

# Delegated Authority Report

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

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**Subject:** Enfield County Upper School - Award of Contract and Expenditure  
Replacement windows, doors, and roof coverings

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

**Key Decision:** KD 5537

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## Purpose of Report

1. This report seeks Cabinet Member authority to delegate the approval of the award of a construction contract to the Executive Director - People for a project to replace windows, doors and roof coverings at Enfield County Upper School.

## Proposal(s)

That the Cabinet Member for Children's Services.

2. Delegates authority to the Executive Director - People to award and enter into the construction contract following the return of compliant tenders for replacement windows, doors, and roof coverings at Enfield County Upper School subject to this being within the target included in the Restricted Appendix 'A' of this report which is informed by the Pre-tender estimate for works.

## Reason for Proposal(s)

3. The key reasons for this recommendation are:
  - a) Because of the volatility of the construction market contractors are not holding their tender prices for a period long enough to award the contracts before the offers expire. Ordinarily tenders would be expected to remain open for a period of 60 to 90 days.
  - b) By delegating the approval to the Executive Director of People to award the construction contract, it allows the award to be made within the limited period of tender validity which may only be for 30 days.

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- c) Health and Safety issues will be addressed by replacing windows and roof coverings which are in poor condition and beyond economic repair.
- d) The works will contribute to lowering the school's carbon use by providing well-fitting windows, doors, and improved insulation to the roof.

## Relevance to the Council's Plan

### Good homes in well-connected neighbourhoods

- 4. This programme will assist the Council to deliver its construction related projects which in turn help support the delivery of education services to the benefit of the community.

### Sustain strong and healthy communities

- 5. 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

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

## Background

- 7. (KD 5383 The School Condition and Fire Safety Programme 2022/23) which was approved by Cabinet in March 2022 included the projects to replace roof coverings and windows to Enfield County Upper School in the total sum of 1.4m.
- 8. Cabinet approval was delegated as portfolio decision to the Cabinet Member for Children's Services in relation to the approval of tenders for any proposals exceeding £500,000 in value including professional and technical expenses. Therefore, this report requires the Cabinet Member for Children's Services to delegate their responsibility for the approval of the tender to the Executive Director of People as this contract will exceed the approved £500k threshold.
- 9. The proposed works are to replace windows and roof coverings in the 1950s' block. The scope of the works that are subject of this report have been assessed to be undertaken within the available budget. Further phases of additional windows and roof coverings will be considered in future programmes when funding becomes available.

## Main Considerations for the Council

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10. The tender works comprise of replacing windows, doors, roof coverings and insulation material.
11. The tender is based on the JCT Intermediate with Contractor's Design 2016 (ICD) Contract. The tender documentation included: Preliminaries, Specification and Drawings, and Work Schedules.
12. The Tender was invited on a lump sum firm price basis through the London Tenders Portal using construction line approved contractors.
13. The tender documents were issued on 18 October 2022 and tenders are due to be submitted by 18<sup>th</sup> November 2022
14. It is expected that the tenders will be opened on 18 November and a 2-week period has been allowed to evaluate the tenders and seek clarifications with the expectation that the preferred bidder can be recommended by 2 December 2022.
15. It is expected that the Executive Director of People will have obtained the delegated authority through this report to enable him to consider the tender report and approve the award of the construction contract by 16<sup>th</sup> December 2022 subject to the award being within the target sum contained in the Appendix A of this report.
16. The school is duty bound to provide a safe environment for teaching and learning.

### **Safeguarding Implications**

17. Health and Safety issues will be addressed regarding removal windows and roofing which are in poor condition the works will be undertaken in full accordance with Health and Safety and CDM regulations.

### **Public Health Implications**

18. The provision of good quality schools helps to ensure a stable, strong community. All contractors and visitors to the building site will be advised of arrangements and restrictions relating to the current covid-19 pandemic and will adhere to any specific requirements made by the contractor and Officers.

### **Equalities Impact of the Proposal**

19. The EQIA screening assessment has been carried out and has confirmed that these proposed works will not impact on the users of the building or site.

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**Environmental and Climate Change Considerations**

- 20. Poor quality building fabrics are to be replaced with current materials which have more efficient insulation and thermal qualities.
- 21. Materials have been 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 are also essential for the facility to operate smoothly and efficiently.
- 22. 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**

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

24. Service Life Table

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

Window and doors traditionally have a life expectancy of 25 years. However, in school environments windows are asked to often achieve a life cycle in excess of 50+ years.

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

25. A high-risk of disruption to the school which may result in closure of classroom or areas of the school and subsequent disruption to the curriculum if the roof, doors, and windows are not replaced due to water ingress during inclement weather conditions. Further damage to building fabric would be expected i.e., damaged flooring etc.

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

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26. 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.
27. There will be robust contract monitoring to ensure the contract programme is maintained and delivered within the contracted dates. There are provisions in the contract for Liquidated and Ascertained Damages to be levied on the contractor should they not meet the contracted completion dates which will keep them focussed on meeting the programme. Any variations to the programme will be robustly managed to minimise the risk of any contract extensions. There will be robust financial monitoring to ensure the project is delivered within the approved budget and this includes a Client held contingency (that is not part of the Contract sum). The works will be closely monitored for compliance on site by the CMFM team and this team will include a Clerk of Works to ensure quality is not compromised.

## Financial Implications

28. The proposal seeks to delegate authority to award a construction contract for the replacement of windows, doors and roof coverings at Enfield County School up to a value of £1.4m.
29. The value of £1.4m is based on pre-tender estimate of works (summary contained within confidential Appendix A of this report), and includes construction works spend, fees and client contingency. Pre-tender estimate has been evaluated for reasonableness by the Council's independent Quantity Surveyor.
30. The deadline for submission of tenders is 18 November. The Council's quantity surveyor will evaluate tenders and recommend preferred contractor in December. All tenderers have already been assessed for quality evaluation prior to joining the tender process.
31. Planned spend at Enfield County on windows and roof replacement is in line with the 2022/23 Schools approved Capital Programme (KD 5383). Capital budget of £1.4m for Enfield County works which has been approved within the Council's current 10-year approved capital programme.
32. The £1.4m approved capital budget is funded entirely from DfE Schools Condition Grant. Planned expenditure on condition works (windows and roof replacement) is consistent with relevant grant conditions.
33. Mobilisation and initial works are expected to commence in Q4 of 2022/23, with the majority of work expected to be undertaken in 2023/24 (works are expected to be completed within 12 weeks timeframe). Works will be managed by the Council's CMFM team and spend monitored via the Council's capital programme.

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34. The planned delivery timeframe is reflected in proposed capital budget profile in the Q2 capital programme. £400k of approved budget is proposed to be reprofiled from 2022/23 to 2023/24, subject to year-end council approval.

	<b>2022/23</b>	<b>2023/24</b>	<b>Total</b>
Original budget expenditure*	£500,000	£900,000	£1,400,000
Q2 forecast budget (proposed reprofiling of approved budget)	£207,684	£1,192,316	£1,400,000

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

### Financial risks

35. The risk of the preferred contractor not being able to deliver works within the value of contract awarded is mitigated by level of client contingency held within approved capital budget but not forming part of contract sum.

36. Supply chain and labour market pressures will be assessed as part of tender evaluation process to reduce the risk of project failing to be delivered on time.

### Legal Implications

37. 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).

38. 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.

39. The contract value is below the threshold for a public works contract under the Public Contracts Regulations 2015 (currently £5,336,937 inclusive of VAT). All contract awards must comply with the requirements of the Council's Constitution and in particular its Contract Procedure Rules (CPRs).

40. The CPRs provide that contractor must be required to provide sufficient security in one of the forms outlined in CRP 7.3. If the contractor cannot provide such security and the contract value is £1m or above, the Executive Director of Resources must approve such a decision, with reasons and risk mitigation measures set out in the relevant authority report, prior to the contract award.

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41. The Service Department must further ensure that the contract includes adequate insurance requirements after undertaking a risk assessment, including but not limited to, insurance to cover the fire safety compliance works.
42. The Council must ensure value for money in accordance with the Best Value principles under the Local Government Act 1999.
43. The contract must be in a form approved by the Director of Law and Governance and must be executed under seal.

### **Workforce Implications**

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

### **Property Implications**

45. There are no property implications.

### **Other Implications**

### **Procurement implications**

46. Any procurement must be undertaken in accordance with the Councils Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015).
47. As the contract is over £500k the service must ensure that sufficient security has been considered to manage risk.
48. The service must ensure that authority to procure has been obtained and must be uploaded onto the London Tenders Portal.
49. The procurement and award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of the executed contract must be undertaken on the London Tenders Portal including future management of the contract.
50. The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.

### **Options Considered**

51. To do nothing is not an option as poor-quality windows and roof coverings need to be replaced and failure to do so may result in unplanned closures and

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disruption to the curriculum because of leaking windows and roof as well as damage to the building structure and internal finishes.

## Conclusions

52. Approves the delegation of the award and to enter into the construction Contract and expenditure as detailed in restricted Appendix 'A' for the replacement of windows, door and roof coverings.

Signed .....Date.....

Cabinet Member – Children's Services

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## Appendices

Confidential Restricted Appendix 'A'

## Background Papers

N/A

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