

	<p>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER 04th April 2017</p>
<p style="text-align: center;">Title</p>	<p>To enter into a contract to provide a double classroom pre-school modular building for Broadfields Primary School, a double classroom pre-school modular building for The Orion Primary School and to replace the existing Nursery building at Brookland Infant School.</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>Miladin Stevanovic, Principal Building Surveyor, Capita CSG Building Services Miladin.Stevanovic@barnet.gov.uk Tel: 020 8359 4456</p>

Summary

This report seeks permission to enter into a contract with UK Energy Partners Ltd (working in Partnership with Net Zero Buildings Ltd) to provide a double classroom pre-school modular building for Broadfields Primary School, a double classroom pre-school modular building for The Orion Primary School and to replace the existing Nursery building at Brookland Infant School.

Decisions

To award a single tender action contract to UK Energy Partners Ltd (working in Partnership with Net Zero Buildings Ltd) to provide a double classroom pre-school modular building for Broadfields Primary School (£454,881.00), a double classroom pre-school modular building for The Orion Primary School (£460,204.00) and to replace the existing Nursery building at Brookland Infant School (£394,970.73). The contract provision will also cover additional requirements as identified in in the ITQ specification for a two year period and not to exceed the OJEU threshold of £4,104,394.

1. WHY THIS REPORT IS NEEDED

- 1.1 In order to ensure sufficient school places for September 2017, it is necessary to provide additional accommodation at Broadfields and The Orion schools and to replace the existing aged building at Brookland Infant School. The Council conducted a tender exercise via Procurement in order to procure works. 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 out of 21 No. contractors that have expressed their interest initially.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3.1 Re-tendering was considered but rejected as the classroom accommodation is required in time for September 2017.

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 Broadfields School will cost £454,881, for The Orion £460,204 and for Brookland Infant £394,970.73. The cost is contained within the education capital programme. All three proposed buildings are based on the SIP fully sustainable system with solar panels fitted in roofs to generate electricity providing heating and hot water free of charge and surplus energy generated going to the grid earning money for the client. This system gives an opportunity for significant energy savings, reducing significantly CO2 emission and is a "zero maintenance" system.

5.3 Legal and Constitutional References

- 5.3.1 As stated in the Family Services Scheme of Delegation (as published online), the Commissioning Director, Children and Young People has authority to "Sign off of single source tender action"

5.3.2 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.

5.3.3 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.

5.3.4 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 these works, there will be insufficient accommodation to house pupils due to start their education at Broadfields and The Orion school and also lack of appropriate accommodation at Brookland Infant School.

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 has been undertaken.

6. BACKGROUND PAPERS

- 6.1 NPolicy and Resources Committee meeting 1 December 2016 agenda item 10
<http://barnet.moderngov.co.uk/documents/s36301/Annual%20Procurement%20Forward%20Plan.pdf>

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 contract to UK Energy Partners Ltd (working in Partnership with Net Zero Buildings Ltd) to provide a double classroom pre-school modular building for Broadfields Primary School (£454,881), a double classroom pre-school modular building for The Orion Primary School (£460,204) and to replace the existing Nursery building at Brookland Infant School (£394,970.73). The contract provision will also cover additional requirements as identified in in the ITQ specification for a two year period and not to exceed the OJEU threshold of £4,104,394**

Signed: Chris Munday
Commissioning Director, Children and Young People

Date: 06/04/2017