

Wards Affected:

Newport Pagnell North and Hanslope

ITEM 12**PROCUREMENT AND COMMISSIONING****4 APRIL 2017****AWARD OF CONTRACT - EXTERNAL WINDOWS AND DOORS UPGRADE AT PORTFIELDS PRIMARY SCHOOL (REF: CU2564)**

Responsible Cabinet Member: Councillor Nolan (Cabinet Member for Children and Families)

Report Sponsor: Kamran Rashid (Capital Programme Director)

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Executive Summary:

This report is seeking approval to award the works contract to upgrade the external windows and doors at Portfields Primary School in accordance with the Council's Contract Procedure Rules and Financial Regulations.

Procurement and Commissioning previously agreed to the tender could progress at its meeting on 20 September 2016 (Minute PC020 refers).

1. Recommendation

1.1 That the contract for the external windows and doors upgrade at Portfields Primary School be awarded to the bidder who has scored the highest in accordance with the Most Economically Advantageous Tender (MEAT) evaluation.

2. Context

2.1 The contracted works will address identified capital maintenance issues at Portfields Primary School and improve the condition of the existing school building.

3. Background**3.1 Decision to Proceed to Tender**

This procurement was considered at officer level by the Capital and Programme Review Panel on 31 October 2016. This procurement was approved to proceed to Tender by Procurement and Commissioning on 20 September 2016.

3.2 Consultation

- (a) The specification and evaluation criteria for this contract was developed by technical specialists appointed via a call off contract through the Council's Professional Services Framework for Building Surveying, Minor Works Project Management, Construction Design and Management and Clerk of Works Services. This, together with the knowledge of previous schemes, including feedback from schools, has driven the detail of the specified works.

- (b) The consultation highlighted that the schools needed to be fully engaged in the development of the scheme to ensure the programme and design would best suit the needs of each school, whilst minimising disruption during the installation period. This was built into the specification and the procurement strategy

3.3 Market Engagement and Lessons Learnt

Prior to tendering, potential tenderers were advised of this forthcoming tender opportunity via Milton Keynes Council's e-tendering system Intend.

3.4 Tender Evaluation

- (a) The contract was advertised on the Council's E-Tendering system on 09/01/2017 and eleven tenders were returned on 03 February 2017.
- (b) The Tenders were evaluated by a suitably qualified and experienced panel of officers including the Project Leader, Capital and the Project Manager (a chartered Building Surveyor).
- (c) A tender moderation session was held between the evaluators and chaired by Corporate Procurement
- (d) The Evaluation criteria, scores and prices for all tenders are attached as an Annex (Exempt Paper) to this report. A summary of the Risk Assessment is set out in section 4.2 of this report. The full risk assessment is available to Members on request.

Area*	Evaluation Area	Weighting (%)
1	Tender Price	70%
2	Quality	30%
3.	Programme and Supervision	40%
4.	Functional and Technical Compliance	40%
5.	Environmental Consideration	10%
5.	Social Value	10%

- (e) The MEAT evaluation of tenders resulted in the following results (note the actual names of suppliers their pricing and a breakdown of the Quality will be detailed in the Exempt Annex to this report).

	Total score	Position
Company A	81.27	2
Company B	89.40	1
Company C	Non-compliant tender	Non-compliant tender
Company D	79.94	3
Company E	66.51	7
Company F	65.78	9
Company G	66.80	6
Company H	66.27	8
Company I	60.10	10
Company J	66.93	5
Company K	71.04	4

- (f) Public Services (Social Value) Act 2012

Tenderers were asked to provide their proposals for working with the school to engage pupils in the project, for example by participating in an age appropriate assembly or workshop about construction health and safety or working in the construction industry. It is recognised that the recommended successful tenderer did not obtain a high score for this section. On consideration it was felt that this aspect was not critical to achieving the project on time and in budget, the scores in other areas were satisfactory and the tender cost was within budget and so this tenderer is deemed suitable to undertake the proposed works. The tender criteria did not specify a minimum quality score overall or for individual questions so the winning bidder cannot be excluded on this basis.

3.5 Contract Management

- (a) The Senior Client Officer for this contract is the Project Leader, Capital, a member of the Capital Development Team, within Resources. The contract adheres to the JCT (Joint Contracts Tribunal Limited) Minor Works Building Contract 2016 Edition conditions.
- (b) The key governance processes will be delivered using the methodology contained within the Capital Projects RACI which aligns with the MK Approach

- (c) Issues that cannot be resolved by, or are not within the remit of, the Project Manager and Client Officer, will be escalated to the Capital Projects Director in the first instance and then, if required, the overarching Education and Effectiveness Management Board.

4. Implications

4.1 Policy

The award of this contract contributes to the delivery of the strategic theme of the Council's Corporate Plan 2012-16 'Living in MK' through serving the needs of growing communities within Milton Keynes, ensuring local school places for local communities.

The procurement of this contract has complied with Contract Procedure Rules, Financial Regulations and applicable European Procurement Regulations.

4.2 Resources and Risk

- (a) Resource allocation of £210,000 has been made available using the Schools Condition Allocation Grant received from the Government. The project budget includes all fees, surveys and works.
- (b) Any underspend at the end of the project will be returned to the Milton Keynes Council's Capital Programme.
- (c) The Risk Assessment for the Capital Maintenance Programme of projects is available on request.
- (d) The key opportunity secured by this contract is addressing an identified condition issue within the school building ensuring access to safe and suitable teaching and learning accommodation. It is assessed that the delivery of this contract provides a high likelihood that the opportunity defined will deliver Milton Keynes Council with a high positive impact.
- (e) The key threats for this contract going forward have been assessed as:

Risk	Likelihood /Impact	Mitigation	Likelihood / Impact after mitigation
Cost or time overruns	Low	The project has been tendered with sufficient time to enable the contractor to fully resource the project to deliver to the required budget and programme. The recommended successful contractor is within budget and meets the prescribed design and works programme.	Low

Risk	Likelihood /Impact	Mitigation	Likelihood / Impact after mitigation
School not engaged	Low	The school is already committed to working in partnership with the Council in the delivery of the project and the Project Leader will continue to promote effective communication amongst the project team and a positive understanding of the project by the school.	Low

The governance measures set out in 3.5 above provide a basis to conclude that these threats, properly managed represent a low likelihood or a low impact.

Resources and Risk Implications

Y	Capital	N	Revenue	Y	Accommodation
N	IT	Y	Medium Term Plan	Y	Asset Management

4.3 Carbon and Energy Management

- (a) The upgrade of the external windows and doors will improve insulation and reduce heat loss.
- (b) Tenderers were required in their MEAT evaluation responses to explain how they would deal with recycling and waste material and the initiatives they would take to protect the environment.

4.4 Legal

4.5 The Council has a legal obligation under The Education Act 1996 to secure that the school premises maintained by it conform to the prescribed standards set out in the Education (School Premises) Regulations.

- (a) The award criteria for this tender were based on MEAT (Most Economically Advantageous Tender) which combines quality and price to arrive at the winning tender. The results reflect the overall outcome of evaluation based on these criteria and complies with procurement law and the Council's Contract Procedure Rules.
- (b) A formal contract will be executed as a deed between the Council and successful tenderer.

4.6 Other Implications

N	Equalities/Diversity	N	Sustainability	N	Human Rights
N	E-Government	Y	Stakeholders	N	Crime and Disorder
Y	Carbon and Energy Policy				

Background Papers:

Decision to Proceed to Tender 20/09/2016

Exempt Papers:

Confidential Annex