

LONDON BOROUGH OF CROYDON

To: all Members of the Council (via e-mail)
Access Croydon, Town Hall Reception

PUBLIC NOTICE OF KEY DECISIONS MADE BY THE CABINET MEMBER FOR ENVIRONMENT, TRANSPORT & REGENERATION (JOB SHARE) ON 17 SEPTEMBER 2018

In accordance with the Scrutiny and Overview Procedure Rules, the following decisions may be implemented from **1300 hours on 25 September 2018** unless referred to the Scrutiny and Overview Committee:

The following apply to each decision listed below

Reasons for these decisions: are contained in the Part A report attached

Other options considered and rejected: are contained in the Part A report attached

Details of conflicts of Interest declared by the Cabinet Member: none

The Leader of the Council has delegated to the Cabinet Member for Environment, Transport & Regeneration (Job-Share) the power to make the decisions set out below:

CABINET MEMBER'S KEY EXECUTIVE DECISION REFERENCE NO.: 3118ETR

Decision Title: Timebridge Community Centre and Fieldway Family Centre

Having carefully read and considered the report, and the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the reports, the Cabinet Member for Environment, Transport & Regeneration (Job-Share) in consultation with the Cabinet Member for Finances & Resources made the decisions set out in the recommendations below

RESOLVED:

To approve the award of contract for the design and build of the new Timebridge Community Centre to Bidder A for a proposed contract term of 2 years at a maximum contract value of £4m, inclusive of the option to incorporate a temporary modular build to facilitate decant of the facilities at an estimated value of £200k subject to project requirements and funding, being agreed.

Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented **1300 hours on 25 September 2018** (5 working days after the decisions were made) unless referred to the Scrutiny and Overview Committee.
2. The Council Solicitor shall refer the matter to the Scrutiny and Overview Committee if so requested by:-
 - i) the Chair or Deputy Chair of the Scrutiny and Overview Committee and 4 members of that Committee; or
 - ii) 20% of Council Members (14)
3. The referral shall be made on the approved pro-forma (*attached*) which should be submitted electronically or on paper to Victoria Lower by the deadline stated in this notice. Verification of signatures may be by individual e-mail, fax or by post. A decision may only be subject to the referral process once.
4. The Call-In referral shall be completed giving:
 - i) The grounds for the referral
 - ii) The outcome desired
 - iii) Information required to assist the Scrutiny and Overview Committee to consider the referral
 - iv) The date and the signatures of the Councillors requesting the Call-In
5. The decision taker and the relevant Chief Officer(s) shall be notified of the referral who shall suspend implementation of the decision.
6. The referral shall be considered at the next scheduled meeting of the Scrutiny & Overview Committee unless, in view of the Council Solicitor, this would cause undue delay. In such cases the Council Solicitor will consult with the decision taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny & Overview Committee may only decide to consider a maximum of 3 referrals at any one meeting.
7. At the Scrutiny & Overview Committee meeting the referral will be considered by the Committee which shall determine how much time the Committee will give to the call in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to the decision taker for reconsideration, setting out in writing the nature of the concerns.
8. The Scrutiny and Overview Committee may refer the decision to Full Council if it considers that the decision is outside of the budget and policy framework of the Council.
9. If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.

10. The Full Council may decide to take no further action in which case the decision may be implemented.
11. If the Council objects to the decision it can nullify the decision if it is outside of the policy framework and/or inconsistent with the budget.
12. If the decision is within the policy framework and consistent with the budget, the Council will refer any decision to which it objects together with its views on the decision. The decision taker shall choose whether to either amend / withdraw or implement the original decision within 10 working days or at the next meeting of the Cabinet of the referral from the Council.
13. The response shall be notified to all Members of the Scrutiny and Overview Committee
14. If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 6 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.
15. URGENCY: The referral procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public's interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process.

Signed: Director of Law and Monitoring Officer.

Date: 17 September 2018

Contact Officers: cliona.may@croydon.gov.uk

PROFORMA

**REFERRAL OF A KEY DECISION TO THE
SCRUTINY AND OVERVIEW COMMITTEE**

For the attention of: Cliona May, Democratic Services & Scrutiny
e-mail to
cliona.may@croydon.gov.uk

Meeting:
Meeting Date:
Agenda Item No:

Reasons for referral:

- i) The decision is outside of the Policy Framework
- ii) The decision is inconsistent with the budget
- iii) The decision is inconsistent with another Council Policy
- iv) Other: Please specify:

The outcome desired:

Information required to assist the Scrutiny and Overview Committee to consider the referral:

Signed:

Date:

Member of _____ Committee

Part A For General Release

REPORT TO:	Cabinet Member for Environment, Transport and Regeneration
SUBJECT:	Timebridge Community Centre and Fieldway Family Centre
LEAD OFFICER:	Shifa Mustafa Executive Director Place Stephen Tate Director of District Centres and Regeneration
CABINET MEMBER:	Councillor Stuart King - Cabinet Member for Environment, Transport and Regeneration (job share) and Councillor Simon Hall Cabinet Member for Finance and Resources
WARDS:	New Addington North
<p>CORPORATE PRIORITY/POLICY CONTEXT/ AMBITIOUS FOR CROYDON</p> <p>This project supports delivery of the following key themes of the proposed corporate plan 2018-22:</p> <ul style="list-style-type: none"> • One borough – many places: There is an opportunity for us to provide space for local communities, for new businesses but also for council services. We want to create a network of hubs that support local initiatives and meet local needs. Using our Community Fund and other forms of revenue and grants we can give our local voluntary sector the support it needs to make a real difference. • Education and Learning: We want to work towards a borough that can provide every young person the best possible start and recognizes the different needs and challenges that they all face. • A fairer Croydon: The Opportunity and Fairness Commission provides much that we must still pursue including a commitment to equality of access to education and jobs. We also need to look at how we provide the best possible opportunities for all our communities and celebrate our diversity. We will do this through continued investment in our voluntary sector through the Community Fund in line with the recommendations of the Opportunity and Fairness Commission. <p>This project, through release of the Timebridge site and relocation of the community facilities to a new modular build, whilst retaining the valued community provisions, will enable the development of a new SEN school for the borough.</p>	

FINANCIAL IMPACT

£4m has been allocated within the Council's Capital Programme Budget. This report recommends the award of a Design and Build contract for the delivery of the Timebridge Community Centre for a maximum contract value of £4m, inclusive of an option to incorporate a temporary modular build to facilitate decant of the facilities, at an estimated cost of £200k. The temporary modular build element of the contract is currently unfunded and, should the Council need to instruct in respect of this requirement, additional capital funds will be sought and approved in advance of any contract instruction being issued.

FORWARD PLAN KEY DECISION REFERENCE NO.: 3118ETR

This is a Key Decision as defined in the Council's Constitution. The decision may be implemented from 1300 hours on the expiry of 5 working days after it is made, unless the decision is referred to the Scrutiny & Overview Committee by the requisite number of Councillors.

The Contracts & Commissioning Board is asked to endorse the recommendations below:

1. RECOMMENDATIONS

- 1.1 The Leader has delegated the award decision(s) to the Cabinet Member for Environment, Transport and Regeneration, in consultation with Cabinet Member for Finance and Resources, to approve the award of contract for the design and build of the new Timebridge Community Centre to Bidder A for a proposed contract term of 2 years at a maximum contract value of £4m, inclusive of the option to incorporate a temporary modular build to facilitate decant of the facilities at an estimated value of £200k subject to project requirements and funding, being agreed.

2. EXECUTIVE SUMMARY

- 2.1 On 26th February 2018, the Cabinet endorsed the recommended Education Estate Capital Programme 2018-21, as part of the Council's budget setting process (decision reference A14/18a). This includes the allocation of Timebridge and Fieldway project, which is to enable the relocation of Timebridge community facilities at an agreed budget of £4m, to allow for the development of the new SEN school.
- 2.2 This project is part of a previously agreed strategy (CCB reference:CCB1370/18-19), whereby the following was determined:
 - (a) a direct contract award accordance with the LHC framework terms and conditions to Bidder A for the provision of design and build of a two storey permanent modular building. This is to replace the existing Timebridge

Community Centre and includes the necessary ground works e.g. site preparation and utility connections. The provision of a separate temporary modular building to facilitate decant of the facilities is included within the scope of the contract, but will only be instructed under the contract should it become necessary to incorporate this solution in order to achieve project timescales and if funding is approved.

- 2.3 The purpose of this report is to outline the procurement process that has been undertaken and recommends the most economically advantageous tender award for the provision of works and services. Exempt information is provided within the associated Part B report on this agenda.
- 2.4 The proposed contracts will support Croydon to fulfil the requirement to deliver a newly developed SEN school within the borough. This will provide 150 places for children with special educational needs, specifically those children (2-19 years of age) with autism.
- 2.5 The contract relating to the design and build of the two storey modular building, will be based on NEC terms and conditions. The overall project will be delivered in accordance with the following:
- robust project management and contract management arrangements with clear key performance indicators (KPIs) to ensure design and delivery of new two storey modular community centre by October 2019
 - a commitment to the London Living Wage
 - maximisation of social value outcomes during the development and delivery of this project
 - maintaining or improving customer satisfaction throughout consultation and delivery of works and services
- 2.6 The contract commencement date will be September 2018.

3. DETAIL

- 3.1 In February 2018 the Croydon local Plan was formally adopted. Within the Local Plan, an area (site 120) known as Timebridge and Rowdown fields has been re-designated for educational development. The Council has offered this site to the Education and Skills Funding Agency (ESFA a branch of the DfE) for the development of a whole new Special Educations Needs Academy funded by the ESFA. The development of the new school will require the relocation of the existing Timebridge community centre facilities located within the development site of the new school.
- 3.2 The Timebridge Community Centre (TCC) is facilitated within an old school building which is now at the end of its useful life. The need to replace the TCC opened the opportunity for delivering a one stop community hub in New Addington and Fieldway to accommodate two other community centres (Fieldway Family Centre and Fieldway Community Centre). Providing a better offer and purpose built facilities for the local community and enabling a community-driven, neighbourhood-based actions that are developed from

the skills and assets in the community. Enabling cooperation between public, voluntary and community sectors to deliver localised services. In line with Croydon's Community Strategy 2016-2021 Outcome Three: A place with a vibrant and connected community and voluntary sector.

- Priority One: Build cohesive and strong communities, connecting our residents, local groups and community organisations.
- Priority Two: Strengthen and mobilise our voluntary, community and social enterprise sector.

3.3 In accordance with the agreed procurement strategy (CCB Ref: CCB CCB1370/18-19), due to Bidder A being ranked as the LHC Framework's top supplier with the highest score for value for money, the Council applied the direct award procedure which is aligned with the terms of the agreement. The LHC framework has three work streams and five regional lots, of which this procurement seeks a direct award via Regional Lot 1 "London" and Workstream 2 "Permanent Modular Building for purchase or rent".

3.4 The LHC framework is compliant with Public Contract Regulations (2015) as a European invitation to tender exercise has been undertaken to establish this framework. See table below which provides an overview of the tender evaluation outcome:

Workstream	Sub Category	Appointed company	Quality* (includes Social Value score)	Price	VFM
WS1	Education	Bidder A	70.40	21.48	91.88
WS1	Education	Bidder B	65.63	22.66	88.29
WS1	Education	Bidder C	65.24	22.73	87.97
WS1	Education	Bidder D	71.52	16.05	87.56
WS1	Education	Bidder E	63.23	23.73	86.96

3.5 The Council developed the invitation to submit a priced proposal which included the framework's project registration form, setting out the project scope, also the requirements. The Bidder's proposal was to be based on the design and build, the delivery of the community centre project and its associated costs. The bidder was notified that the design and build contract is to be split into two contracts:

- Pre-Construction Services Agreement to cover the project stages to planning submission.
- Construction Contract: to cover all other elements of the works.

3.6 The HSIS team undertook the evaluation and for the purpose of due diligence, to ensure the Council is achieving good value for money, an internal Quantity Surveyor also reviewed the tender submission. It has been deemed that the Bidder's proposed has demonstrated the ability to fulfil the Council's

requirements including the completion timeline of October 2019. The price offer is within the range of the current market price. Following the outcome of a robust evaluation, it is recommended to proceed with direct award of contract to Bidder A based on NEC3 terms and conditions, which will be in accordance with LHC framework requirements.

4. CONSULTATION

- 4.1 The driver for this project was the adopted Croydon Local Plan 2018 in which the Timebridge site was re-designated for educational use. In preparing the Croydon Local Plan 2018 the Council has worked with partners and interested parties to devise policies and proposals that it thinks will best address the needs of the borough up to 2036. The Strategic Policies have been subject to four periods of consultation.
- 4.2 The consultation for the development of the Timebridge Community Centre has started and included the Local Community Groups using the existing Timebridge Centre and Fieldway Family Centre and the New Addington and Fieldway Ward Councilors. The consultation will continue throughout the design process and the delivery of the project and will take the form of regular meetings with the end user.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

£4m has been allocated within the Council's Capital Programme Budget. This report recommends a contract award of Design and Build contract: a maximum contract value of £3.8m.

1 Revenue and Capital consequences of report recommendations

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000
Capital Budget available	4,000	3690		
Expenditure	60			
Effect of decision from report				
Expenditure	250	3690		
Remaining budget	<u>3,690</u>	<u>200</u>		

2 The effect of the decision

This decision will commit the Council to a total sum of £3.8m which can be met from the capital budget. The table above shows that the budget as at the end of 2018/19 will be carried forward into the following financial year.

3 Risks

The project of the Community Centre is interlinked with the delivery of the SEN school on the Timebridge Centre.

Risk	Likelihood	Impact	Mitigations
<p>The project of the Community Centre is interlinked with the delivery of the SEN school on the Timebridge site. Therefore, any delay to this project will have a knock on effect on the delivery of the SEN school and the development of the whole Timebridge Site.</p>	M	H	<p>The potential for a modular building will be included in the scope of the construction contract so that the building can be decanted as needed to ensure programme alignment</p>
<p>The programme estimates are insufficient to meet the requirements</p>	M	H	<p>Initial feasibility has been undertaken to inform costs.</p> <p>The project budget includes a contingency of £40k. If the construction costs are in excess of budget, the scheme will be revisited to value engineer within budget</p> <p>Should further resources be required, an appropriate application to the Council's capital programme will be made.</p>
<p>The terms and conditions of the framework are not acceptable to the Council</p>	L	L	<p>The frameworks are standard for the sector and in use by a variety of public sector clients</p> <p>The detailed terms and conditions of the relevant framework and associated call off terms will be reviewed prior to commencing the call off.</p> <p>The Council will enter into an NEC contract with Bidder A in accordance with the options under the framework – the Council is familiar with the form of contract and</p>

4 Options

Ref	Short Description	Main Advantages	Main Weaknesses
1	Do nothing	No costs associated with this option	The useful life of the Asset is expiring and doesn't offer fit for purpose facilities to the local community Doesn't allow for the optimum master plan of the site to be delivered in relation to the new SEN school.
2	Transfer Timebridge Centre Community groups to an existing Council asset	Less funding required. Faster route to deliver the project.	There isn't an available asset in Fieldway/ New Addington to accommodate the current activities in the community centre.
3	Build a new community centre	Offers a purpose built facility to the local community. Allows for the optimum development of the Timebridge site along with the free SEN school	Requires a £4m capital cost.

5 Future savings/efficiencies

The building has been designed to meet BREEAM 'Excellent', the building is therefore designed to be energy efficient and low maintenance which will minimize on going energy costs and repair and maintenance costs.

Approved by: Felicia Wright, Head of Finance Place

6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

6.1 The Solicitor to the Council comments that there are no additional legal issues arising directly from the report.

Approved by: Sean Murphy, Lawyer on behalf of the Director of Law

7. HUMAN RESOURCES IMPACT

- 7.1 This report does not invoke the effects of the Transfer of Undertakings (Protection of Employment) 2006 and no Human Resource impact for Council staff. On this basis, Council's HR approval is not required.

8. EQUALITIES IMPACT

- 8.1 The Equality Policy 2016 - 20 sets out the Council's commitment to equality and its ambition to create a stronger, fairer borough where no community is held back. The policy reflects the council's statutory duties under the Equality Act 2010 and is supported by the equality objectives set out in the Opportunity and Fairness Plan 2016-2020.
- 8.2 The equality objectives for 2016-20 are aligned to and will support the delivery of the Council's business outcomes set out in its Corporate Plan particularly in relation to:
- **Growth** - creating growth in the local economy and ensuring that all residents in the borough are able to share the benefits
 - **Independence** - taking on an enabling role to help residents to be as independent as possible
 - **Liveability** - creating a welcoming, inclusive and pleasant place in which local people want to live and work and feel safe.
- 8.3 An Equality Impact Assessment will be undertaken by the Design team prior to any works commencing on site. This will be kept under review to ensure that where necessary action is taken, mitigation steps are applied to remove potential negative equality impacts e.g. access issues for people with restricted mobility.
- 8.4 The contract includes the requirement for the Bidder to comply with CDM 2015 and Building Regulations 2018 which includes consideration for Equality Act. The Bidder is expected to pay the London Living Wage as a minimum.

Approved by Yvonne Okiyo, Equalities Manager C&P-Place

9. ENVIRONMENTAL IMPACT

- 9.1 The new building works have been designed to comply with the Council's requirement for BREEAM 'Excellent' and also the London Plan which exceeds the minimum energy efficiency requirements in the latest Building Regulations.
- 9.2 There will be a Site Waste Management Plan for the proposed construction site to ensure that a minimum of waste is sent to landfill and opportunities for recycling and reusing materials are maximised.

9.3 The design of the scheme to date ensures there is no impact on the environment as the following points have been incorporated:

- Identification and promotion of environmental issues.
- Sustainable solutions are designed into the scheme, and minimises waste, the carbon footprint and resources.
- Minimises the impact of vibration, and air, light and noise pollution.
- Protects the ecology, the landscape, wildlife, vegetation and water courses.

10. CRIME AND DISORDER REDUCTION IMPACT

10.1 There are no immediate adverse Crime and Disorder impacts arising from this report.

11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

11.1 Following the evaluation outcome of LHC framework which was subject to the OJEU procurement process with a pre-determined award criteria (70% Quality and 30% Price), the result demonstrates Bidder A achieving the highest combined quality/price score of 91.88%. Therefore, it is recommended to proceed with direct award to Bidder A, as offering the most economically advantageous tender.

12. OPTIONS CONSIDERED AND REJECTED

12.1 Bidder 'A', having achieved the overall highest combined score of 91.88% and as having been quality assured by the internal Quantity Surveyor, the Bidder has submitted a compliant bid which met the requirements set out within the invitation to submit a priced proposal, no other options were considered.

12.2 Bidder 'A' has successfully demonstrated through their submitted price proposal that they are capable of meeting the Council's quality and price requirements.

CONTACT OFFICER:

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Post title:	Assistant Project Manager
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BACKGROUND PAPERS - None