

**Democracy Services
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX**

**Direct Line: 0208 545 3616
Email: democratic.services@merton.gov.uk**

Date: 8 August 24

Dear Councillor

**Notification of a Decision taken by the Interim Executive Director of
Children Lifelong Learning and Families**

The attached key decision has been taken by the Interim Executive Director of Children Lifelong Learning and Families with regards to:


- **Expansion of Perseid Lower School – contract award for construction works for provision of remodelled and expanded building**

and will be implemented at **noon on Tuesday 13 August 2024** unless a call-in request is received.

The call-in form is attached for your use if needed and refers to the relevant sections of the constitution.

Yours sincerely

Democracy Services

<p>NAME OF DECISION-MAKER</p> <p>Elizabeth Fitzpatrick - Interim Executive Director of Children, Lifelong Learning & Families (in consultation with the Executive Director of Finance and Digital and the Cabinet Member for Education and Lifelong Learning)</p>	<p>DATE</p> <p>2 August 2024</p>
<p>REPORT/DECISION TITLE</p> <p>Expansion of Perseid Lower School – contract award for construction works for provision of remodelled and expanded building</p>	<p>WARD(S)</p> <p>School serves all wards</p>
<p>INTERIM EXECUTIVE DIRECTOR OF CHILDREN, LIFELONG LEARNING & FAMILIES</p> <p></p> <p>Signed</p> <p>Elizabeth Fitzpatrick, Interim Executive Director of Children, Lifelong Learning and Families</p> <p>Date: 6 August 2024</p>	
<p>DECISION CLASSIFICATION</p> <p>Key Decision</p> <p>If key decision, has the 28 day notice been published?</p> <p>Is the decision exempt from call in?</p> <p>Exempt Appendix A by virtue of Schedule 12A to the Local Government Act 1972 (as amended): Information relating to the financial or business affairs of any particular person (including the authority holding that information.)</p>	<p>IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING?</p> <p>Yes</p> <p>No</p>

1 Recommendations:

- A. To agree a contract award for construction works to the contractor outlined in the confidential appendix A to enable the expansion of Perseid School by 28 places including specialist out of hours provision.

2 Purpose of Report and Executive Summary

- 2.1 By Key Decision dated 17 June 2024, Cabinet agreed to expand provision at Perseid Lower School for an additional 28 additional pupils with special educational needs. This is to provide additional local provision for children in line with the council's 'Safety Valve' action plan agreed with the Department for Education.
- 2.2 It is necessary to undertake adaptation to the existing Brightwell building on the school site and construction of a new extension to provide suitable accommodation for the provision of these additional school places and the purpose of this report and the confidential appendix is to award the construction contract for these works.

3 Links to the Merton Priorities (Borough of Sport/ Civic Pride/ Sustainable Futures)

- 3.1 This report relates to the Council's Strategic priorities "Fantastic educational provision and support gives children the best start and equips residents of all ages with the skills and qualifications to succeed - Build a new special school in Merton and increase local special educational needs and disabilities places as part of the Dedicated Schools Grant Safety Valve Agreement".

4 Introduction and Background

- 4.1 By Key Decision dated 17 June 2024, Cabinet agreed to approve the expansion of Perseid Lower School to provide an additional 28 places for pupils with special educational needs catering those children with high levels of need. Full details of the background to this decision can be found in the report made to Cabinet.
- 4.2 In addition to approving the expansion of the school, Cabinet agreed to delegate the decision to award the construction contract for the expansion works to the Executive Director of Children, Lifelong Learning and Families in consultation with the Executive Director of Finance and Digital and the Cabinet Member for Education and Lifelong Learning
- 4.3 The intention is to complete construction works by August 2025 so the spaces will be available for pupils from September 2025. The works are adaptation of the existing Brightwell specialist out of school provision centre on the school site and the addition of a new extension.
- 4.4 The scope of works to meet need were agreed with the school and the council's own staff responsible for the Brightwell provision, and the design consultants, Barker Associates, provided an appropriate works specification for the tender process.

- 4.5 A request for expressions of interest was published on 4 March 2024 through the London Tenders Portal with a selection questionnaire (SQ) which was made available to be completed by all those suppliers expressing an interest. Following evaluation of the returned SQs an Invitation to Tender (ITT) was issued on 21 May 2024 to six potential bidders who had achieved the strongest scores in relation to experience and capability to deliver the project.
- 4.6 Tender documentation included full particulars of the project including preliminaries and contract particulars, schedule of works, existing and site setup drawings, etc. along with a detailed pricing schedule.
- 4.7 Tenders were sought on the basis of based on compliance and the lowest cost.
- 4.8 The proposed Contract is the JCT Standard Building Contract 2016 Edition Without Quantities given the specialist nature of the MEP, civil and structural works to be undertaken.
- 4.9 The outcome of the tender is provided in Appendix A to this report.

5 Available Options & Preferred Option

- 5.1 Following approval to the statutory proposal to expand the provision at Perseid Lower School the council has an obligation to enable this through the provision of additional teaching spaces.

Preferred Option

- 5.2 To award a contract to the bidder as outlined in Appendix A.

6 Reasons for Recommendations

- 6.1 To allow construction works to be undertaken to implement the statutory proposal and provide required additional special school places.

7 Consultation Results

- 7.1 This was subject to the earlier key decision on the expansion of the school – please refer to the report to Cabinet on 17 June 2024.

8 Next Steps & Timetable: Communication and Implementation of the Decision

- 8.1 A works contract will be agreed immediately after this decision for the site set up works to start before the end of the school summer holidays. The works require a full 12 months so will flow into term time requiring careful site management for the duration of the construction programme.

9 Report Appendices *(please indicate where these are exempt from publication)*

9.1 The following documents are to be published with and form part of the report:

- Exempt Appendix A: Expansion of Perseid Lower School – contract award for construction works.

10 Background Papers

10.1 Council Key Decision report dated 17 June 2024 “Expansion of Perseid School” [Decision - Expansion of Perseid School](#)

11 Cross-Cutting Issues and Implications and Sign-Off

Issue	Implications	Sign-off								
<p>Legal including Human Rights Act</p>	<p>The value of the procurement is below the threshold at which the Public Contracts Regulations 2015 (PCR) apply. As such the Council’s Standing Orders (CSO) apply to the procurement.</p> <p>The tender process as described meets the obligations set out in CSO 19.</p> <p>Once Awarded the Council should publish the relevant notice required in Contracts Finder in accordance with the CSO 19 and regulation 112 of the PCR and entered onto the Council’s contract register.</p>	<p>02/08 2024</p> <p>Jonathan Miller</p>								
<p>Finance and other resources</p>	<p>The council’s approved capital programme provides the following budget including actual spend in the 2023/24 financial year:</p> <table border="1" data-bbox="528 1626 1086 1785"> <thead> <tr> <th data-bbox="528 1626 660 1722">Outturn 23/24 £</th> <th data-bbox="660 1626 804 1722">Budget 24/25 £</th> <th data-bbox="804 1626 948 1722">Budget 25/26 £</th> <th data-bbox="948 1626 1086 1722">Total all years £</th> </tr> </thead> <tbody> <tr> <td data-bbox="528 1722 660 1785">324,486</td> <td data-bbox="660 1722 804 1785">2,376,080</td> <td data-bbox="804 1722 948 1785">2,413,000</td> <td data-bbox="948 1722 1086 1785">5,113,566</td> </tr> </tbody> </table> <p>Further financial details are provided in the confidential annex.</p> <p>The operation of the provision is to be funded by the Dedicated School grant</p>	Outturn 23/24 £	Budget 24/25 £	Budget 25/26 £	Total all years £	324,486	2,376,080	2,413,000	5,113,566	<p>Zoe Church Head of Financial Strategy, Systems, Regeneration and Risk Management 31/07/2024</p> <p>Andrew Good 31/07/24 CLLF Finance Advisor</p>
Outturn 23/24 £	Budget 24/25 £	Budget 25/26 £	Total all years £							
324,486	2,376,080	2,413,000	5,113,566							

Issue	Implications	Sign-off
Equalities	The decision will contribute to Merton providing sufficient school places for children with disabilities.	Tom Procter, Head of Contracts and School Organisation 30/7/24
Climate change	The works are being undertaken through adaptation of the existing Brightwell building as well as a new build extension, thus reducing the climate impact. The project is expected to achieve a BREEAM “Very Good” rating – please refer to the One Planet report	Tom Procter, Head of Contracts and School Organisation 30/7/24
Procurement & Social Value	Whilst the value of the contract falls below the PCR threshold for Works contracts, a fully competitive procurement process has been carried out in line with the Council’s CSOs.	Dawn Jolley Head of Commercial Services 01/08/2024
Risk management	Lack of local special needs provision, and the budget implications of independent specialist provision feature in the council’s risk register. This project will assist with this risk	Tom Procter, Head of Contracts and School Organisation 30/7/24
Health and Safety	The works will be managed via a professional design consultant consistent with health and safety best practice	Tom Procter, Head of Contracts and School Organisation 30/7/24
Health and wellbeing	This project ensures there are additional local specialist school places	Tom Procter, Head of Contracts and School Organisation 30/7/24
Executive Director	Clearance/Approval of Report	Elizabeth Fitzpatrick 6 August 2024
Cabinet Member/s	Clearance/Approval of Report	Sally Kenny 6 August 2024
REPORT AUTHOR: Murray Davies – CLLF Contracts and Procurement Manager Tel No. 020 8545 3069 Email. murray.davies@merton.gov.uk		

Merton Council - call-in request form

1. Decision to be called in: (required)

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2. Which of the principles of decision making in Article 13 of the constitution has not been applied? (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution - tick all that apply:

(a) proportionality (i.e. the action must be proportionate to the desired outcome);	
(b) due consultation and the taking of professional advice from officers;	
(c) respect for human rights and equalities;	
(d) a presumption in favour of openness;	
(e) clarity of aims and desired outcomes;	
(f) consideration and evaluation of alternatives;	
(g) irrelevant matters must be ignored.	

3. Desired outcome

Part 4E Section 16(f) of the constitution- select one:

(a) The Panel/Commission to refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns.	
(b) To refer the matter to full Council where the Commission/Panel determines that the decision is contrary to the Policy and/or Budget Framework	
(c) The Panel/Commission to decide not to refer the matter back to the decision making person or body *	
* If you select (c) please explain the purpose of calling in the decision.	

4. Evidence which demonstrates the alleged breach(es) indicated in 2 above (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution:

5. Documents requested

6. Witnesses requested

7. Signed (not required if sent by email):

8. Notes – see part 4E section 16 of the constitution

Call-ins must be supported by at least three members of the Council.

The call in form and supporting requests must be received by 12 Noon on the third working day following the publication of the decision.

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor’s email account (no signature required) to democratic.services@merton.gov.uk
- **OR** as a signed paper copy to the Head of Democracy Services, 1st floor, Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Head of Democracy Services on
020 8545 3357