

EAST RENFREWSHIRE COUNCIL

22 April 2015

Report by Director of Environment

TENDER EXEMPTION – NURSERY FACILITIES

**PURPOSE OF REPORT**

1. The purpose of the report is to seek agreement for a tender exemption, to allow the Council to appoint Portakabin to relocate existing modular buildings and refurbish these to create family centres within Busby/Clarkston and Neilston, for the start of the 2015/16 academic year.

**RECOMMENDATIONS**

2. It is recommended that the Council approve a tender exemption to allow the direct appointment of Portakabin to relocate existing modular buildings and refurbish these to create family centre facilities within Busby/Clarkston and Neilston, for the start of the 2015/16 academic year.

**BACKGROUND**

3. As part of the Scottish Government's commitment to widening access to early learning and childcare provision, the Council has identified the need for additional prefive provision in 2015/16 with additional prefive places being taken forward thereafter and in accordance with available resources. In addition to the family centre proposed for Auchenback, in 2015/16 new prefive places are also planned for Busby/Clarkston at Newford Grove and an extension to Madras Family Centre at Neilston. The facilities for Busby /Clarkston and Neilston need to be in place for the start of the 2016/16 academic year.

4. The Council will be aware that arrangements are underway to develop the family centre at Newford Grove, Clarkston, and this proposal is currently going through the planning application process. Given the planning and procurement timescales involved however, it will not be possible for the new build Newford Grove facility to be ready in time for the start of the 2015/16 academic year.

5. As a result, temporary arrangements need to be put in place to meet the demand for prefive places in Clarkston from August 2015, until the new nursery is constructed. Also, additional nursery provision needs to be in place within Neilston for the start of the new academic year.

**REPORT**

6. Officers within Property and Technical Services and Education have been urgently considering the options available to meet the demand for prefive places in Busby/Clarkston and Neilston within the tight timescale which requires these facilities to be available for the start of the 2015/16 academic year.

7. The options considered included examining whether capacity existed elsewhere within our school estate but, given current pupil numbers, this was not possible to identify. Consideration was also given to purchasing new modular units to meet the need, but the cost of these for Busby/Clarkston and Neilson was estimated to total £1,300,000. In light of this Council officers therefore considered whether any other (more cost effective) options might exist.

8. At the present time, 2 x surplus modular buildings, which were manufactured by Portakabin, are currently located within the grounds of the Our Lady of the Mission (OLM) Primary School. These units are no longer required in their current form (as double classrooms). Having discussed the position with the Director of Education, it has been agreed that these modular buildings could be re-modelled and used to meet the ongoing need for prefive places within Neilston, and meet the temporary requirement for prefive space within Busby/Clarkston. These units at OLM are able to be re-modelled and relocated to within the grounds of Madras Family Centre and Williamwood High (in the case of the latter, pending the construction of the permanent facility at Newford Grove). Once Newford Grove is constructed, the re-modelled modular unit at Williamwood will then be able to be relocated and utilised elsewhere across the Education estate to supplement future provision.

9. Portakabin were the manufacturers of the 2 modular buildings which are currently located at OLM, and which have remaining warranty periods in excess of 15 years. These warranties will continue, provided Portakabin maintain these modular units, meaning that any problem with the structure of the units would continue to be provided for the duration of the warranty period. These warranties would be lost in the event of the Council using any alternative contractor to re-model and relocate the units. Portakabin have confirmed that, subject to receiving an early instruction from the Council, they will be able to undertake the work to re-model the existing modular buildings and have these relocated to Madras/Williamwood within the timescale required, and that the warranties would continue to be honoured. For these reasons, it is proposed that the contract to re-model and relocate the 2 modular units is awarded direct to Portakabin.

10. In terms of contract standing orders (6iv), provision exists for the Council to exempt from Standing Orders any contract "when it is satisfied that the exemption is justified by special circumstances. This is on the basis that the Director of the procuring department, following consultation with the Chief Procurement Officer, consider it desirable and in the best interests of the Council, a tender may be invited for the execution of works or the supply of goods, materials or services from a contractor selected by that Director or negotiated with a contractor already engaged by the Council. In such circumstances a report will be submitted for approval to the Cabinet or appropriate committee prior to entering into such a contract".

11. Given the circumstances outlined in this report and having consulted with the Chief Procurement Officer, it is proposed that the contract for the remodelling and relocation of the modular units be awarded directly to Portakabin.

## **FINANCE AND EFFICIENCY**

12. Property and Technical Services have consulted with Portakabin in relation to these costs, and are satisfied that the charges are reasonable for the extent of works proposed.

13. The total cost of the contractual works is estimated to be £334,377 for the permanent extension to the Madras Family Centre and £107,000 for the facility to be located at Williamwood High School, which is less than half the £1,300,000 it would cost to purchase new modular units of a similar specification and size. These costs fall below the European

procurement legislation threshold for works contracts which is currently £4,322,012. Taking account of fees and 3rd party costs relating to securing agreement on the use of Williamwood, the total inclusive costs to the Council of these works is estimated to be £507,000. These works are able to be funded from within existing capital budgets for Madras and Busby/Clarkston prefive and provision for early learning and childcare.

## **CONSULTATION**

14. Consultation has taken place between officers within Property and Technical Services and Education. The Chief Procurement Officer has been consulted in relation to this report.

## **PARTNERSHIP WORKING**

15. There has been no partnership working associated with this report.

## **IMPLICATIONS OF THE PROPOSALS**

16. The recommendations contained within this report represent the best option available to the Council to deliver prefive facilities within Neilston and Busby/Clarkston, for the start of the 2015/16 academic year.

## **CONCLUSIONS**

17. The proposals contained within this report will allow the provision of new prefive facilities within Neilston, and temporary prefive facilities within Clarkston, for the start of the 2015/16 academic year.

## **RECOMMENDATIONS**

18. It is recommended that the Council approve a tender exemption to allow the direct appointment of Portakabin, to relocate existing modular buildings and refurbish these to create family centre facilities within Busby/Clarkston and Neilston, for the start of the 2015/16 academic year.

Director of Environment

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## **KEY WORDS**

A report seeking agreement to award a contract for nursery facilities

Nursery, facilities, Neilston, Clarkston, tender