

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**10 December 2020**

**Report of the Executive Director Commissioning, Communities and Policy**

**HARRINGTON JUNIOR SCHOOL**

**(Corporate Services)**

**1. Purpose of the Report**

Approval is sought to use a non-DCC Framework Agreement to undertake the design and construction of the replacement Harrington Junior School, Long Eaton.

**2. Information and Analysis**

The Council is seeking to competitively procure a contractor to design and build the replacement Harrington Junior School, Long Eaton, on the same site following its destruction by fire on 28th May 2020.

The school is currently operating from temporary buildings on the playground. The building must be completed by June 2022, in time for the start of the new school year in September 2022.

The procurement route has been selected for:

- speed,
- to pursue best value through competition,
- early contractor involvement in the design process
- client cost certainty with risk transfer to the contractor for ground conditions

The form of contract is proposed is the JCT Design and Build Contract (2016 Edition). There is no existing DCC framework for procuring the above scheme at this value in competition. Therefore, approval is requested to use a non-DCC framework, with the option to undertake tender competition through a one or two stage process.

Having reviewed alternative frameworks, it is proposed that the PAGABO Medium Works West Midlands Framework Agreement (Lot 2 suppliers, value £250,000 - £10m) is utilised for the scheme.

This is a compliant OJEU procured agreement known to the Council. The full list of suppliers on this framework are:

Ashe Construction Ltd  
Engie Regeneration Ltd  
GF Tomlinson Building Ltd  
Interserve Construction Ltd  
Morgan Sindall Construction  
Seddon Construction  
Speller Metcalf  
Vinci Construction UK Ltd

PAGABO ensures compliancy checks have been carried out, however should the Council wish, further financial due diligence may be carried out prior to award of any contract.

A business case to support the use of the PAGABO framework has been submitted to the Chief Financial Officer and Director of Legal Services in accordance with Protocol 2a of the Council's Financial Regulations. The Framework, which covers works valued £250,000 - £10m for all public sector bodies across the UK, was tendered via a full open OJEU procedure in Autumn 2018. (OJEU Reference: 2018/S 195-440584). The Framework went live in January 2019. The Framework term is 3 years with the option to extend for a further 1 year.

Call-off of the contract under the framework will be facilitated by way of single or two stage competition.

Whilst Cabinet approval is required to utilise the Framework, the award of a contract under the framework is delegated to the Executive Director, Commissioning Communities and Policy, in accordance with Protocol 2b of the Council's Financial Regulations.

### 3. Financial Considerations

The total estimated cost of the scheme is as follows:

	£
Works	4,340,000
Fees	350,000
F&E, IT	150,000
Risk/ client contingency	660,000
<b>TOTAL</b>	<b>5,500,000</b>

The estimated value of the contract to be awarded for design & build of the new school is: £4,537,300.

As the value is close to the OJEU threshold, the more onerous financial regulations for above the OJEU threshold are being adopted in this procurement.

The replacement school will partially be funded from insurance monies (£1.28m), insurance excess (£1m), and the remainder (£3.22m), from a Capital Strategy bid and (if successful) available from April 2021.

### 4. Legal Considerations

The Director of Legal Services is satisfied that on the basis of the information contained in the report the procurement of a construction contractor via the use of a non-Derbyshire County Council framework is in accordance with the Council's Financial Regulations.

### 5. Social Value Considerations

The use of the PAGABO framework encourages social value to be implicit in the contract (eg: Benefit to Local Economy, Apprentices, new jobs, safeguarding jobs etc). PAGABO calculates a value, in real monetary terms, of the social value of the project. As of April 2020, PAGABO enabled £265.8m of social and economic impact in the Midlands.

### 6. Other Considerations

In preparing this report the relevance of the following factors has been considered; prevention of crime and disorder, equality and diversity, human resources, environmental, health and transport considerations.

**7. Key Decision** **YES**

**8. Call-in**

Is it required that call-in be waived for any decision on this report? **NO**

**9. Background Papers**

Not applicable

**10. Officer's Recommendation**

That Cabinet:

**10.1** Approves the use of non-DCC framework (PAGABO) to undertake the design and construction of the replacement Harrington Junior School, Long Eaton.

**EMMA ALEXANDER**  
Executive Director Commissioning, Communities and Policy