



Oversight and Governance

Chief Executive's Department

Plymouth City Council

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Delegated Decisions

Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are published every Wednesday and are available at the following link - <https://tinyurl.com/ms6umor>

Cabinet decisions subject to call-in are published at the following link - <http://tinyurl.com/yddrql6>

Notice of call-in for non-urgent decisions must be given to the Democratic Support Unit by 4.30 pm on Wednesday 16 August 2023. Please note – urgent decisions and non-key Council Officer decisions cannot be called in. Copies of the decisions together with background reports are available for viewing as follows:

- on the Council's Intranet Site at <https://modgov/mgDelegatedDecisions.aspx>
- on the Council's website at <https://tinyurl.com/jhnax4e>

The decision detailed below may be implemented immediately.

Delegated Decisions

I. Council Officer Decision - Annie Gammon, Interim Service Director for Education, Participation and Skills:

- I.1. COD11 23/24 - Contract Award: (Modular Units) - School Estate Expansion and Condition Works **(Pages 1 - 24)**

EXECUTIVE DECISION

made by a Council Officer




REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL COUNCIL OFFICER

Executive Decision Reference Number – *COD11 23/24*

Decision				
1	Title of decision: Contract Award: (Modular Units) – School Estate Expansion and Condition Works			
2	Decision maker: Annie Gammon, Interim Service Director Education, Participation and Skills			
3	Report author and contact details: Ian Baker, School Investment & Organisational Manager			
4a	Decision to be taken: <ul style="list-style-type: none"> To approve the Contract Award £2,139,865.00 to Portakabin, for the Modular Units Programme to enable the school estate expansion and condition works to be undertaken. 			
4b	Reference number of original executive decision or date of original committee meeting where delegation was made: L31 22/23, published 22 March 2023 https://democracy.plymouth.gov.uk/ieDecisionDetails.aspx?ID=4221			
5	Reasons for decision: To award the contract to enable the provision of permanent additional classroom facilities for both mainstream and SEND pupils by way of modular buildings to provide suitable solutions faster and more cost effectively than a traditional build, with a turnkey (fully packaged) solution.			
6	Alternative options considered and rejected: <ul style="list-style-type: none"> Traditional Design & Build:- Due to time pressures and costs this option was rejected. Long Term Hire of Temporary Accommodation:- Due to long term hire costs this option was rejected. Do Nothing:- This option was rejected as PCC would be unable to fulfil our statutory duty of providing suitable school places for pupils in the city. 			
7	Financial implications and risks: SEND pupils would be unable to be educated within the City and costs approximately £100,000 per pupil/per year. It would also result in the closure of a mainstream schools Early Years Foundation classroom, due to being life expired and no longer suitable for purpose. Plymouth City Council would be unable to fulfil its statutory duty of providing suitable school places for pupils in the city.			
8	Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes	No x	Per the Constitution, a key decision is one which: in the case of capital projects and contract awards, results in a new

				commitment to spend and/or save in excess of £3million in total
			x	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million
			x	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
8b	If yes, date of publication of the notice in the Forward Plan of Key Decisions			
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:			<p>The proposal supports the diversity of Plymouth, ensuring that all pupils, regardless of gender or disability have access to suitable buildings supporting a brilliant start in education: Supporting our workforce through the implementation of Our People Strategy 2020 – 2024. These proposals contribute to the right to all of our staff to deliver better education and keeping children safe in suitable premises.</p> <p>The proposal utilises both the Education SEND Capital funding and the Education Condition Funding from the DfE to procure suitable facilities, reducing financial risk to the Council, with no Financial Borrowing.</p>
10	Please specify any direct environmental implications of the decision (carbon impact)			<p>A reduced construction/manufacturing period, a reduced travel/transport distance and a reduced duration of build programme compared to a traditional build.</p> <p>It utilises modern build technology which is compliant with all Building Regulations.</p> <p>Provides an environmentally friendly solution by reducing pupil travel to outside city locations and reduces build time and construction crew travel time and distances.</p>
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?		Yes	(If yes, please contact Democratic Support for advice)
			No	x
12a	Reason for urgency:			
12b	Scrutiny Chair signature:		Date	
	Scrutiny Committee name:			
	Print Name:			

Consultation								
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes	x					
		No		(If no go to section 14)				
13b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Cresswell, Cabinet Member for Education, Skills and Apprenticeships						
13c	Date Cabinet member consulted	25 July 2023						
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer				
		No	x					
15	Which Corporate Management Team member has been consulted?	Name	Sharon Muldoon					
		Job title	Director of Children's Services					
		Date consulted	8 February 2023					
Sign-off								
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS3I 23/24					
		Finance (mandatory)	CH 20.07.23 0901					
		Legal (mandatory)	LS/02021/JP/270723					
		Human Resources (if applicable)	N/A					
		Corporate property (if applicable)	N/A					
		Procurement (required)	SN/PS/691/ED/0823					
Appendices								
17	Ref.	Title of appendix						
	A	Briefing report						
	B	Equalities Impact Assessment (<i>Modular Units</i>)						
	C	Contract Award - Part I						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes	x	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below.				
		No						
		Exemption Paragraph Number						
		1	2	3	4	5	6	7

18b	Confidential/exempt briefing report title: Contract Award Template Part II			x						
Background Papers										
19	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>									
Title of background paper(s)				Exemption Paragraph Number						
				1	2	3	4	5	6	7
Council Officer Signature										
20	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.</p>									
Signature				Date of decision	7 August 2023					
Print Name	Annie Gammon, Service Director Education, Participation and Skills									

BRIEFING REPORT

Contract Award for Modular Units for School Estate Expansion and Condition Works - Education, Participation and Skills



1. EXECUTIVE SUMMARY

To award the contract to Portakabin to enable the provision permanent additional classroom facilities for both mainstream and SEND pupils by way of modular buildings to provide suitable solutions faster and more cost effectively than a traditional build, with a turnkey (fully packaged) solution. Contract sum is **£ 2,139,865.00**

2. BACKGROUND

There is currently an acute shortage of SEND places in the City and it's a statutory duty placed on PCC to provide sufficient places. There is also a Mainstream School with severe condition issues in its temporary Foundation Class Room unit, that is life expired and is unfit for purpose. The decision to use a framework to provide an approved system of modular units was agreed as a quick solution to resolve the shortage of pupil places. Portakabin were identified as the modular unit provider through the SWPA Framework.

3. PROPOSED CHANGES AND REASONS

To provide modular expansions to two special schools due to the increased number of SEND pupils requiring special school provision and to replace a foundation unit at a mainstream school which is severely dilapidated and no longer suitable for use as a classroom.

4. ALTERNATIVE OPTIONS

Traditional Design & Build: - Due to time pressures and costs this option was rejected.

Long Term Hire of Temporary Accommodation: - Due to long term hire costs this option was rejected.

Do Nothing: - This option was rejected as PCC would be unable to fulfil their statutory duty of providing suitable school places for pupils in the city.

5. FINANCIAL IMPLICATIONS AND RISK

SEND pupils would be unable to be educated within the City costs approximately £100,000 per pupil/per year. It would also result in the closure of a mainstream schools Early Years Foundation classroom, due to being life expired and no longer suitable for purpose.

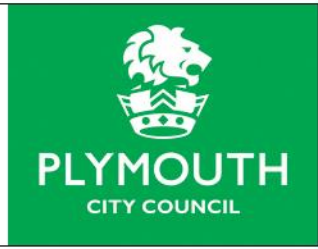
6. TIMESCALES

All works will be carried out by Portakabin on the three sites from August 2023 and will be completed by March 2024.

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**PROCUREMENT GATEWAY 3 -
CONTRACT AWARD REPORT - PART I**

24385 – Expansion to Special School Estate



- 1. INTRODUCTION**
- 2. BACKGROUND**
- 3. PROCUREMENT PROCESS**
- 4. TENDER EVALUATION CRITERIA**
- 5. SUMMARY OF EVALUATION**
- 6. FINANCIAL IMPLICATIONS**
- 7. RECOMMENDATIONS**
- 8. APPROVAL**

1. INTRODUCTION

This contract award report is in relation to the procurement of the purchase of permanent specialist educational modular buildings for 3 x school sites within Plymouth, including:

Bespoke 2 tier SEND classrooms, Cann Bridge, PL6 8EE

Bespoke 2 module SEND 6th form including classroom/breakouts, Mill Ford, PL5 2PY

Bespoke SEND classroom, Mill Ford, PL5 2PY

Bespoke Large Foundation unit (mainstream school) where interior will need to be divided to meet schools requirements including classrooms, toilets, and kitchen, office, and cloak areas - College Road, PL2 1NS

A full turnkey solution is required including design and build elements. Will need to include, but not limited to; Design, Planning Permission, site surveys and investigation, Building Control sign off, Foundations, Manufacture, installation and any CDM responsibilities.

There will be bespoke requirements/elements, including, but not limited to, Surveying, Design, Planning, Building Regulations Demolition/Site Clearance, Groundworks, installation of the Modular Units and the associated Services, Fencing, Access and Egress, (steps/ramps/decking interfacing of alarm systems) etc. The project will require both an IT and Alarm, Link/Duct connecting to the main school building(s).

Due to the ongoing pressure for school places, there is a significant time pressure to deliver the three individual projects contained within the outline Programme.

College Roads existing building will need to be demolished initially before works can commence.

Contract Duration: approx. 9 months.

2. BACKGROUND

There is an acute shortage of SEND places in the City and it's a statutory duty placed on PCC to provide these places.

There is also have a primary school that has severe condition issues with one of its temporary Early Years Foundation Classrooms that was life expired 15 to 20 years ago and is now totally unfit for purpose.

To remediate the issues identified above PCC opted to purchase modular units as shown below:

- **Cann Bridge** (two units) to increase capacity.
- **Mill Ford** (three units), to accommodate pupils displaced from Ernesettle with the units available for reallocation in the future.
- **College Road** (one unit) to replace life expired temporary Foundation classroom.

3. PROCUREMENT PROCESS

Following a procurement options appraisal, the chosen procurement route was to utilise the South West Procurement Alliance (SWPA) Modular Buildings framework under Workstream 1- Permanent Modular Buildings, via a direct award appointment with Portakabin. Relevant framework criteria was met to be able to utilise the direct award procedure with the chosen supplier.

The SWPA framework has been developed to provide an efficient, value for money procurement route for local authorities, social landlords and other public sector bodies. The framework covers

the design, supply and installation of permanent modular buildings. The tender was carried out in strict accordance with the EU Procurement Directive and UK public sector procurement rules.

Initially an Expression of Interest form was sent to Portakabin to which they confirmed their interest in the project. Following this, the relevant procurement documentation was sent to Portakabin.

All processes were in line with framework rules and guidance.

4. TENDER EVALUATION CRITERIA

Suppliers are already pre-qualified, as part of the framework appointment process and therefore no further suitability assessment was required to be undertaken. This includes for criteria such as, but not limited to; Financial, accreditations/certifications, Environmental Management, Quality Management, Health and Safety, Equality Act 2010, Social Value.

Method Statement questions were requested as part of the procurement process as follows:

- MS1: Supplier Details
- MS2: Insurances
- MS3: Project Programme and Delivery
- MS4: Health and Safety
- MS5: Social Value

Submission Review

The Council will review responses to questions to ensure they meet our minimum requirements. The review will be undertaken as follows:

Response	Resulting action
Meets minimum expectations	PASS -proceed with procurement
Some minor concerns	CLARIFY- concerns discussed and response resubmitted
Major/unacceptable concerns	FAIL- end procurement process

5. SUMMARY OF EVALUATION

The procurement documentation was issued electronically to Portakabin on 8th June 2023.

The tender submissions were evaluated by Council Officers whom have the appropriate skills and experience.

Portakabin received a 'PASS' on all of the criteria.

6. FINANCIAL IMPLICATIONS

Financial provision has been made for this contract within the project budget. Details of the contractual pricing are **£2,139,865.00**

The form of contract to be used for the main contract works is 2016 JCT Minor Works. Changes to the contract are possible through contract variations that the contract allows which may result in price increases. This may include for unforeseen works or works that become necessary.

Further financial information is contained within the confidential report.

7. RECOMMENDATIONS

It is recommended that a contract be awarded to Portakabin on 2016 JCT Minor Works Terms & Conditions.

8. APPROVAL

Authorisation of Contract Award Report

Author (Responsible Officer / Project Lead)			
Name:	Ian Baker		
Job Title:	School Investment & Organisation Manager		
Additional Comments (Optional):			
Signature:	<i>Ian Baker</i>	Date:	25/07/2023
Service Director [Signature provides authorisation to this award report and award of Contract]			
Name:	Annie Gammon		
Job Title:	Interim Service Director, Education Participation & Skills		
Additional Comments (Optional):			
Signature:	<i>Annie Gammon</i>	Date:	25/07/2023

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The following relates to exempt or confidential matters (Para(s) 3 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

Document is Restricted

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EQUALITY IMPACT ASSESSMENT – [CONTRACT AWARD - MODULAR UNITS]

SECTION ONE: INFORMATION ABOUT THE PROPOSAL

Author(s): This is the person completing the EIA template.	Elaine Dean	Department and service:	Childrens' Services, Education Participation & Skill	Date of assessment:	19/07/2023
Lead Officer: Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.	Annie Gammon	Signature:		Approval date:	25/07/2023
Overview:	The urgent need for Increased Special School Estate Places available in the city by way of a framework to provide suitable modern modular classrooms to accommodate the increased pupil numbers together with the re-provision of a modular foundation unit at College Road school, removing the dilapidated, past end of life unit and providing the young pupils with suitable, modern teaching space for their foundation years in education.				
Decision required:	Contract Award to Portakabin for the delivery of Modular Units				

SECTION TWO: EQUALITY IMPACT ASSESSMENT SCREENING TOOL

Potential external impacts: Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?	Yes		No	x
Potential internal impacts: Does the proposal have the potential to negatively impact Plymouth City Council employees?	Yes		No	x

Is a full Equality Impact Assessment required? (if you have answered yes to either of the questions above then a full impact assessment is required and you must complete section three)	Yes		No	x
If you do not agree that a full equality impact assessment is required, please set out your justification for why not.				

SECTION THREE: FULL EQUALITY IMPACT ASSESSMENT

Protected characteristics (Equality Act, 2010)	Evidence and information (e.g. data and consultation feedback)	Adverse impact	Mitigation activities	Timescale and responsible department
Age	<p>Plymouth</p> <ul style="list-style-type: none"> • 16.4 per cent of people in Plymouth are children aged under 15. • 65.1 per cent are adults aged 15 to 64. • 18.5 percent are adults aged 65 and over. • 2.4 percent of the resident population are 85 and over. <p>South West</p> <ul style="list-style-type: none"> • 15.9 per cent of people are aged 0 to 14, 61.8 per cent are aged 15 to 64. • 22.3 per cent are aged 65 and over. <p>England</p> <ul style="list-style-type: none"> • 17.4 per cent of people are aged 0 to 14. 			

	<ul style="list-style-type: none"> • 64.2 per cent of people are aged 15 to 64. • 18.4 per cent of people are aged 65 and over. <p>(2021 Census)</p>			
<p>Care experienced individuals (Note that as per the Independent Review of Children’s Social Care recommendations, Plymouth City Council is treating care experience as though it is a protected characteristic).</p>	<p>It is estimated that 26 per cent of the homeless population in the UK have care experience. In Plymouth there are currently 7 per cent of care leavers open to the service (6 per cent aged 18-20 and 12 per cent of those aged 21+) who are in unsuitable accommodation.</p> <p>The Care Review reported that 41 per cent of 19-21 year old care leavers are not in education, employment or training (NEET) compared to 12 per cent of all other young people in the same age group.</p> <p>In Plymouth there are currently 50 per cent of care leavers aged 18-21 Not in Education Training or Employment (54 per cent of all those care leavers aged 18-24 who are open to the service).</p> <p>There are currently 195 care leavers aged 18 to 20 (statutory service) and 58 aged 21 to 24 (extended offer). There are more care leavers aged 21 to 24 who could return for support from services if they wished to.</p>			
<p>Disability</p>	<p>9.4 per cent of residents in Plymouth have their activities limited ‘a lot’ because of a physical or mental health problem.</p> <p>12.2 per cent of residents in Plymouth have their activities limited ‘a little’ because of a</p>			

	physical or mental health problem (2021 Census)			
Gender reassignment	0.5 per cent of residents in Plymouth have a gender identity that is different from their sex registered at birth. 0.1 per cent of residents identify as a trans man, 0.1 per cent identify as non-binary and, 0.1 per cent identify as a trans women (2021 Census).			
Marriage and civil partnership	40.1 per cent of residents have never married and never registered a civil partnership. 10 per cent are divorced, 6 percent are widowed, with 2.5 per cent are separated but still married. 0.49 per cent of residents are, or were, married or in a civil partnerships of the same sex. 0.06 per cent of residents are in a civil partnerships with the opposite sex (2021 Census).			
Pregnancy and maternity	The total fertility rate (TFR) for England was 1.62 children per woman in 2021. The total fertility rate (TFR) for Plymouth in 2021 was 1.5.			
Race	In 2021, 94.9 per cent of Plymouth’s population identified their ethnicity as White, 2.3 per cent as Asian and 1.1 per cent as Black (2021 Census) People with a mixed ethnic background comprised 1.8 per cent of the population. 1 per cent of the population use a different term to describe their ethnicity (2021 Census) 92.7 per cent of residents speak English as their main language. 2021 Census data shows			

	that after English, Polish, Romanian, Chinese, Portuguese, and Arabic are the most spoken languages in Plymouth (2021 Census).			
Religion or belief	48.9 per cent of the Plymouth population stated they had no religion. 42.5 per cent of the population identified as Christian (2021 Census). Those who identified as Muslim account for 1.3 per cent of Plymouth’s population while Hindu, Buddhist, Jewish or Sikh combined totalled less than 1 per cent (2021 Census).			
Sex	51 per cent of our population are women and 49 per cent are men (2021 Census).			
Sexual orientation	88.95 per cent of residents aged 16 years and over in Plymouth describe their sexual orientation as straight or heterosexual. 2.06 per cent describe their sexuality as bisexual, 1.97 per cent of people describe their sexual orientation as gay or lesbian. 0.42 per cent of residents describe their sexual orientation using a different term (2021 Census).			

SECTION FOUR: HUMAN RIGHTS IMPLICATIONS

Human Rights	Implications	Mitigation Actions	Timescale and responsible department
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<p>Education must be child-centred and empowering. This applies to the curriculum as well as the educational processes, the pedagogical methods and the environment where education takes place</p>	<p>This proposal contributes to the right to obtaining an education in suitable premises to provide and create the right environment.</p>	<p>Provision of Modular Classrooms to provide suitable accommodation for staff and students to learn in.</p>	<p>July 2023 – March 2024 Education Participation & Skills</p>
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SECTION FIVE: OUR EQUALITY OBJECTIVES

<p>Equality objectives</p>	<p>Implications</p>	<p>Mitigation Actions</p>	<p>Timescale and responsible department</p>
<p>Celebrate diversity and ensure that Plymouth is a welcoming city.</p>	<p>The proposal supports the diversity of Plymouth, ensuring that all pupils, regardless of gender or disability have access to suitable buildings supporting a brilliant start in education:</p> <ul style="list-style-type: none"> • People should be able to access opportunity whatever their circumstances • Things that make the biggest difference to people’s lives should get priority when deciding where limited resources go • Preventing inequalities is more effective than trying to eliminate them • Services should be provided ‘with’ people, not ‘for’ them 	<p>We provide parents, staff and governors at the schools, local residents and other stakeholders with the opportunity to participate in the decision making on the proposals, and provide children with improved facilities that will promote diversity and independence and reduce social inequality.</p> <p>The project will be managed by PCCc</p>	<p>July 2023 – March 2024 Education Participation & Skills</p>
<p>Pay equality for women, and staff with disabilities in our workforce.</p>	<p>No adverse impact.</p>	<p>No action required</p>	<p>July 2023 – March 2024 Education Participation & Skills</p>

Supporting our workforce through the implementation of Our People Strategy 2020 – 2024	These proposals contribute to the right to all of our staff to deliver education in suitable premises.	Provides improved facilities that ensure that staff, children and young people are safe and confident in their communities, by providing suitable education accommodations. The project will be managed by PCC	July 2023 – March 2024 Education Participation & Skills
Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.	No adverse impact.	No action required	July 2023 – March 2024 Education Participation & Skills
Plymouth is a city where people from different backgrounds get along well.	The schools maintains good links with their communities, going out into the community and bringing the community in. The schools have a warm and friendly family atmosphere, where dedicated staff; governors and parents provide a stimulating and challenging learning environment which helps pupils thrive; everyone is respected and works in partnership with each other.	The schools maintains good links with their communities, going out into the community and bringing the community in. The schools have a warm and friendly family atmosphere, where dedicated staff; governors and parents provide a stimulating and challenging learning environment which helps pupils thrive; everyone is respected and works in partnership with each other.	July 2023 – March 2024 Education Participation & Skills

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