

**Report of the Principal Development Officer**

**Report to the Chief Officer, Learning Improvement**

**Date: 28 July 2017**

**Subject: Tender Acceptance Report: NWSILC PennyfieldsSchool  
Capital Scheme Number: 32654 LEP 000**



Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Moortown		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: RULE NO 10.4 (3)		
Appendix number: 1 : Tender Report		

**Summary of main issues**

1. On the 27<sup>th</sup> March 2017, the Director of Children and Families approved a report bringing forward proposals to continue Planned Maintenance across maintained, Foundation (Trust) schools and children's centres on school sites to address the highest priority condition works in seven areas: mechanical services; roofing works; external wall, windows and door replacement; Electrical services; Fire Safety; demolition/removal of life expired buildings and compliance in respect of kitchen ventilation..
2. The report proposed to spend £8,225,000 of the available Schools Condition Allocation grant and £3,181,455 of previous year's School Condition Allocation, with pre-existing authority to spend, on continuing with the programme of planned maintenance works in 2017/18 on these priority works for delivery in 2017.
3. This report seeks approval to accept a tender in respect of fire compartmentation works at NWSILC Pennyfields School as part of the above agreed programme

## **Recommendation**

- 4** The Chief Officer, Learning Improvement is requested to accept the tender supplied by Leeds LEP in the sum of £325,246.86 to carry out fire compartmentation works at NWSILC Pennyfields School.

## 1.0 Purpose of the Report

- 1.1 The purpose of this report is to request that the Chief Officer, Learning Improvement approve the acceptance of a tender supplied by Leeds LEP in the sum of £325,246.86 in respect of fire compartmentation works at NWSILC Pennyfields School.

## 2.0 Background

- 2.1 The overall construction design and costs were the subject of a report which was approved by the Director of Children and Families on 27<sup>th</sup> March 2017, and which approved a total programme cost of £11,406,455, including construction and fees. This approval was for a package of works to address priority 1 building condition issues for a number of schools, of which NWSILC Pennyfields School is one and will be fully funded by the local authority.

## 3.0 Main Issues (Proposal)

- 3.1 Leeds LEP are an Existing Provider, with whom LCC has an existing contractual agreement in place; the Strategic Partnering Agreement (SPA), which allows LCC to procure primary school projects and maintenance schemes in SEN or High schools through the LEP under 'Partnering Services or 'Additional Services'. Therefore, this decision is in line with CPRs 3.1.6 and 3.1.8 below:
- 3.2 If there is no ISP that is able to provide the service, or a decision has been taken not to use the ISP in accordance with CPR 3.1.4, and there are no Exclusive Supplier arrangements in accordance with CPR 3.1.5, Authorised Officers will consider whether the procurement is subject to existing provider arrangements (see PPPU) and will use such arrangements if so. If the Authorised Officer believes that the existing provider should not be used and the contract with the existing provider clearly states that the Council does not have to purchase the goods, works or services from the existing provider, they may waive this CPR. Any decision to waive this rule by a Chief Officer will be in accordance with CPR27;
- 3.3 The Delegated Decision to undertake procurement, whether it is a Key, Significant Operational or Administrative Decision will be taken at the point that the procurement route is chosen and, subject to any project specific issues, this will normally be the main decision that all subsequent decisions flow from. It is considered that this procurement is in compliance with Financial Procedure Rules.
- 3.4 It is considered that this decision is also in line with contract procedure rules 3.1.4, 3.1.5 and 3.1.7, and should it be concluded that Leeds LEP are not an 'Existing Provider' but are an 'Exclusive Supplier'.
- 3.2 Leeds LEP have confirmed that the tender submitted is arithmetically correct and that the costs are in line with the Strategic Partnering Agreement. This report seeks approval to award works to the above mentioned contractor for the provision of fire compartmentation works at NWSILC Pennyfields School.

- 3.3 It is proposed that the works will commence on 8 August 2017. Although the majority of the works will complete over the summer break, some out of hours working will be required to complete the work and there will be full liaison the school to refine the final programme so there is no disruption to the pupils.

#### **4. Corporate Considerations**

##### **4.1 Consultation and Engagement**

- 4.1.1 The works will be internal to the school buildings and require no planning approval.
- 4.1.2 There will be no impact on the community requiring engagement or consultation, however under circumstances whereby work is required to be undertaken outside of normal working, we will ensure that local residents are informed and consulted in advance of the works being undertaken..
- 4.1.3 Once approval is given, Ward Members will be informed of the schools in the respective wards where works will be commissioned and the proposed programme carried out.

##### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 A screening document has been prepared and an independent impact assessment is not required for the approvals requested. The screening document has been sent to the Equality Team to be approved and published.

##### **4.3 Council policies and Best Council Plan**

- 4.3.1 This scheme contributes to the 2016/17 Best Council Plan outcomes for everyone in Leeds to 'Do well at all levels of learning and have the skills they need for life'; 'Be safe and feel safe' and 'Enjoy happy, healthy, active lives'. It also supports the vision in the supporting Children and Young People's Plan 2015-19 to build a child-friendly city with a focus on ensuring all children and young people are safe from harm; do well at all levels of learning and have the skills for life; enjoy healthy lifestyles; have fun growing up; are active citizens who feel they have a voice and influence. The programme seeks to maintain good quality accessible local school accommodation which can contribute to these outcomes. The works will also ensure that the Council is complying with its legal responsibilities with regards to health & safety legislation and maintaining occupant safety.

##### **4.4 Resources and value for money**

- 4.4.1 The overall construction design and costs were the subject of a report which was approved by the Director of Children and Families on 27<sup>th</sup> March 2017. This approval was for a package of works to address priority 1 building condition issues across a number of schools, of which NWSILC Pennyfields School is one and will be fully funded by the local authority.

4.4.2 The tender has been checked and validated by Leeds LEP who have confirmed that the tender submitted in the sum of £325,246.86 represents value for money.

#### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 Appendix 1 of this report has been marked as confidential under Access to Information Procedure Rules 10.4 (3) on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) which, if disclosed to the public, would, or would be likely to prejudice the commercial interests of that person or of the Council.

4.5.2 This is a Significant Operational Decision and is not subject to Call In.

#### **4.6 Risk Management**

4.6.1 Operational risk will be addressed by effective use of CDM Regulations, close supervision of contractors on site and continual liaison with schools identified in the main programmes.

4.6.2 Particular concerns with regard to asbestos will be identified by undertaking appropriate surveys prior to work commencing. Removal of asbestos will be undertaken, as required, out of school hours with suitably qualified specialists being appointed to carry out works, and to undertake testing to current legislative standards with full notification to the Health and Safety Executive.

4.6.3 These procedures will ensure the highest possible standards and control measures in relation to Health & Safety relating to all occupants and contractors at each school site.

4.6.4 A programme level risk log has been maintained and escalation is via the Programme Manager. A programme wide Checkpoint Report will be submitted to the Programme Risk and Control Group on a monthly basis between June and September to ensure that progress, risks and issues are monitored outside of the project team.

### **5. Conclusions**

5.1 The proposed fire compartmentation works will address the priority 1 building condition issues identified at NWSILC Pennyfields School.

5.2 The scheme has been tendered in line with Contract Procedure Rule 3.1.5 and the tender value is within the budget provision of the Planned Maintenance Programme 2017/18 Design and Cost Report which was approved by the Director of Children and Families on 27<sup>th</sup> March 2017.

5.3 The tender evaluation has been carried out by Leeds LEP who have recommended that LCC accepts the tender to undertake the fire compartmentation works at NWSILC Pennyfields School.

## 6. **Recommendation**

- 6.1 The Chief Officer, Learning Improvement is requested to accept the tender supplied by Leeds LEP in the sum of £325,246.86 to carry out fire compartmentation works at NWSILC Pennyfields School.

## 7 **Background documents<sup>1</sup>**

- 7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.