

## **Cabinet – 3 February 2010**

### **Walsall Academies programme – appointment of preferred bidder.**

**Portfolio:** Councillor A Andrew, Deputy Leader and Regeneration  
Councillor R Walker, Children's Services

**Service:** Regeneration - Property Services

**Wards:** Rushall , Darlaston South

**Key decision:** No

**Forward plan:** Yes

#### **1. Summary of report**

- 1.1 In April 2009 cabinet approved the delegation of the signing of the Outline Business Case (OBC) for Shelfield Community Academy, and the Cabinet meeting of January 2010 approved the delegation of the signing for the Outline Business Case (OBC) Grace Academy Darlaston, to the Executive Director Children's Services and Executive Director Regeneration.
- 1.2 Cabinet is advised that the signed Outline Business Case (OBC) for Shelfield Community Academy is now in place, and designs are being undertaken for the final proposals.
- 1.3 Cabinet is now asked to approve delegated authority to the Executive Director for Regeneration or Executive Director Children's Services for the appointment of the preferred bidder, to continue with the designs and preparation of prices for both Shelfield Community Academy and Grace Academy Darlaston, and prepare all other relevant information to enable the Final Business Case (FBC) to be completed.
- 1.4 It is intended to inform future cabinet meetings on the progress of both projects, and at the appropriate stage on each scheme seek approval for Final Business Case (FBC) by requesting further delegated authority for officers to approve the Final Business Case, and enter into contract with the successful Design and Build Contractor.

#### **2. Recommendations**

That Cabinet approves delegated authority to the Executive Director for Regeneration and the Executive Director Children's Services in consultation with the Leader of the Council for the appointment of the preferred bidder, to develop detailed proposals to enable a final business case to be submitted to Partnership for Schools (PfS).

### **3. Background information**

- 3.1 The Expression of Interest (EOI) was approved by Cabinet on 16 January 2008. This document outlined the proposal to open two Academies; Sheffield Community Academy and Grace Academy Darlaston. The sponsor for Sheffield Community Academy is the Ormiston Trust and the sponsor for Grace Academy Darlaston is Grace Academy. Both Sponsors work to promote the well being of children and young people, especially those disadvantaged by their life experiences and circumstances.
- 3.2 The EOI identified the Academy, its size, sponsor, likely site and the indicative funding envelope approved by the DCSF.
- 3.3 The Procurement process as prescribed by the Partnerships for Schools (PfS) designates the Council as the procurement body for the construction of the Academy buildings. The Council is required to procure both consultants and contractors and deliver the project within the funding envelope approved by PfS in the OBC. Completed buildings are then leased to the Academies for 125 years.
- 3.4 Both Sheffield Community Academy and Grace Academy Darlaston are now operational in the existing former school buildings.
- 3.5 The Contract document to be used under the Partnerships for Schools (PfS) procurement framework is the, "Design & Build Contract Lump Sum Option (for use with Framework incorporating Batched Schools Options)", and the "Design & Build Contract Lump Sum Option (for use with framework)".
- 3.6 The batched contractual approach indicated above is based on the sample scheme. Sheffield Community Academy was chosen to be the sample scheme following consultation with both Academies following an appraisal process which took into account a number of issues including academy transfer date, site viability, programme delivery and any associated project risks.
- 3.7 The use of the PfS batched procurement option allows for 3 additional non sample Academies to be added to the framework. Grace Academy Darlaston will be one of the 3 non sample schemes and will use the batched contract "Design & Build Contract Lump Sum (for use with framework)".
- 3.8 The Sheffield Community Academy Outline Business Case (OBC) was submitted to Partnerships for School (PfS) in Aug 2009 and approved; this enabled the Invitation to Tender (ITT) process to proceed. Two bidders were selected from three to take part in a design competition to produce proposed designs for the Sheffield Community Academy. The process of engagement takes place over a 14 week period, in which time each bidder presents their design to a controlled group including representatives from Walsall Council, Walsall Children's Services (Serco), Sheffield Community Academy and the Sponsor Ormiston Trust.
- 3.9 The shortlisted bidder engagement process will cease February 2010 and a preferred bidder will be selected, to work up their proposed design for the (sample scheme) Sheffield Community Academy to enable a full planning

application to be submitted for the scheme. Once planning approval is achieved and all the required contractual documentation are in place the Final Business Case (FBC) will be submitted to Partnership for Schools (PfS) for approval, prior to commencement of works on site.

- 3.10 Under the framework requirements the process of design development can not commence upon the non sample scheme (Grace Academy Darlaston) until after the selection process, has been completed upon the sample scheme (Shelfield Community Academy).
- 3.11 There are approximately 4 months between the design development two Academies schemes. Once design development is completed on Grace Academy Darlaston and planning approval received, all the relevant information including contractual documentation will be completed for Final Business Case approval from Partnerships for Schools (PFS), prior to commencement on site.
- 3.12 Both Academies will require detailed planning applications to be submitted, these applications will be submitted by the preferred bidder. The developments will then take place subject these applications being approved.

#### **4. Resource considerations**

##### **4.1 Financial:**

- 4.1.1 The allocated approved funding for Shelfield Community Academy is £23,587,363, and the proposed allocated funding for Grace Academy Darlaston is £22,908,673. (Note this figure can move up or down according to the price index)

##### **4.2 Legal:**

- 4.2.1 Legal Services have been consulted and have assisted in the appointment of Martineau Johnson for the Shelfield Community Academy and Pinsent Mason for Grace Academy Darlaston. Both legal consultants will advise during the framework contract procurement process. The route is strictly prescribed by PfS with little opportunity for derogation.
- 4.2.2 Corporate procurement has also been consulted on the Partnerships for Schools (PfS) procurement processes.

##### **4.3 Staffing:**

- 4.3.1 There are no staffing implications with this report.

#### **5. Citizen impact**

The provision of the New Academy will contribute to the improved learning of the Children and Young people at Shelfield Community Academy, stakeholders and pupils are current engaged in the consultation and development procedures with the Sorrell Foundation.

## **6. Community safety**

The proposed designs for the Academies will provide increased onsite car parking allocation for the school which will reduce the need to park on adjacent roads.

## **7. Environmental impact**

A BREEAM (British research establishment environmental assessment method) workshop will be undertaken with all stakeholders and the buildings will be designed to achieve a BREEAM rating of 'very good'.

## **8. Performance and risk management issues**

### **8.1 Risk:**

A risk register is in place to enable all the risks to be determined and managed, this will be recorded using the corporate risk assessment/management forms.

### **8.2 Performance management:**

The project is part of the Transforming Learning programme and progress is routinely reported to the programme board.

## **9. Equality implications**

The successful bidder (Main Contractor) will be expected to provide a copy of their Equalities and Health policy and this will be approved to ensure that it is in line with the Council's policy. Indeed, some of these items are integral to the Key Performance Indicators (KPIs) of the contract. These items will be monitor throughout the contract.

## **10. Consultation**

- 10.1 Consultation with various stakeholders has and will continue to take place (Academy, Walsall Children Services, Leisure Services, Planning and Building Control). Further consultation with the local community will continue as the scheme develops.

## **Background papers**

- Report to Cabinet Nov 2009 Procurement of the Construction for Grace Academy Darlaston
- Report to Cabinet April 2009 Procurement of the Construction for Shelfield Community Academy
- Report to Cabinet April 2009 Darlaston Community Science College: Determination of Statutory Proposal
- Report to Cabinet January 2008 Consideration of Academy Status Schools in Walsall.

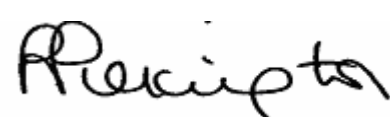
- Report to Cabinet June 2008 Shelfield Sports and Community College – Proposed Academy
- Report to Cabinet December 2008 Shelfield Sports and Community College: Determination of Statutory Proposal

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