

Delegated Authority Report

**Portfolio Decision Of
Cabinet Member for Children's Services**

Subject: Award of Contract to remove contaminated soil from
Winchmore High School

Cabinet Member: Children's Services
Executive Director: Executive Director – People

Key Decision: KD 5225

Purpose of Report

1. This report seeks approval to award a contract to Contractor 'A' relating to the removal of contaminated soil at Winchmore High School ('School') prior to the start of proposed construction of a new Sixth Form building and Multi Use Games Area (MUGA) (the Award of this Contract will be under a separate DAR KD 5111) for a total contract sum of £659, 745.00 as detailed in the restricted Appendix 'A' of this report.
2. Approve the expenditure relating to the works professional and technical fees, project contingency can be found in the restricted in Appendix 'A' of this report.

Proposal(s)

That the Cabinet Member for Children's Services.

3. Approve the contract award of the contract for enabling works to facilitate the construction of a new 2 storey sixth form block including site clearance, excavation and disposal of contaminated material at Winchmore High School as detailed in this report to Contractor 'A' for the total contract sum of £659,745.00.
4. Approve details of expenditure relating Professional and Technical fees and project contingency as detailed in the restricted Appendix 'A' of this report.
5. Contractor 'A' have also confirmed the lowest price for disposing of any unidentified contaminated waste.

Reason for Proposal(s)

6. The key reasons for this recommendation are:
 - Contractor 'A' have submitted a compliant and most economically advantages tender in accordance with the award criteria, and which meets the programme requirements.
 - The contract period is for 10 weeks starting on 10th May 2021 and completing on 16th July 2021.
7. The tender is below the pre-tender estimate.
8. Health and Safety issues to be addressed by removing contaminated soil which is necessary to allow construction of the new proposed Sixth Form building and MUGA.

Relevance to the Council's Plan

Good homes in well-connected neighbourhoods

9. 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

10. 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

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

Background

12. The Updated School Condition and Fire Safety Programme 2021/22 to 2022/23 KD 5276 (Schools Capital Programme) approved:
13. Authority be delegated to the Executive Director People to:

- 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
14. A portfolio decision 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.
15. The enabling works are to facilitate the construction of a new 2 storey sixth form block.

Main Considerations for the Council

16. The Tendering Procedure is in accordance with the JCT Practice Note 6 (Series 2) 'Main Contract Tendering' Alternative 2.
17. 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.
18. The tender works comprise the enabling works to facilitate the construction of a new 2 storey sixth form block including site clearance, excavation and disposal of contaminated material.
19. The Tender was invited on a lump sum firm price basis.
20. The tender documents stated a contract period of 10 weeks starting 10th May 2021 and completing on 16th July 2021.
21. The tender documents were issued on 3rd February 2021 and the tenders received were downloaded from the London Tenders Portal on the 26th February 2021.
22. The tender documentation was sent to five contractors.
- Three contractors submitted priced tender documentation. One contractor opted out and one contractor did not respond. Details of the tender returns are in the restricted Appendix A.

Safeguarding Implications

23. Health and Safety issues will be addressed regarding removal of contaminated soil prior to the main new build construction project.

Public Health Implications

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

Equalities Impact of the Proposal

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

Environmental and Climate Change Considerations

26. Contaminated soil to be removed from the school site and disposed of under current recommendations and guidelines. The site will be left in a safe condition and fenced off from the school community.

27. The School have a successful and well established Sixth Form currently split across two sites; the students' primary location is on their main school site in Laburnum Grove. The school leases surplus accommodation on the Broomfield School site in Wilmer Way, Enfield. One of the main environmental benefits on locating facilities on one single site would be to eliminate the travelling and time spent going backwards and forwards between the two sites for both staff and students and would help address Enfield's reduction in carbon admissions by eliminating car/motor bike travel between the two sites

Life Expectancy

28. This section is not relevant for this contract as the works are for the removal of contaminated soil prior to new construction works.

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

29. A high-risk as the new sixth form building and MUGA cannot be constructed until the contaminated material is removed. If the new building and MUGA were not constructed this would impact on the school by not being able to offer or deliver the curriculum and community activities they wish offer.

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

30. 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.
31. 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.

Financial Implications

1. The total cost of works is £659,745.00. This will be funded from the 2021/22 Schools approved Capital budget (KD5210 & KD5276). 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 £'000	2022/23 £'000	TOTAL £'000
Expenditure	659,745	Nil	659,745

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

Legal Implications

2. 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).
3. 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.
4. The contract is below the threshold for a public works contract under Part 2 of 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 provide that if less than five quotes are received for a works contract with a value above £500,000, the service department must seek approval and demonstrate that Value for Money has been achieved. The CPRs further states 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.

5. The contract must be in a form approved by the Director of Law and Governance and must be executed under seal.

Workforce Implications

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

Property Implications

7. There are no property implications.

Other Implications

8. 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.
9. The service must ensure that the authority to procure has been obtained and must be uploaded onto the London Tenders Portal.
10. 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.
11. The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.
12. Planning permission granted. Reference 20/01169/RE4 dated 5th September 2020.

Options Considered

13. To do nothing is not an option as the new Sixth Form building and MUGA cannot start until the contaminated material is removed. Other methods of construction and foundations have been considered but ruled out as contaminated material would still have to be removed whatever option considered. The proposed method of construction for the new build was the most economic and meant that less contaminated soil must be removed and disposed of.

Conclusions

14. To recommend the approval of expenditure and works to remove contaminated soil which will facilitate the construction of the new Sixth Form building and MUGA.
15. Approve the expenditure relating to the works professional and technical can found in the restricted Appendix 'A' of this report.

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Date of report: 12th May 2021

Appendices

Confidential Restricted Appendix 'A'
Costed Risk Register

Background Papers

N/A

