



London Borough of Enfield

Report Title	Winchmore School – Award of Contract and Expenditure – Construction of a new 2 storey Sixth Form building
Report to:	Portfolio Decision Of Cabinet Member for Children’s Services
Date of Report:	July 2023
Cabinet Member:	Cabinet Member for Children’s Services
Directors:	Tony Theodoulou, Executive Director: Executive Director of People
Report Author:	Allen Gibbons - Email: allen.gibbons@enfield.gov.uk
Ward(s) affected:	Winchmore Hill
Key Decision Number	KD 5419
Classification:	Part I and Part II Appendix
Reason for exemption	Restricted Appendix – By virtue of paragraph(s) marked below with * of Part 1 of Schedule 12A of the Local Government Act 1972: * 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Purpose of Report

1. This report seeks approval to award a contract to Contractor 'A' relating to the construction of a new 2 storey Sixth Form Building at Winchmore School ('School') to provide places for 160 mainstream students and up to 20 new places for students with complex learning needs and to approve expenditure funded from the Schools and Children's Services Capital Grant as detailed in the Restricted Appendix.
2. To note that the project has been included in the School Capital Programme Strategic Delivery Plan 2023/24 and approved by Cabinet on 9 April 2023 as Key Decision KD5525.
3. To note details of the total project expenditure relating to the project as noted in the Restricted Appendix A of this report and to approve the addition of £140,543.21 to the Capital Programme.

Recommendations

That the Cabinet Member for Children's Services:

- I. Approves the award a contract to Contractor 'A' relating to the construction of a new 2 storey Sixth Form Building at Winchmore High School ('School') for a total contract sum as detailed in the Restricted Appendix 'A' of this report.
- II. Approves the expenditure relating to the works professional and technical fees and project contingency as can be found in the restricted in Appendix 'A' of this report.
- III. Approves the addition of £140,543.21 to the Capital programme KD5525 and notes the proposed new budget of £10,147,543.21 which will be managed within the School Capital Allocation fund.

Background and Options

4. To mark student transition into the Sixth Form, Winchmore School considers the creation of a separate Sixth Form autonomous teaching facility an essential part of the school future development. This facility will provide an environment appropriate to students' increased maturity. It would have a distinct identify and allow for all sixth form teaching activity to take place in a discrete self-contained area. This separation from 11-16 teaching is essential to allow for Sixth Form students to experience a

different mix of learning approaches, including independent research and self-directed study that will ensure good preparation for further and higher education.

5. The school has strong links with Durants School and together the schools provide opportunities for up to twenty new places for high achieving students with complex learning needs to go into the Sixth Form.
6. Winchmore School have a successful and well established Sixth Form offering up to 160 pupil places which is currently split across two sites. The students' primary location is on their main school site in Laburnum Grove and the school also use surplus temporary classrooms on the Broomfield School site in Wilmer Way. Winchmore School offers a varied and demanding curriculum where mainstream students can choose from a wide range of A Level and BTEC courses. Most of the specialist rooms and some general teaching spaces are located at Laburnum Grove while at Wilmer Way most of the rooms are used for general purpose teaching and ICT.
7. Broomfield need to have their classrooms returned to them by 2024 and Winchmore would like to offer the students the opportunity of having their subjects delivered from the one central site in Laburnum Grove. The benefits for Winchmore accommodating all students on one site would be to eliminate the travelling and time spent going backwards and forwards between the two sites for both staff and students which would help reduce the school's carbon use as most staff use motorised transport to and from the sites
8. Schools Capital Programme Strategic Delivery Plan 2023/24 - 2024/25. Approved by Cabinet in April 2023 included the construction of a new Sixth Form building and Multi Use Games Area (MUGA). The report also approved the following recommendations that allow this decision to be made by the Lead Member for Children's Services.
 - I. Delegates authority to the Lead Member for Children's Services to approve the procurement and award of works and services contracts for the specific SEN projects including professional and technical expenses as detailed in restricted appendix 'A' given their strategic importance for delivering SEN places to address increasing demand.
 - II. Delegates authority to Executive Director of Place or the Executive Director of People to accept any future funding rounds from the Public Sector Decarbonisation Scheme (PSDS) and to add this to the Schools Capital Programme.
9. Planning permission Reference 20/01169/RE4 dated 5th September 2020 was granted to build a new 2 storey Sixth Form building and MUGA.

10. Enabling works for this project were approved under KD5225 to remove contaminated soil which was carried out during 2021.
11. The construction of the MUGA was completed in May 2023, approved by an Operational Decision Report dated 6 February 2023.

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

12. There is a high-risk that if the new sixth form building were not constructed this would impact heavily on both Winchmore and Durrants schools' as they would not be able to offer or deliver the curriculum on a single site. In addition, Broomfield School would not be able to use the classrooms currently occupied by Winchmore that are needed to continue with their site strategy to making better use and rationalisation of their site. Also, SEN pupils from Durrants would have to go out of borough for Post 16 opportunities as there is not sustainable or suitable accommodation for them currently on the Winchmore site.

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

13. 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.
14. 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 Risk, Change and General Contingency sum (that is not part of the Contract sum) The works will be closely monitored for compliance on site by the Construction Maintenance Facilities Management Team (CMFM) and this team will include a Clerk of Works to ensure quality is not compromised.

Preferred Option and Reasons For Preferred Option

15. The new Sixth Form building at Winchmore will provide much needed additional accommodation for 160 Post 16 students who currently have to travel between two sites (Winchmore and Broomfield) these schools are over two miles apart and much learning time is lost going backwards and forwards. The additional space at Winchmore will also provide 20 places for Durants School Post 16 SEN students who currently have to go out of borough should they wish to continue with their Post 16 studies. Broomfield School need their accommodation back in order to progress their school's site strategy and development plans.

Relevance to Council Plans and Strategies

16. 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.
17. 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.
18. The provision of good quality schools and buildings helps to ensure a stable strong community.

Financial Implications

19. There is currently £10.007m allocated to this scheme within the capital programme approved by the Cabinet on 08 April 2023 and revised on 08 June based on lead member delegated decision, under KD 5225.
20. Total expenditure for the project is estimated to be £10.147m. It will be funded from the school's capital programme which is entirely funded from the government grant as well as through S106 funding that has been identified for this project.
21. Based on the total project costing and approved budget, there is a need to request an additional budget of £140.5k to match the programme cost.
22. A total of £1.307m has already been spent up to 2022-2023 and the remaining budget of £8.840m is projected to be sufficient to cover the remaining project delivery.
23. The table in Appendix A shows how the total spend is broken down. It covers all works complete and yet to be delivered, all fees, risk contingency, and change contingency.
24. There is a fully costed risk register for this project and includes a risk contingency of £628k.

Legal Implications

25. 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).

26. 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.
27. The contract is above the threshold for public works contracts (currently £5,336,937 inclusive of VAT) under the Public Contracts Regulations 2015 (PCR 2015). The Council must ensure that it complies with the PCR 2015 and the Contract Procedure Rules (CPRs). The procurement process was via a mini competition under a Framework. CPR 14.4 states that Frameworks, where they exist, should be used provided Best Value can be demonstrated and managers are required to retain sufficient evidence to demonstrate compliance. Calling off from Frameworks is further permitted under regulation 33 of the PCR 2015. The contract award must be in accordance with the process set out in the Framework Agreement.
28. The Council must ensure value for money in accordance with the Local Government Act 1999 and the CPRs. It is advised that evidence of Best Value should be documented in accordance with the CPRs.
29. The contract must be in a form approved by the Director of Law and Governance. It is advised that the Service department should be mindful of the following:
- (i) Given that the value of the contract is above £1,000,000, sufficient security must be obtained from the Contractor in the form of a bond or parent company guarantee or one of the forms set out in CPR 7.3.
 - (ii) The Service Department must undertake a risk assessment to ensure that the levels of insurance are adequate seeking advice from the Council's Insurance team.
 - (iii) The contract must be executed under seal to comply with the CPRs.
 - (iv) This is a Key Decision and the Key Decision process must be followed.

Equalities Implications

30. An Equalities Impact Assessment has been conducted and attached to this report. The Council approach to meeting its statutory duty to ensure that there are sufficient pupil places across the Borough to meet demand ensures that these places are not discriminatory and ensure that all children have access to quality education.

Environmental and Climate Change Implications

31. 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.
32. The BREEAM Very Good rating is targeted to be achieved. This includes but is not limited to: The design of the external building fabric which utilises passive design measures and achieves on average across all elements a 40% reduction of U values against current minimum Building Regulation U values. Photovoltaic panels are to be installed on the 700m² teaching block roof (the non-shaded roof) to provide 465.24Kw of green electricity for small power demands. 98% efficiency boilers are provided for heating and hot water.
33. This building was designed in 2019 and obtained planning approval later that year before the Council declared a Climate Emergency and has been designed to be heated by gas fired boilers. The Council now has ambitions to reduce carbon emissions and move away from using fossil fuels. Following detailed design reviews, it was accepted that the mechanical and electrical systems as designed should continue as they are able to connect to alternative green power supplies including the connection to the extended Energetik Heat Network in the future when they become available in the area of the school site.

Public Health Implications

34. 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 covid-19 pandemic and will adhere to any specific requirements made by the contractor and Officers.

Property Implications

35. An inventory list of any materials procured will need to be kept and detailed within the Operation Manual which will be kept on the school site.
36. 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 (Concerto), including revised site plans, floor plans, asset information, etc.
37. 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.

Safeguarding Implications

38. As this is a new build project there are no safeguarding implications. The proposed works site is fully secure and hoarded off from the remaining operational school, the works will be undertaken in full accordance with Health and Safety and CDM regulations

Other Implications

39. The works comprise the preparation of the site, new build construction including finishes and fittings and services installations together with external works within the existing site curtilage and infrastructure works to service the block independently of the main building.
40. The tender details and the Building Contract Sum is summarised at Appendix 'A' attached hereto.
41. Mobilisation is expected to commence in August 2023 with the start date for the main works expected to start on the 4th September 2023 (works are expected to be completed within 52 weeks' timeframe)
42. Following the completion of the construction works, there will be a period of time take by Winchmore School and Durants School to fit out the building and familiarisation in readiness to be operational from October 2024.

Procurement Implications.

43. This procurement has been carried out in accordance with the Council's Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015). In line with the Procurement Assurance Group, a Gateway Framework Report (3a) report will be produced at award, and it is recommended that the Executive Director of People, asks for this to be appended to any operational report for award, once the winning bidder is known
44. The procurement is taking place via the Council's e-Tendering portal under DN644374 as a mini competition from the Pagabo Framework. This will be promoted to the Council's Contract Register and Contracts Finder following award and commencement.
45. The Service Area shall be responsible for uploading the executed contract/agreement at the end of the procurement project.
46. As this contract will be over £500,000 the CPR's state that the contract must have a nominated contract manager in the Council's e-Tendering

portal. The contract will be managed in line with the Contract Management Framework and evidence of robust contract management, including, operations, commercial, financial checks (supplier resilience) and regular risk assessment shall be uploaded into the Council's e-Tendering portal.

47. This contract has social value elements attached (these are currently unknown as the procurement is at evaluation stage) using the TOMs (themes outcomes and measures). It is the responsibility of the Contract Manager/Service Department to ensure that the social value elements of the contract are delivered, and evidence uploaded into the Social Value Portal by the winning supplier.

Report Author: Allen Gibbons
Client Project Manager
Allen.gibbons@enfield.gov.uk
Telephone Number: 020 8132 0416

Appendices

Confidential Restricted Appendix 'A'

Background Papers

School Capital Programme Strategic Delivery Plan 2023/24 Key Decision KD5525.

Equalities Impact Assessment

Procurement Assurance Framework Award Report Gate 3a

Departmental reference number, if relevant: N/A