

REPORT TO: Executive Board
DATE: 9th April 2009
PRESENTED BY: Strategic Director – Children and Young People
SUBJECT: BSF Funding and Procurement
WARDS: Borough-wide

1.0 PURPOSE OF REPORT

1.1 As part of the BSF Programme it is a requirement that the authority submit a range of Procurement Standard Documents and Standard Form Agreements. These documents must be approved and submitted at the same time as the Outline Business Case on 22nd April 2009.

2.0 RECOMMENDED: That

- (1) The Chief Executive be authorised to agree the supporting Procurement Standard documents and Standard Form Agreements prior to the submission of the business cases to Partnerships for Schools and DCSF; and**
- (2) The procurement process to be applied to the BSF Programme is that which is set out in the Partnerships for Schools guidance.**

3.0 BACKGROUND

3.1 There are a range of Procurement Standard documents which must be used in BSF. These include:

- The Official Journal of the European Union (OJEU);
- Pre-Qualification Questionnaire;
- Pre-Qualification Evaluation Matrix;
- Descriptive Document;
- Invitation to Participate in Dialogue Volume 1 (IPD); and
- Invitation to Submit Final Bids.

3.2 Templates are available for these documents which need personalising in line with each Programmes requirements. These documents must then be agreed with Partnerships for schools.

3.3 In addition, there is also a suite of Standard Form Agreements which must be approved by Partnerships for Schools. These documents include:

- Shareholders' Agreements;
- Strategic Partnering Agreements;
- PFI Project Agreement;

- PFI Payment Mechanism;
- Funder's Direct Agreement;
- Management Services Agreement;
- ICT Services Contract;
- ICT Payment Mechanism; and
- Design and Build Contract Lump Sum Option.

3.4 Changes to these documents are known as derogations. Any derogations to these Standard Form Agreements must be approved by PfS and a separate derogations form is required for each document. PfS will respond to Derogations Forms within 10 working days from receipt of a correctly and comprehensively completed Derogations Form. To avoid Programme delay the Authority have been in dialogue with PfS on these documents prior to their submission along with the Outline Business Case.

3.5 It is proposed that the procurement process that is applied to the BSF project should be that applied by the PfS Guidance rather than the Councils Procurement Rules. Legal advise this is acceptable subject to Executive Board agreeing this approach.

3.6 The BSF Programme is procured through the production of a suite of documentation aimed at achieving the procurement which will be in excess of the European procurements threshold for services. It is therefore necessary to comply with the European Procurement regime and the Public Contracts Procurement Regulations 2006. The Procurement and contractual outcome will need to comply with Rules 1.4 and 1.2.

3.7 Additionally the BSF Programme needs to be in accordance with the regime and process established by Partnerships for Schools.

4.0 FINANCIAL IMPLICATIONS

4.1 Once the Outline Business Case has been agreed any delay in the Programme is likely to reduce the funding available for the Programme.

5.0 OTHER IMPLICATIONS

5.1 A mandatory Gateway Review will be undertaken in April prior to the authority submitting its Outline Business Case to check that the authority are ready to enter the Procurement Phase.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People

Through the BSF and Primary Capital Programme Halton aims to transform primary and secondary provision in the borough creating 21st century facilities.

6.2 Employment Learning and Skills in Halton

Through access to an excellent secondary school for all pupils, standards will improve providing greater employment prospects for Halton's Children and Young People.

6.3 A Healthy Halton

In developing its secondary schools for the future the authority will demonstrate how it will enable schools to meet the school sport Public Service Agreement through its capital investment and achieve high nutritional standards and encourage healthy eating. Opportunities to increase extended services through schools and provide more integrated health provision will be developed through BSF.

6.4 A Safer Halton

Schools for the future will be designed to ensure that children, staff and other community users feel safe and secure on schools sites.

6.5 Halton's Urban Renewal

Through the BSF Halton schools will become a major resource for communities they serve and will be designed to offer shared community facilities, linking to other wider regeneration projects as well as being the focus for the local delivery of children's services.

7.0 RISK ANALYSIS

7.1 Failure to approve and submit Procurement Standard Documents and the Standard Form Agreements along with the Outline Business Case on 22nd April 2009 will lead to Programme delay.

8.0 EQUALITY AND DIVERSITY

8.1 The BSF Programme is aimed at increasing diversity, access and choice, address under performance and provide more integrated local services for children, young people and their families.

9.0 REASON FOR THE DECISION

9.1 The Procurement Standard Documents and Standard Form Agreements must be agreed and submitted with the Outline Business Case on 22nd April 2009.

10.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10.1 N/A

11.0 IMPLEMENTATION DATE

11.1 The Outline Business Case and supporting documents must be submitted to the DCSF and PfS by 22nd April 2009.

12.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Documents	Place of Inspection	Contact
<u>Reports and Minutes from the BSF Strategic Board, BSF Programme Board, Cross Party Members Working Group on LEP</u>	3 rd Floor Chester Building – Grosvenor House, Runcorn and website www.halton.gov.uk/bsf	Daniel Hennessy – BSF Programme Director