



## Executive Director for Children and Young People

### **Report title: Approval for Contract Award – Contracts 2, 3 & 4 for the School Minor Works Programme 2021**

**Date:** 18 June 2021

**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 the Executive Director for Children & Young People to award three contracts following an open tender exercise relating to the School Minor Works Programme 2021, in line with the approvals obtained at Mayor & Cabinet in January 2021 (report attached as Appendix A).

This report recommends that:

- Breyer Group PLC are awarded Contract 2 of the School Minor Works Programme for 2021-22, and a total of £543,582
- Mitie Property Services (UK) Ltd are awarded Contract 3 of the School Minor Works Programme for 2021-22, and a total of £445,956
- Mitie Property Services (UK) Ltd are awarded Contract 4 of the School Minor Works Programme for 2021-22, and a total of £228,113

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

Approval to Procure Report – January 2021

Tenders Issued – May 2021

Tenders Returned – May/June 2021

Tender Evaluation – June 2021

Contract Award Report Issued – June 2021

Contract Award Decision – June 2021

### **1. Summary**

- 1.1. The purpose of this report is to seek approval from the Executive Director for Children & Young People to award three contracts following an open tender exercise relating to the School Minor Works Programme 2021, 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 Breyer Group PLC and Mitie Property Services (UK) Ltd. are awarded contracts for 2021-22 to deliver School Minor Works infrastructure improvement projects.

### **2. Recommendations**

- 2.1. Award the following contracts to enable the delivery of the School Minor Works Programme 2021:
  - 2.1.1. Contract 2 for the value of £543,581.76 to Breyer Group PLC. This contract is for building fabric works which consists of roof replacement works at Brindishe Green Primary School and Forster Park Primary School.
  - 2.1.2. Contract 3 for the value of £445,956 to Mitie Property Services (UK) Ltd. This contract is for building fabric works at Drumbeat School and Fairlawn Park Primary School.
  - 2.1.3. Contract 4 for the value of £228,113 to Mitie Property Services (UK) Ltd. This contract is for building fabric works at John Ball Primary School and Rushey Green Primary School.

### **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. In recent years, decisions on how the Council invests its SCA have been based on building condition surveys completed by Carter Jonas in 2017. The surveys covered 40 community schools which were selected on the advice of officers in the Estates Management team. Their decisions were 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 2021 (SMWP 21) dated 13 January 2021 (Appendix A) provides further details on how this year's programme of works was developed.
- 4.4. This report relates to building fabric works at 6 schools (Brindishe Green Primary School, Forster Park Primary School, Drumbeat School, Fairlawn Park Primary School, John Ball Primary School and Rushey Green Primary School)

## **5. Procurement Process**

- 5.1. A single stage open tender exercise was run for each contract under the SMWP 21 (4 in total). Contracts 2-3 were run together prior to Contract 4, due to time constraints. The opportunities were advertised on Contracts Finder and published on the London Tenders Portal. In order to ensure the contractors tendering for the contracts were capable of delivering the works within a school setting, a minimum quality score was set for tenderers' response to Section 6 of the sub-OJEU Suitability Questionnaire.
- 5.2. This section requests examples of technical ability/experience working on similar projects in occupied primary schools (or similar) within the past 3 years and where sub-contractors are to be used, demonstrate how they have previously maintained healthy supply chains with sub-contractor(s).
- 5.3. Tenderers had to achieve a minimum score of 7 (described as '*Good - Proposal meets the required standard in all major material respects*') for this section. If a tenderer failed to achieve the minimum score, their tender was eliminated from the evaluation process and not assessed any further. Any tenderer that achieved the minimum score was fully evaluated.
- 5.4. Moderation sessions were led by the Procurement Officer. The evaluation panel consisted of three people, two Council officers (A Project Manager and Project Officer) and one external person from Pinnacle ESP, who will be acting as Contract Administrator when the contracts are awarded (see Appendix B for further details).
- 5.5. 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.

5.6. The full tender submissions were evaluated based on the following criteria:

- Financial detail including price 50%
- Project Management 15%
- Technical Ability 15%
- Health and Safety 10%
- Social Value 10%

The evaluation was made up of 50% price and 50% quality.

## 6. Tender Evaluation

6.1. The tables below set out details on the timetables and number of tenders received for each contract.

### 6.1.1. Contract 2

Activity	Date/Quantity
Tender Published	26/04/2021
Tender Return Deadline	24/05/2021
Evaluation/Consensus Meeting	08/06/2021
Expression of Interest	15
Tenders Received	9 in total: 1. Acclaim Contracts Limited 2. AMMCASS Ltd 3. Breyer Group Limited 4. Hambro Roofing 5. Inspire Contract Services Ltd 6. M&J Group (Construction & Roofing) Ltd 7. Mitie Property Services (UK) Ltd 8. Mulalley and Company Limited 9. Re-Gen (UK) Construction Ltd

### 6.1.2. Contract 3

Activity	Date/Quantity
Tender Published	26/04/2021
Tender Return Deadline	24/05/2021
Evaluation/Consensus Meeting	08/06/2021
Expression of Interest	8
Tenders Received	4 in total: 1. AMMCASS Ltd 2. Mitie Property Services (UK) Ltd 3. Mulalley and Company Limited 4. Re-Gen (UK) Construction Ltd

### 6.1.3. Contract 4

Activity	Date/Quantity
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Tender Published	29/04/2021
Tender Return Deadline	26/05/2021
Evaluation/Consensus Meeting	09/06/2021
Expression of Interest	5
Tenders Received	4 in total: 1. AMMCASS Ltd 2. Mitie Property Services (UK) Ltd 3. Mulalley and Company Limited 4. Re-Gen (UK) Construction Ltd

6.2. Section 6 of the Suitability Questionnaire of each tender response was evaluated first. Any tenderer that failed to achieve the minimum score of 7 (see 6.7 for description of each standard) was eliminated from the tendering process and not evaluated any further. This score was not weighted. It was assessed on a pass or fail basis and did not contribute to tenderers' final overall quality score.

6.3. The tables below detail the outcome of this evaluation with comments.

6.3.1. Contract 2

<b>Tenderer</b>	<b>Comments</b>	<b>Pass/Fail</b>
Acclaim Contracts Limited	Response demonstrated experience of working within occupied setting.	Pass
AMMCASS Ltd	Demonstrated experience of working in different types of occupied settings.	Pass
Breyer Group Limited	Provided examples of working within occupied settings and ability to apply lessons learnt to new projects.	Pass
Hambro Roofing	Did not demonstrate sufficient experience of working within occupied primary schools.	Fail
Inspire Contract Services Ltd	Detailed response which clearly demonstrated experience of working within occupied buildings. Also included how lessons learned is applied to current and future projects.	Pass
M&J Group (Construction & Roofing) Ltd	Response demonstrated experience of working within occupied buildings, examples provided were of a high standard.	Pass
Mitie Property Services (UK) Ltd	Demonstrated experience relevant to this project and adhere to prompt payment policy.	Pass

Mulalley and Company Limited	Response demonstrated experience of working within occupied buildings including how difficulties previously encountered were used to improve. Provided details of supply chain management.	Pass
Re-Gen (UK) Construction Ltd	Response demonstrated detailed experience of working within occupied school buildings.	Pass

#### 6.3.2. Contract 3

<b>Tenderer</b>	<b>Comments</b>	<b>Pass/Fail</b>
AMMCASS Ltd	Demonstrated experience relevant to this project.	Pass
Mitie Property Services (UK) Ltd	Demonstrated experience relevant to this project.	Pass
Mulalley and Company Limited	Demonstrated experience relevant to this project, explained supply chain management and adhere to prompt payment policy.	Pass
Re-Gen (UK) Construction Ltd	Response provided good examples of experience relevant to this project.	Pass

#### 6.3.3. Contract 4

<b>Tenderer</b>	<b>Comments</b>	<b>Pass/Fail</b>
AMMCASS Ltd	Demonstrated experience relevant to this project.	Pass
Mitie Property Services (UK) Ltd	Demonstrated experience relevant to this project.	Pass
Mulalley and Company Limited	Demonstrated experience relevant to this project, explained supply chain management and adhere to prompt payment policy.	Pass

Re-Gen (UK) Construction Ltd	Response provided good examples of experience relevant to this project.	Pass
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- 6.4. Tenders that passed the Suitability Questionnaire assessment were then evaluated on a 50/50 basis for price and quality.
- 6.5. The price of each tender was evaluated using the Lowest Price Option, see the formula below:  
Price score = price weighting (50) x (lowest price/tendered price)
- 6.6. The quality of the tenders was assessed based on the following method statements and weightings

Main Criteria (& Weighting)	Sub-criteria Weighting	Sub-criteria	Evidence	Method Statement
<b>Project Management (15%)</b>	10%	Please advise how you will manage the project through each phase (from pre-start to post-completion) to ensure: <ul style="list-style-type: none"> <li>- It is delivered on time,</li> <li>- Costs are controlled,</li> <li>- The quality of works undertaken are delivered to the highest standard possible.</li> </ul>	✓	MS 1 (a) *
	5%	Please provide a programme in the form of a Gantt chart using Microsoft Project, or similar software, taking into account asbestos removal if required.		MS 1 (b)
<b>Technical Ability (15%)</b>		Please provide a 300 word statement about each staff member who will be working on this project that highlights their relevant experience, qualifications and competencies. Please also include: <ul style="list-style-type: none"> <li>- A structure chart (highlighting the main point of contact for the Council)</li> <li>- Details of your complaint escalation procedure.</li> </ul>	✓	MS 2 *
<b>Health &amp; Safety (10%)</b>	(8%)	a) 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. <i>Please ensure that your response considers your responsibilities under the Construction (Design and Management) Regulations (CDM).</i>	✓	MS3 (a)

	(2%)	b) Please outline separately any considerations to working practices relating to COVID-19.		MS3 (b)
<b>Social Value (10%)</b>		<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"> <li>1. Employment, Skills &amp; Economy</li> <li>2. Creating a greener Lewisham</li> <li>3. Training Lewisham's future</li> <li>4. Making Lewisham healthier</li> </ol> <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>	✓	MS 4

6.6.1. Criteria marked with an asterisk (\*) in the table above, required a minimum quality score of 7 (see 6.7 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.

6.7. 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

6.8. The tables that follow summarise the final quality, price scores and overall scores for contracts 2 - 4 of the tender

6.9. Contract 2

6.9.1. Method Statement Evaluation (Quality)

<b>Tenderer</b>	<b>Quality Score</b>	<b>Rank</b>	<b>Comments</b>
Breyer Group Limited	40.80	1	Submitted a very good tender which scored 8 for MS 1a, 1b, MS 2, and MS 3a because the proposals met the required standards in all major material respects and in a few of the minor requirements. MS4 the social value question scored 9 because the proposal meets the required standards in all major material respects and nearly all of the minor requirements by committing to achieving a large number of targets which referred back to the KPI's within the social value monitoring document.
Mulalley and Company Limited	40.00	2	Overall all the responses were very good with methods statements MS1- 4 all scoring 8 because the proposals meet the required standard in all major material respects and in a few of the minor requirements. In particular MS 2 scored highly due to the response breaking down the elements into the detail required when planning a project.
Mitie Property Services (UK) Ltd	39.00	3	Tenderer submitted a very good response which scored 8 for MS 1a, MS1b, MS2 and MS4. The proposals met the required standard in all major material respects and in a few of the minor requirements. The response to

			MS1a provided a good overview and understanding of the whole project.
Inspire Contract Services Ltd	34.50	4	Tenderer submitted a good response. MS1a, MS 2, MS 3a and MS3b achieved the minimum score of 7 which demonstrated the proposals meet the required standard in all major material respects. MS 1b achieved a score of 8. The response was able to demonstrate the skills required for accurately planning the project.
AMMCASS Ltd	34.00	5	Tenderer submitted a good response. MS 1a, MS 1b, MS 2, and MS 3a &3b all scored 7. The response demonstrated experience on similar projects and an understanding of the Employer's Requirements. In particular the health and safety response covered all required elements.
M&J Group (Construction & Roofing) Ltd	34.00	5	Tenderer achieved the minimum of scores for MS 1a, MS 3a and 3b. These responses demonstrated experience on similar projects and an understanding of the project requirements. MS 1b and MS2 scored an 8 which demonstrates the tenderer possesses very good skills and experience to plan and execute the project.
Re-Gen (UK) Construction Ltd	33.80	7	Tenderer achieved the minimum scores for MS 1a, MS 3a and MS 3b and MS 4. The responses demonstrated an understanding of the project requirements and experience on similar projects. MS1b achieved a score of 8 due to the ability of the tenderer to demonstrate their ability to accurately plan the delivery of the project.
Acclaim Contracts Limited	33.00	8	Tenderer achieved the minimum score for all Method Statements. The responses demonstrated an understanding of the project requirements, in particular issues related to construction works conducted on occupied sites.

#### 6.9.2. Form of Tender (Price)

<b>Tenderer</b>	<b>Price</b>	<b>Score</b>	<b>Rank</b>
Inspire Contract Services Ltd	£528,189.00	26.93	1
Breyer Group Limited	£543,581.76	26.17	2
Re-Gen (UK) Construction Ltd	£552,705.29	25.73	3
Acclaim Contracts Limited	£554,104.00	25.67	3
Mulalley and Company Limited	£597,903.19	23.79	5
Mitie Property Services (UK) Ltd	£658,946.00	21.59	6
M&J Group (Construction & Roofing) Ltd	£663,495.90	21.44	7
AMMCASS Ltd	£878,776.55	16.19	8

#### 6.9.3. Overall Scores

<b>Tenderer</b>	<b>Price Score</b>	<b>Quality Score</b>	<b>Total Score</b>	<b>Overall Rank</b>
Breyer Group Limited	26.93	40.80	66.97	1
Mulalley and Company Limited	23.79	40.00	63.79	2
Inspire Contract Services Ltd	26.93	34.50	61.43	3
Mitie Property Services (UK) Ltd	21.59	39.00	60.59	4
Re-Gen (UK) Construction Ltd	25.73	33.80	59.53	5
Acclaim Contracts Limited	25.67	33.00	58.67	6
M&J Group (Construction & Roofing) Ltd	21.44	34.00	55.44	7
AMMCASS Ltd	16.19	34.00	50.19	8

## 6.10. Contract 3

### 6.10.1. Method Statement Evaluation

<b>Tenderer</b>	<b>Quality Score</b>	<b>Rank</b>	<b>Comments</b>
Mulalley and Company Limited	40.00	1	Submitted a very good response, scoring 8 for MS 1- MS4. The responses demonstrated knowledge gained from previous experience thorough the use of highly skilled project team members. MS1a showed a clear understanding of the project requirements.
Mitie Property Services (UK) Ltd	39.00	2	Submitted a good response, scoring 7 for MS 3a & 3b. These responses demonstrated an understanding of Health and Safety issues affecting the project. MS 1a, 1b, MS 2 and MS4 all scored 8, which demonstrates the tenderer possesses the skills necessary to deliver the project management skills and expertise to deliver the project.
AMMCASS Ltd	33.80	3	Tenderer achieved the minimum scores for all method statements. The responses provided information which demonstrated relevant project experience however the examples provided were not specific to this project. The responses to MS 3b and MS 4 would have benefited from including site specific examples.
Re-Gen (UK) Construction Ltd	N/A	N/A	Tenderer failed to achieve the minimum score of 7 for MS 2. The response was adequate, and met the required standards in nearly all major aspects, but was lacking or inconsistent in others such as providing project specific information regarding the responsibilities of project team members.

### 6.10.2. Form of Tender Evaluation (Price)

<b>Tenderer</b>	<b>Price</b>	<b>Score</b>	<b>Rank</b>
Mitie Property Services (UK) Ltd	£445,955.62	50.00	1
AMMCASS Ltd	£460,388.62	48.43	2
Mulalley and Company Limited	£489,271.91	45.57	3
Re-Gen (UK) Construction Ltd	£485,628.67	N/A	N/A

### 6.10.3. Overall Scores

<b>Tenderer</b>	<b>Price Score</b>	<b>Quality Score</b>	<b>Total Score</b>	<b>Overall Rank</b>
Mitie Property Services (UK) Ltd	50.00	39.00	89.00	1
Mulalley and Company Limited	45.57	40.00	85.57	2
AMMCASS Ltd	48.43	33.80	82.23	3
Re-Gen (UK) Construction Ltd	N/A	N/A	N/A	N/A

### 6.11. Contract 4

#### 6.11.1. Method Statement Evaluation (Quality)

<b>Tenderer</b>	<b>Quality Score</b>	<b>Rank</b>	<b>Comments</b>
Mulalley and Company Limited	39.00	1	Submitted a very good response, scoring 8 for MS 1a, 1b, MS 2, MS 3a and 3b. The responses demonstrated knowledge gained from previous experience thorough the use of highly skilled project team members The response to MS 3a showed an understanding of relevant health and safety issues.
Mitie Property Services (UK) Ltd	37.60	2	Tenderer submitted a very good response, scoring 7 for MS2 and MS3a and 3b. These responses demonstrated an understanding of Health and Safety issues affecting the project. MS 1a and MS 1b demonstrated an understanding of the project process and requirements for schools based projects.
AMMCASS Ltd	33.80	3	Submitted a good response overall. MS 1a, MS 1b, MS 2 and MS 3a all scored 7. The responses provided information which demonstrated relevant project experience however the examples provided should have contained more project specific examples. The response to MS 3a demonstrated an understanding of site specific Health and Safety issues.
Re-Gen (UK) Construction Ltd	33.30	4	Submitted a good response, scoring 7 for MS 1a, 2 and 3a. The proposals met the required standard in all major material respects and demonstrated experience of the project management process gained on similar projects. The proposals also demonstrated an understanding of the Employer's Requirement.

#### 6.11.2. Form of Tender Evaluation (Price)

<b>Tenderer</b>	<b>Price</b>	<b>Score</b>	<b>Rank</b>
Re-Gen (UK) Construction Ltd	£217,173.40	50.00	1
Mitie Property Services (UK) Ltd	£228,113.12	47.60	2
AMMCASS Ltd	£300,774.16	36.10	3
Mulalley and Company Limited	£316,282.54	34.33	4

### 6.11.3. Overall Scores

<b>Tenderer</b>	<b>Price Score</b>	<b>Quality Score</b>	<b>Total Score</b>	<b>Overall Rank</b>
Mitie Property Services (UK) Ltd	47.60	37.50	85.10	1
Re-Gen (UK) Construction Ltd	50.00	33.30	83.30	2
Mulalley and Company Limited	34.33	39.00	73.33	3
AMMCASS Ltd	36.10	33.80	69.90	4

6.12. The tenders were evaluated by the following three officers within the Regeneration and Place division at Lewisham Council, who each signed a Declaration of Interest form declaring no interest in submissions.

- Russell Edwards - Project Manager, Capital Programme Delivery
- Akweley Badger – Project Officer, Capital Programme Delivery
- Larry Kelly – Pinnacle ESP

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

- Contract 2 – Breyer Group Limited
- Contract 3 – Mitie Property Services (UK) Ltd
- Contract 4 – Mitie Property Services (UK) Ltd

6.14. All 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. This report recommends that the Executive Director for Children & Young People approves the award of three contracts:

- Contract 2 for the value of £543,581.76 to Breyer Group Limited.
- Contract 3 for the value of £445,955.62 to Mitie Property Services (UK) Ltd.
- Contract 4 for the value of £228,113.12 to Mitie Property Services (UK) Ltd.

7.2. These contracts, of total value £ 1,217,650.50, can be funded from the approved capital programme budget for the 2021/22 Schools Minor Works programme.

## **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 Public Contracts Regulations 2015 as amended by the Public Procurement (Amendment) (EU Exit) Regulations ("the Regulations") with which the Council must comply. Given the value of the contract the Regulations apply.

8.2. The value of the works contract means that this is a Category B contract for the purposes of the Council's Contract Procedure Rules and one which is to be awarded by the Executive Director.

8.3. This contract has been externally and openly advertised as required by the Regulations and the Council's Constitution. If the proposal to award the contract is approved, award notices must be published in the prescribed form.

8.4. 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. The process followed, including exclusion of tenderers who did not reach the minimum score, was in compliance with the advertised and required procedures.

- 8.5. This decision is a Key Decision under 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.
- 8.6. Since this contract is below the value at which the procurement regulations apply, the provisions of the Public Services (Social Value) Act 2012 do not apply. However, the Council has adopted a Social Value policy which must be considered and applied; and the Council's Sustainable Procurement Code of Practice will be applied to the contract. 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 report sets out the social value issues which arise, and any future decision by the Executive Director will also need to take those matters into consideration.
- 8.7. The Equality Act 2010 (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.
- 8.8. 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.
- 8.9. The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, 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. The decision maker 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.
- 8.10. 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/>
- 8.11. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
  1. The essential guide to the public sector equality duty

2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 8.12. 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. 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 assessed as part of the Method Statement evaluation. All the contractors recommended for appointment scored at least 7 (good) in response to this criterion.

## **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, Climate 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. All the contractors recommended for appointment achieved at least a score of 7 (good) for the method statement on social value.

13.3. Local Labour Business Scheme (LLBS) team to monitor and facilitate delivery, the project manager will ensure delivery in partnership with LLBS.

## 14. Background papers

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

- Appendix A: [Schools Minor Works Programme 2021 – 2025: approval to procure and budget allocation](#)
- Appendix B: [Tender Evaluation Matrix for Contracts 2 to 4](#)
- 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. Akweley Badger, [Akweley.Badger@lewisham.gov.uk](mailto:Akweley.Badger@lewisham.gov.uk), x46825

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

17.1. Pinaki Ghoshal, [pinaki.ghoshal@lewisham.gov.uk](mailto:pinaki.ghoshal@lewisham.gov.uk)

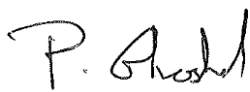
## 18. Comments for and on behalf of the Director of Law, Governance and HR

18.1. Sohagi Patel, [Sohagi.Patel@lewisham.gov.uk](mailto:Sohagi.Patel@lewisham.gov.uk)

## 19. Approval

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

Signed:



Date: 18<sup>th</sup> June 2021

Executive Director for Children and Young People