

MUNICIPAL YEAR 2018/2019 REPORT NO.

MEETING TITLE AND DATE:

Agenda – Part: 1

Item:

Subject: RHS Springfield (Former KS2 Building Garfield School) Re-Configuration and Refurbishment of the Existing Building

Wards: Southgate Green

Key Decision No: 4651

REPORT OF:

Executive Director – People

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Cabinet Member consulted:

Cllr Achilleas Georgiou- Cabinet Member for Education, Children's

1. EXECUTIVE SUMMARY

- 1.1 This report covers the next decision in line with the November 2016 Cabinet report (KD4395) on the strategy and approach to deliver pupil places and October 2017 (KD44507) School Condition and Fire Safety Programme 2017/18 to 2019/19
- 1.2 This report seeks approval to award a contract to “Contractor A” for construction works and approval for scheme expenditure including related services, fixed furniture & equipment. This approval is required to enable the re-configuration and refurbishment of the former KS2 building Garfield School to provide Special Education need places for pupils with Autism

2. RECOMMENDATIONS

That the Cabinet member for Education, Children’s Services:

- 2.1 Approves the contract award to “Contractor A” for the re-configuration, refurbishment and associated works at the former KS2 Building Garfield School as further detailed in Part 2 of this report.
- 2.2 To approve expenditure relating to reconfiguration and refurbishment to provide a main entrance, offices, hall/dining hall, teaching accommodation, provision of hard and soft play areas, cycle parking , vehicular pick-up/drop off area, staff car park and vehicular/pedestrian access arrangements works of £1,434,154.00 as detailed in Part 2 of this report.
- 2.3 To note the details of the expenditure relating to the works of £2,034,054.00 which includes the works contract, Loose Furniture, equipment, ICT, professional and technical costs and scheme contingency.

3. BACKGROUND

3.1 The November 2016 Cabinet report (KD4395) on the strategy and approach to deliver pupil places which included:

1. Support continued delegated authority to the Cabinet Member for Education, Children's Services and Protection and the Cabinet Member for Finance and Efficiency in consultation with the Executive Director - Finance, Resources and Customer Services, the Chief Education Officer or the Assistant Director of Strategic Property Services, to take decisions on:
 - a. The individual schools, sites and preferred partners for expansions, and decisions on statutory requirements, to meet the demand for extra pupil places, both mainstream and special, up to 2020/21.
 - b. Conducting suitable procurement exercises and either calling off EU-compliant framework agreements or conducting suitable procurement exercises, entering into contractual arrangements with successful contractors and placing orders for any capital works required for the projects in accordance with the limits set out in the Council's Contract procurement rules; and
 - c. Conducting any necessary land transactions, including acquisitions by way of freehold or leasehold up to the value of £500,000, as individual schemes were developed.
2. Support continued delegated authority to the Executive Director - Finance, Resources and Customer Services and the Chief Education Officer to take decisions on the:
 - a. Programme management arrangements and operational resourcing, including procurement of any required support services.
 - b. Commencing feasibility or initial design to inform pre-application discussions with planning and procurement of resources for this activity.
 - c. Cost estimates, budgets and spend for projects in advance of updates to the Capital Programme.
 - d. Submission of planning applications; and
 - e. The appropriate procurement routes for professional support services and construction for individual schemes.

3.2 The October 2017 Cabinet report (KD44507) School Condition and Fire Safety Programme 2017/18 to 2018/19 has been formulated to address the most urgent condition items.

1. The recommendations and approvals given:

The proposed programme of works including professional and technical expenses or any other emergency schemes proceeding up to the total three year programme value of £31m

Manage the Programme in a flexible way within the overall budget available, to take account of variations between estimates and tender costs and the need to substitute schemes having a greater technical priority if the need arises using tender acceptance report pro-former; and allocated any contingency provision (up to a maximum of £250.000 including professional and technical expenses) to emergency projects/and or schemes identified as a priority but yet not programmed

3.4 PROPOSAL

- 3.4.1. Planning approval dated 18 July 2018 re-configuration and refurbishment of existing building to provide Special Educational Need places, with new pedestrian/vehicular entrance, fencing and associated car parking and hard and soft landscaping approval for award of contract for this work
- 3.4.2 The construction works have been procured following a competitive quotation process via the London Tenders Portal in accordance with the Council's CPRs. The form of contract will be the JCT Standard Building Contract, 2011 Edition including Amendment 1 issued March 2015 and the JCT 2011 Public Sector Supplement. The Insurance for the works will be Clause C under the contract, which is 'Insurance of existing structures and the Work by the Council in Joint Names'; the Council has this insurance in place with retrospective notification.
- 3.4.3 The tender had been conducted through a single stage process. The tendering procedure in accordance with JCT Practice Note 2012, Alternative 2 is to apply, which means that contractors must either standby or amend their tender for any arithmetical or pricing errors identified in the tender evaluation.
- 3.4.4 Five contractors were invited. The tenders were evaluated in accordance with the tendering procedure to arrive at the recommendation for contract award to Contractor 'A' as detailed in Part 2 of this report.
- 3.5.5 All tenderers met the programme requirements as set out in the Preliminaries / General Requirements; however there was an issue with risk of delay relating to Statutory services authorities. There were no alternative time tenders offered by the contractors.
- 3.4.6 The construction work to start January 2019 with completion in June 2019

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not to proceed with this project would mean that Enfield Council, would not have enough school places to meet the council's needs in the special education needs sector.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The tender from Contractor 'A' is compliant and is the most economically advantageous tender.
- 5.2 The design has been future-proofed to enable the accommodation to be reorganised should room requirements and use change.
- 5.3 Any delay will severely affect the ability of the authority in meeting its statutory responsibilities in providing enough school places from the Autumn Term 2019.
- 5.4 Health and Safety issues to be addressed with regard to pupil/visitor circulation around the school site.
- 5.5 Significant reorganisation and refurbishment to improve wellbeing, behaviour and access.
- 5.6 Improvements to the external learning and teaching environment for pupils.

6. COMMENTS FROM OTHER DEPARTMENTS

6.1 Financial Implications

The total cost of this project is £2,034,800 and this is to be funded fully from central government capital grant. The proposed capital expenditure profile of this scheme is detailed in the below table.

	2017/18 £'000	2018/19 £'000	TOTAL £'000
Total Expenditure	197,300.00	1,837,500.00	2,034,800.00

Further cost breakdown is provided in the Part 2 report.

These works will result in additional places at the school and the revenue funding for these places will come from the annual Dedicated Schools Grant (DSG). These works support the authority's strategic

plans to create additional places for special needs children in borough which will avoid placing them in out borough independent schools and reduce revenue costs overall.

6.2 Legal Implications

- 6.2.1 The Council has a general responsibility for education and to secure efficient primary education to meet the needs of the population in its area under Section 13 of the Education Act 1996 (as amended).
- 6.2.2 Section 111 of the Local Government Act 1972 further enables local authorities to do anything, including incurring expenditure, borrowing, which facilitate or are conducive or incidental to the discharge of their functions and the Council has the power under section 1(1) of the Localism Act 2011 to do anything that individuals generally may do, provided it is not prohibited by legislation and subject to Public Law principles. The recommendations within this report are in accordance with these powers.
- 6.2.3 A formal mini competition tender process was undertaken through the London Tenders Portal. Provided the Council has conducted the evaluation and award process in a fair, transparent, proportionate and non-discriminatory manner, there should be negligible, if any, risk to the Council in awarding the contract as proposed.
- 6.2.4 The Value of works contract fall below the threshold for Public Service Contracts under the Public Contracts Regulations 2015 and therefore the full EU procurement procedures do not apply. However, the Council must ensure that it complies with the EU general principles of equality, transparency, proportionality, non-discrimination and mutual recognition when awarding any contract.
- 6.2.5 The Council must comply with all requirements of its constitution and CPRs. Throughout the engagement of Contractor A as a provider, the Council must comply with its obligations of obtaining best value, under the Local Government (Best Value Principles) Act 1999. The Council must keep a clear audit trail of its decision to award these services to Contractor A, in order to demonstrate that best value has been and will continue to be obtained for the Council. For procurements of between 100k and the EU threshold, the Council is required to receive 5 quotes and 2 of those must be from a local supplier. Where this is not possible, the Council must give reasons. In addition, the Divisional Director or Head of Service must approve the award:
- 6.2.6 All legal agreements (including all associated documentation) arising from the matters described in this Report must be approved in advance of contract commencement, by the Assistant Director of Legal & Governance Services. Contracts whose value exceeds £250,000 are

required to be executed under seal and sufficient security should be obtained unless the Director of Finance Resources and Customer Services considers this to be unnecessary.

6.3 Property Implications

6.3.1 The design and build of the new teaching areas should be implemented so that it does not cause a hindrance or redesign to any new or modified school on site in the future.

6.3.2 Future proof systems engineering should be envisaged at this stage to avoid high costs later in the development life cycle. These should be carried through the options appraisal and be weighted high accordingly to any evaluation criteria.

6.3.3 Any future evaluation of the school options should include consultation with all relevant stakeholders and departments.

6.3.4 To meet statutory requirements it is vital to ensure that the Council's financial accounts do not include buildings (or parts of buildings) that have been demolished. To ensure we have high quality records and meet our statutory obligations Education Asset Managers will complete a demolition notification form and return to Property Services. This will enable Strategic Property Services to advise Insurance, Finance (Asset Register) energy management teams and various other departments within the Council of the changes.

6.3.5 All new data regarding the new development including revised site plans, floor plans and room data will be sent by the Project Manager to Strategic Property Services for input onto the Asset Management Data System, ATRIUM.

6.3.6 An inventory list of any material procured and produced will need to be kept. In the event of failure, appropriate arrangements will need to be made for these supplies to be retained and secured for the Council until a decision is made on how best to dispose of them.

6.3.7 Adequate measures should be taken including the safe passage of teachers, pupils and members of the public when construction is taking place when the school is operational.

7. KEY RISKS

7.1 The key risks to this term contract relates to the possible poor performance of the Consultant/Contractors. This risk is mitigated by robust performance/contract management.

8. IMPACT ON COUNCIL PRIORITIES CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

8.1 Good homes in well-connected neighbourhoods

This term contract will assist the Council to deliver its construction related projects and programmes which in turn help support the delivery of services to the benefit of the community.

8.2 Sustain strong and healthy communities

This term contract will assist in the procurement of construction related activity within the borough and its associated employment and economic benefits. The Borough needs to ensure appropriate infrastructure is in place to allow for the growth of the population.

8.3 Build our local economy to create a thriving place

The provision of good quality schools helps to ensure a stable strong community.

9. EQUALITY IMPACT IMPLICATIONS

- 9.1 The provision of local schools across the borough ensures quality of rights to good education provision

10. PERFORMANCE AND DATA IMPLICATIONS

- 10.1 The contract requires the consultant to meet the professional standards of the Royal Institute of British Architects and the Framework Contract. The performance of the consultant will be monitored by Corporate Maintenance and Construction Team.

11. HEALTH AND SAFETY IMPLICATIONS

- 11.1 There are no direct health and safety implications arising from this contract.

12. HR IMPLICATIONS

- 12.1 There are no direct public human resource implications arising from this term contract.

13. **PUBLIC HEALTH IMPLICATIONS**

- 13.1 Good quality accommodation and external learning environment to create spaces for continued and sustained learning development, social integration and well-being.

Background Papers

None.