

MINUTES OF MEETING CABINET MEMBER SIGNING HELD ON THURSDAY 23RD DECEMBER 2021, 10.30 am

PRESENT:

Councillors: Zena Brabazon

ALSO ATTENDING: David Moore (Head of Construction Related Project Delivery) and Felicity Foley (Committees Manager)

83. APOLOGIES FOR ABSENCE

There were no apologies for absence.

84. DECLARATIONS OF INTEREST

None.

85. CAMPSBOURNE PRIMARY SCHOOL PHASE 2 - EXTERNAL ENVELOPE, BOUNDARY WORKS AND WINDOW REPLACEMENT - CONSTRUCTION WORKS CONTRACT AWARD

The Cabinet Member for Children, Education and Families considered the report which sought approval for an award of a contract to carry out external envelope, boundary works and window replacement at Campsbourne Primary School, and to approve issuance of letter of intent.

It was noted that the legal comments in the original published report had been amended and now read (amendments in bold):

8.3. Legal

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

8.3.2. The contract which the report relates to has been procured under the London Construction Programme Framework Agreement (Education and Leisure lot 2.1b North £1m-£5m). The use of a Framework Agreement is compliant with the Public Contracts Regulations 2015 (Reg 33) and the Council's Contract Standing Orders (9.01.2 (f) (carrying out a mini-competition under a framework agreement).

8.3.3. **Because of the value of this contract, it would normally be approved by Cabinet. In-between meetings of the Cabinet, a Cabinet Member has power under CSO 16.02 to approve a decision which would normally be taken by Cabinet, providing that the Leader has allocated the decision to the Cabinet Member. The Cabinet Member with the relevant portfolio is the Cabinet Member for Children, Education and Families.**

- 8.3.4. **The Cabinet Member for Children, Education and Families** also has power to approve the issuance of a letter of intent up to £100,000 or 10% of the contract value, whichever is higher.
- 8.3.5. The award of this contract is over £500,000 and is therefore a Key Decision and as such must comply with the Council's governance requirements in respect of Key Decisions (including publication in the Forward Plan) (see CSO 9.07.1(e)).
- 8.3.6. The Head of Legal and Governance (Monitoring Officer) sees no legal reasons preventing **the Cabinet Member for Children, Education and Families** from approving the recommendations in the report.

RESOLVED that the Cabinet Member

1. Approve an award of contract to Contractor A up to a value of £1,683,722.59, pursuant to Contract Standing Order 16.02.
2. Approve a client construction contingency of 10% that equates to £168,372.26, which will be strictly managed under change control governance arrangements.
3. Approve the issuance of a letter of intent for up to 10% of the contract value, totalling £168,372.26.

Reasons for decision

A competitive tender for Phase 2 was issued to London Construction Programme Major Works 2019 Framework Education and Leisure Lot 2.1b North. Three tenders were received on 1 October 2021 (See Part B report).

These works were originally approved on 9 November 2021 but has since changed due to circumstances outlined in Part B of this report.

Two tenders were evaluated on 60% cost and 40% quality with all bids meeting the minimum quality criteria. On this basis, this report seeks approval to award the contract to the successful bidder (Contractor A) as outlined in part B of this report.

The scheme for Campsbourne Primary School was developed into 2 phases. Phase 1 sought to meet the criteria for Public Sector Decarbonisation (Salix) grant funding (a grant contribution of £0.243m), minimise disruption to the school by maximising access over the 2021 school summer holiday period, ensure resilience for heating and hot water and support a comprehensive phasing plan. A construction award to Mulalley & Co Ltd was supported by Cabinet on 15 June 2021 and commenced on site in July 2021. Phase 1 works include heating distribution system upgrade, loft insulation, flat roof works, masonry repairs and ground floor window replacement works. Both phases of works will improve the condition of the building for better education delivery but will also improve the energy efficiency and reduce carbon emissions during operation.

The Phase 2 works to be undertaken by Contractor A include:

- Window replacement and pitched roof repairs
- External walls repairs
- New entrance
- Repairs and replacement of boundary walls and fences
- Repairs to underground drainage
- Repairs to external surfaces
- Replacement of infant school boilers

Alternative options considered

Do nothing option - 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 and potentially could lead to school closure.

86. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that the press and public be excluded for the consideration of agenda item 5 as it contained exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 3 and 5, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

87. EXEMPT - CAMPSBOURNE PRIMARY SCHOOL PHASE 2 - EXTERNAL ENVELOPE, BOUNDARY WORKS AND WINDOW REPLACEMENT - CONSTRUCTION WORKS CONTRACT AWARD

The Cabinet Member considered exempt information pertaining to the report.

CHAIR:

Signed by Chair

Date