

Exempt or confidential report

The following paragraph of [Part 4b Section 10 of the constitution](#) applies in respect of information given in **Appendix 1** of this report and it is therefore exempt from publication. Members and officers are advised not to disclose the contents of this report:

Information relating to the financial or business affairs of any particular person (including the Authority holding that information)

Committee: Cabinet

Date: 30 July 2018

Agenda item:

Wards: Cricket Green School is located in Cricket Green Ward but serves a wider area

Subject: Expansion of Cricket Green School – contract award for construction works

Lead officer: Rachael Wardell - Director of Children, Schools and Families

Lead member: Cllr Caroline Cooper-Marbiah – Cabinet Member for Education

Contact Officer: Tom Procter – Head of Contracts and School Organisation

Recommendations:

- A. The council award the contract for the school expansion construction works for Cricket Green School as outlined in the confidential appendix 1, subject to planning permission being granted by Planning Applications Committee.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Cricket Green School is a special school for children with additional complex and varied needs. The purpose of this report is for Cabinet to approve the contract award following a competitive tender process that will allow the expansion of the school as approved by Key Decision on 20 June 2018.

2 DETAILS

- 2.1 Cricket Green School is an 'Outstanding' special school for children with additional complex and varied needs.
- 2.2 The London Borough of Merton has a legal obligation to provide sufficient school places for its area and there is a significant increase in demand for special school places and a need to assess nursery children with SEND (Special Educational Needs and Disabilities) early to ensure appropriate school pathways.

- 2.3 Cricket Green School provides value for money compared with non-maintained or independent special school provision and so meets the objective to provide suitable, high quality places to meet the growing number of SEND children.
- 2.4 The council has undertaken the statutory process of expanding the school, and the physical extension to the school is required to enable this through a new two storey building to the rear of the site and other changes to ensure the school is fit for purpose with the following objectives:
- Additional 61 places, mostly for secondary but also including providing an assessment nursery and ensuring one extra class in primary
 - Replacing a life expired mobile unit currently housing 3 classrooms
 - A design that externally links the flow of buildings, makes best use of external space, and allows children to move safely around the site.
 - Sufficient ancillary space including enlarged hall and office space to reflect the school will have doubled in size from 130 to 260 pupils over the past 10 years
- 2.5 With regard to procurement strategy, the originally agreed approach was to utilise the LCP (London Construction Programme) Framework. This was on the basis that it was quicker and there is a reasonable selection of companies on the framework. However, in the mini competition only 3 of the 9 contractors returned a reasonable intention bid.
- 2.6 On 15 March 2018 it was therefore agreed by the officer Procurement Board to revert to an OJEU restricted tender process, with five firms to be short-listed following a Standard Selection Questionnaire (SQ) on the basis of quality, and then appointment is made in the ITT stage on the basis of price, based on itemised pricing schedules.
- 2.7 The process was undertaken through the ProContract London tenders portal E-tendering system. 16 responses were received and in addition to compliance questions, contractors were scored on a number of questions as follows:
- Where sub-contract healthy supply chains with your sub-contractor(s)
 - Company's experience of working in a school environment.
 - Company's experience and approach to working in occupied school sties with nearby residents in close proximity.
 - Company's H&S management approach
 - Managing the Clients financial risk, and to managing contract cost variations.
 - Environmental management
 - Accurate contract programming.
 - Quality on site
 - Value Engineering
 - Environmental management policy
- 2.8 This enabled a short list of five suitably experienced construction companies to be selected to be invited to tender on the basis of compliance and price.
- 2.9 The tender documents were issued to five companies on 25 May 2018 for return on 28 June 2018. While it was considered that four weeks was sufficient time to submit a tender, the detail of representation from a number of the

companies selected led officers to decide that to receive the most financially advantageous tenders it was necessary to extend the return date to 12 July 2018.

2.10 The confidential appendix details the tender returns.

3 ALTERNATIVE OPTIONS

3.1 The alternative options of procurement by framework or OJEU is detailed in the section above.

3.2 The issues on expanding the school and alternative options were considered in the school expansion Key Decision report agreed by the Director of Children, Schools and Families on 20 June 2018.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.4 The expansion of the school was subject to a statutory consultation as outlined in the Key Decision report (see section 12 “Background Papers” of this report for a link to that report).

5 TIMETABLE

5.1 The works will commence shortly after this approval (subject to planning permission). A phased approach is required to ensure the school can continue to operate during the construction works but the main phase is planned to be completed for September 2019 to enable the school to provide for the additional pupils.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

Finance

6.1 The capital budget implications are contained in the confidential appendix.

6.2 With regard to revenue funding for school placements, if this scheme does not proceed the council would still have a statutory obligation to provide a school place for the children and, without any places in its special schools, it would need to be Independent special school provision. The average cost per place for an Independent day-provision is over £45k when the cost for Cricket Green is £13k to 21k. There is therefore a significant financial incentive to provide sufficient in-house provision, in addition to the need to provide continuity for the children. Costs are currently charged to the Dedicated Schools Grant (DSG) which is a fixed government grant.

6.3 The council’s General Fund needs to meet the cost of home to transport for children. Officers have demonstrated that this cost is considerably less expensive when transporting to a LB Merton state funded special school compared to an independent or out borough school. This expansion will therefore reduce the impact on home to school transport costs from additional SEN children.

Property

- 6.4 Since 2010 Cricket Green has expanded incrementally from 130 pupils to the agreed new capacity for September 2019 of 260 places. Its previous expansion has been enabled by the purchase of a former Doctor's Surgery and utilising the council building Chapel Orchard. This expansion will continue to permanently utilise these buildings and a small segment (675m²) of Worsfold House land. Before proceeding with the design of the school options were considered and this option was considered best value for money while providing a design that provided sufficient space for the school pupils.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1 This report details a procurement that appears to be compliant with the advertising and tendering requirements of the Public Contracts Regulations 2015.
- 7.2 Provided that the award is made in manner that is compliant with valid award criteria and that the relevant notifications are made to the relevant parties including the unsuccessful tenderers and contract award notice the award should meet all lawful requirements for procurement.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 Additional school places at Cricket Green School will contribute to the Authority providing access to secondary school places for all its residents, including children with special educational needs (SEN).

9 CRIME AND DISORDER IMPLICATIONS

- 9.1 There are no specific crime and disorder implications

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 The scheme does not currently have planning permission. Due to workload pressures Development Control officers were not able to take it to the July Planning Applications Committee as expected but have undertaken that it will go to 23 August committee. Due to the call-in period for Cabinet reports and the Alcatel period for OJEU contracts this will only delay of the contract award by a few days, should planning permission be granted.
- 10.2 All capital schemes have a financial risk but the scheme is recommended to be awarded with a contingency.
- 10.3 Health and safety is being considered carefully to ensure there will be a clear separation between pupils, teachers and parents and construction works, especially in the context of a working school.
- 10.4 The project is being managed under project management methodology and a risk log is held and reviewed at project board meetings.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

11.1 Appendix 1 (exempt – to follow)

12. LINKED DOCUMENTS

12.1 Key Decision report for Prescribed alteration of the Cricket Green School:

<https://merton.moderngov.co.uk/ieDecisionDetails.aspx?id=595&LLL=0>

13 BACKGROUND PAPERS

13.1 None

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