><i>Milestone/Success Criteria</i></p>
<p>Consultation with the Community on an on-going basis</p>	On-going	CO: SREI	<p><b><i>Ability to demonstrate that consultation has fed back into the design</i></b></p>
<p>Consultation with internal and external stakeholders</p>	On-going	CO: SREI	
<p><b>24. Which service, business or work plan will these actions be included in?</b></p>	<p>The Programme Team will be responsible for ensuring that the accommodation meets the particular needs of pupils, staff and the community.</p>		
<p><b>25. Please list the current actions undertaken to advance equality or examples of good practice identified as part of the screening?</b></p>	<p><b><i>Community facility scoping to be carried out in partnership with the Community Reference Group.</i></b></p>		
<p><b>26. Chief Officers signature.</b></p>	<p><b><i>Signature:</i></b> <b><i>Date:</i></b></p>		