

To: Finance, Resources and Customer Services Policy Board

On: 21 June, 2017

**Joint Report
by
Chief Executive and the Director of Finance & Resources**

**Contract Authorisation Report for Bridge of Weir Primary School
Construction Works (incorporating asbestos removal, electrical re-wiring
and ceiling works)**

1. Summary

- 1.1. The purpose of this report is to request the Finance, Resources and Customer Services Policy Board to authorise the Head of Corporate Governance to enter into a negotiated contract for Bridge of Weir Construction Works (incorporating asbestos removal, electrical re-wiring and ceiling works).
 - 1.2. The recommendation to award is made, following a procurement process which was conducted in accordance with the Council's Standing Orders Relating to Contracts and in accordance with Clause 6.-(1)(a) of the Procurement (Scotland) Regulations 2016 where no suitable tenders were submitted in response to the publication of a Contract Notice, a negotiation without competition was carried out.
 - 1.3. A request to negotiate was agreed by the Acting Strategic Commercial Procurement Manager on 5 June 2017.
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2. Recommendations

- 2.1. It is recommended that the Finance, Resources and Customer Services Policy Board authorise:
 - a. the Head of Corporate Governance to award the contract for Bridge of Weir Construction Works (incorporating asbestos removal, electrical re-wiring and ceiling works) and formerly known as Bridge of Weir Re-Wire to Clark Contracts Ltd.

- b. the Contract Sum for the works is to a maximum of £587,439.09 excluding VAT.
 - c. the Contract will commence on 3rd July 2017 or the date stated in the Council's Letter of Acceptance and the Date of Possession will be 17th July 2017. The Completion Date will be twenty one (21) weeks from the Date of Possession.
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3. Background

- 3.1. A central requirement of Property Services is to ensure that Council properties, facilities and assets are properly maintained in a manner that complies with statutory legislation. Renfrewshire Council estate has a significant number of properties, including school buildings, which have been subject to a variety of maintenance regimes, upgrades and alterations etc.
- 3.2. Bridge of Weir Primary School has been identified as requiring construction works to bring their infrastructure up to date. It is the intention of this contract to upgrade the condition of Bridge of Weir Primary schools infrastructure including wiring, this will allow for a low maintenance environment to be achieved and to ensure that the school meets current regulatory standards. This contract was approved to be tendered based on SBCC Standard Building Contract without Quantities for use in Scotland (SBC/XQ/Scot) 2011 Edition including Amendment 1 March 2015 and incorporating the employers amendments.
- 3.3. A Contract notice was published on the Public Contract Scotland advertising portal on 3rd March 2017 with the tender documentation available for downloading from the Public Contract Scotland – Tender website. During the tendering period Eighteen (18) companies expressed an interest in the contract. By the closing date set for return of electronic tenders, 13th April 2017 only one (1) company submitted a response.
- 3.4. The one (1) bid received was not compliant with the tender issued due to qualifications submitted by the Tenderer in their response. However, the Tenderer could meet the specification.
- 3.5. In accordance with Clause 14.3 of the Councils Standing Orders Relating to Contracts an approval to negotiate was signed by HOPAC on 5th June 2017. This approval to negotiate was signed on the basis of Clause 6(1)(a) of The Procurement (Scotland) Regulations 2016, where no tenders, no suitable tenders, no requests to participate or no suitable requests to participate have been submitted in response to the publication of a contract notice, provided that the initial conditions of the contract are not substantially altered. The Council entered into negotiations with Clark Contracts Ltd as the only Tenderer who submitted a bid.
- 3.6. This was originally tendered for works comprising of asbestos removal, rewiring and ceiling works. The tender was originally published and tendered under the title Bridge of Weir Re-Wire. However, given the varied nature of the works contained within the specification it has been agreed that the contract should be renamed as Bridge of Weir Construction Works (incorporating asbestos removal, electrical re-wiring and ceiling works). It should be noted that this is a title change only and is not a material change to the tender specification.

- 3.7. Community Benefits were requested as part of this Contract and Clark Contracts Ltd has committed the following Community Benefits:

Description	Quantity
Work Experience Placements (14-16 years of age)	1
Careers Event	1
Supply Chain Briefings with SME's including micro businesses	1

Implications of the Report

1. Financial

The financial status of Clark Contracts Ltd was assessed by undertaking a Dun and Bradstreet evaluation and it confirmed that the company satisfied the Council's requirements in relation to financial stability.

2. HR & Organisational Development

No TUPE implications have arisen or are anticipated.

3. Community Planning

The community benefits submitted under this contract are listed within section 3.7 of this report.

4. Legal

The procurement exercise for this contract was conducted as a negotiated contract in accordance with the Council's Standing Orders relating to Contracts for a contract below the EU threshold for Works Contracts

5. Property Assets

In carrying out the work involved within the contract the overall infrastructure at the Primary Schools will be improved.

6. Corporate Services

None

7. Information Technology

None

8. Equality and Human Rights

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because for example it is for noting only. If

required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

9. **Health & Safety**

There are no health and safety implications associated with award of the contract.

10. **Procurement**

The procurement procedures outlined within this report shall ensure that the Council meets its statutory requirements in respect of procurement procedures, efficiency and modern Government.

11. **Risk**

Clark Contracts Ltd insurances have been assessed and evaluated to confirm they meet the minimum requirements regarding insurable risk.

12. **Privacy Impact**

No Privacy Impact Assessment requirements were identified within this procurement.

List of background papers

None

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