



# AGENDA

## OVERVIEW AND SCRUTINY EDUCATION BUSINESS PANEL

**Date:** TUESDAY, 25 JANUARY 2022 at 7.00 pm

**Venue:** Civic Suite, Lewisham Town Hall, London SE6 4RU  
Also Remotely – via Microsoft Teams

**Enquiries to:** Jasmine Kassim  
**Telephone:** 0208 314 8577 (direct line)  
**Email:** jasmine.kassim@lewisham.gov.uk

### MEMBERS

Councillor Paul Maslin	Chair	Labour Co-op
Councillor Octavia Holland	Vice Chair	L
Councillor Peter Bernards	Chair of Housing Select Committee	L
Councillor Juliet Campbell	Chair of Safer Stronger Communities Select Committee	L
Councillor Louise Krupski	Chair of Sustainable Development Select Committee	Labour Co-op
Councillor Joan Millbank	Labour Group Representative	L
Councillor John Muldoon	Chair of Healthier Communities Select Committee	Labour Co-op
Councillor Luke Sorba	Chair of Children and Young People Select Committee	L
Councillor Susan Wise	Labour Group Representative	Labour Co-op
Councillor Mark Ingleby	Chair of Public Accounts Select Committee	L

### Members are summoned to attend this meeting

**Kim Wright**  
**Chief Executive**  
**Lewisham Town Hall**  
**Catford**  
**London SE6 4RU**  
**Date: Monday, 17 January 2022**



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Non-elected Voting Members**

Lilian Brooks	Primary School Parent Governor Representative
Monsignor N Rothon	Roman Catholic Archdiocese of Southwark Commission for Schools and Colleges
Oluwafela Ajayi	PGR- Special Schools
Clive Caseley	PGR (Secondary Schools)



INVESTOR IN PEOPLE

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## ORDER OF BUSINESS – PART 1 AGENDA

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Lewisham



INVESTOR IN PEOPLE

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## Overview and Scrutiny Education Business Panel

### Minutes

**Date:** 25 January 2022

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive / Head of Committee Business

### Outline and recommendations

Members are asked to consider minutes of that part of the meeting of the Overview and Scrutiny Education Business Panel meeting 12 October 2021, which were opened to the press and public

#### 1. Recommendation

It is recommended that the minutes of those parts of the meetings of the Overview and Scrutiny Education Business Panel which were open to the press and public held on 12 October 2021, be confirmed and signed.

**Kim Wright**  
**Chief Executive,**  
**Lewisham Town Hall,**  
**Catford SE6 4RU**

**17 January 2022**

# MINUTES OF THE OVERVIEW AND SCRUTINY BUSINESS PANEL

Tuesday 12 October 2021 at 7pm

Present: Councillor Maslin (Chair), Councillor Campbell, Councillor Ingleby, Councillor Krupski, Councillor Millbank, Councillor Muldoon.

Present remotely: Councillor Bernards, Councillor Wise.

In Attendance remotely: Councillor Dacres

Also Present: Director of Communities, Partnership and Leisure (DCPL), Officers (Housing Services).

Apologies: Councillor Holland, Councillor Sorba

## 1. Declarations of Interest

No interests were declared.

## 2. Minutes

The minutes of the last meeting were deferred to the next scheduled Committee meeting.

## 3. Key Decision Plan

The Head of Business and Committee presented this item. The report outlined the upcoming key decisions over the next few months.

Councillor Millbank asked if the 'Lewisham and Lee Green Low Traffic Neighbourhood: Consultation report' would consider just that particular neighbourhood or Low Traffic Neighbourhoods in general.

The Head of Business and Committee responded that he would consult with the local authority's transport and highways officer, for further clarification. Councillor Krupski confirmed the consultation would specifically address the consultation feedback with regard to the Lee Green Low Traffic Neighbourhood.

Councillor Muldoon noted a typo on page 11 of the Key Decision Plan stating that the report titled 'Permission to award principal contractor to carry out refurbishment works to Lewisham Town Hall' should probably include the word 'Works' as opposed to 'Woks'.

The Head of Business and Committee acknowledged the typo error and confirmed that Councillor Muldoon's assertion, was correct.

RESOLVED that the report be noted.

## 4. Decisions made by Mayor and Cabinet - 6 October 2021 in open session

Private Sector Housing - Consultation for introducing selective licensing scheme

The Chair advised Members that he had received a request from Councillor Ingleby, for the panel to consider a decision made by the Mayor and Cabinet, in regard to the: 'Borough-Wide Selective Licensing of the private rented sector – approval to consult' report.

Councillor Ingleby requested:

1. Clarification whether what was being proposed in the report, fell within Article 4 directions
2. Advice on whether the Article 4 directions process, helped or hindered the progress, of the proposal

An Officer who represented Housing Services, advised Members the Article 4 directions related to individual properties that required planning consent.

The Officer informed Members the local authority intended to launch a Selective Licensing scheme, which would regulate the management of HMO's. The Officer concluded that the Article 4 directions would not impact the proposal, as the proposal did not include the development of HMO's.

#### Domestic Abuse and Violence against Women and Girls Strategy 2021-26

The Chair informed Members that he had received a request from Councillor Campbell, for the panel to consider a decision made by the Mayor and Cabinet, in regard to the: 'Domestic Abuse and Violence against Women and Girls Strategy' report.

Councillor Campbell enquired:

1. What tangible preventative work would be conducted, to prevent violence against women and girls, as well as addressing street violence
2. What work would the police be involved with in support, as stakeholders of the strategy, in partnership with the local authority
3. How would the local authority convey the impact the strategy had, on preventing violence against women and girls.

The Director of Communities, Partnership and Leisure (DCPL), advised Members that the strategy placed a huge focus on the prevention of violence, as priority. The DCPL quoted from the report with regard to the action plan outlined within, which proposed to raise awareness of domestic abuse along with early intervention measures such as: various education programs, public facing campaigns and promoting zero tolerance approaches. The DCPL assured Members, it is now the local authority's role to deliver on the action plan outlined. The DCPL confirmed that once the proposal had been approved, the strategy's offer would be implemented. The DCPL emphasised that continual scrutiny of the strategy would be welcome, as well as guidance from the panel and public, to ensure the action plan was delivered.

The DCPL advised that with regard to the police, it was acknowledged whilst their contribution to the strategy had not been highlighted, their support was at the core of the strategy's delivery. The DCPL advised Members of police strategies, such as: the multi-agency risk assessment conference, co-chaired by the police, which was key to dealing with very high risk abuse cases. Mention was also given to the various domestic violence and other protection orders, referred to in the report managed by the police. The DCPL also emphasised the police work conducted, via constant review of domestic violence cases, under the initiative 'Operation Dauntless'.

The DCPL clarified the dashboard methods, as outlined in section 10 of the report that would convey how the strategy, had made an impact on the prevention of domestic violence.

Councillor Krupski asked:

1. Why the local authority had such a poor record in the prevention of domestic violence
2. Had been any research been conducted, to identify what triggered instances of abuse i.e. stress.
3. What could be done in terms of building expertise in professionals, who work with abuse cases, to help them identify the early signs of domestic violence, so they can assist those affected?
4. Were there any charities or organisations that helped males affected by domestic violence?

The DCPL acknowledged the wide prevalence of domestic abuse cases in the borough and advised a huge amount of research was being conducted, to establish the causes. Members were advised the local authority was in discussion with the police, to obtain full victim profiles for research purposes. The Committee were advised the local authority had officers on standby to engage in the research process.

Members were assured that professional training was being addressed, to equip professionals to identify abuse and respond appropriately. The DCPL recounted the research conducted amongst abuse survivors, which highlighted the importance of professional curiosity.

The DCPL acknowledged that domestic abuse appeared to be gender specific. Members were advised that the strategy sought to use gender neutral language. It was advised that care was taken to neutralise pronouns. The DCPL advised the strategy did recognise and expand on the prevalence of male against female domestic abuse. Members were informed the strategy addressed this and the need for men to challenge and address misogynist behaviours.

Members were advised that the local authority noted the lack of services for male victims of domestic abuse and had launched a campaign to address the issue. The DCPL advised of the campaigns progress, in terms of referrals received.

Councillor Millbank requested:

1. Clarification, with regard to 'cross borough work' referred to on section 6.8 of the cover report, page 68 of the strategy.
2. Assurance that the local authority would recognise White Ribbon Day on the 25 November 2021.
3. How can the local authority add its voice to have misogyny recognised as a hate crime?

The DCPL advised that with regard to domestic violence, there was more cross borough work, than on any other policy area.

Members were assured White Ribbon Day would be recognised on the 25 November, which would be the first of the 16 days of activism, to end violence against women. The DCPL discussed the planned launch of the strategy on the 9 November to tie in with White Ribbon Day and other events.

Councillor Dacres reiterated the DCPL's advice with regard to the launch of the strategy and events in support of the strategy and White Ribbon Day.

Councillor Dacres discussed the work carried out to make misogyny a hate crime, such as the open letter sent to government signed by over 270 female councillors. The Councillor noted the support from councillors for misogyny as a hate crime to be written into law.

Members were assured the work for misogyny to be recognised legally as a crime, would continue.

The Chair advised Members that he was aware that following recent tragic events, the voices against misogyny were mainly those of women. He advised the importance of men in the local authority to acknowledge the need to challenge and address the misogynist behaviours of men alongside women, to ensure success in combating misogyny.

RESOLVED that the report be noted.

#### **5. Decisions by the Executive Director of Community Services in open session**

No requests were made for the Panel to consider any decisions.

The item was closed.

#### **6. Exclusion of the Press and Public**

RESOLVED that the report be noted

#### **7. Part 2 – Closed Session - Decisions by M&C- 6 Oct2021**

RESOLVED that the report be noted

#### **8. Part 2 Decisions made by the Executive Directors**

The Chair advised Members that he had received a request from Councillor Ingleby, for the panel to consider a confidential decision made by the Executive Director for Community Services, in regard to the report 'Permission to Procure Lewisham and Greenwich Appropriate Adult Service for Vulnerable Adults'. A question was asked by Councillor Ingleby which was fully addressed by Tom Brown, the Executive Director for Community Services.

RESOLVED that the report be noted

The meeting ended at 7.48pm

# Agenda Item 2



## Overview and Scrutiny Education Business Panel

### Declarations of Interest

**Date:** 25 January 2022

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive

### Outline and recommendations

Members are asked to declare any personal interest they have in any item on the agenda.

## 1. Summary

1.1. Members must declare any personal interest they have in any item on the agenda. There are three types of personal interest referred to in the Council's Member Code of Conduct:

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests.

1.2. Further information on these is provided in the body of this report.

## 2. Recommendation

2.1. Members are asked to declare any personal interest they have in any item on the agenda.

### 3. Disclosable pecuniary interests

3.1 These are defined by regulation as:

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:
  - (a) that body to the member’s knowledge has a place of business or land in the borough; and
  - (b) either:
    - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
    - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### 4. Other registerable interests

4.1 The Lewisham Member Code of Conduct requires members also to register the following interests:

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

## 5. Non registerable interests

- 5.1. Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

## 6. Declaration and impact of interest on members' participation

- 6.1. Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- 6.2. Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph 6.3 below applies.
- 6.3. Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- 6.4. If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- 6.5. Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

## 7. Sensitive information

- 7.1. There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

## 8. Exempt categories

- 8.1. There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-
- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
  - (b) School meals, school transport and travelling expenses; if you are a parent or

guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor

- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception).

# Agenda Item 3



## Overview and Scrutiny Education Business Panel

### Decision made by Mayor and Cabinet

**Date:** 25 January 2022

**Key decision:** Yes

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive / Head of Business and Committee

### Outline and recommendations

Members are asked to consider decision taken at a meeting of the Mayor and Cabinet held on 12 January 2022 in open session

#### 1. Recommendation

To consider decision taken by the Mayor and Cabinet on 12 January 2022, which will come in to force become effective on January 26 2022, unless called in by the Overview & Scrutiny Education Business Panel on January 25 2022

#### 2. Background

2.1 The Mayor and Cabinet considered the following decision on 12 January 2022:

- i. School Approval for Contract Award - Consultant Services Contract for the School Minor Works Programme (SMWP) 2022 to 2025.

2.2 The report that contains the proposals upon which the Mayor and Cabinet decision was made is attached as an Annex to this item.

2.3 The notice of the decision in respect of this report is attached below.

2.3 Under the provisions of Standing Orders Part IV E 14, Members may call in an executive decision within 7 days. If this decision is not called in, it will come into force on 26 January 2022.



## NOTICE OF DECISIONS MADE BY THE MAYOR & CABINET

The Mayor & Cabinet made the following decision on January 12 2022. The recommendations shown were agreed by a 7-0 vote of voting Members in physical attendance.

The decision will become effective on January 26 2022 unless called in by the Overview & Scrutiny Business Panel on January 25 2022.

**1. Approval for Contract Award - Consultant Services Contract for the School Minor Works Programme 2022 to 2025.**

Having considered an open officer report, and a presentation by the Cabinet Member for Children's Services and School Performance, Councillor Chris Barnham, the Mayor and Cabinet agreed that:

(1) the award of contract, for an initial period of 4 years, be made to McBains Limited for the provision of a Surveyor-led Multi-Disciplinary Consultancy Service to design and project manage the School Minor Works Programme 2022 to 2025;

(2) the value of this contract be based on an annual percentage rate of 6.45% of the annual total SMWP works cost and assuming a SMWP budget of £2.58m, this would equate to an estimated annual fee of £166,410, with an estimated potential total value of £665,640 over the four year period.

(3) the contract will include a break clause every 12 months, for a period of up to 4 years, from 2022 to 2025 and an option to extend the contract for a further year allowing the Council to terminate the contract at the end of each year at its own discretion.

**Kim Wright  
Chief Executive,  
Lewisham Town Hall,  
Catford SE6 4RU**

**January 13 2022**



## Mayor & Cabinet

### **Report title: Approval for Contract Award - Consultant Services Contract for the SMWP 2022 to 2025.**

**Date:** 12<sup>th</sup> January 2022

**Key decision:** Yes

**Class:** Part 1

**Ward(s) affected:** Various

**Contributors:** Peter Allery, Group Finance Manager and Kplom Lotsu, SGM Capital Programmes

### **Outline and recommendations**

The purpose of this report is to seek approval from Mayor & Cabinet to award the Consultant Services Contract for the School Minor Works Programme 2022 to 2025, in line with the approvals obtained at Mayor & Cabinet in January 2021 (report attached as Appendix A). The contract is for an initial period of 4 years, with the option to extend for a 5<sup>th</sup> year and a break clause every 12 months from the date of the initial agreement.

This report recommends that McBains Limited are awarded the contract for an annual percentage fee of 6.45% of the total SMWP works cost. This would equate to an estimated annual fee of £166,410 (based on an estimated SMWP cost of £2.58m), with an estimated potential total value of £665,640 over a four year period.

### **Timeline of engagement and decision-making**

Approval to Procure Report – January 2021

## 1. Summary

- 1.1. The purpose of this report is to seek approval from Mayor & Cabinet to award a contract for Consultant Services for the School Minor Works Programme 2022 to 2025, in line with the approvals obtained at Mayor & Cabinet in January 2021 (report attached as Appendix A). Following completion of an open procurement process, officers recommend that McBains Limited are awarded a contract for an initial period of 4 years for this service, with the option to extend by a further year, and inclusive of a break clause option every 12 months from the date of the initial agreement.

## 2. Recommendations

It is recommended that Mayor & Cabinet:

- 2.1. Approve the award of contract, for an initial period of 4 years, to McBains Limited for the provision of a Surveyor-led Multi-Disciplinary Consultancy Service to design and project manage the School Minor Works Programme 2022 to 2025.
- 2.2. Note that the value of this contract is based on an annual percentage rate of 6.45% of the annual total SMWP works cost. Assuming a SMWP budget of £2.58m, this would equate to an estimated annual fee of £166,410, with an estimated potential total value of £665,640 over the four year period.
- 2.3. Note that this contract will include a break clause every 12 months, for a period of up to 4 years, from 2022 to 2025. The contract also includes an option to extend the contract for a further year. The Council therefore has the opportunity to terminate the contract at the end of each year at its own discretion.

## 3. Policy Context

- 3.1. The Local Authority has a duty to ensure the provision of sufficient places for pupils of statutory age and, within financial constraints, accommodation that is both suitable and in good condition.
- 3.2. The proposal within this report is consistent with the Corporate Strategy 2018 to 2022, in particular the Corporate Priority of 'Giving children and young people the best start in life: Every child has access to an outstanding and inspiring education and is given the support they need to keep them safe, well and able to achieve their full potential'.
- 3.3. As the owner of the community school buildings and employer of school staff, Lewisham Council has a statutory duty to ensure that schools are fit for purpose while in use by pupils and staff. While schools are responsible for the day-to-day maintenance of their buildings, any significant capital expenditure has to be funded through the Council's School Minor Works Programme.

## 4. Background

- 4.1. The School Minor Works programme is funded by the Education and Skills Funding Agency (ESFA) through the School Conditions Allocation (SCA). The SCA supports essential capital works in communities schools to prevent disruption to the day-to-day running of schools, and ensure they are safe for the pupils, staff and visitors.
- 4.2. Larger Multi-Academy Trusts (MATs) and larger Voluntary Aided (VA) school bodies receive direct SCA to invest in priorities across the schools for which they are responsible. Smaller or stand-alone academy trusts, sixth form colleges and smaller or stand-alone VA school bodies are able to bid to the Condition Improvement Fund (CIF).
- 4.3. The Council is in the process of undertaking condition surveys of community school buildings (currently 49 in total). The information collected will be used to develop a

Capital Programme Report which will provide an indicative annual programme of works to inform the School Minor Works Programme (SMWP) over the next 4 years (2022 to 2025). The programmes will prioritise issues that are beyond the means of a school to address on its own and that pose (or soon will) a serious risk to the health and safety of children and staff, and/or could result in the closure of a school due to non-compliance with statutory requirements.

- 4.4. The appointed Consultant will provide the Consultant role and multi-disciplinary services (including Project Management, Principal Designer, Building Surveyor and Contract Administration).
- 4.5. The contract will potentially cover a 5-year period, but will include a 12 month break clause, which means the contract can either be terminated or extended by an additional year on or around each anniversary of the date of the Agreement, both at the sole discretion of the Council.

## 5. Procurement process

- 5.1. A single stage open tender exercise was run for the Consultant Services Contract for the School Minor Works Programme 2022 to 2025. The opportunities were advertised on Contracts Finder and published on the London Tenders Portal, in line with the Council's Procurement guidance.
- 5.2. Tenderers had to achieve a minimum score of 8 (described as '*Very Good - Proposal meets the required standard in all aspects*') for Method Statements MS1a, b, c and MS2.
- 5.3. Moderation sessions were led by the Procurement Officer. The evaluation panel consisted of three Council officers (2 Project Managers and Project Officer).
- 5.4. After the tender period closed, the submissions were shared with the evaluation panel members who were instructed to separately evaluate all complete tenders. Each member's scores were shared with the Council's Procurement team ahead of a virtual meeting (known as a consensus meeting) which was held to discuss and agree consensus scores for each tender. The consensus meetings were moderated by a member of the Council's Procurement team.
- 5.5. The full tender submissions were evaluated based on the following criteria
  - Financial detail including price 50%
  - Project Management 22.5%
  - Technical Ability 12.5%
  - Health and Safety 10%
  - Social Value 5%

The evaluation was made up of 50% price and 50% quality, incorporating 5% for social value.

## 6. Tender Evaluation

- 6.1. The table below set out details on the key dates and number of tenders received for this contract.
- 6.2.

Activity	Date/Quantity
Tender Published	05/10/2021
Tender Return Deadline	09/11/2021
Evaluation/Consensus Meeting	29/11/2021 and 01/12/2021
Expression of Interest	75
Tenders Received	23 in total

### Is this report easy to understand?

Please give us feedback so we can improve.

6.3. The price of each tender was evaluated using the Lowest Price Option, see the formula below:

$$\text{Price score} = \text{price weighting (50)} \times (\text{lowest price/tendered price})$$

6.4. The quality of the tenders was assessed based on the method statements and weightings included in Appendix B. A summary is provided in the table below:

<b>QUALITY</b>		
Criteria		Weighting
MS 1a*	Project Management	7.5%
MS1b*	Project Management – Quality Control	7.5%
MS1c*	Project Management – Cost Control	7.5%
MS 2*	Technical Ability	12.5%
MS 3	Health & Safety	10%
MS4a	Social Value - Employment, Skills and Economy	1.5%
MS4b	Social Value - Greener Lewisham	1%
MS4c	Social Value - Healthier Lewisham	1.5%
MS4d	Social Value - Training Lewisham’s Future	1%
MS5	Equality, Diversity & Inclusion (for information only)	N/A
MS6	Climate Change (for information only)	N/A
MS7	GDPR and Data Handling (for information only)	N/A
<b>Total Quality Weighting</b>		<b>50%</b>

6.5. Criteria marked with an asterisk (\*) in the table above, required a minimum quality score of 8 (see 6.4 for description of standards) to be considered valid. Criteria not marked with an asterisk (\*) were required to achieve a minimum quality score of 5. Any Tender which failed to attain these minimum scores would be deemed invalid.

6.6. The scoring was awarded on a scale of 0 –10. 0 being non-existent and 10 being perfect. The table below provides a description of each score:

Score	Level	Standard
0	Non-existent	Proposal absent
1	Inadequate	Proposal contains significant shortcomings and/or is inconsistent or in conflict with other proposals
2	Very poor	Proposal contains many shortcomings and/or is inconsistent or in conflict with other proposals

### Is this report easy to understand?

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3	Poor	Proposal falls well short of achieving expected standard in a number of identifiable respects
4	Weak	Proposal falls just short of achieving expected standard in a number of identifiable respects
5	Barely adequate	Proposal just meets the required standards in nearly all major aspects, but is lacking or inconsistent in others
6	Adequate	Proposal meets the required standards in nearly all major aspects, but is lacking or inconsistent in others
7	Good	Proposal meets the required standard in all major material respects
8	Very good	Proposal meets the required standard in all major material respects and in a few of the minor requirements
9	Excellent	Proposal meets the required standards in all major material respects and nearly all of the minor requirements
10	Perfect	Proposal meets the required standards in all major material respects and all of the minor requirements

6.7. The tables that follow summarise the final quality, price scores and overall scores for each tender.

6.8. Method Statement Evaluation (Quality)

Tenderer	Quality Score	Rank	Valid/Invalid
McBains Limited	40.75	1	Valid
Company A	38.75	2	Invalid
Company B	37.75	3	Invalid
Company C	37.75	3	Invalid
Company D	37.5	5	Invalid
Company E	37.25	6	Invalid
Company F	36.75	7	Invalid
Company G	36.75	7	Invalid
Company H	36.25	9	Invalid
Company I	36.25	9	Invalid
Company J	35.25	11	Invalid
Company K	35.25	11	Invalid
Company L	35.25	11	Invalid
Company M	35	14	Invalid
Company N	34.75	15	Invalid
Company O	34.75	15	Invalid
Company P	34.0	17	Invalid
Company Q	33.25	18	Invalid
Company R	32.5	19	Invalid

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Company S	32.0	20	Invalid
Company T	32.0	20	Invalid
Company U	23.5	22	Invalid
Company V	N/A	N/A	Invalid

6.9. Overall, the quality of the bids was reasonable and several companies scored highly on individual questions. However, as this programme involves working on high risk projects within live school environments and under pressurised timescales, the minimum quality threshold for four of the six method statement questions was set at a particularly high level of 8 (out of 10), see table 6.6 for further details. Once all tender responses had been evaluated, only 1 tenderer, McBains, had achieved the required standard for all method statement responses.

6.10. Form of Tender Evaluation (Price)

6.11. The price submitted by tenderers was based on a percentage of the value of an indicative School Minor Works programme budget provided within the tender pack, which provided details of the work packages and their indicative costs.

6.12. Tenderers were asked to provide a percentage and equivalent amount they would charge based on the example School Minor Works programme budget of £2,580,000. The actual programme of works for 2022 and subsequent years will be agreed with the successful bidder once appointed .

6.13. As McBains Ltd submitted the only valid tender, it was only their price that was evaluated (based on Procurement advice). This is shown in the table below:

Tenderer	Price	% fee	Score	Rank
McBains Limited	£166,410.00	6.45	50	1

6.14. It should be noted that despite the fact that no other tender prices were formally evaluated, officers are confident that McBains Ltd's price is on market. The mean average of the 23 tender prices received was £152k (5.9% of an indicative works cost of £2.58m). This means the winning tenderer's price of £166k (at a percentage rate of 6.45%) is within 10% of the average. This, together with the fact that McBains achieved the highest quality score of the 23 bids submitted, demonstrates that their tender represents value for money.

6.15. Overall scores

Tenderer	Quality Score	Price Score	Total Score	Overall Quality Rank	Valid/Invalid
<b>McBains Limited</b>	<b>40.75</b>	<b>50</b>	<b>90.750</b>	<b>1</b>	<b>Valid</b>

6.16. Overall, the tenders were of a reasonable standard, however the quality requirements were set very high and therefore only one of the bidders achieved the scores required for the submission to be valid.

6.17. Officers therefore recommend McBains Ltd for the Consultancy Service contract, as they were the overall winning bidder with an acceptable price and quality score.

6.18. A credit check was run on McBains Ltd by the Council's Procurement team in November 2021, which demonstrated the company was considered low risk.

## 7. Financial implications

7.1. This report recommends that Mayor & Cabinet approves the award of the Consultant

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Services Contract to McBains Ltd for an estimated annual cost of £166,410, potentially rising to an estimated value of £665,640 over a four year period

- 7.2. This contract will be funded from the approved capital budget for the 2022 to 2025 Schools Minor Works programme. The annual break clause will allow the Council to terminate the contract should future years' funding not be available.

## **8. Legal implications**

- 8.1. The Council's Constitution contains requirements about how to procure and manage contracts. These are in the Contract Procedure Rules (Constitution Part IV). Some of the requirements in those Rules are based on the procurement regulations (the Public Contracts Regulations 2015 ('the PCR') continue to apply for the time being, as amended by Brexit provisions including the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 SI 2020 No.1319) with which the Council must comply.
- 8.2. Procedures for tendering are to be determined by contracting authorities in accordance with PCR 2015 (regulation 76). These require procedures to be transparent and ensure equal treatment of suppliers. Time limits must also be reasonable and proportionate. This contract has been externally and openly advertised by an open tender process as required by PCR 2015 and the Council's Constitution. May and Cabinet gave approval to provide the contract in January 2021.
- 8.3. The report recommends the award of a Consultancy Services contract for the provision of a Surveyor-led Multi-Disciplinary Consultancy Service to design and project manage the School Minor Works Programme 2022-2025. The value of the contract means that this is a Category A contract for the purposes of the Council's Contract Procedure Rules and one which is to be awarded by Mayor and Cabinet.
- 8.4. If the proposal to award contracts is approved, award notices must be published on OJEU and Contracts Finder in the prescribed form.
- 8.5. The report explains the evaluation approach and process applied to the bid and the reasons for recommending the successful bid for approval. The Invitation to Tender set out that tenderers had to reach specified scores (see Appendix 1). The process followed, including exclusion of the tenderer who did not reach the minimum score, was in compliance with the advertised and required procedures.
- 8.6. This decision is a Key Decision under Article 16.2 (b) and Article 16.2 (c) (xxiii) of the Constitution as it has a value of more than £200,000. It is therefore required to be contained in the current Key Decision Plan.
- 8.7. In taking this decision, the Council's public sector equality duty must be taken into account. It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In summary, the Council must, in the exercise of its functions, have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not.
- 8.8. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for Mayor and Cabinet, bearing in mind the issues of relevance and proportionality. Mayor and Cabinet must understand the impact or likely impact of the decision on those with protected characteristics who

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are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

- 8.9. The Equality and Human Rights Commission (EHRC) has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance. The Council must have regard to the statutory code in so far as it relates to the duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found on the EHRC website
- 8.10. The Public Services (Social Value) Act 2012 requires that when the Council is procuring services above the EU threshold – as is the case here - it must consider, before commencing a procurement process, how the procurement might be conducted so as to improve the social, economic and environmental wellbeing of the area. The matters to be considered must only be those relevant to the services to be procured and it must be proportionate in all the circumstances to take those matters into account. The Council has adopted a Social Value policy which must also be applied; and the Council's Sustainable Procurement Code of Practice will need to be applied to the contract. The report sets out the social value issues which arise, and any future decision by the decision maker will also need to take those matters into consideration.

## **9. Equalities implications**

- 9.1. The planned maintenance works as proposed will benefit all pupils, staff attending and working in the schools. No individual will be disadvantaged by the works.

## **10. Climate change and environmental implications**

- 10.1. The School Minor Works Programme will improve the energy efficiency of school buildings by upgrading boiler systems to more eco-friendly models, improving insulation and installing LED lighting. This is consistent with the Council's Energy Policy, which was agreed at Mayor & Cabinet July 2014, and more recently the Council's commitment to the borough being carbon neutral by 2030 and development of a Climate Change Action Plan.
- 10.2. Each contractor's approach to reducing the impact of the works on the environment was provided as part of their submission.

## **11. Crime and disorder implications**

- 11.1. There are no such implications arising from this report

## **12. Health and wellbeing implications**

- 12.1. The School Minor Works Programme will help to improve the health and wellbeing of staff and children by creating a safer environment and better functioning facilities within school buildings.

## **13. Social Value implications**

- 13.1. The School Minor Capital Works Programme will deliver social value to the London Borough of Lewisham by working with our Social Value Officer to set targets in line with the Council's strategic aims and objectives for each of the contracts tendered.
- 13.2. The contractors' commitments to social value were assessed as part of the tender evaluation and were given an overall weighting of 5%, in line with the Council Social Value Policy. The recommended contractor for appointment achieved a score of 6 for the

method statement on social value.

- 13.3. The social value outcomes offered by the contractor include volunteer days working on Lewisham initiatives; student placements during term holidays; school careers talks on engineering, construction and sustainability, and a number of other measures to improve environmental performance and contribute towards the borough's carbon reduction targets.
- 13.4. The School Minor Capital Works Programme, Social Value Officer and Contractor will work together to monitor and facilitate delivery of social value outcomes.

## 14. Background papers

- 14.1. The following background documents were referenced in this document.
- Appendix A: Mayor & Cabinet Report for School Minor Capital Works Programme 2021 – Approval to Tender Works

## 15. Glossary

- 15.1. Description of terms below.

Term	Definition
SCA	School Condition Allocation – a grant funded by Education and Skills Funding Agency (ESFA)
SMWP	School Minor Works Programme

## 16. Report author(s) and contact

- 16.1. Akweley Badger, x 46825, Akweley.Badger@lewisham.gov.uk

## 17. Comments for and on behalf of the Executive Director for Corporate Resources

- 17.1. Peter Allery, x48471, Peter.Allery@lewisham.gov.uk

## 18. Comments for and on behalf of the Director of Law, Governance and HR

- 18.1. Sohagi Patel, x47368 , Sohagi.Patel@lewisham.gov.uk

## 19. Appendices

- 19.1. Appendix A: Mayor & Cabinet Report for School Minor Capital Works Programme 2021 – Approval to Tender Works
- 19.2. Appendix B: Tender Evaluation Matrix