

Premises Guidance

6. Main Contractor watch list

2019

**New
Schools
Network**

Main Contractor watch list

Introduction

Depending on the circumstances of your project you may be offered an opportunity to observe the tendering process for your main contractor. There is very little opportunity to influence the process or its outcome, but if you have been actively engaged through the early stages, and have ensured your vision and ethos for education has been clearly articulated in feasibility studies and other documentation, you will be in a better position to assess and inform yourself on the aspects that are important to your project.

Wherever feasible it is now FSC's preference to deliver a modular building. This is a method of construction where dimensions, layouts and designs are somewhat standardised and the buildings are prefabricated offsite, transported to site and assembled. This approach supports standardisation across the construction industry's supply chain and often leads to shorter timeframes for onsite construction, meaning faster delivery of your school buildings. previous generations of modular construction buildings have suffered somewhat from poor reputation in quality and maintainability, the latest generations and construction methods appear to have improved dramatically.

From a design perspective, modular buildings can be configured to meet a range of aesthetic and functional needs, while their core internal configurations are standardised around well-defined educational needs. A primary school on a cleared site will almost certainly be designed as modular, whereas a secondary school within a complex brownfield setting may have constraints that make modular delivery unfeasible. In either case your role and influence as the intended occupier of the building should remain consistent.

Sometimes multiple school builds are grouped together to be tendered together as a batched programme of works. Often these programmes depend upon being standardised modular approaches to design and build. In this case your school would be one of a batch of schools being tendered under one contract, with the intention to follow a fair and competitive process to secure the best value for money constructor to build all the schools. For a batched programme of works, the FSC typically use a lead school against which potential contractors bid, with the knowledge that if they win the lead school's tender then they will secure the contract to design and build all the other schools in the batch.

In a batched procurement, although you will have some sight of the process whether your school is lead or follower, as the lead school you may be able exert more influence. Contractors will often offer additional value in the form of elements over and above the required base specification to the lead school in order to win the work. The following schools in a batch come on stream later, once the contractor has already secured the contract and therefore there is little incentive for them to stretch themselves. In either situation, aim to seek assurances that your school's quality of delivery or opening won't be compromised by the batch process or by delays to the delivery of other schools.

Although unlikely to have much influence on the final decision, being informed of the process and knowing the aspects that may contribute to a good experience and better-quality outcome is valuable. You can help the FSC and your nominated Design Team appreciate the aspects of your vision that will be critical, and they in turn should take these into account.

The main contractor procurement process is informed by the feasibility studies, technical consultancy, early designs and cost considerations made prior to the tendering process. This work can be considerable and take a period of 3-4 months plus to complete. It tends to be the FSC's preference for this work to be completed prior to a full capital funding application (an internal process within the FSC) to be made. The sign-off of this capital funding application may take a further 2-3 months.

The outputs from these pieces of work will be included in the tender process (i.e. all the proposer contractors will see the documentation produced) and a budget for the project will have been costed by the FSC. The essential role of your group at this point is to ensure you have fully communicated your vision, with any special requirements or outcomes, and that they are clearly articulated within the tender documentation.

What will be assessed at tender by the FSC (or occasionally other lead developers, such as the LA)?

- The overall price / cost of development
- The quality of development being offered (against a defined specification)
- The understanding of the programme expressed in the response
- The level of confidence in the contractor's ability to deliver
- The past experience of the contractor
- The quality of the team the contractor is proposing

- Ideas and approaches that will result in better outcomes and lower costs
- The technical capability of the proposer and their subcontractors

Potential contractors will be identified from a range of pre-existing commercial framework agreements and your FSC team is likely to have experience of working with them all. The move to more modular construction has led to FSC putting in place specific procurement frameworks for modular constructors. Be aware that your project may not be successful in securing a contractor in the first round of a procurement process. Although rare, if a particular local or other framework does not work, you may have to go to the Official Journal of the European Union (OJEU) procurement and that process can add many more months to this phase. There are several routes into OJEU procurement and the one most likely to be recommended, which has more financial certainty, tends to be a much slower process adding months to the tendering process and creating long delays to the delivery of your project.

The few limited aspects as a proposer group you should seek clarification on:

- Those contractors who have built the same types and sizes of school before, ideally recently
- Their experience of working with other free school proposer groups, especially at schools you can visit
- Where modular or other aspects of the design proposed raise concerns, whether you can visit other examples they have developed
- How well they engage directly with the school (not just the FSC and your Design Team). This can include through the design phase, but also through the build with, for instance, student engagement
- Who their Design Team will be and its experience of designing the same type and size of schools as yours, as well as previous experience of working with the main contractor
- How well and how willing they are to engage with your wider local community and in particular the proximal residents who are often sensitive to construction noise and inconvenience. Ask whether they are members of the Considerate Contractors scheme.

A 'watch list' for identifying a main contractor that is a good fit for your project

Experience and fit

Have they built the same before? Is your school of a similar size and type, and/or with similar technical and other challenges to other projects in their portfolio? If so, this means they should have a greater appreciation of the details that are most appropriate for builds like yours. If they

have managed design and build contracts, under the same planning authority all the better and especially so if they intend to use the same delivery team, including: Design Team, planning consultants, managers and technical specialists.

Where does your project 'fit' in their portfolio and in the scale of projects they engage in? If your school is a small project relative to the average size of their projects, you may find it does not get the attention it deserves. If it is very large in comparison to others, it may introduce new challenges of scale they have not experienced before. An ideal size is to be a relatively large project in comparison, but not excessively so. An ideal scale for the right 'fit' would be your school being a flagship project among many of a similar size and type.

Have they worked with free school proposer groups? Do they understand the dynamic between the FSC, their Design Team, the LA, other stakeholders, and your group (and your future staff and students) as the end client/occupier? There exist competing demands in the complex relationships between parties in the capital projects of new school development. A contractor that is familiar with them, with solid experience of managing delivery within similar circumstances, will be better placed to deliver your school.

Team and approach

What is the quality of the proposed team? The tender responses will include the CVs of the proposed team leading the project. Do they have the right experience, in particular do the proposed technical leaders, Project Manager (PM), and the Design Team, understand schools, and do they have experience building similar? The Site Manager (SM), who may be different to the PM, is the one role with whom you will have regular contact and communication about daily operational matters. This person will need to be very experienced. Tensions and difficulties in the daily life of a school can arise where the school is in temporary accommodation, sharing the construction site, and there is not a strong SM. How many people with the right experience do they have? Is there 'strength in depth'? If for instance, your PM/SM left, do they have others that are equally impressive and available to step into the breach?

What approach do they suggest? Tender responses will include descriptions of approaches to be taken. These can be technical, such as whether the building's structural frame is to be concrete or steel, and programme, such as how they schedule and engage all their subcontractors. Things to consider include: confidence in the chosen approaches; clarity where an approach remains 'to be decided' and what the decision will rely on; and evidence of where described approaches provide value or benefits. For example, in cost efficiency, time to delivery, reducing risk, engagement with stakeholders and supply chains etc.

Do they 'get it'? Is there evidence in the tender response that they truly understand your project and have considered the overall vision and requirements in their response? Your site or your needs may have specific constraints and challenges. Have they recognised, understood and taken them into account by providing credible solutions to them? Is this evidenced in other school developments or examples they reference?

Have they explored the development in detail? Look for evidence that the tender response has considered the details of the project. Have they identified risks, considerations and future opportunities you have not yet uncovered? Are they offering anything additional or any value adds? These are items over and above the required tender response. When this is in clear evidence, it demonstrates a high appetite to win the project from the responder. It shows they have deployed a quality bidding team to work on their response and they are keen to win the project.

Engagement

Do they understand the vision? Have they taken the overall education vision for your school and translated it into the proposed approach to design and build? Is this articulated strongly and with evidence that they can and will develop it? This is nuanced and may only show up in the language they use. Do you get the sense from the tender that they want to build you the school you want?

Will they engage with you? What sense does their response give of their openness and willingness to engage directly with you? How much focus is given to the inputs you will have working with their Design Team and deciding the detail of the design? What is their approach to the design decisions that need to be made as the project develops? How familiar are they with this process around schools and do they, for instance, recommend working with subject and other middle leaders such as music, science and SEND etc. to design specialist facilities? Are they flexible about compromises within the available budget? You should exercise your right to highlight certain aspects of the design so it matches your vision and ethos, as long as it does not cost more money. Are they willing to do this?

Will they engage with students and the community? Does their response include a desire and approach to engage with the local community? How far beyond the standard local communications to highly proximal neighbours (this is expected), towards engaging local apprentices on the site, developing links with local interest groups, staging events etc are they willing to go? Does this extend to working directly with students (either of your own school, if you are opening in parallel in temporary accommodation or with a sibling school within your MAT)? Are they suggesting ways of

achieving this engagement, such as: workshops in school, student visits, virtual reality (VR) tours, drone cameras and stop animations of the site build etc.?

Relationship and flexibility.

How flexible are the processes? Although very hard to ascertain from a written response, it is valuable to have a contractor who demonstrates high levels of flexibility on site during the development. Often small issues or opportunities arise, perhaps to relocate an aspect, make a small change, or come up with an in-the-moment decision that can help deliver a better-quality outcome. These small 'flexes' are valuable and having a contractor (both as a Design Team and when in construction with a Project Manager or Site Manager) willing to make them, goes a long way to achieving a quality outcome. Do you get a sense this is an approach with which they will be comfortable?

Desire to deliver the best outcome for you. How does the response (and the team, where you have the opportunity to meet them) articulate their desire to achieve a high-quality outcome for the school? Does their response pay attention to student and staff needs in the use of the building(s)? Do they describe their approach and designs in terms of the long-term usage, ease and cost of maintenance and best outcome for a school (or is it solely focussed on the build process)? Do they describe the relationship they want to have with you, the school and the long-term occupier, and do they demonstrate previous examples of working with schools? What is their experience of managing and balancing the FSC's focus on reducing costs and proposer groups desire to have the best possible school?

A sense of pragmatism. Does their response suggest their preferences for managing small changes and ongoing decisions through the build? Although unlikely to explicitly express it, is there a sense that they will not squabble over small items and every penny of spend, but rather take a pragmatic, partnership approach to the build? Where trade-offs or simplifications are for the good of all parties, are they flexible enough to suggest and accept them?

What are the stated handover and training processes for operating the building being offered?

Modern, new buildings and refurbishments can come with complicated equipment with a range of functions. Heating, ventilation, lights, access control and security, fire systems, water and other utilities etc. may all have individual operations that need to be understood, and maintenance schedules to be followed to be compliant with warranties. They may be connected to an overall Building Management System (BMS). Your property manager or management company will need to become intimately familiar with all the requirements for operation and your contractor should

provide adequate training and handover. Are they suggesting pre-meetings, familiarisation sessions or full training? Is this staggered over a phased series of sessions, handover events and manuals? How do they suggest defect tracking and management (snagging) to be handled? This is managed by the FSC Project Manager, but there needs to be clarity and a defined process for you to track and report defects.

You will find that the FSC remain robustly focussed on the cost, technical capability and quality of the contractor submissions as part of their procurement process. The areas above provide some of the additional areas you may find useful to consider if you are invited to participate at any level.

Seek as much reassurance as you can in the choice made and ensure you have the opportunity to develop a relationship with the chosen contractor as soon as possible once they have been appointed.