



City of Westminster

# Minutes

Meeting:

**Committee of the Cabinet (BSF)**

Date of meeting:

**23 July 2007 at 3.00pm**

Attendees:

**Councillor Sarah Richardson (Chairman)  
Councillor Colin Barrow  
Councillor Audrey Lewis**

Apologies:

**Councillor Sir Simon Milton**

Contact:

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## 1. MEMBERSHIP

- 1.1 It was noted that apologies for absence had been received from Councillor Sir Simon Milton and that he had been replaced by Councillor Audrey Lewis.

## 2. DECLARATIONS OF INTEREST

- 2.1 Councillor Richardson declared a non-prejudicial interest in relation to discussions held on the Pimlico District Heating Undertaking Scheme in that she was a Churchill Ward Councillor.

## 3. MINUTES

- 3.1 **RESOLVED:** That the minutes of the meeting held on 11 April 2007 be signed by the Chairman as a correct record.

## 4. EXEMPT REPORT UNDER THE LOCAL GOVERNMENT ACT 1972

- 4.1 **RESOLVED:** That, by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) the public and press be excluded from the meeting for the following item of business because it involves the likely disclosure of information on the grounds shown below:

<b>Agenda Item No.</b>	<b>Grounds</b>	<b>Para of Part 1 of Schedule 12A of the Act</b>
6	information relating to the financial or business affairs of any particular person (including the authority holding that information)	3

## 5. BSF PROCUREMENT PROCESS – EVALUATION OF FINAL TENDERS AND APPOINTMENT OF PREFERRED BIDDER

(see report of the Director of Building Schools for the Future – agenda item 6)

- 5.1 The Director of Building Schools for the Future (BSF) introduced a report (a) providing Members with information about the progress of the procurement process for Westminster's BSF programme and (b) setting out the process for and results of the evaluation of Bidders' responses to the Invitation to Submit Final Tenders. Members noted that the recommendations in the report relating to the appointment of a Preferred Bidder are subject to the resolution and agreement of several outstanding issues.

- 5.2 Members discussed the following issues in particular:

- Risks associated with the design and build contracts

- Allocation of further costings associated with the design and build schemes in relation to the financial cap agreed at the Invitation to Submit Final Tenders (ISFT) stage
- Property issues in respect of schools
- The award of further contracts to the Local Education Partnership (LEP)
- The connection of Pimlico School to the Pimlico District Heating Undertaking (PDHU)
- The inclusion of residential accommodation within the Blandford Street redevelopment proposals

5.3 The Committee noted the following tabled documents:

- A late appendix setting out responses on Air Quality related to the Biomass Scheme
- An email concerning contract liability issues
- A letter from the Cabinet Member for Street Environment and Chairman of City Council's "Go Green" Board, providing views on the environmental and sustainability options being considered
- A statement setting out the conclusions and recommendations arising from the 4ps Gateway Review.

5.4 **RESOLVED:**

- (1) That it be agreed that the report is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) in that it contained information relating to the financial or business affairs of any particular person (including the authority holding that information);
- (2) That the results of the ISFT evaluation process be noted and that BPEC be identified as the Preferred Bidder, subject to the resolution of outstanding issues;
- (3) That, subject to him being satisfied that the outstanding issues have been resolved, in consideration of legal, financial and technical advice, and in consultation with Partnerships for Schools (PfS), the Cabinet Member for Children's Services and the Cabinet Member for Finance and Support Services, the Chief Executive be authorised to confirm the appointment of the Preferred Bidder, and to issue a formal letter confirming the basis of the appointment;
- (4) That it be noted that a further report will be brought forward in the autumn on the final LEP structure and the award of contracts prior to Financial Close, which will incorporate details of the shareholder agreement;
- (5) That the Chief Executive be authorised to submit the Final Business Case to PfS;

- (6) That the additional cost of £1m to provide total funding of £4.1 million capital for the library and adult education facilities at the Pimlico site as a supplementary estimate for the Council's capital programme in 2010-11 and the £4.1m expenditure under Financial Regulation B8 be approved;
- (7) That the funding of £500,000 from the Council's Locally Co-ordinated Voluntary Aided Programme (LCVAP) funded by the DCSF allocation for the St Vincent's Primary School Foundation Stage Unit under Financial Regulation B8 be noted;
- (8) That the City Council's "Go Green" Board consider as a matter of urgency (in order to maintain the BSF business case timescales) the following matters , with a view to its making recommendations for decision by the Committee:
  - (a) whether the variant Final Tender for Pimlico School to be connected to the PDHU should be accepted in light of consequent funding implications and potential resulting outcomes for cost savings, renewable energy and carbon reduction for the three Sample Schools;
  - (b) the inclusion of additional energy efficiency and renewable energy features to improve the environmental sustainability of Sample School schemes;
- (9) That the Final Tender be accepted on the basis that there be no inclusion of residential provision at Blandford Street;
- (10) That it be noted that the Council's revenue funding for LEP costs are estimated to be £1.9 million over five years and that this sum is contained in existing business plans and approved carry forwards;
- (11) That the Director of Finance and Resources be given delegated authority to negotiate and agree Heads of Terms for the Lease/Licence of space from Kingsway College as a decant site for Westminster City School and report back to the Committee on what is agreed;
- (12) That the Director of Legal and Administrative Services be authorised to secure title reports on the Catholic non-sample school (St George's RC) subject to a maximum expenditure of £5,000; and,
- (13) That the outline proposals for the Westminster structure for contract management be noted, and the Director of Schools and Learning be authorised to progress the staff restructuring required to promote the successful delivery of the BSF programme after financial close, subject to any necessary budget approvals.

**Reason for Decisions:**

In order to proceed with the BSF procurement as planned delegated authority is required for the Chief Executive to formalise the appointment of the Preferred Bidder, subject to the resolution of the issues identified, and to submit the Final Business Case.

A decision is required from Members as to the acceptance of Optional Variant Tenders, and formal approval is required for the elements of the funding to be provided by the Council.

**5. END OF MEETING**

5.1 The meeting ended at 4.30pm.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date