

Report for Cabinet Member for Children, School and Families, scheduled for 3<sup>rd</sup> August – 30<sup>th</sup> November 2023

**Item number:** TBC

**Title: Campsbourne Primary School – Phase 3 External Envelope and Building Services Improvement works – Award of Construction Contract to complete works**

**Report authorised by:**   
Ann Graham, Director of Children's Services

**Lead Officer:** Claire Barnes, Major Projects Delivery Manager

**Ward affected:** Hornsey

**Report for Key/Non-Key Decision:** Key Decision

## **1. Describe the issue under consideration**

- 1.1 To request approval to award a contract to Mulalley & Co. Limited to undertake Phase 3 Remaining Works pursuant to Contract Standing Order 10.01.1 (a) and 16.02.
- 1.2 Pursuant to Contract Standing Order 9.07.3 to approve the issuance of a letter of intent.

## **2. Cabinet Member Introduction**

- 2.1 As this report is being presented to Cabinet Member for Children, Schools and Families for a decision, Cabinet Member introduction is not required.

## **3. Recommendations**

- 3.1 For Cabinet Member for Children's Schools and Families pursuant to Contract Standing Order (CSO) 16.02 to:
- 3.2 Approve an Award to Mulalley & Co. Limited to undertake Phase 3c remaining works at Campsbourne Primary School based on their tender price of £827,156.77.
- 3.3 Approve a client contingency as set out in Part B of this report which will be strictly managed under change control governance arrangements. This is in addition to the award value noted in 3.2. Refer to Part B section 3 for the contingency value and total award value.

3.4 To note Phases 3a & 3b previously awarded to Mulalley & Co. Limited as a waiver of contract standing orders under delegated powers.

3.5 To note a total award for phases 3a, 3b and 3c up to the aggregated value of £1,285,794.48, excluding phase 3c contingency.

3.6 Approve the issuance of a letter of intent for up to a value of £100,000.

#### **4. Reasons for decision**

4.1 The original contract for these works at Campsbourne Primary School was terminated by the Council on 5 April 2023. Further details are set out in the exempt part of the report.

4.2 In order to maintain site set-up, security and scaffolding a contract was awarded to Mulalley & Co. Limited under delegated approval as Phase 3a. Subsequently, an additional waiver for Phase 3b works was approved under delegated authority and a contract issued to the contractor. Refer to paragraph 6.6 for more details regarding scope of work. The final remaining works contract is under consideration in this award report, Phase 3c.

4.3 The construction contract award for Phase 3c is to achieve the following:

- Replacement of remaining windows
- Window repairs and decorations
- Design and adaptation of a new reception entrance area
- Rebuilding of boundary wall and fencing
- Roof repairs
- Rain water guttering and downpipe repairs
- External fabric repairs and decoration
- New external ramp
- Extract fan installation
- Insulation to heating pipework
- Lightning protection

4.4 Due to the project's urgent nature a direct award is considered to offer the Council best overall value. Mulalley & Co. Limited are a local supplier and LCP Major Works Framework Supplier with a proven track record and have the capacity to undertake the work. The price submitted has been evaluated against market rates and considered acceptable. The direct award was raised via the HPCS.

4.5 Due to the above a waiver is requested under CSO 10.01.2(d)ii, i.e., that it is in the Council's overall interest.

- 4.6 A Cabinet Member decision is required in September 2023 to enable timely mobilisation and facilitate procurement of longer lead in materials as soon as possible, which will offer greater likelihood of achieving maximum grant funding available.

## **5. Alternative Options Considered**

- 5.1 Do nothing – a decision not to support this award of construction contract will result in the Council's failure to suitably maintain its education estate by undertaking essential condition improvements. This would increase the likelihood of reactive works which will create greater disruption and cost to the council and potentially result in the loss of education days. All of which would undoubtedly impact on the quality of teaching and learning.
- 5.2 A mini competition (via the DPS or LCP Major Works Framework) was discounted as it was felt negotiating with a contractor would be most efficient due to the urgent need to replace the previous contractor. An independent quantity surveyor and contract administrator is appointed to evaluate all costs to ensure value for money.

## **6. Background Information**

- 6.1 London Borough of Haringey (Haringey) are seeking to identify and address building condition and suitability issues across the Education/schools estate.
- 6.2 Due to the urgent nature of the project and termination of its previous contractor it was essential to mobilise a contractor in April 2023 in order to facilitate completion of the original Campsbourne scheme. The original scheme was executed in 2 phases (Phase 1 – Heating distribution system upgrade, loft insulation, flat roof works, masonry repairs and ground floor window replacement works; Phase 2 – Building Fabric, external and mechanical works). The original phase 2 contract is incomplete, which phase 3 addresses.
- 6.3 To achieve this, the work was divided into 3 packages. Mulalley & Co. Limited, who are a supplier on the Council's London Construction Framework and a local supplier to Haringey, were approached and confirmed they had sufficient resources at short notice to mobilise to meet our programme requirements.
- 6.4 Phase 3a & 3b were approved as a waiver of contract standing orders under delegated approval.
- 6.5 Phase 3a is currently ongoing. This phase was for the take over and hire of scaffolding already erected on site and to manage site security and set up prior to the 2 contracts commencing.
- 6.6 Phase 3b is currently on site. This work includes window replacement, external decorations, mechanical and electrical works and Pendock ducting.

- 6.7 Phase 3c works are set out in paragraph 4.3.
- 6.8 All works have been specified and measured by independent design and cost consultants to ensure best value for the Council against pre-determined market rates.
- 6.9 Budget information by phase is set out in Part B of the report.

## **7. Contribution to Strategic Outcomes**

- 7.1 This project proposal supports outcomes as outlined in the Corporate Plan 22-23 and 23/24. All projects commissioned by Officers of the Council are expected to align with this plan and will be reflected in key capital project documentation such as project briefs, design briefs, business cases, project initiation documents (PID) and award reports.
- 7.2 The relevant Borough Outcome for this project is: People - our vision is a Haringey where strong families, strong networks and strong communities nurture all residents to live well and achieve their potential.
- 7.3 It's acknowledged the borough plan has been superseded by the Corporate Plan 2022/23 – 2023/24. The client team are presently realigning the previous objectives of the Borough Plan with this.
- 7.4 Campsbourne Primary School falls into wave 1 (priority 1) of the Children's Service's asset management plan (CSAMP) and is therefore procured in accordance with the priorities set out in the Children's Capital Programme.
- 7.5 As part of the works undertaken during the first phase at Campsbourne School energy efficiency improvements were made with a contribution from the Government Salix Programme. This has supported the Borough's carbon reduction and climate change ambition.

## **8. Carbon and Climate Change**

- 8.1. This project will bring a number of benefits to the school and the council, with the primary objective of providing improved educational environments for Children in line with Haringey's Corporate Plan. Along with improving educational outcomes, this project will significantly reduce the risk of a health and safety incident or school closure through condition failure, such as window deterioration or roof leaks. The project will also help the school reduce its energy demands and relieve some budgetary pressure.
- 8.2 Alongside this it will support the Borough's carbon reduction and climate change ambition by delivering approx. 20.99 tCO<sub>2</sub>pa carbon reduction through the installation of energy efficient measures such as double glazing. This work also benefits the Council in reducing the reactive maintenance requirements at the school in future by economically fixing the root cause of the condition issues within a single project whilst avoiding additional temporary repairs costs.

8.3 Under the previous phases of work, mentioned in part 6.2 of this report, the school has benefitted from LED lighting, increased loft insulation and a new heating system with energy efficient boilers, a Building Management System (BMS) to monitor and manage mechanical and electrical services and insulated pipework.

**9. Statutory Officers comments (Chief Finance Officer, Procurement, Corporate Governance, Equalities).**

**9.1 Finance**

9.1.1 The recommendation of the report is to accept a tender from Mullaley of £0.827m, plus a contingency as set out in the part b report. The overall cost of the recommendation (plus contingency amount set out in part b) can be contained within the approved Children’s Services capital programme for 2023/24. Should there be any slippage in the timing of the expenditure, the resources to complete the scheme will need to be carried over into 2024/25 as a commitment.

The overall cost of this phase of the scheme at Campsbourne Primary School is £4,899,878.87. This is composed of the contract award sum plus professional fees, project management and disbursements. These are set out in the table below by financial years:

<b>Financial Year (FY)</b>	<b>£m</b>
2019/20	0.457
2020/21	0.277
2021/22	1.131
2022/23	1.481
2023/24	1.488
2024/25	63
<b>4.899m</b>	

**9.2 Procurement**

9.2.1 Strategic Procurement (SP) note that this report relates to the approval of award to undertake phase 3c remaining works at Campsbourne Primary School by Mulalley & Co. Limited

9.2.2 Contract Standing Order (CSO) 9.01.1 has been waived off due to the urgency of the required works.

9.2.3 SP support the recommendation in section 3 above.

**9.3 Legal**

9.3.1 The Head of Legal and Governance (Monitoring Officer) has been consulted in the preparation of this report.

- 9.3.2 The works are below the threshold where the tendering requirements set out in the Public Contracts Regulations 2015 apply. Under CSO 9.01.1 contracts which have an estimated value of £500,000 should be let following publication of a tender advert,
- 9.3.3 A waiver of CSO 9.01.1 is sought on the basis that this is in the Council's overall interest, as allowed under CSO 10.01.2 d) (ii).
- 9.3.4 For contracts which are Key Decisions, a decision in respect of waiver and award would normally be approved by Cabinet under CSO 10.01.1 a (waiver) and CSO 9.07.1 d) (award). However, in between meetings of the Cabinet, the Leader may take any such decision or allocate to the Cabinet Member with the relevant portfolio (CSO 16.02).
- 9.3.5 The award of the contract will be a Key Decision and, as such, will need to comply with the Council's governance processes in respect of Key Decisions including publication in the Forward Plan.
- 9.3.5 The Cabinet Member for Children, Schools and Families has power to approve the award of the contract and also the issue of a letter of intent up to the value of 10% of the contract.
- 9.3.6 The Head of Legal and Governance (Monitoring Officer) confirms that there are no legal reasons preventing the Cabinet Member for Children, Schools and Families from approving the recommendations in this report.

## **9.4 Equality**

- 9.4.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act.
  - Advance equality of opportunity between people who share those protected characteristics and people who do not.
  - Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

- 9.4.2 The proposed decision is to approve the contract award to Mulalley & Co Limited, to undertake Phase 3 remaining works to the main building at Campsbourne Primary School. This will affect roughly 400 students and members of staff. The remaining works in Phase 3 include external fabric and window repairs and decorations, external ramp, electrical connection works, pipework insulation, reception forming external opening, new external door and fitout. It is expected that this decision will not have any additional negative impact on accessibility. The works will lead to improved health

and safety and accessibility for all students and members of staff – as a new ramp will be formed as part of the new reception entrance and the creation of a new reception entrance via Nightingale Lane will reduce public access to the remainder of the school site. The remaining works will seek to address accessibility into the Junior block.

9.4.3 The proposed decision is expected to support improved educational outcomes for all students, including those from minority ethnic backgrounds, with special education needs and who receive support through the pupil premium, who are more likely to face barriers to education. No negative consequences are identified for those who share a protected characteristic, and it is concluded that the works will have a wholly positive impact by improving the health and safety of Campsbourne Primary School, including attendees and staff with protected characteristics under the Equality Act 2010. The proposed decision will therefore support equality of opportunity across all pupils.

9.4.4 Specific consideration for the duration of the works will be given to the following:

- Disruption to the school and the effect on children from different cultural backgrounds
- Impact of the works on the school, particularly ethnic groups
- Decanting of classrooms to ensure children do not miss out on levels of learning

9.4.5 As an organisation carrying out a public function on behalf of a public body, Mulalley & Co. Limited will be obliged to have due regard for the need to achieve the three aims of the Public Sector Equality Duty as stated above. Appropriate contract management arrangements will be established to ensure that the delivery of the major works does not result in any preventable or disproportionate inequality.

## 10. **Use of Appendices**

10.1 Appendix A – Part B

## 11. **Local Government (Access to Information) Act 1995**

11.1 List of background documents:

This report contains exempt and non-exempt information. Exempt information is under the following categories (identified in amended Schedule 12A of the Local Government Act 1972): Information relating to financial or business affairs of any particular person (including the statutory holding that information).