

	<p>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER 20th June 2016</p>
<p style="text-align: center;">Title</p>	<p>To enter into a contract to provide three classrooms and associated space for Underhill School and two classrooms and associated space for St Agnes</p>
<p style="text-align: center;">Report of</p>	<p>Commissioning Director, Children and Young People</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p>None</p>
<p style="text-align: center;">Officer Contact Details</p>	<p>Val White Programme Director, Education and Learning Val.white@barnet.gov.uk</p> <p>Tom Pike Strategic Lead, Programmes and Performance Tom.pike@barnet.gov.uk</p>

<p>Summary</p>
<p>This report seeks permission to enter into a contract with UK Energy Partners Ltd (working in Partnership with Net Zero Buildings Ltd) to provide three classrooms and associated space for Underhill School and two classrooms and associated space for St Agnes school.</p>

<p>Decisions</p>
<p>To award a single tender action contract to with UK Energy Partners Ltd (working in Partnership with Net Zero Buildings Ltd) to provide three classrooms and associated space for Underhill School and two classrooms and associated space for St Agnes</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 In order to ensure sufficient school places for September 2016, it is necessary to provide additional accommodation at Underhill and St Agnes schools. The council conducted a tender exercise in order to procure works to provide three classrooms and associated space for Underhill School and two classrooms and associated space for St Agnes.
- 1.2 A single source contract is being sought to undertake this work from UK Energy Partners Ltd (working in Partnership with Net Zero Buildings Ltd):

2. REASONS FOR DECISIONS

- 2.1 A single source contract is being sought because only one tender was received in response to the invitation to tender for the works. Three of our standard contractors were invited to tender, one of which is a present Barnet term contractor. The other two contractors were not confident that they could deliver the projects for September 2016.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3.1 Re-tendering was considered but rejected as the classroom accommodation is required in time for September 2016.

4. POST DECISION IMPLEMENTATION

- 4.1 Once the decision has been approved the Council will enter a contract for the delivery of the works.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 This report will support the corporate priority that Barnet's children and young people will receive a great start in life.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

The works for Underhill School will cost- £442,245 and St Agnes - £276,258) the cost is contained within the education capital programme

5.3 Legal and Constitutional References

- 5.3.1 The Council's Contract Procedure Rules (CPRs) set out limited circumstances where the Council can proceed with a single tender action. These are set out in paragraph 9.1 of the CPRs.

5.3.2 Having considered and rejected the option to re-tender, it has been determined that the Council may procure the services direct from UK Energy Partners Ltd (working in Partnership with Net Zero Buildings Ltd) :pursuant to paragraph 9.1, bullet point 2, sub paragraph (ii) of the CPRs. Namely, that the services can be supplied only by a particular supplier for the reason that competition is absent for technical reasons, as supported in paragraphs 2.1 to 2.3 above. Accordingly, it is reasonable to conclude that given all the circumstances, there are no reasonable alternative providers.

5.3.3 Furthermore in accordance with the Rule 9.2 of the Council's CPR's, the single tender action has been approved by the Commercial and Customer Services Director. The award of contract will be recorded by means of Summary DPR and will be published online. The contract procedure rules (CPR) state that: "A single tender action or commitment is not allowed unless it is in compliance with the Law and approved in advance by the Commercial and Customer Services Director".

5.4 **Risk Management**

5.4.1 If the Council does not proceed with undertaking this work, there will be insufficient accommodation to house pupils due to start their education at these two schools..

5.5 **Equalities and Diversity**

5.5.1 The provider will have due regard for the Council's Equalities and Diversity requirements in the undertaking of their appointed duties. These duties are outlined in the service specification.

The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies **to have due regard** to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups

The broad purpose of this duty is to integrate considerations of equality into day business and keep them under review in decision making, the design of policies and the delivery of services

5.6 **Consultation and Engagement**

5.6.1 No consultation undertaken.

6. **BACKGROUND PAPERS**

6.1 None

7. **DECISION TAKER'S STATEMENT**

7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

8. OFFICER'S DECISION

I authorise the following action

8.1 To award a single tender action contract to with UK Energy Partners Ltd (working in Partnership with Net Zero Buildings Ltd) to provide three classrooms and associated space for Underhill School and two classrooms and associated space for St Agnes

Signed Commissioning Director, Children and Young People

Date 20th June 2016
