

# CABINET MEMBER SIGNING

Thursday, 23rd December, 2021, 10.30 am

**Members:** Councillor Zena Brabazon

## 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

## 2. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

## 3. CAMPSBOURNE PRIMARY SCHOOL PHASE 2 - EXTERNAL ENVELOPE, BOUNDARY WORKS AND WINDOW REPLACEMENT - CONSTRUCTION WORKS CONTRACT AWARD (PAGES 1 - 8)

## 4. EXCLUSION OF THE PRESS AND PUBLIC

Item 5 is likely to be subject to a motion to exclude the press and public from the meeting as it contains 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.

**5. EXEMPT - CAMPSBOURNE PRIMARY SCHOOL PHASE 2 - EXTERNAL ENVELOPE, BOUNDARY WORKS AND WINDOW REPLACEMENT - CONSTRUCTION WORKS CONTRACT AWARD (PAGES 9 - 12)**

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Wednesday, 15 December 2021

**Report for:** Cabinet Member Signing – 23 December 2021

**Title:** Campsbourne Primary School Phase 2 - External Envelope, Boundary Works and Window Replacement - Construction Works Contract Award.

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

**Lead Officer:** Graham Sheret, Project Manager, 07505 261441, [graham.sheret@haringey.gov.uk](mailto:graham.sheret@haringey.gov.uk)

**Ward(s) affected:** Hornsey

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

**1. Describe the issue under consideration**

- 1.1 To request 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.

**2. Cabinet Member Introduction**

- 2.1 Not applicable.

**3. Recommendations**

The Cabinet Member for Children, Education, and Families is asked, pursuant to Contract Standing Order 16.02:

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

**4. Reasons for decision**

- 4.1 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).
- 4.2 These works were originally approved on 9 November 2021 but has since changed due to circumstances outlined in Part B of this report.

- 4.3 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.
- 4.4 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.
- 4.5 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

## **5. Alternative options considered**

- 5.1 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.

## **6. Background Information**

- 6.1 London Borough of Haringey has sought to identify and address building condition and suitability issues across the education/schools estate.
- 6.2 Initial condition and suitability surveys followed by comprehensive feasibility studies have led to the formation of the Children's Capital Programme which seeks to support essential condition improvements across the education estate.
- 6.3 From this data, Campsbourne Primary School was considered high priority and as a result was placed in wave 1 of the programme and is 1 of 8 primary schools sites in this initial wave of essential condition work.

- 6.4 As set out in section 4, the work at Campsbourne Primary School has been divided into 2 phases – Phase 1, Building Services and External Envelope Improvements. Phase 2 – all remaining external envelope, building services and boundary works. This decision report is concerned with Phase 2 works.
- 6.5 This condition project will bring several benefits to the school and the council, with the primary objective of providing improved educational environments for children in line with the provisions of Haringey’s Borough 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 mechanical failure or roof leaks. The project (both phases) will also help the school reduce its energy demands and thus reduce carbon emissions through technologies and insulation including 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.
- 6.6 Phase 2 was procured on a traditional basis (fully designed), with the works designed to Stage 4 of the Royal Institute of British Architects (RIBA) Plan. The form of contract will be JCT Standard Building Contract with Quantities 2016. The Phase 1 works will have completed prior to the Phase 2 works commencing.
- 6.7 Planning approval for the scheme has been granted with conditions to be discharged during construction.
- 6.8 Building Control approval has been granted with conditions to be discharged during construction.
- 6.9 As part of the RIBA 2-4 design a number of visual and intrusive investigative surveys were completed.
- 6.10 A competitive tender for Phase 2 was issued to London Construction Programme Major Works 2019 Framework Education and Leisure Lot 2.1b North. 3 tenders were received on 1 October 2021. All tenders were evaluated on a 40% quality and 60% price basis by an independent evaluation panel. As set out in section 4, this report recommends an award to Contractor A (1<sup>st</sup> place bidder). No arithmetical errors were found during the clarification process with the outturn confirmed as:

Tenderer	Price	Price Score (60%)	Moderated Quality Score (40%)	Combined Cost and Quality Score	Final Ranking
Contractor A	£1,683,722.59	57.44%	33.60%	91.04%	1

- 6.11 Details of the evaluation of 3 tenderers’ returns are set out in the Part B of this report. The report concludes with a recommendation to award a construction contract to Contractor A up to the value of £1,852,094.85 (tender value £1,683,722.59 plus construction risk of £168,372.26).

- 6.12 The Quantity Surveyor for this project is satisfied with the pricing offered by Contractor A against the pre-tender estimate (PTE). A detailed analysis of the tender returns against the PTE is provided within the tender analysis report and summarised in Part B.
- 6.13 The total projected cost for Phase 2 works is set out below:

	Total projected cost
Construction	£1,683,722.59
Other	£724,000.71
Total	£2,407,723.30

## 7. Contribution to Strategic Outcomes

- 7.1 This project proposal supports outcomes as outlined in the Borough Plan 2019-23. 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. 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.
- 7.2 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.
- 7.3 As part of the works undertaken during the first phase at Campsbourne Primary 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. Statutory Officers comments (Chief Finance Officer, Procurement, Assistant Director of Corporate Governance, Equalities).

### 8.1 Finance

- 8.1.1 The recommendation of this report is to award a contract to Contractor A in the sum of £1.684m for the works and a construction contingency of £0.168m resulting in an award value up to £1.852m.
- 8.1.2 In addition to this contract sum and based on the tender valued, there will be other costs in delivering the scheme. These are PM fees, design fees, QS fees, contingencies, statutory and sundry other costs of £0.724m. The estimated total cost of the scheme is round up to £2.408m which can be contained within the overall Children's Service approved 2021/22 capital programme.

8.1.3 The estimated outturn for the Phase 2 is set out in the table below:

	Prior years expenditure	2021/22	2022/23	2023/24	Total
Projected Total	£0.20m	£0.62m	£1.56m	£0.03	£2.41m

All figures in section 8 are rounded up.

## 8.2 Procurement

8.2.1 Strategic Procurement (SP) note that this report relates to the approval of award for Campsbourne Improvement Works (Construction Contract Award) to Contractor A.

8.2.2 SP support the recommendations in this report in accordance with Contract Standing Orders clause 7.0.1. (b) 10.01.01 (a), and 16.02.

8.2.3 In accordance with CSO 7.01(b) and Regulation 33 of the Public Contracts Regulations 2015, SP confirms that tenderers were invited to Tender through the LCP Major Works 2019 Framework under Lot 2.1b North.

8.2.4 Compliant tenders were received from 2 contractors with further clarifications needed to achieve the final price.

8.2.5 SP note that tender returns were evaluated independently by the Quality Panel prior to release of the Price element of the Tender. Contractor A scored the highest in quality and in price, scoring 91.2% overall.

8.2.6 SP notes that as per section 8.1.1 of this report, funding is available for this Contract.

8.2.7 SP support the recommendations within this report and have no objections with awarding this Contract to Contractor A for value outlined in this report.

## 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 In accordance with CSO 9.07.1d the Cabinet has authority to approve the recommendations in the report.

- 8.3.4 The Cabinet 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 from approving the recommendations in the report.

## **8.4 Equality**

- 8.4.1 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 apply to the first part of the duty.

- 8.4.2 The proposed work aims to address the school's buildings deficiencies identified in the feasibility studies to prevent failure of the building fabric and building services, which could lead to the school closure and also to improve the building energy efficiencies.
- 8.4.3 The proposed decision is to award a contract for the Contractor A to undertake building improvement work on Campsbourne Primary School. This will affect roughly 320 students and members of staff.
- 8.4.4 The objective of the proposed decision is to carry out repairs to windows, roofs, external walls, external stairs, boundary walls and underground drainage. The proposed works will improve the building energy efficiencies, improve external areas and ensure that the building fabric failures will not disrupt the teaching time at Campsbourne Primary School. It is expected that this decision will lead to improved health and safety of all students and members of staff.
- 8.5.5 Phase 1 works started in summer holidays to minimise disruption to the school curriculum. However, due to the amount of work required Phase 2 works will be carried out over term time. To mitigate the disruption for students, the Contractor A will decant students into classrooms away from the building works. No negative implications of this decision are identified for those who share a protected characteristic, and it is concluded that the works will have a positive impact by improving the health and safety of Campsbourne Primary School.



8.5.6 As an organisation carrying out a public function on behalf of a public body, the Contractor A 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.

## **9 Use of Appendices**

9.1 Appendix 1 – Part B

## **10 Local Government (Access to Information) Act 1995**

10.1 Not applicable.

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By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is exempt

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