

MUNICIPAL YEAR 2015/16 REPORT NO.

**ACTION TO BE TAKEN UNDER
DELEGATED AUTHORITY**

PORTFOLIO DECISION OF:

Cabinet Member for Children,
Children's Services & Protection

REPORT OF:

Interim Director of Children's
Services

Agenda – Part: 1

Item:

**Subject: De Bohun Primary School:
School Condition Programme 2015/16 to
2017/18. Contract Extension Report**

Ward: Cockfosters

Key Decision Reference: KD 4260

Cabinet Members consulted:

Councillor Ayfer Orhan - Cabinet Member for
Education, Children's Services & Protection

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1. EXECUTIVE SUMMARY

- 1.1. This report provides details of the proposal to vary the original contract scope by additional works for carrying out concrete, brickwork and window repairs at De Bohun Primary School as part of Enfield's School Condition Programme 2015/16 to 2017/18.

2. RECOMMENDATIONS

- 2.1. That the Cabinet Member for Education, Children's Services & Protection and the Interim Chief Education Officer:
- 2.1.1. note the contents of this report and the waiver referred to in section 4.5.
- 2.1.2. authorise the Council to award additional works as a variation to the current contract estimated at £148,200 plus professional and technical fees of £18,525.
- 2.1.3. authorise the total expenditure of this contract to be increased from £249,590, for which an Operational Decision was made to £416,315.

3. BACKGROUND

- 3.1. The school is a Grade 2 listed building and planning consent has been necessary for these works. The concrete surrounding the windows has broken off in pieces, giving the school a dilapidated appearance and the danger of falling concrete.
- 3.2. The proposed work is part of a phased programme for window and concrete repairs throughout the school. The building was constructed in the 1930s, using reinforced concrete. Water has penetrated the concrete, causing the metal reinforcing rods to decay and pieces of concrete to break off. Work to the ground floor of the hall was carried out during the summer holiday and Autumn Term of 2004. The next Phase was carried out in 2007. Due to lack of funding additional phases were deferred. This led to further deterioration of concrete and windows.
- 3.3. Funding was made available to carry out subsequent phases in the Schools Condition Programme 2015/16 to 2017/18. The next phase of works were tendered and works commenced on site in August 2015 and are due to be completed by February 2016. After which subsequent phases are to be tendered.

4. PROPOSALS

- 4.1. To vary the existing contract to incorporate the repairs necessary to complete the brickwork and concrete repairs to the Green Road curtilage which were to be carried out in the next phase. To replace the windows to the hall and stairwell which were only to be refurbished as part of the initial contract.
- 4.2. The Tender rates as submitted 22 July 2015 remain un-changed and it is on this basis that the estimate has been prepared.
- 4.3. Works in this phase are a continuation of the previous phase, contractor is aware of the limitations and restrictions due to the nature of the work being carried out in an occupied school.
- 4.4. Value for money is achieved by saving demobilisation and mobilisation costs as the incumbent contractor would continue with no break. Also when the works were originally tendered the successful tender was approximately 15% less than the second tender
- 4.5. A waiver has been approved by Corporate Procurement as these works are not competitively tendered in accordance with Contract Procedure Rules for the reasons set out in Part 2 of this report.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1. To tender these works to be carried out as part of the next Phase of works to be undertaken commencing next summer.

6. REASONS FOR RECOMMENDATIONS

- 6.1. The decision is necessary to provide authority for expenditure of funds earmarked for this project as part Enfield Schools Condition Programme 2016/16 to 2017/18.

7. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES

7.1. Financial Implications

- 7.1.1. The condition programme funding has an allocation £500k for additional concrete repairs for which a portion will be used for the extension to this contract. There is no increase in borrowing nor any revenue cost implications arising from the decision.

7.1.5. VAT Implications

De Bohun Primary School is a LA maintained school and falls within the council's VAT registration. The council makes supplies of statutory education at the school and is able to recover VAT incurred, subject to the normal VAT rules. Therefore, VAT is recoverable where the council contracts for the works, receives a VAT invoice in its name; pays using its own resources and receives the supply.

7.2. Legal Implications

- 7.2.1. Section 111 of the Local Government Act 1972 ("LGA") gives a local authority power to do anything which is calculated to facilitate, or is conducive or incidental to the discharge of any of its functions and the Localism Act 2011 provides the Council power to do anything that individuals generally may do provided it is not prohibited by legislation and subject to Public Law principles.
- 7.2.2. The contents of this report constitute a Key Decision as the proposals will lead to capital expenditure (including professional and technical expenses) exceeding £250,000. This item has been included in the Forward Plan (ref. KD 4260). Once approved, the decision to proceed will be subject to the usual 5 day call-in period.
- 7.2.3. The aggregated value of the works is below the European Union's procurement threshold and as such the Public Contracts Regulations

2006/2015 requiring advertising of this value of works do not apply. However, the Council must adhere to the EU principles of transparency, proportionality, equality and non-discrimination.

- 7.2.4. A waiver of the Council's Contract procedure Rules is required for the reasons set out in Part 2 of this report.
- 7.2.5. Any additional contractual documentation to implement the works by the contractor must be in a form specifically approved, in advance of the works commencement, by the Assistant Director of Legal Services.
- 7.2.6 Throughout the engagement of the contractor, the Council must comply with its obligations with regard to obtaining best value under the Local Government (Best Value Principles) Act 1999.

7.3. Property Implications

- 7.3.1. The proposed project will ensure that deteriorating concrete being repaired will extend the life of the building and also negate future Health & Safety issues.

8. KEY RISKS

- 8.1. Undertaking this work will mitigate potential future H&S risks, for example as the work required may reduce future risk from damaged concrete falling and causing death or personal injury.
- 8.2. The risk in not proceeding as recommended above is that the Authority will have additional costs when the works are retendered and commenced later in the year. As additional site mobilisation and demobilisation costs would be required.

9. IMPACT ON COUNCIL PRIORITIES

9.1.1. Fairness for All

- 9.1.2. This proposal will assist the Authority in meeting its objective of providing high quality schools and improved educational attainment for all children and young people by ensuring that pupils and staff can be accommodated in buildings that are in a safe and suitable condition.

9.2. Growth and Sustainability

- 9.2.1. The proposed works will extend the life of the school building and lead to savings on maintenance and energy costs.

9.3. Strong Communities

- 9.3.1. Further improvement and investment in school buildings will provide improved facilities for existing pupils in addition to greater opportunities for enhanced community use.

10. EQUALITIES IMPACT IMPLICATIONS

- 10.1. An Equality Impact Assessment has been carried out. A strategy has been developed to ensure that there are sufficient pupil places across the Borough to meet demand, that these places are not discriminatory and to ensure that all children have access to quality education.

11. PERFORMANCE MANAGEMENT IMPLICATIONS

- 11.2. The design achieves a building of statutory compliance utilising building elements, components and materials selected having due regard for their durability and ease of maintenance. A low maintenance building is sought. The energy strategy will make the building thermally efficient to reduce the heating energy demand.

12. HEALTH & SAFETY IMPLICATIONS

12. The CDM Regulations will apply and the requisite notices and Health and Safety information will be issued to the contractor.

13. PUBLIC HEALTH IMPLICATIONS

- 13.1. This scheme will replace and refurbish substandard areas of the school, which will impact on the health and well-being of the pupils and staff.

Background Papers

- None

