



AGENDA

OVERVIEW AND SCRUTINY EDUCATION BUSINESS PANEL

Date: TUESDAY, 19 JULY 2022 at 7.00 pm

Civic Suite, Lewisham Town Hall, London SE6 4RU/Remotely

Enquiries to: Jasmine Kassim
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MEMBERS

Councillor Mark Ingleby	Chair	L
Councillor Erheriene	Vice-Chair	Labour Co-op
Councillor Chris Best	Chair of Healthier Communities Select Committee	Labour Co-op
Councillor Ayesha Lahai-Taylor	Chair of Safer and Stronger Communities Select Committee	L
Councillor Joan Millbank	Labour Group Representative	L
Councillor Stephen Penfold	Chair of Housing Select Committee	L
Councillor James Rathbone	Chair of Public Accounts Select Committee	Labour Co-op
Councillor James Royston	Chair of Sustainable Development Select Committee	Labour Co-op
Councillor Luke Sorba	Chair of Children and Young People Select Committee	L
Councillor Eva Stamirowski	Labour Group Representative	L

Members are summoned to attend this meeting

Kim Wright
Chief Executive
Lewisham Town Hall
Catford
London SE6 4RU
Date: Monday, 11 July 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

Bryan Strom	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)



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ORDER OF BUSINESS – PART 1 AGENDA

Item No		Page No.s
1.	Minutes	1 - 3
2.	Declaration of Interests	4 - 7
3.	Decision Taken by Mayor and Cabinet on 9 March 2022	8 - 10
4.	Part 1 - Decision by Executive Director of Children and Young People Services	11 - 23
5.	Exclusion of Public and Press	24
6.	Part 2 - Decision by Executive Director of Children and Young People Services	25 - 35



Lewisham



INVESTOR IN PEOPLE

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Overview and Scrutiny Education Business Panel

Minutes

Date: 19 July 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 22 March 2022, which were opened to the press and public

1. Recommendation

It is recommended that the minutes of those parts of the meeting of the Overview and Scrutiny Education Business Panel which were open to the press and public held on 22 March 2022, be confirmed and signed.

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

11 July 2022

MINUTES OF THE OVERVIEW AND SCRUTINY EDUCATION BUSINESS PANEL

Tuesday, 22 March 2022 at 7.00 pm

PRESENT: Councillors Paul Maslin, Octavia Holland, Joan Millbank, John Muldoon, Luke Sorba, Susan Wise and Monsignor N Rothern.

Apologies for absence were received from Councillor Juliet Campbell, Councillor Louise Krupski and Bryan Strom

OFFICERS(S) ALSO JOINING THE MEETING VIRTUALLY: Project Manager – Capital Programme Delivery Team.

Clerk: Senior Committee Manager (in person)

1. Minutes

RESOLVED: That that the Minutes of Meeting of the Overview and Scrutiny Education Business Panel held on 12 October 2021 be confirmed as an accurate record.

2. Declaration of Interests

No interests were declared at the meeting.

3. Decision Taken by Mayor and Cabinet on 9 March 2022

Councillor Paul Maslin, the Chair of the Panel welcomed Members and officers present at the meeting.

The Chair announced that he had received a request from Councillor Luke Sorba for the Panel to consider the decision taken by the Mayor and Cabinet on 9 March 2022 regarding the “School Minor Works Programme 2022”.

In addressing the meeting, Councillor Sorba outlined his understanding of the proposals upon which the Mayor and Cabinet decision was based, highlighting the large amount of £3.4m to be invested regarding the School Minor Works Programme and the Council’s corporate priorities. Considering that, Councillor Sorba asked whether the Council’s procurement partners would be willing to employ residents so that the generated wealth remain in circulation within in the local economy. Councillor Sorba was of a view that to further boost the local economy, and if there was a financial case to be made in that regard, the Council should perhaps consider the return of direct labour organisations under its control.

In response to questions by Councillor Sorba, the Project Manager from the Council's Capital Programme Delivery Team clarified to the Panel that the actual total value of the contract that the Council would be investing as part of the School Minor Works Programme amounted to £3m. It was stated that the investment would be procured to individual projects between the values of £500,000 and £1,000,000, and the weighting awards 5% to 10% for social value of the overall assessment in accordance with the Council's policies. The Panel also received confirmation that the quality of tender and the exact evaluation method would be developed with the advice of officers in the Council's Procurement Team, and in accordance with expectations of the Lewisham's Labour and Business Scheme.

On the issue of labour, the Officer advised the Panel that the Local Economy and Partnership Team had taken the initiative to upskill small to medium-sized enterprises (SMEs) to bid for funding from the Council. However, given the high values of the contracts to be procured under the School Minor Works Programme, and the need for specialised constructions works, SMEs would be encouraged to work as sub-contractors to main contractors.

The Officer also clarified to the Panel that direct labour would not be appropriate for the re-procurement programme for similar reasons relating to costs and the types of construction works. However, it was usual for schools to employ maintenance staff. It was stated that the Council had funds which schools could bid for to undertake on-site construction repairs works that were suited for direct employment on a smaller scale.

Councillor Sorba expressed a concern that the contracts to be procured would be outside the reach of local SMEs, other than as sub-contractors. Councillor Sorba hoped that the good practice in contract allocations could be reviewed by officers with a view to incorporate arrangements for direct local labour as part of procurement plans. Councillor Sorba suggested that it would be useful if the upskilling of SMEs was considered both in terms of how to deliver the contracts, and how to win the bid.

Councillor Mark Ingleby commented that the Officer's responses illustrated examples of issues which the Public Accounts Select Committee had been considering in relation to local supply chains and social value. Councillor Ingleby suggested that such considerations should continue into the next administration as important elements for boosting the local economy.

On behalf of the Panel, the Chair thanked the Officer for responses to questions raised.

RESOLVED that the report be noted.

Agenda Item 2



Overview and Scrutiny Education Business Panel

Declarations of Interest

Date: 19 July 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: 19 July 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 6 July 2022 in open session

1. Recommendation

To consider decision taken by the Mayor and Cabinet on 6 July 2022, which will come in to force become effective on 20 July 2022, unless called in by the Overview & Scrutiny Education Business Panel on 19 July 2022

2. Background

2.1 The Mayor and Cabinet considered the following decision on 6 July 2022:

Expansion of Drumbeat School

Adding a SEN Resource Base at Edmund Waller Primary School
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Fairlawn School - Change of Age Range

Forster Park School - Addition of a SEN provision

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.

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 20 July 2022.

Decisions taken by the Mayor and Cabinet on Wednesday, 6 July 2022

Agenda Item No	Topic	Decision
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Part A – Items considered in public

A6	Expansion of Drumbeat School	<p>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 to:</p> <ul style="list-style-type: none"> • Note the results of the period of representation conducted on the proposal to expand Drumbeat School; • Agree to the proposal that Drumbeat School & ASD Service be expanded from 223 places to 270 places with a modified implementation date of January 2023; • Delegate authority to the Executive Director for Children and Young People to procure and award the necessary construction contracts.
A7	Adding a SEN Resource Base at Edmund Waller Primary School	<p>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 to:</p> <ul style="list-style-type: none"> • Note the results of the period of representation conducted on the proposal to add a SEN provision at Edmund Waller Primary School. • Agree to the proposal of an addition of a SEN provision of up to 16 ASD places at Edmund Waller Primary School, with an implementation date of Spring 2023. • Delegate authority to the Executive Director for Children and Young People to procure and award the necessary construction contracts
A8	Fairlawn School - Change of Age Range	<p>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 to:</p> <ul style="list-style-type: none"> • Note the results of the period of representation conducted on the proposal to

Decisions taken by the Mayor and Cabinet on Wednesday, 6 July 2022

Agenda Item No	Topic	Decision
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		<p>change the age range of Fairlawn Primary School.</p> <ul style="list-style-type: none"> • Agree to the proposal that the age range at Fairlawn Primary School changes from 4-11 years old to 3-11 years old from September 2022.
A9	Forster Park School - Addition of a SEN provision	<p>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 to:</p> <ul style="list-style-type: none"> • Note the results of the period of representation conducted on the proposal to add a SEN provision at Forster Park Primary School. • Agree to the proposal of an addition of a SEN provision of up to 21 ASD/SEMH places at Forster Park Primary School, with an implementation date of Autumn 2022. • Delegate authority to the Executive Director for Children and Young People to procure and award the necessary construction contracts



Overview and Scrutiny Education Business Panel

Decision made by Executive Director of Children and Young People

Date: 19 July 2022

Key decision: Yes

Class: Part 1

Ward(s) affected: All

Outline and recommendations

Members are asked to consider decision taken by the Executive Director of Children and Young People in open session

1. Recommendation

To consider decision taken by the Executive Director of Children and Young People, which will come in to force become effective on 20 July 2022, unless called in by the Overview & Scrutiny Education Business Panel on 19 July 2022.

2. Background

2.1 The Executive Director of Children and Young People made the following decision:

- Contract Award Report – for the School Minor Works Programme 2022, Roofing and Mechanical & Electrical (M&E) contracts (also in Part 2)

2.2 The report that contains the proposals upon which the decision was made is attached to this item.

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 20 July 2022.



Executive Director for Children and Young People

Report title: Contract Award Report – for the School Minor Works Programme 2022, Roofing and Mechanical & Electrical (M&E) contracts

Date: 19 July 2022

Key Decision: Yes

Class: Part 1

Ward(s) affected: Various

Contributors: Acting Group Finance Manager, Director of Law, Procurement and Contracts Manager and SGM Capital Programme Delivery

Outline and recommendations

The purpose of this report is to obtain approval from the Executive Director for Children & Young People to award two School Minor Works Programme 2022 (SMWP 2022) contracts following restricted tender exercises.

This report recommends that:

- Amber Construction Services Ltd is awarded the SMWP 2022 roofing contract for a sum of £1,353,019
- Thermoserv Ltd is awarded the SMWP 2022 mechanical and electrical (M&E) contract for a sum of £679,006.

The reports also notes that the Executive Director for Children & Young People received delegated authority from the Mayor & Cabinet on 09 March 2022 to award the School Minor Works Programme 2022 works contracts.

Timeline of engagement and decision-making

Approval to Procure Report – March 2022

Tenders Issued – May 2022

Tenders Returned – June 2022

Tender Evaluation – June 2022

Contract Award Report Issued – July 2022

Contract Award Decision – July 2022

1. Summary

- 1.1. The purpose of this report is to obtain approval from the Executive Director for Children & Young People to award two School Minor Works Programme 2022 contracts (roofing and M&E) following restricted tender exercises.

2. Recommendations

- 2.1. It is recommended that the Executive Director for Children and Young People authorise officers to award the following contracts, to enable the delivery of the School Minor Works Programme 2022:
 - 2.1.1. Amber Construction Services Ltd: the SMWP 2022 roofing contract for an initial sum of £1,353,019.
 - 2.1.2. Thermoserv Ltd: the SMWP 2022 mechanical and electrical (M&E) contract for an initial sum of £679,006.
 - 2.1.3. Note that the Executive Director for Children & Young People received delegated authority from the Mayor & Cabinet on 09 March 2022 to award the School Minor Works Programme 2022 works contracts.

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 2018-2022, 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 owner of the school buildings and the employer, the Council has a statutory duty under the Health & Safety at Work Act 1974 and associated approved codes of practice, to ensure that schools are fit for purpose and used by pupils and staff. Whilst schools are responsible for day to day maintenance of their buildings, any significant expenditure on capital schemes has to be funded by the Council.

4. Background

- 4.1. This programme is funded by the Education and Skills Funding Agency (ESFA) through the School Conditions Allocation (SCA). The SCA supports essential capital works in community schools to prevent disruption to their day-to-day running, and to ensure they are safe for the pupils, staff and visitors. Larger Multi-Academy Trusts (MATs) and Voluntary Aided (VA) school bodies receive direct funding to invest in priorities across the schools for which they are responsible. Smaller or stand-alone academy trusts, sixth form colleges and VA school bodies are able to bid to the Condition Improvement Fund (CIF).
- 4.2. The Council makes decisions on where to invest its SCA based on building condition surveys of the community school estate. The last set of surveys were undertaken by McBains in summer/autumn 2021. The surveys covered 40 community schools which were selected on the advice of officers in the Estates Management team. Their selection was based on the age, and their knowledge, of buildings, and mechanical and electrical systems in the school estate.
- 4.3. The Mayor & Cabinet report for the School Minor Works Programme 2022 (SMWP 22) dated 09 March 2022 (Appendix A) provides further details on how this year's programme of works was developed. The report also received approval to delegate authority to the Executive Director for Children & Young People to award the contracts under the School Minor Works Programme 2022.
- 4.4. This report relates to building fabric works at 4 schools (John Ball Primary School, New Woodlands Primary School, Rushey Green Primary School and Launcelot Primary School) and mechanical and electrical (M&E) at 3 schools (Athelney Primary School, Elfrida Primary School and Perrymount Primary School).

5. Procurement Process

- 5.1. A restricted list tender process was used to procure contractors for the SMWP 2022 Roofing and M&E contracts. This route was chosen after discussions with the Council's consultant for the SMWP, McBains (who will be managing the contracts), and the Council's Procurement Team. It was recommended by McBains for a number of reasons. Firstly, there is currently high demand in the construction industry, which is allowing contractors to be selective about the contracts for which they bid. By restricting the number of bidders, the contracts would look more attractive to prospective tenderers, reducing the risk of receiving an uncompetitively low number of tenders. Secondly, the tenders were published quite late in the year for summer works, which means that contractors would likely already have a numbers jobs booked in for the summer, reducing their capacity to take on further work. By inviting a restricted list of tenderers to bid for the contracts, the Council would be able to approach contractors to find out whether they have the capacity to submit a bid and undertake the works within the required timeframe. Furthermore, by choosing which contractors were invited to bid, the Council could approach contractors with a proven track record of delivering good quality works, which in turn would increase the chances of a competitive tender exercise between reputable contractors.
- 5.2. The selection of contractors was based on the Council's past experience and recommendations from McBains' approved list. Officers aimed to invite 7 contractors to reduce risk of not receiving enough tenders to enable a competitive exercise (the minimum number of bidders that must be invited in a restricted tender exercise is 5, according to the Council's procurement procedures). Once 7 contractors were identified for each contract, they were approached to find out whether they were interested in the opportunity and had the capacity to undertake the works within the required timescales. The table below lists the contractors that were able and willing to meet the requirements of the contracts, and whether the Council had previously worked them.

- 5.3. For further details on the credit safe check, please see the corresponding part 2 report, section 5.3.
- 5.4. A credit safe check was undertaken on each of the above contractors. Any contractor that scored 50 or below, which represents a moderate or low risk, had to be assessed further by the Council's Chief Accountant. This took the form of reviewing the contractor's past 2 years' company accounts. The contractors that scored 50 or lower are highlighted in yellow. Of the three contractors highlighted above, only Thermoserv passed the more detailed examination. This meant 6 contractors were invited to bid for each contract.

6. Tender Evaluation

6.1. The tables below set out details on the procurement timetables and contractors that were invited to submit a bid for each contract.

6.1.1. Roofing contract

Activity	Date/Quantity	
Tender Published	18/05/2022	
Tender Return Deadline	15/06/2022	
Evaluation/Consensus Meeting	22/06/2022	
Number of contractors invited (tenders received)	6 (4)	
Tenders	Received: 1. Amber Construction Service Ltd 2. Contractor A 3. Contractor D 4. Contractor E	Not received: 1. Contractor F 2. Contractor C

6.1.2. Mechanical and Electrical (M&E) Contract

Activity	Date/Quantity	
Tender Published	25/05/2022	
Tender Return Deadline	15/06/2022	
Evaluation/Consensus Meeting	29/06/2022	
Number of contractors invited (tenders received)	6 (4)	
Tenders Received or Not received	Received: 1. Contractor I 2. Contractor H 3. Contractor G 4. Thermoserv Ltd	Not received: 1. Contractor L 2. Contractor K

- 6.2. Valid tenders were evaluated on a 50/50 basis for price and quality.
- 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 following method statements and weightings

Main Criteria (& Weighting)	Sub-criteria	Evidence	Method Statement
Project Management (15%)	<p>Please describe how you will manage the project during each phase (from pre-start to post-completion), including how you will ensure:</p> <ul style="list-style-type: none"> - It is delivered on time (please provide Gantt chart or similar to support response), - Costs are controlled, - The quality of works undertaken are delivered to the highest standard possible. 	✓	MS 1*
Technical Ability (15%)	<p>Please provide a statement on each staff member who will be working on this project, highlighting their relevant experience, qualifications and competencies.</p> <p>Please also include:</p> <ul style="list-style-type: none"> - A structure chart (highlighting the main point of contact for the Council) - Details of your complaint escalation procedure. 	✓	MS 2 *
Health & Safety (10%)	<p>Please describe your Health & Safety procedures and how you would ensure that all staff and customers would remain safe during both the design and construction phases.</p> <p><i>Please ensure that your response considers your responsibilities under the Construction (Design and Management) Regulations (CDM).</i></p>	✓	MS 3

<p>Social Value (10%)</p>	<p>Social Value is the additional economic, social and environmental benefits that can be created when the Council procures an external service or contractor to deliver works.</p> <p>The Social Value Monitoring Tool (see the <i>'Appendix 1 Social Value Monitoring'</i> document) sets out the Council's key performance indicators for measuring how well a contract performs against its 4 social value objectives, see below:</p> <ol style="list-style-type: none"> 1. Employment, Skills & Economy 2. Creating a greener Lewisham 3. Training Lewisham's future 4. Making Lewisham healthier <p>Using the KPIs in the Social Value Monitoring Tool, please state which KPIs (and how many of each) you will deliver as part of your social value contribution, and how this will be achieved.</p>	<p>✓</p>	<p>MS 4</p>
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6.4.1. Criteria marked with an asterisk (*) in the table above, required a minimum quality score of 6 (see 6.5 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.

6.5. 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
3	Poor	Proposal falls well short of achieving expected standard in a number of identifiable respects
	Weak	Proposal falls just short of achieving expected standard in

4		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

6.6. The tables that follow summarise the final quality, price and overall scores for the roofing and M&E contracts.

6.7. **Roofing Contract**

6.7.1. For further details of the tender evaluation regarding quality criteria please see the corresponding part 2 report, section 6.7.1.

6.7.2. Form of Tender (Price)

Tenderer	Price	Score	Rank
Amber Construction Services Ltd	£1,353,0198	50	1

6.7.3. Overall Scores

Tenderer	Price Score	Quality Score	Total Score	Overall Rank
Amber Construction Services Ltd	50	40	90	1
Contractor D	45.11	32	77.11	2
Contractor E	37.01	37.50	74.51	3
Contractor A	26.27.80	38	65.80	4

6.8. Overall the quality of bids received was good and several companies scored highly on some individual questions. The minimum criteria for the first two method statement questions was set at 'adequate', Proposal meets the required standards in all major aspects but is lacking or inconsistent in other areas. All four tenderers met this threshold scoring a minimum of 6 or above for these method statements

6.9. **Mechanical and Electrical (M&E) Contract**

6.9.1. For further details of the tender evaluation regarding quality criteria please see the corresponding part 2 report, section 6.9.1.

6.9.2. Form of Tender Evaluation (Price)

Tenderer	Price	Score	Rank
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Thermoserv Ltd	£679,006	50.00	1
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6.9.3. Overall Scores

Tenderer	Price Score	Quality Score	Total Score	Overall Rank
Thermoserve Ltd	50.00	35.00	85.00	1
Contractor G	46.09	35.00	81.09	2
Contractor H	37.80	38.50	76.30	3
Contractor I	41.23	31.50	72.73	4

6.9.4. Overall the quality of bids received was good and several companies scored highly on some individual questions. For both tenders the minimum criteria for the first two method statement questions was set at 'adequate', Proposal meets the required standards in all major aspects but is lacking or inconsistent in other areas. All four tenderers met this threshold scoring a minimum of 6 or above for these method statements.

6.10. The tenders were evaluated by the following Council officers and external consultants from McBains. Each signed a Declaration of Interest form declaring no interest in submissions.

- Lemuel Dickie-Johnson - Project Manager, Capital Programme Delivery
- Akweley Badger – Project Officer, Capital Programme Delivery
- Barry Bugden – Social Value Officer, Economy, Jobs and Partnerships (Social Value only)
- Elliot Goodridge – McBains (Roofing Contract only)
- Chris Stevens – McBains (M&E Contract only)

6.11. The evaluation panel agreed the winning tender for each contract with an acceptable price and good quality score is as follows:

- Roofing Contract – Amber Construction Services Ltd
- M&E Contract – Thermoserv Ltd

6.12. The above contractors passed a credit check conducted by the Council's Procurement team (see Appendix C) and have recommended contract limits above the tender values submitted.

7. Financial implications

7.1. The Council was awarded £4.1m of School Condition Allocation & £560k of Devolved Formula Capital for 2022/23. SCA will be paid in 9 equal instalments May to January. DFC will be paid in June.

7.2. SCA should be spent on capital works, keeping schools building safe and in good working order. DFC should be spent to maintain buildings and fund small capital projects.

7.3. The cost of the contracts for roofing and M&E is a total of £2.0m so within the budget available.

7.4. Consideration should be given to ensure the works are capital in nature, meet the conditions of the grant and any ongoing revenue implications.

7.5. For further details on the financial implications, please see section 7 of the corresponding part 2 report.

8. Legal implications

- 8.1. The Council has a statutory duty to provide primary and secondary education as well as a duty to ensure that all educational premises are in a good and safe state of repair.
- 8.2. 8.2 The Council owes obligations under the Health and Safety Act 1974 and the Occupiers Liability Act as employer and landlord to ensure that premises are fit for purpose and safe for the use of staff, pupils and the public.
- 8.3. The processes involved in selecting the most economically advantageous tenders for the value of the contracts (Category B contracts) have complied with The Council's Contract Procedural Rules (CPRs). The value of the contracts are below the FTE threshold for works. Some of the requirements in the CPRs are based on the Public Contracts Regulations 2015 as amended by the Public Procurement (Amendment etc) (EU Exit) Regulations ("the Regulations") with which the Council must comply for below threshold contracts. This contract has been externally and openly advertised as required. The report explains the evaluation approach and process applied to the bid and the reasons for recommending the successful bid for approval.
- 8.4. On 9 March 2022 Mayor and Cabinet (Contracts) gave approval for a School Minor Works Programme 2019 to 2020. The report recommends that the Executive Director for Children and Young People awards the contract to the successful tenderers listed. If approval is given, each successful contractor will be given an appropriate JCT Intermediate contract to sign.
- 8.5. This decision is a Key Decision under Article 16.2 (b) and Article 16.2 (c) (xxiii) of the Constitution as it will have an impact on more than one ward and it has a value of more than £200,000. It is therefore required to be contained in the current Key Decision Plan.
- 8.6. 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.
- 8.7. 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 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.
- 8.8.
- 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.

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. Capital Programme Delivery officers have been working with colleagues in the Council's Climate Resilience Team to identify additional funding to deliver decarbonisation improvements as part of the School Minor Works Programme. This usually involves replacing gas boilers with air source heat pumps (ASHPs), which use electricity instead of gas. Further funding is sought for these types of works because they are usually significantly more expensive than installing newer gas boilers and also require other building fabric improvements to enable the use of ASHPs. If such works were funded wholly by the SCA, this would reduce the Council's ability to deliver other urgent works across the school estate – putting those schools at risk of closure or health and safety issues.
- 10.2. Unlike last year, there was no additional decarbonisation funding available that aligned with the timescales for the School Minor Works Programme 2022, and so the boiler replacement works in this year's M&E Contract will replace the older gas boilers with newer models. The newer models will be more energy efficient than the older versions, but the energy source will be gas instead of electricity, which can be generated through renewable sources.
- 10.3. Officers did look at the possibility of postponing the boiler replacement works to next year, when the Council may be able to secure additional funding for decarbonisation works, but there were a number of problems with this approach, explained below.
 - 10.3.1. While it may be possible to keep the existing boilers, which are in urgent need of replacement, running for another year, with temporary repairs, if one of the heating systems were to irreparably breakdown over the winter, we may have to decant that school to a new location. This would be a substantial cost to the Council and cause the school severe disruptions.
 - 10.3.2. If the Council was to remove all the boiler replacement works from this year's SMWP, this would drastically reduce the scope and spend of the programme. This would potentially affect the SCA the Council receives in future years, as it is likely that we will significantly underspend against this year's programme.
 - 10.3.3. The designs and specifications for the boiler replacement works have been fully developed by our consultant, based on gas boilers. If the Council was to change these to electric boilers, or undertake other works instead, there will be abortive costs related to the works already completed, and it is unlikely the alternative works will be delivered this financial year.
- 10.4. In order to support efforts in decarbonising Council owned buildings, one of the boiler replacement projects, at Donderry Primary School, has been postponed until next year. The decision was made to delay the works at this school because the Council started the process of decarbonising the school as part of the School Minor Works Programme 2021. In addition to this, the boilers that are due for replacement at Donderry do not serve the whole school – therefore, the risk of school closure due to boiler breakdown is lower.
- 10.5. While the boilers that are installed at the other schools (Athelney Primary School, Elfrida Primary School and Perrymount Primary School) will be gas powered, they will be more energy efficient than the models they replace.

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 colleagues in the Local Labour Business Scheme Resilience and Procurement teams 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 10%, in line with the Council Social Value Policy. Both contractors recommended for appointment achieved a score of 7 (good) for the method statement on social value.

13.3. The Local Labour Business Scheme (LLBS) team to monitor and assist the delivery of the Social Value targets.

14. Background papers

14.1. The following background documents were referenced in this document.

- Appendix A: Schools Minor Works Programme 2022: approval to procure
- Appendix B: Tender Evaluation Matrix for the Roofing and M&E Contracts
- Appendix C: Credit Score Reports

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 and contact

16.1. Lemuel Dickie-Johnson, Lemuel.Dickie-Johnson@Lewisham.gov.uk , 07990 796219

17. Comments for and on behalf of the Executive Director of Children and Young People

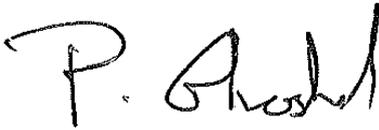
17.1. Pinaki Ghoshal, pinaki.ghoshal@lewisham.gov.uk

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

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

19. Approval

19.1. I Approve / ~~Do not approve~~ the recommendation in this report



Signed:

Date: 13th July 2022

Executive Director for Children and Young People

Agenda Item 5



Overview and Scrutiny Education Business Panel

Exclusion of the Press and Public

Date: 19 July 2022

Key decision: No

Class: Part 1

Ward(s) affected: Various

Contributors: Chief Executive /Governance & Committee

Outline and recommendations

Members are asked to note items that may be considered in closed session

Recommendation

1. It is recommended that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3, 4 and 5 of Part 1 of Schedule 12(A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to Information) (Amendments) (England) Regulations 2006:-
2. Decisions made by the Executive Director of Children and Young People:
 - Contract Award Report – for the School Minor Works Programme 2022, Roofing and Mechanical & Electrical (M&E) contracts (Also in Part 1)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted