

Report of the Head of Projects & Programmes

Report to the Director of Childrens & Families

Date: 16th December 2019

Subject: Tender Acceptance Report for the Learning Places programme expansion of Benton Park School



Are specific electoral wards affected? If yes, name(s) of ward(s): Guiseley & Rawdon	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main Issues

- Re-development of Benton Park School is necessary to address legacy condition issues and provide supplementary accommodation for the proposed increase in pupil numbers effective from September 2021. This will increase the published admissions number from 245 pupils per year to 300. Expansion and refurbishment of the existing facility is not financially or logistically feasible, as such full replacement of the core teaching accommodation is the most economically viable solution long-term. The project proposes to retain one legacy block, for use as Sixth Form provision, and demolish the remainder. With this then being re-provided over a multi-phase construction programme, resulting in a new 1,500 place main teaching block aligned to Department for Education (DfE) standards and specifications.
- Following completion of the first phase of a competitive tender process, facilitated by the Local Education Partnership (LLEP) and aligned to the DfE procurement model, BAM Construction Limited are proposed to be appointed as 'preferred' contractor. Scoring of the tenders was undertaken, on a 'price / quality' split, jointly by the LLEP, NPS Leeds Ltd. (Quantity Surveyor & Architecture supported by technical disciplines) and City Development Officers. BAM's submission, valued at £24,295,586, proved financially competitive and offered the highest level of design quality.
- Acceptance of BAM's 'Pre-Construction Services Agreement' (PCSA) fee, valued at £1,380,965.40 and covering professional fees and surveys only, is required to progress the project in-line with the critical path dates highlighted within this report. This mandates a

September 2021 completion of Phase 1, which provides the new teaching block, to ensure sufficient accommodation is available to accommodate the first cohort of 300 pupils.

- Note, the PCSA fee forms part of the full Stage 1 tender sum of £24,295,586, representing an agreed fee that is drawn down early to facilitate progression of the project.
- Approval of the full scheme is subject to further design development, acquisition of planning permission and submission of a compliant Stage 2 tender price at commercial close. This will be subject to an Executive Board report at the appropriate time. An indicative budget has been assigned to this project for which the scheme is currently within tolerance, efficiencies will be sought throughout development to ensure these tolerances are not exceeded.

2. Best Council Plan Implications

- This scheme is due to be delivered under the City Council's Learning Places Programme and is required to fulfil the Local Authority's statutory responsibility to provide sufficient school places. In providing places close to where the children live the proposals will improve accessibility of local and desirable school places, and thus reduce any risks of non-attendance.
- This contributes to the 2019/2020 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 2018-23, 'Leeds to be the best city in the UK and the best city for children and young people to grow up in. We want Leeds to be a child friendly city'. The programme seeks to deliver a supply of good quality accessible local school places which can contribute to these outcomes.

3. Resource Implications

- Development of the wider scheme is ongoing with a maximum budget envelope identified to complete the project, in the interests of commercial sensitivity this figure is not detailed herein however the project is currently within the set cost tolerance. The full scheme figure is inclusive of all design fees, the full extent of the construction contract, decant costs, utilities, loose furniture & equipment, off-site Highways works, client held contingency etc. The project team will endeavour to ensure this figure is not exceeded and, where possible, bring the overall scheme in under budget.
- The preferred tender, from BAM Construction Limited, has a value of £24,295,586. This is subject to further development in the next phase of design and subsequent review by NPS Leeds Ltd. to ensure financial and technical compliance.
- Acceptance of the PCSA fee is required to progress the project from Stage 1 tender to Stage 2 tender contract close, including the completion of the planning process. This is valued at £1,380,965.40. This figure covers professional services and surveys only, as necessary to develop the design. It is included within the £24,295,586 tender price but drawn down early to facilitate the design process.
- Note, of the £1,380,965.40 PCSA sum £150,000 will be payable upon full validation of the planning application, with the remainder upon completion of the PCSA period and commercial close.
- The cost will be met through capital scheme number 32735 000 000 as part of the Learning Places Programme and the Capital Maintenance Programme.

4. Recommendations

The Director of Children and Families is requested to:

- a) Acknowledge the first stage of the tender for the redevelopment and expansion of Benton Park School, submitted by BAM Construction Limited via a competitive tender exercise facilitated by the Leeds Local Education Partnership, for the sum of £24,295,586 and to appoint them to progress the design to the Stage 2 tender point. Noting that this represents the 'as tendered' contractual sum and is exclusive of other costs, such as client held contingency or off-site Highways works.
- b) Authorise the acceptance of the Pre-Construction Services Agreement submitted by BAM Construction Limited via the Leeds Local Education Partnership for the sum of £1,380,965.40.
- c) Note, the PCSA figure is included within the tender value of £24,295,586 and is drawn down early to facilitate design and development of the project.
- d) Note; 'Authority to Spend' for the full scheme budget will be sought following completion of Stage 2 of the tender scheduled for late May 2020. This will build on the Stage 1 tender price of £24,295,586 quoted herein, following completion of the PCSA activities. A report to this effect will be submitted to Executive Board at the appropriate juncture.
- e) Note the programme dates identified in section 3.7 of this report, in relation to the implementation of this decision, represents the critical path for project success and must be adhered to where possible.
- f) Note that the officer responsible for implementation is the Head of Service Learning Systems.

1.0 Purpose of this report

1.1. The purpose of this report is:

- To update the Director of Childrens & Families on the first phase of the Benton Park School re-development tender process.
- Seek acknowledgement of BAM Construction Limited's tender, submitted via the Leeds Local Education Partnership, in the sum of £24,295,586 and their appointment to the scheme to develop the proposals to commercial close. Noting that this proposal is subject to further development and future approvals prior to contract close.
- Seek acceptance of the 'Pre-Construction Services Agreement' sum of £1,380,965.40 submitted by BAM Construction Limited via the Leeds Local Education Partnership.

2.0 Background information

- 2.1. The Learning Places programme represents the Council's response to the demographic growth pressures in school place provision. The increasing birth rate in Leeds has required Leeds City Council to approve an increasing number of new school places since 2009 in order to fulfil its statutory duty. The scale of the response cannot be met through the existing estate; therefore the expansion of existing schools or the creation of new schools has been required in many instances. The capital school building solutions to the demographic need is managed via Childrens & Families Learning Places Programme. Project management of schemes arising from this process are delivered by City Development's Projects & Programmes Team.
- 2.2. Following identification of pressures in the North West area of Leeds a public consultation was held between 29th June and 27th July 2018 to propose increasing the admission number at Benton Park School, from 245 places per year to 300 per year with effect from September 2021. This statutory proposal was subsequently ratified by Executive Board in February 2019.
- 2.3. The proposed scheme for Benton Park School is a full rebuild of the school. The school has significant condition issues and, along with the key benefit of providing the additional places needed, a rebuild would ensure that the school could continue to operate without the need to continually inject significant condition funding over a period of several years. Some of the most significant condition issues present include failing concrete and structural supports. The latest Condition Survey for Benton Park, last revised in 2015, highlights that approximately £2.4m of high priority maintenance work is required. However, this figure does not encompass some of the lower priority works, which were also identified in the survey, and are now becoming more pressing, along with new condition issues arising or worsening. It also takes no account of where some of the blocks are no longer fit for purpose and require re-building. Finally, it should be noted that, as the building has reached the end of its lifespan, it cannot be fully repaired and restored, just maintained year-on-year. A new build would also ensure that disruption to students, school staff and the wider community was managed within a shorter timeframe and that the impact on teaching and learning was minimised to allow the school to deliver its curriculum and ensure positive outcomes for its students.
- 2.4. The existing main block at Benton Park School is subject to ongoing monitoring by specialist surveyors to ensure the identified issues do not deteriorate further. This process will continue throughout the redevelopment programme to ensure the legacy accommodation can be occupied, with any works identified to maintain this position undertaken as necessary.
- 2.5. The proposed scheme is to be funded from a combination of the Learning Places and Planned Maintenance Programmes, reflecting the increase in admission numbers whilst

addressing existing building condition issues. Funding streams would be primarily through Basic Need Grant, council borrowing, Community Infrastructure Levy and School Condition funding.

- 2.6. As a consequence of the combination of school expansion and condition based rebuild the proposal at Benton Park School will be delivered under the following programmes; Learning Places Programme & Capital Maintenance Programme.
- 2.7. The proposal to redevelop and expand Benton Park School has been developed by City Development's Projects & Programmes Team on behalf of Childrens & Families. Under the exclusivity arrangements detailed within the Strategic Partnering Agreement (SPA) the Leeds Local Education Partnership have been appointed to deliver the proposals for Benton Park School.
- 2.8. To ensure value the LLEP facilitated a 'Department for Education' style procurement exercise, wherein contractors were invited to propose solutions set against a standardised set of specifications coupled with a school specific brief, constraints drawing and a formal response from Leeds City Council Planning Department following review of the pre-application planning process. The project would then be tendered on a 'design & build' basis, with the preferred contractor appointed after the first phase and then ratified in the second, following submission of a compliant and competitive set of contractors proposals. Three bidders were invited to tender for project; BAM Construction Limited, Galliford Try PLC and Henry Boot PLC. Engagements were held with the school and all three contractors during the tender period, in addition to consultation with the Planning Department, to ensure that each proposed design responded to the 'end user' requirements.
- 2.9. To ensure value a 'pass / fail' financial figure was applied to all bidders, with any proposal exceeding £26m being rejected immediately.
- 2.10. These proposals form part of the Council's Learning Places Programme and Capital Maintenance Programme that embeds the 'One Council' approach in terms of shared ownership of proposed solutions across the various departments involved.

3.0 Main Issues

Design proposals and full scheme description

- 3.1. The works at Benton Park School, necessary to facilitate the proposed increase in pupil numbers and address legacy condition issues, consists of the following essential components;
 - Demolition of life expired accommodation, including for removal of asbestos and disconnection of utilities.
 - Construction of a three storey 1,500 place teaching block to replace all legacy accommodation and provide additional capacity for the increased admissions number. Proposed new accommodation is to be based on Department for Education standardised designs and specifications, including for mandatory Leeds enhancements and response to Planning Policy regarding climate change.
 - Provision of fixed furniture and equipment where appropriate.
 - Redevelopment of external car parking provision including realigned bus terminal.
 - Provision of a new FA standard 3G artificial turf pitch with associated floodlighting.

- Retention of the two storey 'Block 7' for use as a dedicated Sixth Form provision. Works within the project relate purely to disconnection of legacy facilities and reconnection to the newly constructed main block. This allows for extension of the fire alarm and security coverage.
 - Associated landscaping and external works.
- 3.2. The proposal detailed within this report have been procured under the Strategic Partnering Agreement (SPA) between the LLEP and Leeds City Council. The associated procurement rules applied to this process has been adhered to. The exclusive supplier arrangements, detailed under CPR 3.1.5, have been invoked in this instance. Construction contracts developed through the SPA are delivered by Leeds D&B One Ltd., with the winning bidder acting as subcontractor to the LLEP via a pass-down contract.
- 3.3. A two stage tender process has been undertaken via the Leeds Local Education Partnership on a 'design & build' basis. In the initial phase, which this report is summarising, three contractors were invited to bid for the project based on the standard DfE approach. The three contractors were provided a set of parameters and specifications to respond to and provide their own bespoke response. Each submission was then evaluated on a 'Price / Quality' basis, via a panel consisting of the General Manager of the LLEP, Leeds City Council Project Manager and NPS technical consultants (Architectural & Quantity Surveyor). Any bid exceeding £26m for the construction element was immediately discounted as non-compliant, this clause was not required with all three contractors providing a competitive and compliant bid.
- 3.4. Each bidder's submission was subject to a full technical and financial review by NPS Leeds Ltd. to ensure compliance to the specification, school specific brief and robustness of the price build-up. NPS have advised that the preferred tender, from BAM Construction Ltd., is fully compliant and that they should be appointed to the project to develop their proposals further.
- 3.5. Following completion of the tender evaluation BAM Construction Limited were identified as the preferred contractor for the scheme, with a submission valued at £24,295,586. The full scheme, inclusive of all professional services fees, service, off-site Highways works, design development risk and Authority held contingencies, is still in development and will subject to future reporting and approvals at the appropriate juncture.
- 3.6. This report seeks to acknowledge BAM's tender for Benton Park School and to appoint them to complete the detailed design process via a 'Pre-Construction Services Agreement' (PCSA), valued at £1,380,965.40. This figure covers professional fees, surveys and services as necessary to develop the design to commercial close. BAM's final submission, following award of planning and completion of the commercial close activities, will be subject to further compliance reviews by NPS prior to formal award being granted. The request to accept the final cost proposal from BAM will be subject to a future 'Design Cost Report', seeking to approve; the full project budget inclusive of all activities and fees, award of the NEC3 contract between LCC and Leeds D&B One Ltd. and acceptance of the final tender price from BAM Construction Ltd.

Programme

- 3.7. Formal acknowledgment of the tender and appointment of the preferred contractor is required at the earliest opportunity to ensure the programme meets the scheduled completion date of 1st September 2021.

3.7.1. Key milestones for the project are noted below;

Milestone	Date
Tender acceptance	w/c 9 th December 2019
Commencement of PCSA design period	6 th January 2020
Pre-app consultation w/ Plans Panel	16 th January 2020
Public Planning consultation	w/c 3 rd February 2020
Planning application submission	17 th February 2020
Planning permission granted	May 2020*
Final 'Contractor's Proposals' issued	26 th May 2020
Executive Board / Final approval	June 2020
Contract award	8 th June 2020
Mobilisation period	8 th June to 19 th June 2020
Start on-site	22 nd June 2020
Phase 1 build period (New Block)	22 nd June to 3 rd September 2021
Phase 1 decant period	23 rd August to 3 rd September 2021
Phase 1 completion	3 rd September 2021
Phase 2 build period (demolition & externals)	6 th September to 4 th July 2022
Phase 2 completion	4 th July 2022

* Note, it is anticipated that the scheme will be determined by the 'South & West' Plans Panel, dates for which have yet to be published. Based on the statutory period the soonest available month has been noted in the programme dates above.

4.0 Corporate considerations

4.1. Consultations and engagement

- 4.1.1. A report to Executive Board on the 13th February 2019 summarised the outcome of the consultation process associated with the expansion, via rebuild, of Benton Park School. This proposed the expansion of Benton Park School from an admissions limit of 245 pupils up to 300 pupils, with effect from September 2021. An extensive consultation on this proposal was facilitated by the Sufficiency & Participation Team and is summarised in the 'Outcome of Statutory Notice to permanently increase learning places at Benton Park Secondary School from September 2021' Executive Board report. The proposal was subsequently approved by Executive Board at the aforementioned February 2019 meeting.
- 4.1.2. The proposed permanent expansion scheme has been subject to consultation with key stakeholders including; Childrens & Families officers, Ward Members and the Executive Member for Children & Families. Consultation has also involved school staff and governors, the local residents and other colleagues within the Council.
- 4.1.3. Engagement and consultation with the school management team and Governing Body was extensive throughout the tender development and bidding period. With key requirements of the school included within the 'school specific brief' issued as part of the tender pack. Furthermore, a final presentation session was convened on the 2nd December 2019 for all three bidders to present their proposals to representatives of the school management team and Governing Body. Who in turn scored the three proposals on grounds of quality, as part of the tender evaluation scoring criteria.
- 4.1.4. Consultation with statutory consultees, namely Planning, Landscape, Highways and Urban Design, has been ongoing since project inception and will continue following award of the project to BAM Construction Limited. The scheme has been subject to a pre-planning application, the information arising from this process has been

included within the tender pack with the expectation that each contractor's bid is cognisant of, and responds to, the concerns raised.

4.1.5. As part of the tender process each bidder, including the preferred bidder BAM Construction Limited, held an engagement with Planning, Landscape, Highways and Urban Design. These comments were responded to within the bid and were used as part of the quality assessment.

4.1.6. Prior to the submission of the planning application a full public consultation on the proposals will be convened and managed by BAM Construction Limited and their associated professional consultant partners.

4.1.7. Officers from City Development's Projects & Programmes Team have routinely briefed Ward Members throughout the projects inception. This will continue throughout the detailed design process and ultimate delivery on-site.

4.2. **Equality and diversity / cohesion and integration**

4.2.1. The recommendations contained in this report do not have any direct nor specific impact on any of the groups falling under equality legislation and the need to eliminate discrimination and promote equality. A screening document has been prepared for this scheme (attached at Appendix A) and the outcome of the screening is that an independent impact assessment is not required for the proposals set out in this report.

4.3. **Council policies and the Best Council Plan**

4.3.1. This scheme is due to be delivered under the City Council's Learning Places Programme and is required to fulfil the Local Authority's statutory responsibility to provide sufficient school places. In providing places close to where the children live the proposals will improve accessibility of local and desirable school places, and thus reduce any risks of non-attendance.

4.3.2. This contributes to the 2019/2020 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 2018-23. , 'Leeds to be the best city in the UK and the best city for children and young people to grow up in. We want Leeds to be a child friendly city'. The programme seeks to deliver a supply of good quality accessible local school places which can contribute to these outcomes.

4.4. **Climate emergency**

4.4.1. Full sustainability proposals will be developed in detail as part of the next stage of design and, ultimately, included within the planning application in order to meet the requirements of the associated planning policies, such as EN1 and EN2.

4.4.2. Requirements to meet the following planning policy requirements were included as part of the Authority's tender requirements.

a) Policy EN1 – Climate Change – Carbon Dioxide Reduction

In the expectation that the development will exceed 1,000m² of floor space the following will be required:

- i. Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon, and
- ii. Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.

Carbon dioxide reductions achieved through criteria (ii) will contribute to meeting criteria (i).

Criteria (ii) will be calculated against the emissions rate predicted by criteria (i) so reducing overall energy demand by taking a fabric first approach will reduce the amount of renewable capacity required.

b) Policy EN2 – Sustainable Design & Construction

Adhere to the Leeds BREEAM standard of 'Excellent' for non-residential buildings. A BREEAM pre-assessment is to be undertaken at the earliest available opportunity to determine the most cost effective solutions to this requirement.

c) Policy EN8 – Electric Vehicle Charging Infrastructure

All applications for new development which include provision of parking spaces will be required to meet the minimum standard of provision of electric vehicle charging points. This requires:

- ii. Office / Retail / Industrial / Education: charging points for 10% of parking spaces ensuring that electricity infrastructure is sufficient to enable further points to be added at a later stage.

d) The project should respond to the sustainable travel policies outlined in the 'Leeds Core Strategy', particularly in reference to the following:

- i. Policy T1 – Transport Management
- ii. Policy T2 – Accessibility requirements and new developments
- iii. Policy P10 – Design

Noting the requirements outlined in the 'Parking SPD', 'Travel Plan SPD' and 'Sustainable Educational Travel Strategy for Schools and Colleges 2017 – 2021'.

4.4.3. Each bidder, including the preferred bidder BAM Construction Limited, responded to these within their submissions. A 'fabric first' approach was favoured and supplemented by other measures, such as photovoltaic panels, to meet this performance criteria. As such the costs associated with implementing these requirements are included within the bid of £24,295,586.

4.4.4. A sustainable approach to design will continue into the next phase of development to ensure a cost effective and resource efficient facility is delivered. The following elements will be considered as the proposals and logistical plans developed:

- Optimises passive design measures, including fabric first principles.
- Minimises the use of all resources.

- Reducing the demand for energy and water use during the 'Works Period' and in use.
 - Minimises construction waste and CO₂ emissions during the 'Works Period'.
 - Allows opportunities for recycling during the 'Works Period'.
- 4.4.5. The contractor for the proposed development will need to demonstrate a robust Waste Management Plan, be registered with the 'Considerate Constructors Scheme', of which, the main consideration of the scheme falls into three categories: The general public, the workforce and the environment. Contractors will also need to be sympathetic to the 'Leeds Talent and Skills Plan' by seeking to employ local trades where possible thus reducing the impact of extended travel.
- 4.4.6. The following standard planning conditions will be addressed as the project develops:
- Development of the school 'Travel Plan' to seek sustainable travel options, the project will respond to the requirements of the Travelwise Team and colleagues from Highways to ensure appropriate pedestrian and cycle provisions are allowed for.
 - To protect and enhance the visual amenity approved plans will need to include a programme of replacement tree planting at a 3:1 ratio. Tree loss will be kept to a minimum with any replacement anticipated to be 'extra heavy standard'.
 - In the interests of promoting sustainable travel opportunities electrical vehicle charging points will be provided as part of the scheme at the appropriate ratio.
- 4.4.7. Consultation will be sought at the earliest opportunity with the Leeds Climate Commission to assess opportunities for meeting the aforementioned policies, and ensuring a sustainable project is developed.

4.5. Resources, procurement and value for money

- 4.5.1. The contractor has been appointed via the Strategic Partnering Agreement (SPA) between the LLEP and Leeds City Council. The associated procurement rules applied to this process has been adhered to. The exclusive supplier arrangements, detailed under CPR 3.1.5, have been invoked in this instance.
- 4.5.2. The first phase of the tender has been analysed by NPS Leeds Ltd. on behalf of the Authority and the LLEP, from both a technical and financial perspective. The NPS Quantity Surveyor has confirmed that the tendered figure from Leeds D & B One Ltd, via BAM Construction Limited, offers value to the Authority and minimises the associated scheme risk.
- 4.5.3. NPS Leeds Ltd. will provide the necessary technical advisory services to assure that the construction works carried out by BAM Construction Limited is aligned with the requirements of the brief, meets the standards set in the output specification, offers value financially and is delivered within the parameters of the programme.
- 4.5.4. 'Authority to Spend' for the full scheme budget will be sought following completion of Stage 2 of the tender scheduled for late May 2020. This will build on the Stage 1 tender price of £24,295,586, quoted herein, following completion of the PCSA activities.

4.5.5. Note, in the event the project is terminated midway any costs incurred as part of the PCSA fee will be assigned as abortive work against the revenue budget. This will cover professional fees and surveys completed to the date of termination. The PCSA figure is part of the tender price of £24,295,586 and is drawn down early to facilitate design development and commercial close.

4.5.6. The cost will be met through capital scheme number 32735 000 000 as part of the Learning Places Programme and the Capital Maintenance Programme.

4.6. Legal implications, access to information and call-in

4.6.1. The approval of this report constitutes a 'Significant Operational Decision' and as such will not be subject to 'call-in'.

4.6.2. The tender has been procured in accordance with the Leeds City Council's contract procedure rules.

4.7. Risk management

4.7.1. Risk has been managed through application of 'best practice' project management tools and techniques via the City Council's 'PM Lite' risk methodology. Project management resource from City Development is tasked with ensuring the project remains within the predetermined risk tolerances.

4.7.2. A joint risk log will be developed with the appointed contractor to ensure all construction related risks for the project are identified together with the relevant owner of the risk. The Council's project risk log will continue to be maintained and updated throughout the project and escalation of any risks that sit outside of the agreed tolerances will be managed via the Head of Projects and Programme, City Development.

5.0 Conclusion

5.1. Re-development of the Benton Park School site is necessary to respond to the ongoing, and economically unsurmountable long-term, conditions issues and the increase in admissions numbers effective from September 2021. The latter will increase the published admissions number from 245 pupils to 300, bring the total school population (excluding Sixth Form) to 1,500 pupils. Due to the site constraints it is not possible to provide the necessary additional accommodation outside of a whole-sale rebuild.

5.2. In order to drive efficiencies a two-stage competitive tender has been undertaken, which has been assessed on a 'price / quality' basis and a set affordability criteria of £26m. All three tenderers came in under this cost ceiling, with BAM Construction Limited being identified as the preferred bidder following the technical review, cost assessment and scoring exercise. BAM's submission provided a high quality response to the tender documents, with an excellent awareness of the site constraints and need for a cohesive and dynamic design with civic presence.

5.3. The tender submission provided by BAM Construction Limited, via the Leeds Local Education Partnership, of £24,295,586 has been evaluated by NPS Leeds Ltd. who in-turn have advised that the submission offers value and quality and should be accepted by the Authority.

5.4. The recommendation therefore is to accept the tender sum of £24,295,586 and appoint BAM Construction Limited to commence the detailed design process. Noting that a 'Pre-Construction Services Agreement' (PCSA) fee, valued at £1,380,965.40 is applicable to this process. Acceptance of the PCSA costs will further develop the design proposals, produce the commercial close document package and attain full planning permission. This package

covers professional fees and surveys only, no construction work is included as this will be subject to separate approvals and contracts. The PCSA figure is part of the £24,295,586 Stage 1 tender figure, albeit drawn down early to facilitate the design development period.

- 5.5. As highlighted in section 3.7 of this report, acceptance of the BAM Construction Limited tender in December 2019 is critical to ensure the critical path programme is met. Failure to adhere to this programme will result in the September 2021 occupation date for the phase 1 building being missed resulting in the need for temporary, and currently un-costed, temporary accommodation.

6.0 Recommendations

- 6.1. The Director of Children & Families is requested to:

- 6.1.1. Acknowledge the first stage of the tender for the redevelopment and expansion of Benton Park School, submitted by BAM Construction Limited via a competitive tender exercise facilitated by the Leeds Local Education Partnership, for the sum of £24,295,586 and to appoint them to progress the design to the Stage 2 tender point. Noting that this represents the 'as tendered' contractual sum and is exclusive of other costs, such as client held contingency or off-site Highways works.
- 6.1.2. Authorise the acceptance of the Pre-Construction Services Agreement submitted by BAM Construction Limited via the Leeds Local Education Partnership for the sum of £1,380,965.40.
- 6.1.3. Note, the PCSA figure is included within the tender value of £24,295,586 and is drawn down early to facilitate design and development of the project.
- 6.1.4. Note; 'Authority to Spend' for the full scheme budget will be sought following completion of Stage 2 of the tender scheduled for late May 2020. This will build on the Stage 1 tender price of £24,295,586 quoted herein, following completion of the PCSA activities. A report to this effect will be submitted to Executive Board at the appropriate juncture.
- 6.1.5. Note the programme dates identified in section 3.7 of this report, in relation to the implementation of this decision, represents the critical path for project success and must be adhered to where possible.
- 6.1.6. Note that the officer responsible for implementation is the Head of Service Learning Systems.

7.0 Background documents¹

- 7.1 None

¹ 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.