

## **NOTICE OF MEETING**

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# **Decision by the Leader**

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TUESDAY, 10TH JUNE, 2014 at 14:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

### **AGENDA**

#### **1. URGENT BUSINESS**

To consider the admission of any items of urgent business. Late items of urgent business will be considered under the agenda item where they appear and new items of urgent business will be considered under Item 3 below.

#### **2. ST JAMES CHURCH OF ENGLAND PRIMARY SCHOOL - PROVISION OF TEMPORARY CLASSROOMS (PAGES 1 - 6)**

(Report of the Director of Regeneration, Planning and Development). The report seeks approval to appoint the McAvoy Group Ltd to deliver temporary classrooms and ancillary landscape works at St James Church of England Primary School and to issue a letter of intent prior to the formal contract signature for 10% of the contract value.

#### **3. NEW ITEMS OF URGENT BUSINESS**

To consider any new items of urgent business admitted under Item 1 above.

#### **4. EXCLUSION OF THE PRESS AND PUBLIC**

Note from the Assistant Director Corporate Governance

Item 5 allows for the consideration of exempt information in relation to Item 2 above.

**RESOLVED:**

That the press and public be excluded from the remainder of the meeting as the items below contain exempt information, as defined under paragraph 3, Part 1, schedule 12A of the Local Government Act 1972.

**5. ST JAMES CHURCH OF ENGLAND PRIMARY SCHOOL - PROVISION OF TEMPORARY CLASSROOMS (PAGES 7 - 8)**

To consider exempt information pertaining to Item 2 above.

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<b>Report for:</b>	Leader of the Council – 10 June 2014	<b>Item Number:</b>	
<b>Title:</b>	St James CofE Primary School – Provision of Temporary Classrooms		
<b>Report Authorised by:</b>	Lyn Garner, Director of Place & Sustainability		
<b>Lead Officer:</b>	Jon McGrath, Assistant Director Corporate Property & Major Projects		
<b>Ward affected:</b> Muswell Hill	<b>Report for:</b> Key Decision		

## 1. Describe the issue under consideration

- 1.1 To seek approval from the Leader to appoint The McAvoy Group Ltd to deliver Temporary Classrooms and Ancillary Landscape works at St James CofE Primary School in the sum of £414,527,000.
- 1.2 To seek approval from the Leader to issue a letter of intent prior to the formal contract signature for 10% of the contract value.

## 2. Cabinet Member introduction

- 2.1 This proposal relates to the procurement of two additional temporary classrooms for September 2014 and 2015 at St James CE primary School Muswell Hill. This part of the borough is short of primary places and these classrooms meet a very real need. The work needs to be started urgently to meet the deadline of 2014 and I therefore support the proposal.



### **3. Recommendations**

- 3.1 Request approval from the Leader to award a contract to The McAvoy Group Ltd for the sum of £414,527,000.
- 3.2 Request approval from the Leader to issue a letter of intent prior to formal contract signature for 10% of the contract value at £41,453.
- 3.3 Request Approval from the Leader for establishment of a specific capital budget, not to exceed £600,000, as outlined in section 1.5 exempt information to this report, funded from the already approved budget allocated for school expansion projects.

### **4. Alternative options considered**

- 4.1 Consideration for delivering a temporary or permanent solution was explored at feasibility stage.
- 4.2 The feasibility report considered various options, with emphasis on flexibility, programme, impact on the school and financial viability.
- 4.3 This exercise was also considered in parallel with proposals for a permanent expansion of St James CofE Primary School.
- 4.4 Due to the design, procurement and construction of a full expansion programme the following were considered and discounted accordingly:
- 4.5 A permanent solution was discounted on the basis of time available to complete design and procure in sufficient time to support additional cohorts from September 2014.
- 4.6 A permanent solution at time was considered impractical on the basis that design proposals to support a full expansion of St James CofE Primary School were ongoing.
- 4.7 On this basis it was determined that the design should proceed offering a temporary solution.
- 4.8 It was concluded that to support projected demand for pupil spaces in both September 2014 and September 2015 the project should accommodate two temporary classrooms.
- 4.9 The proposed expansion of St James CofE Primary School is expected to support additional cohorts until September 2016.



## 5. Background information

- 5.1 The award will support demand for additional pupil places at St James CofE Primary School with the provision of two 60sqm classrooms with toilets and storage. The units will be located within the foundation playground. The design includes level access for DDA purpose, a canopy to support outdoor play and learning and link canopy to the existing school building.
- 5.2 Competitive tenders were invited from all seven contractors on the Crown Commercial Services (CCS) Framework Agreement (RM 875) for Modular Building Systems
- 5.3 The below table summarises the outcome of the tender evaluation process:

Contractor	Value of Tender Bid Received by 1300 hrs Friday 16 <sup>th</sup> May 2014
A	£414,527.00
B	£579,904.00
C	£345,000.00

Two contractors withdrew during the tender process and two further contractors did not submit tenders.

- 5.4 The tender was based on a 70 % quality and 30 % price bid.

Tender	Price 30%	Quality 70%	Total
A	24.97%	45.97%	70.94%
B	30.00%	37.57%	67.57%
C	17.85%	34.42%	52.27%

- 5.5 The Quality Assessment was conducted by an Evaluation Panel, comprising of the LBH Project Manager, Lead Design Consultant, the Quantity Surveyor and School Representative. A pre agreed list of questions relevant to this project was included as part of the Qualitative Delivery Proposals (QDP).
- 5.6 Quality and cost queries addressed through the clarification process with the contractor have been satisfied.
- 5.7 The recommended tender bid scored the highest marks for both cost and quality and is within the budget allowances.
- 5.8 The recommended tender submission is considered to offer good value for money. The design is in accordance with their tender submission and meets the employers' requirements as defined in the tender documents.



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- 5.9 The defects liability period (rectification period) is 12 months.
- 5.10 The contract is to be awarded on a fixed price basis.
- 5.11 The procurement route is based on a design and build form of contract.
- 5.12 Tenders include all construction costs, site establishment and management costs, contractors design costs, overhead and profit.
- 5.13 A letter of intent is intended to be issued for 10% of the contract value to enable works to start.
- 5.14 The contractor needs to be appointed as soon as possible in order to complete the works in September 2014.
- 5.15 The London Housing Consortium (LHC) Network is not applicable for this project.
- 5.16 Place and Sustainability will continue to project manage the works through to completion and final accounts.
- 5.17 A Cabinet report is being presented in July 2014 which aims to seek approval to commence formal consultation on a permanent expansion of St James CofE Primary School.

## **6. Comments of the Chief Finance Officer and financial implications**

- 6.1 The CFO confirms that there is sufficient provision in the approved capital programme to cover the costs of the temporary expansion at St James C of E Primary School.

## **7. Comments of the Assistant Director of Corporate Governance and legal implications**

- 7.1 The works which this report relates to have been procured via a Crown Commercial Services Framework Agreement for Modular Building Systems. This is a government Framework Agreement which has been advertised in Europe in accordance with the Public Contracts Regulations 2006 (as amended). Local Authorities have been identified in the OJEU Notice as Contracting Authorities permitted to use the Framework Agreement. A mini-competition has been conducted amongst 7 operators capable of carrying out the works.
- 7.2 An award is recommended to the Most Economically Advantageous Tenderer .
- 7.3 If the Leader sees fit to approve an award, a recommendation is also made for approval for issue of a letter of intent for 10% of the contract value as allowed for under CSO 9.08.3.



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7.4 The Leader has the power under CSO 16.02 to approve the recommendations in the report.

7.4 The Assistant Director of Corporate Governance confirms that there are no legal reasons preventing the Leader from approving the recommendations in the report

## **8. Equalities and Community Cohesion Comments**

8.1 An equalities impact assessment will be undertaken for the proposed permanent expansion of St James C of E Primary School.

## **9. Head of Procurement Comments**

9.1 The project has been tendered to all the providers on the Crown Commercial Services (CCS) Framework Agreement (RM 875) for Modular Building Systems

9.2 The contractor has been selected following a mini competition which follows the criteria within the CCS Framework Agreement.

9.3 This award has been made to the Most Economically Advantageous tender.

## **10. Policy Implication**

10.1 This contract supports the Councils responsibility to provide pupil places.

## **11. Reasons for Decision**

11.1 To award a contract which will enable the timely mobilisation and construction of works to St James CofE Primary School which aims to support the Councils requirement for additional school places from September 2014.

## **12. Use of Appendices**

12.1 None

## **13. Local Government (Access to Information) Act 1985**

List of background documents:

13.1 Crown Commercial Services (CCS) Framework Agreement (RM 875) for Modular Building Systems Lot 7.

13.2 This report contains exempt and non-exempt information. Exempt information is under the following category (identified in amended Schedule 12A of the Local



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Government Act 1972). S (3) Information relating to financial or business affairs of any particular person (including the authority holding that information).

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is exempt

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