

STAGE 1 FORM - APPROVAL TO PROCEED TO TENDER

Following the introduction of new Spend Control Processes, this form must be completed for all procurements above £25,000. If contract value is over Cabinet approval threshold (£500,000) this form shall be appended to the Cabinet report - this form will be "open" for publication.

Once completed, this form must be sent to the relevant Category Manager.

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| 1. | CONTRACT DETAILS | | |
| 1.1 | Contract title | Principal Contractor for the 1 Form of Entry Expansion of Tilbury Pioneer School | |
| 1.2 | Reference number | PS/2023/009 | |
| 1.3 | Responsible Officer | Graeme Parker | |
| 1.4 | Directorate | Children's Services | |
| 1.5 | Contract description | Works | |
| 1.6 | Applicability of off pay-roll working (IR35) rules* | Is this an applicable contract? | No |
| | | Employment status for tax** | N/a |
| 1.7 | Proposed contract start | 17/10/2023 | |
| 1.8 | Proposed contract end | 31/12/2024 | |
| 1.9 | Proposed extension options | Only in line with agreed JCT terms and conditions | |
| 1.10 | Estimated contract value | Excluding VAT | £2,300,000.00 |
| | | Including VAT ¹ | £2,760,000.00 |
| 2. | BUSINESS CASE | | |

¹ Required solely to determine whether the contract value exceeds the UK public procurement threshold (which includes VAT)

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| 2.1 | Business case | <p>The council's school capital programme is developed following extensive pupil place planning to assess the potential likely demand for school places this forms part of the council's statutory duties around pupil place planning.</p> <p>The demand for pupil places has increased significantly, over the last few years we have seen a large increase of 'in year' admissions from families moving into the Authority. In 2021/22, 504 children moved into Thurrock from outside of the UK, and 1342 pupils from elsewhere within the UK. For the first 3 months of this year, 217 more children have moved into Thurrock from outside of the UK, and there have been 387 new arrivals from within the UK.</p> <p>We are currently not seeing a decrease in the demand, the level of demand has and continues to be unprecedented. To be in a position to accommodate this demand, we are building in additional places to support in-year growth across a number of year groups where it has been identified that we do not have sufficient school places.</p> <p>Despite the recent expansions of the early years provision at Lansdowne Primary School in 2016/7, and a one form entry expansion at Woodside Academy in 2015/16 which created a total additional 240 places within the Tilbury planning area of the borough, following the annual review of forecasts for pupil places and the large increase being experienced with regards in-year admissions there is now educational need for further primary school places in the Tilbury area of the Borough.</p> <p>There is political sensitivity as the procurement and appointment of a Principal Contractor is critical to the delivery of the expansion project and the implication of not undertaking this procurement is that the Council will be unable to comply with its legal duty under section 13 of the Education Act as described at greater length in section 2.3 of this document.</p> |
| 2.2 | Expenditure control criteria | The spend is for essential statutory services, goods and/or works |
| 2.3 | Expenditure control justification | <p>Section 13 of the Education Act 1996 imposes a specific duty on local authorities to ensure within their area that there is efficient primary education, secondary education and further education available to meet the needs of the population of their area. This is an absolute duty that is imposed by statute.</p> <p>There are additional duties that flow from this such as duties under section 88 of the School Standards and Framework Act 1998, which imposes the duty to set school admissions numbers for each school year as well as Regulation 4 of the School Admissions (Infant Class Sizes) (England) Regulations 2012 which sets a limit of 30 pupils to one teacher in all infant classes. These duties mean that local authorities must take care to ensure that there are adequate school provisions within their area to meet these duties.</p> <p>Therefore, Thurrock Council is under an obligation to ensure that there are available school places for children that live in its area and wish to access education in the area. Accordingly, the proposal set out herein is in line with the positive statutory duty to ensure that the demand for school places is met on an ongoing basis.</p> |
| 2.4 | Award criteria | Most Economically Advantageous Tender 60% Price x 40% Quality |

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| 2.5 | Social Value | <p>Unfortunately, not only are children negatively affected by not being educated, but the negative affects often reverberate through society. Improving the quality of the education environment of children and young adults is one step that can be taken to improve a society both economically and socially.</p> <p>The proposed award criteria allows for 40% of the overall score to be judged upon the bidders responses to the quality evaluation questionnaire, and specific questions are contained within this part of the tender pack relating to bidders Social value initiatives.</p> |
| 2.6 | Previous contract | N/A |

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| 3. | FINANCIAL CONSIDERATIONS | |
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| 3.1 | Previous contract spend | N/A |
| 3.2 | Scope of changes | N/A |
| 3.3 | Budget considerations | <p>The proposed expansion of Tilbury Pioneer will be funded from a combination of the DfE capital basic needs grant and Section 106 monies held for Primary & Secondary Education provision. There are sufficient funds available within the schools DfE basic need grant, for the works identified within this report.</p> |
| 3.4 | Expenditure type | Capital |
| 3.5 | Cost centre | B0998 |
| 3.6 | Anticipated savings | <p>Early stage feasibility studies have already been undertaken to evaluate the relative advantages and disadvantages of multiple options to achieve the desired goal at Tilbury Pioneer. It has been firmly established that there are considerable savings to be realised by choosing the refurbishment of the old building option rather than any of the three new build options that were proposed. These savings are not purely financial, but also in terms of project duration.</p> |

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| 4. | PROCUREMENT ROUTE | |
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| 4.1 | Procurement route | Other (specify in Rationale below) |
| 4.2 | Rationale | <p>As the total contract value is under the current UK threshold for works, a closed invite-only Request for Quotation process will be undertaken to a minimum of 6 organisations thus making evaluation manageable given the limited resources available and time will be saved by utilising suppliers already registered on the Council's e-tendering and purchase systems.</p> |

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| 5. | PROPOSED PROCUREMENT TIMETABLE | | |
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| 5.1 | Procurement timetable | Publish Contract Notice | N/A |
| | | Selection Questionnaire return | N/A |
| | | Invitation to Tender issue | 31/07/2023 |
| | | Tender return | 31/08/2023 |
| | | Notification of result | 14/09/2023 |
| | | Standstill period | 25/09/2023 |
| | | Expected award | 02/10/2023 |
| | | Contract commencement | 16/10/2023 |

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| 6. | RISKS, CONSULTATION AND MANAGEMENT | |
| 6.1 | Risk management | A copy of the project Risk Register is appended. |
| 6.2 | Contingency | A number of temporary solutions can be arranged at short notice to ensure that sufficient pupil places are available. These have previously taken the form of relocatable classrooms, and remodelling works to redundant rooms to form new teaching spaces. |
| 6.3 | Consultation | Full consultation will be carried out with all stakeholders at detailed design stage, supported by relevant communication plans. |
| 6.4 | Data Protection** | Neither the successful architect or contractor will process any personal data so N/a |
| 6.5 | Project and contract management ² | Tier 4 - Light Touch Contract Management |
| | | There will be established contract management and monitoring arrangements in place as with all schemes undertaken as part of the schools capital programme, Project management will follow the RIBA plan of work 2020 which is the standard protocol for construction projects. Documents will be kept in accordance with the councils document retention policy. Legal Services will retain the original signed copy of the contract and both Procurement & Childrens Services will retain a digital copy of that document. At procurement stage, the Senior Schools Capital Programme Manager will work Closely with the designated Category Manager to produce the tender pack, drawings, preliminaries and technical specification, Legal services will be engaged to provide a draft copy of the relevant JCT contract complete with Thurrock Council amendments. During the tender period all clarification requests will be responded to in a timely manner. Post award, the Schools Capital programme manager will work closely with the appointed Architect to regularly monitor project costs, issue CAI's, monitor KPI's, interrogate and process monthly valuations and oversee regular monthly progress meetings will all parties including representatives from the end client. A full budget review is undertaken at handover stage, with final accounts formally agreed. The architect will oversee the managing of the defects rectification period as part of the scope of their works. Throughout the duration of the project from initial mandate to the release of retentions, monthly progress reports are submitted to the Education Support Services Strategic Lead for further circulation. |
| 6.6 | Will TUPE apply to the proposed contract? | No |
| | | N/a |
| 6.7 | Community and Equalities Impact Assessment**** | N/a for this project. The provision of these services will help to tackle inequality and social exclusion. The procurement process will follow responsibilities as set out within The Equality Act 2010 and Public Sector Equality Duty, with due regard to advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. |
| 6.8 | Exit strategy | N/a – there is no existing contract to exit. |
| 6.9 | Collaboration | Interdepartmental collaboration will occur throughout the project, at Procurement Stage collaboration takes place with Corporate Finance, Legal Services, Community Developmant & Equalities, in addition to the Procurement Team. At Planniing Stage, the contract will allow for collaboration with Planning and any other internal statutory consultee's such as Highways. The construction phase will see collaboration with Building Control, as well as Planners.and Finance. |

² Refer to the contract management framework or your category manager for guidance

| 7. | | APPROVALS | | | |
|-----|---|--|---|-----|----------|
| 7.1 | Strategic Approval Panel | Decision | Approved | Yes | Rejected |
| | | Signed | <u>Marie Ogles</u> <small>Marie Ogles (Jan 30, 2023 11:21 GMT)</small> | | |
| | | Date | Jan 30, 2023 | | |
| | | Comments | on behalf of SAP | | |
| 7.2 | Procurement (only required if spend is above £75k) | I confirm that I have been consulted and agree with the information contained in this report in so far as it relates to Procurement implications | | | |
| | | Name | Sarah Hurlock | | |
| | | Signed | <u>Sarah Hurlock</u> <small>Sarah Hurlock (Jan 30, 2023 11:42 GMT)</small> | | |
| | | Date | Jan 30, 2023 | | |
| 7.3 | Legal (only required if spend is above £75k) | I confirm that I have been consulted and agree with the information contained in this report in so far as it relates to Legal implications | | | |
| | | Name | Kevin Molloy | | |
| | | Signed | <u>Kevin Molloy</u> <small>Kevin Molloy (Jan 30, 2023 16:55 GMT)</small> | | |
| | | Date | Jan 30, 2023 | | |
| 7.4 | Finance (only required if spend is above £75k) | I confirm that I have been consulted and agree with the information contained in this report in so far as it relates to Financial implications | | | |
| | | Name | David May | | |
| | | Signed | <u>D May</u> <small>D May (Jan 31, 2023 09:35 GMT)</small> | | |
| | | Date | Jan 31, 2023 | | |
| 7.5 | Responsible Officer | I confirm that this procurement will be carried out in accordance with Rule 5 of the Council's Contract Procedure Rules (Chapter 9, Part 2 of the Constitution). | | | |
| | | Name | Graeme Parker | | |
| | | Signed | <u>G. Parker</u> <small>G.Parker (Feb 1, 2023 08:57 GMT)</small> | | |
| | | Date | Feb 1, 2023 | | |
| 7.6 | Authorised Signatory | In accordance with the Contract Procedure Rules, I confirm the accuracy of the information contained within this form and authorise this request to proceed to tender. | | | |
| | | Delegation level | Cabinet delegated authority to Corporate Director in consultation with the Portfolio Holder (over £750,000) | | |
| | | Name | Sheila Murphy | | |
| | | Signed | <u>sheila murphy</u> <small>sheila murphy (Feb 1, 2023 09:03 GMT)</small> | | |
| | | Date | Feb 1, 2023 | | |
| 7.7 | Cabinet | Minute number | Click here to enter text. | | |

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| | (only applicable if £750k or over) | Date | |
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*Guidance on the rules surrounding contractor employment status for tax can be found on the below link:
<https://www.gov.uk/guidance/understanding-off-payroll-working-ir35>

**The Check Employment Status for Tax (CEST) tool can be found on the below link:
<https://www.gov.uk/guidance/check-employment-status-for-tax>

***Information on Data Protection and the DPIA form can be found on the following link:
<https://intranet.thurrock.gov.uk/services/information-management/data-protection/>

****You can search for Community and Equalities Impact Assessment guidance using the following link:
<https://intranet.thurrock.gov.uk/document-store/>