

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

15 MARCH 2016

**REPORT OF THE CORPORATE DIRECTOR OF RESOURCES AND
CORPORATE DIRECTOR OF EDUCATION AND TRANSFORMATION
SCHOOL MODERNISATION – GARW VALLEY SOUTH, INVITATION TO TENDER**

1. Purpose of Report

The purpose of the report is to seek Cabinet approval to undertake a pre-qualifying tender exercise for the construction of the Garw Valley South schools. Subsequent to the completion of this exercise and subject to the successful appropriation of land at Betws Primary School and obtaining appropriate planning permission, to tender for the construction of the new schools.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 The report relates to the following priorities in the Corporate Plan 2013-17:

- working together to raise ambition and drive up educational achievement; and
- working together to make the best use of resources.

2.2 The Council aims to help all young people to thrive and make the best of their talents. One of the barriers to achieving this aim that the Council has identified is a serious need to modernise our schools.

2.3 In March 2015, the Council set out 5 key principles to inform the organisation and modernisation of our schools:

1. Commitment to high standards and excellence in provision
2. Equality of opportunity, so that all pupils can access quality learning opportunities, regardless of which school they attend
3. Inclusive schools, which cater for the learning needs of all their pupils
4. Community focussed schools, where the school actively engages with its local community
5. Value for money

3. Background.

- 3.1 On the 16th September 2014 Cabinet agreed to participate and be a signatory to the South East Wales Schools Capital Procurement Framework (SEWSCAP Framework) for a four year period, commencing April 2015.
- 3.2 On 31st March 2015 Cabinet agreed to proceed with a replacement of Betws Primary School on land which has been used as the playing fields of the existing school site, and which is also an area of public open space. On 1st September 2015 Cabinet approved the proposal to relocate Ysgol Gynradd Gymraeg Cwm Garw to the existing Betws Primary School site with effect from September 2018.
- 3.3 A planning application for the new schools (reference P/15/791/BCB) was submitted on 25th November 2015; it is anticipated that a decision will be made regarding the application in due course.
- 3.4 On 16th February 2016, Cabinet approved the publication of a S122(2A) Local Government Act 1972 Notice. A local authority can appropriate land for any purpose for which the Council is authorised by any enactment to acquire land by agreement and which belongs to the Council and is no longer required for that purpose for which it is held immediately before being appropriated. However, where that land is an area of public open space there is a requirement under Section 122 (2A) that before such land is appropriated that the Council's intention to appropriate the land is advertised in accordance with the requirements of Section 122(2A) and to consider any objections it receives to the proposed appropriation. Cabinet will in due course consider any objections in order to assess whether the land which forms part of an open space should be appropriated for educational purposes.

4. Current Situation

- 4.1 The tender process for the SEWSCAP Framework was undertaken and administered by Rhondda Cynon Taff County Borough Council, in conjunction with Capita Glamorgan on behalf of all participating Councils. Throughout the process of establishing the SEWSCAP Framework, Bridgend County Borough Council (BCBC) officers expressed the need to include the full suite of JCT and NEC contracts to allow flexibility in determining the most suitable contract available for the individual projects of the respective Councils.
- 4.2 Unfortunately, on establishment of the SEWSCAP Framework and review of the guidance provided for its use, it became apparent that the JCT Standard form of Contract with Quantities had been omitted.
- 4.3 Due to the way in which BCBC has developed the in-house design of the Garw Valley South scheme within the School Modernisation programme, it is necessary to use the JCT Standard Form of Contract with Quantities 2011 edition.
- 4.4 The Outline Business Case, which has received approval by Welsh Government, indicated that the SEWSCAP Framework would be used as the procurement route

for the scheme. Welsh Government have now been advised of the issues detailed within this report and have given their approval for Garw Valley South to be procured as a separate contract following an EU compliant procedure.

- 4.5 The proposed procurement and tender process will be advertised on Sell2Wales as well as being placed in the European Journal of the European Union (OJEU). A two stage process as set out in paragraphs 4.6 and 4.7 below will be undertaken using an electronic tender exercise via E-tenderWales.
- 4.6 During the first stage the potential contractors will be asked to complete a pre-qualification questionnaire which will be assessed and scored in accordance with the scoring criteria set out in the tender documents. The questionnaire will include mandatory pass/fail questions plus scored questions which have been weighted to ensure that the most suitable potential contractors are on the shortlist to receive the invitation to tender pack.
- 4.7 The second stage will invite contractors to tender for the works. Tenders will be evaluated on the basis of the most economically advantageous tender and will be based on a combination of cost and quality with the appropriate weighting. The contractor achieving the highest score will be the preferred bidder which Cabinet will be asked to award the contract to.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 This report has no effect on Policy Framework and Procedural Rules.

6. Equality Impact Assessment

- 6.1 The Council's Equalities Impact Assessment Toolkit has been utilised which indicates that the proposal would have no impact on specific equality groups.

7. Financial Implications

- 7.1 The cost of the tender exercise will be met from within existing resources.
- 7.2 The anticipated cost of the new Garw Valley South Schools will be funded by the Council and Welsh Government under the 21st Century Schools Programme for which the Authority has received '*approval in principle*'. The project is included within the Council's Capital Programme as approved by Council in October 2015. The total approved budget for the Garw Valley Scheme is £10 million. The financial profile for the scheme has been revised and approved by Welsh Government to reflect the construction programme. The total cost of the scheme will be reviewed in the context of the proposed changes outlined above.
- 7.3 The costs of the scheme will be contained within the approved Capital Programme budget of £10 million. Some highways works are expected to be required to ensure safe access to the new schools, but guidance from the Welsh Government explicitly states that "where a capital project requires works to be done to improve highways access to the school this would not qualify for Welsh Government grant, and would fall to the Local Authority to fund". The highways works are currently estimated to cost in the region of £200,000. The Welsh Government will provide half of the funding for the eligible elements of the scheme with the rest coming from capital

receipts that Council has agreed will be ring fenced for the School Modernisation Programme.

8. Recommendation

8.1 Cabinet is recommended to:

8.1.1 Approve a pre-qualifying tender exercise be undertaken for the construction of the Garw Valley South schools.

8.1.2 Subject to the successful appropriation of land at Betws Primary School and obtaining of appropriate planning permission in respect of the planning application, to approve the issue of an invitation to tender for the construction of the new schools.

8.1.3 Note that Cabinet will in due course receive a further report seeking Cabinet's approval for the award of the contract to the successful tenderer.

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Background Papers:

Cabinet Report, 16th September 2014 "CONTINUED SUPPORT OF THE SCHOUTH EAST WALES SCHOOLS CAPITAL PROCUREMENT FRAMEWORK (SEWSCAP)"

Cabinet Report, 31st March 2015 "SCHOOL MODERNSIATION PROGRAMME: GARW VALLEY SOUTH SCHEME (BETWS PRIMARY SCHOOL AND YSGOL GYNRADD GYMRAEG CWM GARW)"

Cabinet Report, 1st September 2015 "SCHOOL MODERNISATION PROGRAMME: OUTCOME OF PUBLIC NOTICE ON PROPOSAL TO MAKE A REGULATED ALTERATION TO YSGOL GYNRADD GYMRAEG CWM GARW BY RELOCATING THE SCHOOL"

Cabinet Report, 12th February 2016 “ SCHOOL MODERNISATION PROGRAMME
PROPOSAL TO CONSULT ON APPROPRIATION OF LAND FOR EDUCATION
PURPOSES AT BETTWS ROAD, BETTWS”