



Executive Director for Community Services

Report title: Permission to Tender for Brockley Rise Adult Learning Centre Refurbishment works.

Date: 31st March 2021

Key decision: Yes

Class: Part 1

Ward(s) affected: Crofton Park

Contributors: Capital Programme Delivery Team, Procurement, Legal Services, Financial Services

Outline and recommendations

The purpose of this report is to seek approval from the Executive Director of Community Services to undertake procurement for a suitable principal contractor to carry out the refurbishment works to Brockley Adult Learning Centre – to construct a new single storey extension to the main building to create a new entrance, reception, café and exhibition space.

It is recommended that the Executive Director for Community Services - under their delegated powers - approve the procurement of the principal contractor to carry out the proposed works to Brockley Rise Adult Learning Centre to deliver a new level access and enhanced interior spaces. The work is estimated to cost approximately £455,000 (excluding preliminary costs). The works are likely to be completed late 2021 subject to planning permission.

Timeline of engagement and decision-making

- August 2020 – PID approved at RCPD Board
- Autumn 2020 – Lead Consultant appointed for RIBA stages 1-6.

1. Summary

- 1.1. The purpose of this report is to seek approval from the Executive Director of Community Services to undertake procurement for a suitable principal contractor to carry out the refurbishment works to Brockley Adult Learning Centre – to construct a new single storey extension to the main building to create a new entrance, reception, café and exhibition space.

2. Recommendation

- 2.1. It is recommended that the Executive Director for Community Services - under their delegated powers - approve the procurement of the principal contractor to carry out the proposed works to Brockley Rise Adult Learning Centre to deliver a new level access and enhanced interior spaces. The work is estimated to cost approximately £455,000 (excluding preliminary costs). The works are likely to be completed late 2021 subject to planning permission.

3. Policy Context & Background

- 3.1. The contents of this report support the Council's Corporate Strategy 2018-2022 priorities, particularly:

“Building an inclusive local economy: Everyone can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy”

- 3.2. This is because the new infrastructure will enhance the existing learning environment to deliver improvements to the entrance of the building and the interior spaces. The upgraded space will enrich the adult learners experience by providing employment skills; offering work experience in the new student led café as well as opportunities to develop entrepreneurial skills by showcasing and selling hand made products in the new exhibition space. Training and job opportunities will be a priority locally and nationally in the coming months and years and the works will support the government's economic COVID-19 recovery plans.
- 3.3. Adult Learning Lewisham's (ALL) “Developing Invitational Centres” project is part of Lewisham Council's Adult Education Accommodation Strategy. This strategy identifies ALL's Brockley Rise centre in particular, as in need of being more accessible and invitational.
- 3.4. The new level access will make the centre more accessible and easier to move around, encouraging more users with disabilities and mobility issues to make use of the services available to them.
- 3.5. Refurbishment works will include
 - Level access entrance
 - New reception area & BOH
 - café area
 - Flooring
 - LED lights
 - Re-design of layout
 - New furniture
 - Removal of existing canopy entrance
 - skylight windows to flat roof

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- External Works including signage
- Classroom upgrade
- DDA toilet refurbishment
- Fire Doors

4. Reason for procuring service

- 4.1. The works will be procured externally because the Council has neither the skills nor capacity to deliver such construction works. Setting up the required infrastructure to enable this function does not represent good commercial or practical sense, given the nature and scale of works.
- 4.2. The Council will in-source other elements required to successfully undertake and maintain the works, including: project management, clienting, stakeholder management, and ongoing asset and latent defect management.
- 4.3. Due to the value of the works procurement will be an open tender process via the London Tender portal as per the Council's Contract Procedure Rules. Bidders will be asked to submit a description of their proposals in the form of method statements, in order to test their understanding of the Employers Requirements. The criteria for evaluation will be weighted 50% financial, 50% quality. The contract will be awarded to the highest scoring compliant bidder after approval to award has been received from the Executive Director of Community Services.

4.4 Proposed Procurement Timetable

Activity	Date
Tender Issue	May 2021
Tender Returns	June 2021
Evaluation	June 2021
Internal approvals	July 2021
Award	July 2021
Works commence	August 2021
Practical Completion	Nov/Dec 2021

- 4.5. It is expected the works will take approximately 12 weeks and the pre- tender estimate for the works is £455,000.

5 Contract Terms

- 5.2. The Conditions of Contract to be used will be the JCT Intermediate Building Contract with Contractor's Design 2016 (IC Version) incorporating client amendments.
- 5.3. The contract will be between the successful Tenderer and the Council for the period of June 2021 – November 2021 (or as per agreed programme).

6 Lead Consultant

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- 6.1. McBains have been appointed as Lead Consultant and will provide technical assistance on this project throughout RIBA stages 1-6.

7 Financial implications

- 7.1. The budget for this project was approved at the Regeneration and Capital Programme Delivery Board on 4th August 2020. The total approved budget is £650,000 for refurbishment works to Brockley Rise Adult Learning Centre.
- 7.2. The agreed budget for the works is made up of £300,000 funding from the GLA and £350,000 from the Adult Learning Lewisham reserves as agreed in the PID.

8. Legal implications

- 8.1. The report seeks approval to procure a contractor to carry out refurbishment works. Given the potential spend on this contract this contract would be categorised by the Contract Procedure Rules as a Category B contract. The report explains why an open procurement is the recommended option.
- 8.2. Assuming that the Executive Director accepts the recommendation, Contract Procedure Rules place requirements on how that should happen. The Rules require that when letting contracts steps must be taken to secure value for money through a combination of cost, quality and competition, and that competitive tenders or quotations must be sought depending on the size and nature of the contract (Rule 5). Given the potential spend on this contract the Public Contracts Regulations 2015 will not apply however the requirements of the Council's Contract Procedure Rules ("CPR") still need to be satisfied. The procurement route recommended in this report would meet the requirements of the CPR. As a Category B contract, it would be for the Executive Director to take a decision on the award of any contract.
- 8.3. The Equality Act 2012 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.4. 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
 - Foster good relations between people who share a protected characteristic and those who do not.
- 8.5. The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

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- 8.6. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality 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 at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>.
- 8.7. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- a) The essential guide to the public sector equality duty
 - b) Meeting the equality duty in policy and decision-making
 - c) Engagement and the equality duty
 - d) Equality objectives and the equality duty
 - e) Equality information and the equality duty
- 8.8. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

9. Environmental implications

- 9.1. The project will transform the frontage of the Brockley centre and this means a reduction of onsite car parking spaces (8). This reduction will contribute to the Mayor’s aim to improve air quality and a reduction in traffic/noise in London. Brockley will fall into the extended ULEZ zone in 2021, and ALL are already preparing staff and learners, by encouraging walking and cycling to and from the centre. The construction and fit out will incorporate the use of sustainable materials with low carbon footprint.

10. Crime and disorder implications

- 10.1 There are no crime and disorder implications arising from this report.

11. Equalities Implications

- 11.1 There are no crime and disorder implications arising from this report. The refurbishment of the entrance of Brockley Rise Adult Learning Centre will improve access including a new accessible DDA compliant toilet facility. It is expected that the refurbishment will provide the opportunity to make improvements and affect groups in a positive manner, including the protected characteristics relevant to the Equality Act 2010.

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12. Decision

Acting in accordance with Standing Orders, I do hereby give approval for the permission to tender as per the details set out in this report.



Signed _____

Date 20th April 2021 _____

Name (printed) Tom Brown _____

Executive Director for Community Services

If there are any queries on this report please contact Uchenna Forjoe, Project Manager
020 8314 3740.

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