

Report of the Corporate Landlord and the Director of Learning, Culture and Children's Services

Provision of Construction and Related Services for the Primary Capital Programme

Summary

1. The Local Authority (LA) has undertaken a comprehensive procurement process for the appointment of design and construction partners to support the delivery of two major primary school schemes. The process has been conducted on the basis of MEAT (Most Economically Advantageous Tender). When the results of the MEAT evaluation establish a preferred bidder that is not the lowest price the matter should be recommended to members for final approval.

Background

2. The LA has previously supported the Federation of Rawcliffe Infant and Clifton (Without) Junior Schools and also the Federation of Our Lady's and English Martyr's Roman Catholic Primary Schools. Both federations were seen as a step towards eventual mergers of the schools once capital funding to support new school buildings could be identified.
3. The LA "primary strategy for change", setting out our priorities for investment, was approved subject to minor modifications, by the DCSF during 2008. This provides up to £8.4m DCSF grant funding to contribute to capital investment during 2009/11.
4. In order to prepare for delivering the programme the LA published an OJEU notification in June 2008 seeking expressions of interest from interested constructors to work in an integrated partnering team to design and construct the new schools to be formed by the amalgamation of Rawcliffe Infant and Clifton (Without) Junior Schools and Our Lady's and English Martyr's Roman Catholic Primary Schools. The notice stated that the council wished to engage with companies with a proven record of partnering on similar projects, working within integrated teams, showing a commitment to open book accountability, and an openness to sharing benefits and savings.
5. Interested parties were requested to apply for to provide the following services: Constructor, Structural Engineering, Mechanical and Electrical Engineer.

6. Tender documents were issued to short listed constructors following an appraisal of their pre-qualification submissions. The tender documents detailed the scope of the work, contract conditions, outline user brief and tender evaluation criteria.
7. The tender evaluation criteria stated that the award of contract would be MEAT and provided details of how price and quality factors would be assessed.
8. The qualitative criteria were assessed by an interview prior to the receipt of the price. This clearly demonstrated to the Tenderers that the qualitative assessment could not be influenced by price, but contributed to the final evaluation on a quality price basis.
9. Constructors submitted Price data on 8th December 2008. The price data included the cost to each contractor of overheads, profit and their contribution to design and contract management. The price data did not include the build cost of the two schools. The build cost will be negotiated with the contractor during the process of design and within the available budget.
10. Evaluations of the tenders are now completed. The evaluation identified a Constructor who was not the lowest but had demonstrated through interview and qualitative assessment that they were the most suitable appointment for this project. Annex 1 provides a summary of the results of both price and qualitative assessments.

Consultation

11. The council's procurement team were consulted regarding the processes to be adopted.
12. The interview panels consisted of officers from Learning, Culture and Children Services, Property Services, the head teachers and governors from both school federations. This enabled a wide range of issues to be explored with each tenderer.
13. Prior to completion of the evaluation a clarification meeting was held with the proposed Constructor. A number of minor issues were resolved. Representatives from the Roman Catholic diocese attended the meeting and have agreed to support the appointment of the highest-scoring Constructor.
14. Officers will notify all successful and unsuccessful Tenderers in accordance with OJEU requirements following approval of the recommendation. Unsuccessful Tenderers will be offered an opportunity for feedback in accordance with procurement best practice.

Options

15. The preferred constructor recommended for appointment is Company A.
16. Company A was established as preferred bidder on the basis of a MEAT assessment and not lowest price. If members are not satisfied with this recommendation they have the option to refer the matter back to officers for further assessment.

Analysis

17. The appropriate processes have been followed, the evaluations have been audited and checked for accuracy and officers are satisfied that the recommendation made to members is in the best interest of the Council and its delivery of this important project.

Corporate Priorities

18. The project contributes to the Directorate of Learning, Culture and Children's Services' (LCCS) objective to improve standards in school and to the overall corporate priority of improving the life chances of young people in the City.

Implications

19.

- **Financial** *All recommended appointments have met the affordability criteria for this project and budget is in place to fund them.*
- **Human Resources (HR):** None
- **Equalities:** None
- **Legal** *All legal aspects of these appointments are included in the terms and conditions of appointment and the use of the NEC (partnering) contracts.*
- **Crime and Disorder** *none relating to this process*
- **Information Technology (IT):** None
- **Property** *All contained within this report*
- **Other**

Risk Management

20. In compliance with the Councils risk management strategy the main risks that have been identified in this report are those which could lead to the inability to meet business objectives (Strategic) and to deliver services (Operational), leading to financial loss (Financial), non-compliance with legislation (Legal & Regulatory), damage to the Council's image and reputation and failure to meet stakeholders' expectations (Governance).

Recommendations

21. Members are asked to:

Approve the appointment of Company A as Constructor to work as an integrated partnering team to design and develop the new schools at Rawcliffe Infant and Clifton (Without) Junior and Our Lady's and English Martyr's Roman Catholic Primary Schools.

Reason: To determine the outcome of the tender process to appoint a construction partner to design and construct two primary schools.

Contact Details

Author:

Ian Asher
Head of Strategic Business and
Design, Property Services
Tel No: 01904 553379

Maggie Tansley
Head of Planning and
Resources; Learning, Culture
and Children Services
Tel No:01904 554214.

Chief Officer Responsible for the report:

Chief Officer: Neil Hindhaugh
Assistant Director Property Services

Report Approved Date 6/2/09

Chief Officer: Pete Dwyer

Director of Learning, Culture and Children's
Services

Report Approved Date 6/2/09

Specialist Implications Officer(s) None

Wards Affected:

All

Acomb

Skelton, Rawcliffe and Clifton Without

For further information please contact the author of the report

Background Papers:

All relevant background papers must be listed here.

Provision of Construction and Related Services for the Government Primary Capital Programme Tender Document

Annexes

Annex 1 – Tender Report for Constructor

Annex 2 – Financial breakdown of Tenders (Exempt)