

CONTRACT FOR SUPPLY AND DELIVERY OF NEW MODULAR MOBILE CLASSROOM BUILDINGS FOR USE AS SCHOOL ACCOMMODATION

To: **Children and Young People's Committee**

Meeting Date: **11 July 2017**

From: **Wendi Ogle-Welbourn, Interim Executive Director:
Children, Families and Adults Services**

Electoral division(s): **All**

Forward Plan ref: **KD 2017/037** *Key decision:* **Yes**

Purpose: **To advise the Committee of the need to re-procure the contract for the Supply and Delivery of New Modular Mobile Classroom Buildings for use as School Accommodation**

Recommendation: **The Committee is asked to endorse the retrospective procurement of a contract for the Supply and Delivery of New Modular Mobile Classroom Buildings for use as School Accommodation.**

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1.0 BACKGROUND

- 1.1 The Council, as the local Children's Services Authority, has a statutory duty to provide a school place for every child living in its area of responsibility who is of school age and whose parents want them educated in the state funded sector. It also has a duty to secure sufficient and suitable early years and childcare places for children aged 3 and 4 and eligible 2 year olds. To achieve this, the Council has to keep the number of places under review and to take appropriate steps to manage the position where necessary. This includes maintaining a rolling programme of capital investment for the provision of educational facilities for Cambridgeshire's Children and Young People (CYP). This forms part of the Council's Business Plan approved by Council each February.
- 1.2 To ensure that the Council is able to continue to meet this statutory responsibility it needs to be able to secure the timely and cost-effective delivery of the projects identified as priorities in its capital programme. This is currently achieved through construction-related frameworks and contracts including a contract for the supply and delivery of new modular mobile classroom buildings for use as school accommodation.
- 1.3 At its meeting on 12 June 2017, the Committee considered a report setting out the need to re-procure three existing contracts and Frameworks and procure an additional one to support delivery of the CYP capital programme (Agenda Item 6) <https://cmis.cambridgeshire.gov.uk/ccclive/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/164/Committee/4/SelectedTab/Documents/Default.aspx> Since this report was published it has come to light that the re-procurement of the contract for the Supply and Delivery of New Modular Mobile Classroom Buildings for use as School Accommodation, should also have been presented to the Committee for approval before the contract was awarded to Ideal Building Solutions (IBS). Under the Council's Constitution and Principles of Decision Making, the re-procurement of this contract is likely to result in expenditure in a related series of transactions in excess of £500,000. As a result officers are seeking retrospective approval for the award of this contract from the Committee. Members should be aware that checks have been made and there are no other requests like this outstanding.

2.0 KEY ISSUES

- 2.1 The Council has a fleet of temporary accommodation buildings, which are periodically moved from site to site according to education need. However, to meet demand for school places, it is sometimes necessary for the Council to purchase new temporary buildings. To save time and avoid a lengthy open market tender process, it is considered best practice to have a contract in place to enable the Council to purchase these on an as and when needed basis via a purchase order.
- 2.2. The contract will operate hand-in-hand with the Temporary Buildings Multi-Disciplinary Framework and Relocation of Temporary Buildings and Associated Groundwork Term Contract (which are two of the frameworks detailed in the 12 June Committee report), to provide a seamless delivery of new temporary school

accommodation.

3.0 ALIGNMENT WITH CORPORATE PRIORITIES

3.1 Developing the local economy for the benefit of all

Capital investment in public infrastructure provides employment and supports economic development. Providing access to local and high quality educational provision and associated children's services should enhance the skills of the local workforce and provide essential childcare services for working parents or those seeking to return to work. Schools and early years and childcare services are also providers of local employment.

3.2 Helping people live healthy and independent lives

If pupils have access to local schools and associated children's services, they are more likely to attend them by either cycling or walking rather than through local authority-provided transport or car. They will also be able to access more readily out of school activities such as sport and homework clubs and develop friendship groups within their own community. This should contribute to the development of both healthier and more independent lifestyles.

3.3 Supporting and protecting vulnerable people

Providing sufficient and suitable school places to match local demand as closely as possible will ensure that services can be more easily accessed by families in greatest need.

4.0 SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

- 4.1.1 As stated in section 1.3, under the Council's Constitution and Principles of Decision-making, procurement of the contract represents a Key Decision, requiring Committee approval. This is because, although the contract itself does not hold any value, each purchase order for a new modular building is likely to result in expenditure in a related series of transactions in excess of £500,000.

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

- 4.2.1 Prior to October 2016, the LGSS Property Services teams had responsibility for the procurement and management of construction-related frameworks. This responsibility reverted to the Council following the decision to cease that arrangement. The procurement, evaluation and award of this contract was undertaken by the LGSS Property Services teams. This should then have been referred to the CYP Committee for approval as a Key Decision. Unfortunately, this action was not taken as it coincided with changes which resulted in a de-merger of LGSS Property Services. However, Members can be assured that the procurement process was undertaken appropriately in partnership with LGSS Procurement and Legal to ensure that the relevant compliance measures were met.

4.2.2 Contract performance, will be managed by the 0-19 Education Capital Team, who will monitor and, where appropriate, challenge, against a set of Key Performance Indicators and regular engagement meetings. This will be undertaken in close liaison with the Council's Town Planning Team, LGSS Procurement and Legal to ensure that performance is managed and monitored throughout the length of the contract arrangements. The contract was awarded on a three year (plus one) basis.

4.2.3 The tender process was undertaken in compliance with EU procurement rules.

4.3 Statutory, Legal and Risk Implications

4.3.1 The Council has a statutory responsibility to ensure that every child whose parents want them educated in the state-funded sector is offered a school place. In addition, it has a duty to secure sufficient and suitable early years and childcare places.

4.3.2 The vast majority of the schemes within the CYP capital programme are focused on creating additional capacity to provide for the identified need for new places for Cambridgeshire's children and young people in response to demographic need and housing growth. The re-procurement of this contract will ensure that the Council continues to be able to deliver the planned level of infrastructure investment and meet its statutory responsibilities.

4.3.3 The key risk of not securing Committee approval to enter into the contract, is that the Council would not be able to meet its statutory responsibility to provide a school place for every child whose parents want them educated in the state-funded sector. As an example, work will need to stop on the installation of two mobiles that have been procured to meet basic need requirements at New Road Primary School, Whittlesey and Stretham Primary School.

4.4 Equality and Diversity Implications

4.4.1 All accommodation, both mobile and permanent has to be compliant with the provisions of the Public Sector Equality Duty and current Council standards.

4.5 Engagement and Communications Implications

4.5.1 Significant levels of engagement and consultation take place with all schools and early years settings identified for potential expansion to meet the need for places in their local areas over the development and finalisation of those plans. Schemes are also presented to local communities for comment and feedback in advance of seeking planning permission.

4.6 Localism and Local Member Involvement

4.6.1 Local Members are kept informed of planned changes to provision in their wards and their views sought on emerging issues and actions to be taken to address these.

4.7 Public Health Implications

4.7.1 Temporary accommodation must meet the same rigorous standards set by the planning authorities as the provision of permanent accommodation. This includes access to outdoor play spaces, natural ventilation and opportunities to maximise use of daylight in preference to artificial light sources.

Implications	Officer Clearance
Have the resource implications been cleared by Finance?	Yes Name of Financial Officer: Martin Wade
Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by Finance?	Yes Name of Financial Officer: Chris Malyon via Procurement Board
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	Yes Name of Legal Officer: Fiona McMillan
Have the equality and diversity implications been cleared by your Service Contact?	Yes Name of Officer: Keith Grimwade

Have any engagement and communication implications been cleared by Communications?	Response awaited. Name of Officer: Matthew Hall
Have any localism and Local Member involvement issues been cleared by your Service Contact?	Yes Name of Officer: Keith Grimwade
Have any Public Health implications been cleared by Public Health	Yes Name of Officer: Tess Campbell

SOURCE DOCUMENTS GUIDANCE

Source Documents	Location
Business Plan 2016/17, which includes the CYP capital programme	https://cmis.cambridgeshire.gov.uk/ccclive/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/475/Committee/20/Default.aspx