



Executive Director for Community Services

Report title: Approval for Contract Award – Main Contractor – Brockley Rise Adult Learning Centre Refurbishment Works

Date: 20th September 2021

Key decision: Yes

Class: Part 1

Ward(s) affected: Crofton Park

Contributors: Petra Marshall - Senior Programme Manager, William Hosking – Project Manager

Outline and recommendations

This report presents a summary of the findings of the procurement exercise to award a contract to a suitable main 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 Re-Gen (UK) Construction Ltd are awarded the contract for a total of £ 528,655.66

Timeline of engagement and decision-making

- 10 June 2021 - Approval to procure suitable main 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 commencing works on site in October 2021.

1. Summary

- 1.1. The purpose of this report is to seek approval from the Executive Director of Community Services to appoint a suitable main 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 – at a value of £528,656.66.

2. Recommendations

It is recommended that the Executive Director for Community Services, under their delegated powers, approve the award of contract to Re-Gen (UK) Construction Ltd for a total of £ 528,655.66 to carry out the refurbishment works to Brockley Adult Learning Centre.

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 governments 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. The tendered refurbishment works consist of:

- Level access entrance
- New reception area & BOH
- Café area
- Flooring
- LED lights
- Re-design of layout with new furniture
- Removal and replacement of existing canopy entrance
- Skylight windows
- External Works including signage
- Classroom upgrade
- DDA toilet refurbishment
- Fire Doors

4. Procurement Process

- 4.1. Officers were granted approval on 10th June 2021 to procure the services of a Main 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.

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- 4.2. Following an open tender exercise, four submissions were received, three of which were compliant, in September 2021. The non-compliant tenderer's bid was discounted due to failing MS1 Capability Statement.
- 4.3. The full tender submissions were evaluated based on the following criteria:
- Financial detail including price 50%
 - Quality 50%
- 4.4. The price of each tender was evaluated using the Lowest Price Option, as follows:
Price score = 50 x (lowest valid tender x Form of Tender price)
- 4.5. The qualitative assessment was based on the tendering contractor's responses to the method statements included in the ITT. These were used to test tenderers' understanding of service requirements. The questions are summarised in the table below:

QUALITY		
Criteria		
MS 1	Capability	10%
MS 2	Service Delivery	10%
MS 3	Programme and Phasing	7%
MS 4	Project Resourcing	6%
MS 5	Communication	6%
MS 6a	Health & Safety - including CDM and Principal Contractor role	4%
MS 6b	Health & Safety – COVID-19 Precautions	2%
MS 7	Social Value	5%
Total Quality Weighting		50%

- 4.6. The scoring was awarded on a scale of 1 – 10. 1 being inadequate and 10 being perfect.
- 4.7. All of the criteria required a minimum quality score of 7 to be considered valid. Any Tender which failed to attain this minimum score was deemed invalid.
- 4.8. The tenders were evaluated by the following, who each signed a Declaration of Interest form declaring no interest in submissions.
- Uchema Forjoe - Project Manager, Capital Programme Delivery
 - Jillian Burton – Premises and Facilities Manager
 - Chris Moore/ Elliot Goodridge – Mc Bains Lead Consultant (external)
 - Robert Potter – Business Resources Manager
- 4.9. The Price Evaluation was carried out by the Senior Procurement Officer in line with the

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methodology detailed in the Price Matrix document and the worked example, which were provided to bidders as part of the tender pack.

- 4.10. Each officer undertook an independent evaluation of the submissions. A moderation meeting then followed supervised by a Senior Procurement Officer from the Council's Procurement Team whereby all four evaluators discussed their scores and reasoning.

- 4.11. The overall scores are set out below:

Rank	Organisation	Weighted Price Score	Weighted Quality Score	Total Weighted Score
1	Re-Gen (UK) Ltd	50.00	36.10	86.10
2	Company A	44.08	40.30	84.39
3	Company B	40.36	35.50	75.86
N/A	Company C	N/A	Did not meet Minimum Score	N/A

- 4.12. Overall, the tenders were of a good standard however the quality requirements were set quite high, therefore one of the bidders did not achieve the scores required and was therefore rejected. Analysis of each of the individual tender submissions are detailed in confidential Part 2 Appendix B.
- 4.13. The evaluation panel agreed that Re- Gen (UK) Ltd submitted a tender with an affordable price, along with a high Quality submission.
- 4.14. The proposed contract with Re-Gen (UK) Construction Ltd will be the JCT ICD 2016 Intermediate Building Contract (with contractors design) 2016.

5. Financial implications

- 5.1. Re-Gen (UK) Construction Ltd's tender submission was based on the following financial price submissions:
- A total fixed price for £528,655.66
- 5.2. 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 refurbishments works to Brockley Rise Adult Learning Centre and the above contract sum can be delivered within this budget.
- 5.3. The agreed budget for the works is made up of £300,000 grant funding from the GLA and £350,000 from Adult Learning Lewisham reserves as agreed in the PID.

6. Legal implications

- 6.1. 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

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the requirements in those Rules are based on the Public Contracts Regulations 2015 as amended by the Public Procurement (Amendment ect) (EU Exit) Regulations ("the Regulations") with which the Council must comply. Given the value of the contract the Regulations do not apply.

- 6.2. The report proposes the establishment of a contract with Re-Gen (UK) Construction Ltd to carry out the refurbishment works to Brockley Adult Learning Centre. The potential value of the contract is below £1,000,000, which 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.
- 6.3. This contract has been externally and openly advertised as required by the Council's Constitution.
- 6.4. 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.
- 6.5. 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.
- 6.6. 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.
- 6.7. 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.
- 6.8. 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.
- 6.9. 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/>.
- 6.10. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

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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
- 6.11 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/>

7. Equalities implications

- 7.1. 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.

8. Environmental implications

- 8.1. 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.
- 8.2. The implementation of this project (along with the DeCarb project on the same site) allows the opportunity for significant environmental enhancement, for example through the installation of LED lighting, which is consistent with the Council's energy policy, which was agreed at Mayor and Cabinet in 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.

9. Crime and disorder implications

- 9.1. There are no crime and disorder Implications arising from this report.

10. Background papers

- 10.1. None

11. Glossary

Term	Definition
JCT	Joint Contracts Tribunal

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Term	Definition
EHRC	Equality and Human Rights Commission
LED	Light emitting diode lighting
DDA	Disability Discrimination Act 1995

12. Report author(s) and contact

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

- 13.1. Peter Allery, Peter.allery@lewisham.gov.uk, x48471

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

- 14.1. Mia Agnew, Mia.Agnew@lewisham.gov.uk, x47546

15. Appendices (confidential Part 2)

- **Appendix A** - Moderation - Meeting Scoring (Evaluation matrix produced during the tender moderation meeting)
- **Appendix B** – Synopsis of Tender Submissions – Quality

16. Approval

I approve / do not approve the recommendation in this report (including Part 2 confidential appendices):

Signed

Date 30/09/21

Name (printed) Tom Brown

Executive Director for Community Services

If there are any queries on this report please contact William Hosking, Project Manager 07918 851298

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