

## North Somerset Council Decision

**DECISION OF:** EXECUTIVE MEMBER FOR ASSETS AND CAPITAL DELIVERY

**WITH ADVICE FROM:** ASSISTANT DIRECTOR PLACEMAKING & GROWTH IN ACCORDANCE WITH DELEGATED AUTHORITY 22/23 DP 53.  
HEAD OF STRATEGIC PROCUREMENT AND S151 OFFICER



**Decision No:** 22/23 DP 128

**Subject:** COMMISSIONING AND PROCUREMENT PLAN FOR CAPITAL WORKS AT BANWELL PRIMARY SCHOOL

**Key Decision:** Yes

**Reason:** Value of contract award anticipated to be in the region of £500k - £1m

### **Background:**

Banwell School is currently in the process of undergoing conversion to Academy status. As part of the process a number of surveys were undertaken with regard to the current condition of the school, in particular the timber structure extension to the front of the main building used as a dining hall, kitchen and staff room. Pick Everard were commissioned to produce a survey report and the findings have confirmed that the timber structure to the front of the main school building is defective and beyond economic repair due to the loss of structural integrity. The buildings have now been taken out of use by the school due to the poor condition, segregated from the site and entry restricted. Temporary arrangements have been put in place and the school is currently operating without kitchen facilities.

A feasibility study to remedy the defects identified on site was commissioned through SCAPE and undertaken by Kier in Oct 2021, this has been reviewed and verified with stakeholders at the Banwell School Project Board. The feasibility study recommends demolition of the defective timber structures to the front of the main building, reconfiguration/refurbishment of part of the existing sports hall to provide kitchen and dining facilities and the addition of a modest side extension to the sports hall complex to provide a new staff room. This option maximises use of existing buildings on the school site and is an efficient methodology for reprovision of facilities lost on demolition of the defective timber structures.

This has been further reviewed at the Property Assets and Projects Board and directions issued to proceed with design development of Kier's feasibility study through the SCAPE framework, the required approvals have been obtained and Kier instructed. Alternative

procurement methods were considered, and an approach made to the Council's retained provider, Mears, however due to the complexity of the project and design input required Mears confirmed they would not be able to resource the design expertise/requirements to deliver the project. It is proposed that the project is fully delivered through the SCAPE framework with Kier appointed to develop the design, which has now been commissioned, and deliver the required works on site.

Costs have been obtained from Kier for design services and instructions issued to progress the design element of the project to mitigate the duration of the programme as approved under decision DP464. It is likely elements of the works would need to be delivered in the school holiday period, due to the current operational requirements of the school, and this will have an implication on the construction programme. Part of the site is within a Conservation Area and elements of the proposed works identified within the feasibility study will be subject to the relevant statutory consents.

Initial costs identified in the feasibility study suggest a global project budget of £1.1m (construction works in the region of £500k - £1m) will be required to deliver the works and services required. This will be subject to the design development process and post feasibility study detailed surveys which will inform the pre-construction budget.

Due to time pressures associated with the delivery of the project, it has been decided to progress the design element up to completion of RIBA Stage 4 via the SCAPE Construction Framework. Due to continuation of the time constraints it is proposed that the construction element is also delivered under the SCAPE framework.

### **Decision:**

1. It is requested that this commissioning and procurement plan be approved to proceed to direct award the construction element of the contract to Kier Construction Ltd, using the Scape Construction Framework.

### **Reasons:**

#### Legal obligations

The school is a maintained school and the Council, as the 'Responsible Body' are the corporate landlord with responsibilities for the safety of the buildings and the safety of staff, pupils and visitors who go to the site. As the employer of the staff our obligations are the same as those for any other member of staff working in a corporate building.

#### Funding

The resources paid to Councils are based on a DfE formula that mainly relies on the numbers of pupils in school rather than condition need. With large numbers of schools converting to academy status, the annual condition fund funding reduces each time the numbers of pupils in Council schools decreases.

Regardless of this, the Council has a responsibility to ensure that its staff are able to work in safe buildings and that our children and young people are educated in schools that are safe and fit for purpose. Whilst the responsibility for schools that convert to academy status moves to their Multi-Academy Trust, Trusts are reluctant to take on schools that have high

condition needs. Many of the schools remaining in the Council's control are those for which projects are outstanding.

### Application for Academy Status

A school's Governing Body are the only group able to determine a wish or otherwise to become an academy. Once an Academy Order has been issued by the Regional Schools' Commissioner, the Council has a duty to facilitate the transfer. Whilst the schools in poorer condition remain in Council control, the Council is responsible for their upkeep. Once a school has been upgraded the governing body can then decide to transfer its status. The Trust approved to take over the responsibilities for Banwell Primary School will only do so once a plan for the upgrade of their buildings has been approved and the Council has confirmed it will meet the costs of the scheme.

### **Options Considered:**

It was considered to include these initial design services as part of the full construction award and deliver the project as a full design and build scheme, however due to the urgency of the project, it has deemed essential that the design works up to RIBA Stage 4 are progressed as soon as possible. Development of the design to RIBA Stage 4 will enable firm construction costs to be obtained based on the agreed design and facilitate value engineering of the design through the development process to ensure the scheme represents value for money prior to commencing the construction phase.

A traditional procurement route of an open tender was reviewed as an option, however due to the time pressures associated with the project, it was decided that the use of the SCAPE Construction Framework would be the most advantageous route to ensure delivery of the project is achieved within the required timescales.

### **Timescales:**

Procurement published on the Portal	Mid July 2022
Submission due	End July 2022
Evaluation of submission	Mid August 2022
Contract award (Director with advice from S151 & Head of Procurement)	Mid August 2022

### **Social Value**

Social value will be delivered in line with the SCAPE Framework. The SCAPE framework includes robust Social Value requirements for suppliers underpinned by the Public Services (Social Value) Act 2012 and utilises the TOMs based approach to social value which is the preferred tool utilised by the Council to support the social value element of tender evaluations. The tender pack will include North Somerset Council's TOMs spreadsheet for Kier to complete with their commitments.

### **Evaluation**

An evaluation will be carried out of the return from the SCAPE framework to included assessment of the proposed;

- Programme
- Risk log,
- CVs and experience of the project team
- Pricing schedule
- Social Value commitments, presented via the TOMs spreadsheet

### **Contract Management**

In accordance with the SCAPE framework the contract will be formalised on an NEC4 Option A basis. The NEC contract will be managed by resource provided by Pick Everard (provision of NEC 4 PM, Supervisor and Cost Consultant). Oversight will be provided by the Council's project manager resourced from the property assets and projects team.

### **Financial Implications:**

#### **Costs**

Costs have been approved for appointment of Kier Construction Ltd to progress the design to completion of RIBA Stage 4 under DP464 up to a value of £96,001.74. As part of this commission Kier will provide costs for the delivery of the construction for consideration by the Council.

The costs for delivery of the construction will be reviewed by the Council's cost consultant for the project (Pick Everard) to ensure the pricing is in accordance with the SCAPE framework requirements and that it presents the Council with a value for money option to deliver the required works.

#### **Funding**

The total budget for this project is £1.1m, and all relevant capital costs should be charged to KCP154. The scope of works needs to align as closely as possible to this allocation and may need to be reassessed and prioritised to prevent project or cost slippage. Works on this site may need to be reassessed to ensure that the changes do not exceed the allocated budget unless there is no alternative but to do so. Any projected costs over this amount will be reported at the relevant boards and separate approval sought.

### **Legal Powers and Implications:**

The SCAPE Framework is compliant with the Public Contract Regulations 2015.

### **Climate Change and Environmental Implications:**

The design will be developed with reference to the Council's policies on climate change and with consideration of the environmental implications. The construction phase will be

delivered in accordance with the Council's policies on climate change. The SCAPE framework incorporates work completed by LETI and RIBA in 2019 and 2020 in defining the standards needed to decarbonise building stock and the framework suppliers are required to deliver the highest possible performance and minimise operational (or in use) carbon emissions from the building.

A Climate Emergency risk assessment has been carried out and the project was deemed to be fairly low risk and risks effectively mitigated through the specification and high standards of the SCAPE framework. It is attached as an appendix to this report.

### **Consultation:**

A consultation process is being conducted throughout the project, with all necessary stakeholders as required. The following areas have been discussed and reviewed:

- the current and proposed scope
- procurement and contract options
- contract management
- commercial modelling
- lessons learned
- market analysis

### **Risk Management:**

The design works required are being progressed as a matter of urgency, key risks identified relate to availability of resource to carry out the various surveys and develop the design. A requirement for return of a design quality statement as part of the response to the Request For Quotation (RFQ) has been supplied by Kier outlining steps the proposed supplier will take to mitigate the risks identified. A full risk register will be drafted during the design development process.

The costs for delivery of the construction will be reviewed by the Council's cost consultant for the project (Pick Everard) to ensure the pricing is in accordance with the SCAPE framework requirements and that it presents the Council with a value for money option to deliver the required works.

### **Equality Implications:**

Have you undertaken an Equality Impact Assessment? No

A full EQIA will be undertaken as part of the project design and development phase.

### **Corporate Implications:**

The provision of (educational/ community facilities) demonstrated in this report will support the Council's corporate plan objectives to improve Prosperity and Opportunity, Health and Well-being and Quality Place.

## **Appendices:**


### **Risk Register**

### **Background Papers:**

21/22 DP464 Contract Award for Design Services to completion of RIBA 4 to progress the proposed Capital Works Scheme at Banwell School

SIGNATORIES:

DECISION MAKER(S):

Signed:  Executive Member for Assets and Capital Delivery

Date: 1 September 2022

**Note:** It remains the case that the scope of work is being considered in three discrete elements which includes the demolition/dismantling of the former canteen, the provision of a new canteen/food preparation area annexed to the sports hall and the provision of a relocated staff area. After discussions with the school management team it was agreed that the optimum design solution for the staff area is best achieved by reconfiguring the internal space arrangements. There is no requirement therefore to extend the building line of the existing structure

WITH ADVICE FROM:

Signed:  Assistant Director Placemaking and Growth

Date: 10 August 2022

Signed  Head of Strategic Procurement

Date: 11 August 2022

Signed:  Section 151 Officer

Date: 10 August 2022