

## **CABINET**

**29 OCTOBER 2013**

### **GATEWAY 4 PROCUREMENT POST PROJECT COMPLETION REVIEW: ELAINE PRIMARY SCHOOL, OAKLANDS PRIMARY SCHOOL, WALDESLADE PRIMARY SCHOOL & SIR JOSEPH WILLIAMSON'S MATHEMATICAL SCHOOL**

Portfolio Holder: Councillor Mike O'Brien, Children's Services (Lead Member)

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#### **Summary**

This report provides Cabinet with a review of the progress of the Elaine Primary School, Oaklands Primary School, Walderslade Primary School and Sir Joseph Williamson (SJW) Mathematical School works contracts awarded to the suppliers highlighted within 2.1.2 of this report.

This is based upon the procurement processes for building and associated works which were undertaken between April 2009 and September 2011, and which led to the award of the contracts in November 2011 for Elaine Primary School, June 2011 for Oaklands Primary School, July 2009 for Walderslade School & March 2011 for SJW Mathematical School.

Cabinet at Procurement Gateway 1 approved the commencement and delivery of these procurement requirements on 2 August 2011 for Elaine Primary School, 8 March for Oaklands Primary School, 2009 for Walderslade Primary and 30 November 2010 for SJW Mathematical School. Subsequent approval for contract award was provided at Cabinet/Procurement Board at Gateway 3 on 29 November 2011 for Elaine Primary School, 8 June 2011 for Oaklands Primary School, 23 June 2009 for Walderslade School and 8 March 2011 for SJW Mathematical School.

All approved Procurement Gateway 1 and 3 Reports (apart from Walderslade Gateway 1 as it was run externally) relating to this Gateway 4 report are available upon request.

This Procurement Gateway 4 report has been approved for submission to Cabinet after review and discussion at Procurement Board on 15 October 2013.

## **1. Budget and Policy Framework**

### **1.1 Post Project Appraisal / Contract Management**

1.1.1 This procurement post project appraisal and its subsequent review is within the Council's policy and budget framework and ties in with all the identified Core Values, Strategic Priorities, Strategic Council Obligations and Departmental/Directorate service plans as highlighted within the Procurement Gateway 1 Report.

### **1.2 Statutory Requirements**

1.2.1 Elaine Primary -The Council has a statutory duty to provide sufficient school places, and enabled the school to take the pupils expected at the school.

1.2.2 Oaklands Primary - The procurement was a key project in Medway's Primary Strategy for Change Programme, which attracted £11million of Government funding to support the Council's strategic objective. The project was consistent with the Council's School Organisation principals.

Within the primary phase Medway's School Organisation Plan principles are:

- to review the future of schools with low standards;
- all Infant and Junior schools should be amalgamated over time;
- to review the future of schools that are at risk of becoming unviable;
- to enable popular and successful schools to expand.

1.2.3 Walderslade Primary & SJW Mathematical School projects - In support of Medway's policy of replacement of temporary accommodation with permanent buildings and supports our planning principles.

## **2. Background**

### **2.1 Contract Details**

2.1.1 These contracts were a Works/Construction contract

2.1.2 Supplier Details

This Gateway 4 Report relates to the:

- Elaine Primary School contract awarded to B W May Ltd.
- Oaklands Primary School contract awarded to Coombs Ltd.
- Walderslade Primary School contract awarded to Mansells Construction Services Ltd
- SJW Mathematical School contract awarded to Coombs Ltd and Birkby Construction Ltd

### 2.1.3 Contract Description

The School and Councils objectives and service delivery were met. The works were:

Elaine Primary School:

- To provide an additional classroom to accommodate the forecast increase in roll in 2011/12
- Provide a safer parking provision.

Oaklands Primary School:

- Ensure all teaching and learning accommodation is compliant with the Department for Education's standards as set out in Building Bulletin 99
- Enhance and increase the flexibility of both the internal and external spaces to give improved opportunities for personalised learning
- Create a truly amalgamated school with improved facilities and physical links
- Integrate and provide a fit for purpose Children's Centre, promoting access to the local community
- Provide improved facilities for staff members for both professional development and improved welfare.

Walderslade Primary School:

- Replace all mobile accommodation with a brick build.

SJW Mathematical School:

- Provide better quality accommodation for English, Science, DT and Art, which will be sized as per the DfE guidance - Building Bulletin 99.

## 2.2 Permissions Required

2.2.1 This report provides Cabinet with a post project appraisal and seeks permission to conclude the contracts on the basis that the contracts were for a one-off procurement requirement and because the contracts have fulfilled requirements in accordance with the service specification and associated contract terms and conditions outlined in section 4.1.1.

## 3. Options

In arriving at the preferred option as identified within Section 4.1 'Preferred Option', the following options have been considered with their respective advantages and disadvantages.

### 3.1 Conclude Current Contracts and Provide Action Plan

The option of concluding the current contracts at the end of the contracts' term on the basis that it is a one-off procurement requirement and

providing an action plan for future projects has been considered and below are the advantages and disadvantages of this option:

#### Advantages

- All works were completed on time
- Works were completed under budget for Elaine Primary School and SJW Maths School – see exempt appendix 2.1.1

#### Disadvantages

- There are no associated disadvantages with this option.

### **3.2 Continue With Current Contracts and Negate Any Further Gateway 4 or Gateway 5 Reporting Requirements**

The option of continuing the current contracts for the remainder of the contracts' term and negating any further Gateway 4 or Gateway 5 requirements is not a viable option because the contracts were for a one off piece of work which has already been completed.

### **3.3 Continue With Current Contracts and Subject Contracts to Further Gateway 4 and/or Gateway 5 Reporting Requirements**

The option of continuing the current contracts for the remainder of the contracts' term and subjecting the contracts to further Gateway 4 and/or Gateway 5 requirements is not a viable option because the work has already been completed.

### **3.4 Other alternative options**

No alternative options have been identified.

## **4. Advice and analysis**

### **4.1 Preferred Option**

Further to an extensive review of procurement options as highlighted within Section 3 'Options' above, the following preferred option is recommended to Cabinet including justification for this recommendation:

Conclude Current Contracts and Provide Action Plan due to the contracts being for a one off procurement, which is completed. No further procurement / contract management resources or skills are required to be deployed on these contracts as they were one-off contracts with no additional requirements and will therefore no longer be required.

#### **4.1.1 Procurement Project Outputs / Outcomes**

The following procurement outcomes/outputs identified as important at Gateway 1 to the delivery of these procurement requirements and identified as justification for awarding the contracts at Gateway 3, have been appraised in the table below to demonstrate how the procurement contracts and corresponding supplier has delivered said outcomes/outputs.

Outputs / Outcomes	How will success be measured?	Who will measure success of outputs/ outcomes	When will success be measured?	How has procurement contract delivered outputs/outcomes?
1. Appointing a contractor for the works who will deliver a quality product within the timescales required and within the given budget	Successful completion of the building works within the timescales which will be measured through the tender process	School Organisation team. Building & Design Services. Staff and governors of Schools	Monitored throughout the programme by monthly site visits and contractor reports.	All contractors delivered a fit for purpose building, and met all agreed timescales.
2. Appointing a contractor for the building works who is able to work within the constraints of a school environment	Successful procurement of the contractor within the specifications contained within the tender process	School Organisation team. Building & Design Services. Staff and governors of Schools	Monitored throughout the programme by monthly site visits and contractor reports.	All contractors worked closely with the schools to ensure that there was minimal disruption.
3. Delivery of the key objectives for the project which are: Completion of the refurbishment works and construction of the new link building.	Completion of the building works meeting all the Client's requirements	School Organisation team. Building & Design Services. Staff and governors of Schools	Assessed at the end of the project, and also monitored throughout the contract period	The key objectives were met for all projects.
4. Improvements to the teaching and learning at the School.	Measured through Foundation and Key Stage results, Ofsted ratings and National Indicators	School Organisation Team Staff and governors of Schools & Ofsted	Through the school results produced following completion of building works in August 2012	The Early Years Foundation Stage Profile (EYFSP) results for 2013 are– Elaine: 56.8% Oakland's: 62.7% Walderslade: 70% children exceeded/achieved expected levels of attainment.
5. The development of collaborative and community use of the facilities	Development of SLA for use of facility for community and other users	School Organisation Team. Staff and governors of Schools	Following the completion of the building works in August 2012.	By providing improved facilities at Oakland's it has offered opportunities for the school to engage with their community.

#### 4.1.2 Procurement Project Management

No further procurement management resources or skills are required to be deployed on these contracts as they were one-off contracts with no additional termed requirements and will therefore no longer be required.

#### 4.1.3 Post Contract Award Contract Management

No further contract management resources or skills are required to be deployed on these contracts as they were one-off contracts with no additional termed requirements and will therefore no longer be required.

#### 4.1.4 Other Issues

There are no other issues that could potentially impact the remainder of the contracts' term.

#### 4.1.5 TUPE Issues

Further to guidance from Legal Services, Human Resources and the Strategic Procurement Team, it was identified that at Gateway 1 and confirmed at Gateway 3 as this is a Works procurement there were no TUPE issues to consider.

### **5. Risk Management**

#### **5.1 Risk Categorisation**

There are no risks associated with these procurement Contracts at this Gateway 4 Stage.

### **6. Consultation**

#### **6.1 Internal (Medway) Stakeholder Consultation**

As part of this ongoing procurement contract management, no internal stakeholder consultation is required.

#### **6.2 External Stakeholder Consultation**

As part of this ongoing procurement contract management, no external stakeholder consultation is required

### **7. Procurement Board**

7.1 The Procurement Board considered this report on 15 October 2013 and supported the recommendations as set out in paragraph 9 below.

## **8. Financial and legal implications**

### **8.1 Financial Implications**

- 8.1.1 These four procurement contracts and their associated delivery as per the preferred option highlighted at Section 4.1 'Preferred Option' and the recommendations at Section 9, were completed within budget, delivering a net under spend of around £58,000.
- 8.1.2 Detailed finance and whole-life costing information is contained within Section 2.1 Finance and Whole-Life Costing of the Exempt Appendix that accompanies this report.

### **8.2 Legal Implications**

- 8.2.1 This procurement contract and its associated delivery as per the preferred option highlighted at Section 4.1 'Preferred Option' and the recommendations at Section 9, has the following legal implications which Cabinet must consider:

As Elaine Primary School and SJW Maths School are now both academies, and the contracts were for substantial building works, the Council should assign/novate the relevant contracts to these schools so that they acquire the right to enforce the contracts against the contractor during the limitation period (e.g. if there are latent defects in the premises that have not yet manifested themselves).

### **8.3 Procurement Implications**

- 8.3.1 This procurement contract and its associated delivery as per the preferred option highlighted at Section 4.1 'Preferred Option' and the recommendations at Section 8, has the following procurement implications which Cabinet must consider.

The works for all four contracts have now finished. The initial requirements, as outlined at Gateway 1 and tabled at 4.1.1, have all been achieved; these contracts also totalled a net saving of £58,236. It is recommended that Cabinet acknowledge the success of these procurements.

### **8.4 ICT Implications**

This procurement requirement does not have any ICT implications.

## **9. Recommendations**

- 9.1 Cabinet is requested to note that the contracts were one-off contracts with no additional termed requirements, which are now complete and will therefore no longer be required (as set out as the preferred option within paragraph 4.1 of the report).

## 10. Suggested reasons for decision(s)

- 10.1 The recommendation contained within Section 9 'Recommendations' above are provided on the basis that the contracts were one off procurements, which have now finished.

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### Background papers

The following documents have been relied upon in the preparation of this report:

#### Gateway 1 Reports

Cabinet report 2 August 2011

Gateway 1 Batched Procurement Commencement:

Abbey Court School, Rainham, Elaine Primary School, Strood, Twydall Primary School, Gillingham, Building Projects

<http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=8105>

Cabinet report 8 March 2011

Gateway 1 Options Appraisal: Oaklands Primary School Building project

<http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=7165>

Cabinet report 30 November 2010

Gateway 1 Options Appraisal: Sir Joseph Williamson's Mathematical School New Design/Technology Building

<http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=6392>



## Gateway 3 Reports

Cabinet report 29 November 2011

Gateway 3 Procurement Tender Process Review and Contract Award Report:  
Elaine Primary School, Strood Building Project

<http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=8884>

Report to Procurement Board 8 June 2011 Project – Oaklands Primary School  
Building project

Cabinet report 23 June 2009

Gateway 3 Contract Award and Gateway 4 Contract Review: Walderslade Primary  
School New Build <http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=4313>

Cabinet report 8 March 2011

Gateway 3 Procurement Tender Process Review and Contract Award: Sir Joseph  
Williamson's Mathematical School – New Design/Technology  
Building and Playground Extension

<http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=7166>