

Delegated Authority Report

Portfolio Decision Of Cabinet Member for Children's Services

Subject: Award of Contract for roof and window replacement at Winchmore High School

Executive Director: Executive Director of People

Key Decision: KD 5270

Purpose of Report

1. This report seeks approval to award a contract to Contractor 'A' relating to roof and window replacement at Winchmore High School ('School') for a total contract sum of £907,501.00 as detailed in the restricted Appendix 'A' of this report.
2. To approve the details of the expenditure relating to the works professional and technical fees, can be found in the restricted in Appendix 'A' of this report.

Proposal(s)

The Cabinet Member for Children's Services.

3. Approves the contract award to Contractor 'A' for the total contract sum of £907,501.00 for roof and window replacement works at Winchmore High School.
4. To approve the details of expenditure relating Professional and Technical fees as detailed in the restricted Appendix 'A' of this report.

Reason for Proposal(s)

5. The key reasons for this recommendation are:
 - Contractor 'A' submitted the lowest tender, which meets the award criteria and the programme requirements and is considered to represent value for money.
 - The contract period is for 16 weeks starting on 7th June 2021 and completing on 27th September 2021.

6. The tender is below the pre-tender estimate.

Relevance to the Council's Plan

Good homes in well-connected neighbourhoods

7. 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.

Sustain strong and healthy communities

8. This 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.

Build our local economy to create a thriving place

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

Background

10. The Updated School Condition and Fire Safety Programme 2021/22 to 2022/23 KD 5276 (Schools Capital Programme) approved:

11. Authority be delegated to the Executive Director People to continue:

- 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 the tender acceptance report pro forma.
- Allocate any contingency provision (up to a maximum of £250,000 including professional and technical expenses) to emergency projects and/or to schemes identified as priority but not yet programmed.

12. A portfolio decision from the Cabinet Member for Children's Services will be sought in relation to the approval of tenders for any proposals exceeding £500,000 in value including professional and technical expenses.

Main Considerations for the Council

13. The tendering procedure is in accordance with the JCT Practice Note 6 (Series 2) 'Main Contract Tendering' Alternative 2.

14. The tender was based on the JCT Intermediate with Contractor's Design 2016 (ICD) The tender documentation included: Preliminaries, Specification and Drawings, and Work Schedules.
15. The tender works comprise of the replacement of the existing roof and window / curtain wall replacement to the front and rear elevations.
16. The Tender was invited on a lump sum firm price basis.
17. The tender documents were issued on 4th February 2021 with an addendum issued on 26th February 2021 and the tenders received were downloaded from the London Tenders Portal on the tender submission date of 9th March 2021.
18. The tender documentation was sent to six contractors.
19. Five contractors submitted priced tender documentation and one contractor did not respond. Details of the tender returns are in the restricted Appendix 'A'

Safeguarding Implications

20. 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 and follow the school's Covid 19 precautions.

Public Health Implications

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

Equalities Impact of the Proposal

22. The provision of local schools across the borough ensures quality of rights to good education provision.

Environmental and Climate Change Considerations

23. Poor quality building fabrics are to be replaced with current materials which have more efficient insulation and thermal qualities.
24. The materials shall be selected with due regard to their suitability, for purpose and performance, durability, ease of maintenance and repair, resistance to accidental or malicious damage and their environmental impact. Minimal maintenance and economical availability or replacement parts is also essential for the facility to operate smoothly and efficiently.
25. The Contractor shall use appropriate and robust material and finishes that stand up well to the prevailing weather conditions, the ingress of ground

and surface water and heavy use, whilst maintaining appearance over the long term. All areas of the building must be easily and safely accessible for cleaning and maintenance whilst preventing unauthorised access. It is imperative that the building is not aesthetically affected (even if only superficially) by weather and the design, maintenance and lifecycle must ensure no breakdown in the building fabric.

Life Expectancy

26. The principal elements of the building structure, external envelope and external civil engineering elements shall have a minimum life expectancy at handover as set out in the table below.

27. Service Life Table

Building element	Service life (minimum year)
Roof structure	60
Roof cladding	20
External wall/cladding	40

Risks that may arise if the proposed decision and related work is not taken

28. A high-risk of disruption to the school which may result in closure and subsequent disruption to the curriculum if the roof and windows are not replaced due to water ingress during inclement weather conditions.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

29. 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.

Financial Implications

30. The total cost of works is £907,501.00 This will be wholly funded from central government capital grant. The table below provides the expenditure profile over the life of this scheme.

	2021/22	2022/23	TOTAL
	£'000	£'000	£'000
Expenditure	907,501.00	Nil	907,501.00

*Further expenditure breakdown is provided in the restricted Appendix 'A'.

Legal Implications

31. The Council has a general responsibility for education and to secure efficient primary, secondary and further education to meet the needs of the population in its area under Section 13 of the Education Act 1996 (as amended).
32. 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.
33. The contract is below the threshold for a public works contract under the Public Contracts Regulations 2015 (currently £4,733,252). The Council must comply with the requirements of its Constitution and in particular its Contract Procedure Rules (CPRs). The CPRs state that sufficient security, in one of the forms set out in CPR 7.3, should be considered in order to manage risk and that evidence of the form of security required, or why no security was required, must be stored and retained on the E-Tendering Portal.
34. It is advised that the Service department should closely monitor the Building Safety Bill to ensure that, when enacted, any legal requirements on the Council are implemented.
35. The contract must be in a form approved by the Director of Law and Governance and must be executed under seal.

Workforce Implications

36. There are no workforce implications because of the proposed works.

Property Implications (please amend as necessary)

37. There are no property implications.

Other Implications

38. The Stage Tender Report analysis undertaken has reviewed the submitted bids and made a recommendation to award to the preferred supplier. In accordance with CPR's the P&C Hub approves to proceed to award subject to the appropriate delegated authority being obtained.
39. The service must ensure that the authority to procure has been obtained and must be uploaded onto the London Tenders Portal.
40. The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract.
41. The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.
42. Planning permission granted. Reference 20/02299/RE4 dated 26th November 2020.
43. The overall cost of one of the returns was lower than expected and the adjusted pre-tender estimate. This difference is largely attributable to the cost of the preliminaries.

Options Considered

44. Temporary repairs have been carried out but full replacement of the roof and windows are recommended following surveys carried out by Enfield Council's Construction Maintenance and Facilities Management Team.

Conclusions

45. To recommend the approval of expenditure and works to replace the roof and windows at Winchmore High School.
46. To approve the details of the expenditure relating to the works, professional and technical fees can be found in the restricted Appendix 'A' of this report.

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Appendices

Appendix A – Restricted

Background Papers

N/A