

MUNICIPAL YEAR 2019/2020 REPORT NO.

MEETING TITLE AND DATE:	Agenda – Part: 1	Item:
REPORT OF: Executive Director- People	Subject: West Lea School (Haselbury Campus) – Award of Contract - Phase A+	
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	Wards: Southgate Green	

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.

1.2 This report seeks approval to award a contract to “Contractor A” for Phase A+ construction works and approval for scheme expenditure, this approval is required to enable reconfiguration of the school’s main access road and to provide a new pedestrian entrance and footpath onto the school site at West Lea School (Haselbury Campus). To meet the school summer holiday programme enabling works have taken place which included the removal and demolition of surplus and poor-quality accommodation.

2. RECOMMENDATIONS

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

2.1 Approves the contract award to “Contractor A” relating to Phase A+ for reconfiguration of the access road to improve vehicular and pedestrian access arrangements at West Lea School (Haselbury Campus) as further detailed in Part 2 of this report.

To approve expenditure relating to Phase A+ for reconfiguration of the access road to improve vehicular and pedestrian access arrangements works of £258,898.00 as detailed in Part 2 of this report. This is based on the adjusted tender in the sum of £750,803 revised to £258,898 based on a reduced scope of works.

To note the details of the expenditure relating to the works of £493,898 which includes the Phase A+ works contract, enabling works costs, 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 Planning approval dated 18th August 2017 for the provision of new teaching accommodation involving demolition of Blocks B, C, D and E

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and partial demolition of Block A, single storey extensions to provide main entrance, main hall and dining hall together with single storey and two storey extensions to provide teaching accommodation, provision of hard and soft play areas, covered seating, cycle parking and reconfiguration of car park and vehicular/pedestrian access arrangements.

- 3.3** Phase 'A' completed in September 2018 included a single storey extension to provide main entrance, main hall and dining hall together with single storey and two storey extensions to provide teaching accommodation, provision of hard and soft play areas, covered seating, cycle parking and reconfiguration of car park and vehicular/pedestrian access arrangements.
- 3.4** This award of contract is for Phase 2+ reconfiguration of the access road to improve vehicular and pedestrian access arrangements.
- 3.5** 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.
- 3.6** 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.
- ~~2.2~~ **3.7** 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.
- 3.8** 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.

- 3.9 The construction work will on 22nd July 2019 with completion on 30th August 2019.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Reconfiguration of the main access road onto the West Lea site will improve vehicular and pedestrian access arrangements and to separate the current pedestrian access route from the neighbouring Haselbury school. There are no other options that will address the safeguarding, security and safety concerns.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The tender from Contractor “A” is compliant and is the most economically advantageous tender.
- 5.2 It is also compliant and below the pre- tender estimate.
- 5.3 The design has been future-proofed to enable the accommodation to be reorganised should room requirements and use change.
- 5.4 Security, 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 Poor quality surplus accommodation to be removed.

6. COMMENTS FROM OTHER DEPARTMENTS

6.1 Financial Implications

The total cost of this project is £493,898. This will be wholly funded from central government capital grant. The table below provides the expenditure profile over the life of this scheme.

	Up to 2017/18 £'000	2018/19 £'000	2019/20 £'000	TOTAL £'000
Total expenditure			493,898	493,898

Further expenditure breakdown is provided in the Part 2 report.

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. Furthermore, 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** The contract is below the threshold where a European procurement is required under the Public Contracts Regulations 2015 (currently £4,551,413 for works contracts). The contract has therefore been procured in accordance with the Council's Contract Procedure Rules (CPRs). In accordance with CPR 3.5, five tenderers were asked to submit quotations.
- 6.2.4** As the value of the contract is over £250,000, the award constitutes a Key Decision under the Council's Constitution and, as such, must comply with the governance processes set out for Key Decisions, including publication in the Forward Plan (see CPR1.22.4).
- 6.2.5** The Cabinet Member has power to approve the award under CPR 1.22.
- 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 performance 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 The Planning Application 16/00938/FUL was approved at Planning Committee on 18th August 2017
- 6.3.3 All new or revised asset data arising out of the proposed works must be sent by the Project Manager to Strategic Property Services for input onto the Asset Management Data System, ATRIUM, including revised site plans, floor plans, asset information and maintenance regimes.
- 6.3.4 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
- 6.3.5 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.

6.4 Procurement Implications

- 6.4.1 All procurement must be carried out in line with Contract Procedure Rules and compliant to UK & EU regulations.
- 6.4.2 Where the minimum number of responses has not been met then under CPRs approval to proceed must be sought from Procurement and Commissioning Hub; as best value must be demonstrated.
- 6.4.3 All information and contracts must be managed and loaded into the London Tenders Portal.

7. KEY RISKS

- 7.1 The key risks to this contract related 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 programme will assist the Council to deliver its construction related projects and programmes which in turn help support the delivery of education 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 and buildings helps to ensure a stable strong community.

9. EQUALITIES 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. PUBLIC HEALTH IMPLICATIONS

- 11.1** The provision of good quality schools helps to ensure a stable, strong community.

Background Papers

None