

## MINUTES OF CABINET MEMBER SIGNING MEETING HELD ON WEDNESDAY, 16TH FEBRUARY, 2022, 10.00 - 10.10 AM

**PRESENT:** Councillor Zena Brabazon, Cabinet Member for Early Years, Children, and Families.

**In attendance:** Sylvester Olutayo, Senior Project Manager; Chris Hill, Project Officer; Adrian Watson, Major Projects Delivery Officer; Claire Barnes, Senior Project Manager; Keith Mattacks, Project Manager; and Fiona Rae, Acting Committees Manager.

### 118. APOLOGIES FOR ABSENCE

There were no apologies for absence.

### 119. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 120. WEST GREEN AND BRUCE GROVE PRIMARY SCHOOLS BUILDING SERVICES AND EXTERNAL ENVELOPE WORKS - VARIATION OF CONSTRUCTION CONTRACT

It was highlighted that there were some minor corrections to the original report that had been published. The corrections were set out and specifically marked in the addendum to the report. It was explained that the key difference was that the variation of the construction contract to Mulalley & Company Limited was in the sum of **£374,200** (rather than £294,200), giving a total contract sum of **£2,644,202.90** (rather than £2,564,202.90) for West Green Primary School. It was also noted that any amendments were highlighted in bold text in the minutes. The corrections were noted by the Cabinet Member.

The Cabinet Member for Early Years, Children, and Families considered the report which noted that, on 2 July 2021, the Cabinet Member had approved an award to Mulalley & Company Ltd for the Construction Contract for West Green Primary School in the sum of £2,270,002.90. The report sought Cabinet Member approval to vary the original contract with Mulalley & Company Ltd for the sum of **£374,200** as allowed under Contract Standing Order (CSO) 10.2.1.b and CSO 16.02, to allow for additional roof **and condition** works to be completed at the site. This provided the Council with greater value for money by including them within the current contract works on site, as opposed to returning with a separate contract, causing further disruption to the school.

The report also noted that, on 15 June 2021, the Cabinet Member had approved an award to Mulalley & Company Ltd for the Construction Contract for Bruce Grove Primary School in the sum of £2,763,207. The report sought Cabinet Member approval to vary the original contract with Mulalley & Company Ltd for the sum of

£318,793 as allowed under Contract Standing Order (CSO) 10.2.1.b and CSO 16.02, to allow for an element of additional works to be completed. This had resulted in significant delays to the programme, for which extension of time requests had been requested.

### **The Cabinet Member RESOLVED**

1. To note that the original contract award approved by the Cabinet Member for Early Years, Children, and Families for West Green Primary School was in the sum of £2,270,002.90.
2. To agree a variation of the construction contract to Mulalley & Company Limited in the sum of **£374,200**, giving a total contract sum of **£2,644,202.90** for West Green Primary School.
3. To note that the original contract award approved by the Cabinet Member for Early Years, Children, and Families for Bruce Grove Primary School was in the sum of £2,763,207.
4. To agree a variation of the construction contract to Mulalley & Company Limited in the sum of £318,793, giving a total contract sum of £3,082,000 for Bruce Grove Primary School.

### **Reasons for decision**

West Green Primary School - During construction, additional condition works were identified that include **building services works** and the complete replacement of the hall roof, as it is in significant disrepair and deterioration across the main roof structure, has rotten and sagging timber framing around its windows, with some splitting of timbers in some occurrences, and significant outward bowing of the roof structure, due to the yielding of the steel ties. The extent of this condition would not be identified through non-intrusive surveys and would only be discovered once the works commenced and the contractor was able to fully access, open up and intrusively inspect the hall roof structure. **This may result in a delay of up to 8 weeks to the project, therefore the above includes a risk allowance for any possible extension of time claim.** The Children's Capital Programme Budget is sufficient to cover this contract increase.

Bruce Grove Primary – During construction and once full access to the roof was available, additional condition works were identified including replacement of roof tiles, detailing and build-up of insulation. Additional glazing and building services works have also been identified. This has resulted in a delay of up to 14 weeks to the project therefore the above includes a risk allowance for an extension of time claim which is yet to be concluded. The Children's Capital Programme Budget is sufficient to cover this contract increase.

Going forward, the Council's Strategic Asset Management Programme, will produce a costed asset management works programme that can inform items like this; so it can be referred to and allowances can be made within contracts when under taking significant capital works.

## **Alternative options considered**

Do nothing – a decision not to support the increase in the value of the construction works contract will result in delays in completing urgent condition works, leave the school with a roof at the end of its serviceable life, and increase the health and safety risk of closure (in part or full site) and disruption to children's education.

### **121. HIGHGATE PRIMARY SCHOOL - PHASE 2 EXTERNAL ENVELOPE & BUILDING SERVICES REPLACEMENT WORKS - AWARD OF CONSTRUCTION CONTRACT**

The Cabinet Member for Early Years, Children, and Families considered the report which requested approval to award a contract to Kind Diamond Build Consortium Ltd up to the value of £2,239,272 to undertake external envelope and building services improvement works at Highgate Primary School pursuant to contract standing order 16.02. The report also requested, pursuant to Contract Standing Order (CSO) 16.02, approval to issue a letter of intent.

The Cabinet Member highlighted the importance of contract monitoring to prevent any issues from arising. Officers confirmed that the contract would be monitored and that there was confidence in the contractors to deliver the works.

#### **The Cabinet Member RESOLVED**

1. Pursuant to Contract Standing Order 16.02, to approve an award of contract to Kind Diamond Build Consortium Ltd to the value of £2,239,272.
2. To approve a client construction contingency as detailed in the exempt appendix to this report which will be strictly managed under change control governance arrangements.
3. To approve the issuance of a letter of intent for up to 10% of the contract value, totalling £223,927.20.

#### **Reasons for decision**

A major review of the condition and suitability of the Children's Services estate has been undertaken which has informed the Children's Service's asset management plan (CSAMP). This identified condition and suitability deficiencies in the primary, secondary, and wider Children's Service estate need addressing in the short, medium, and long term.

Highgate Primary School is high priority for major works due to issues relating to health and safety or the school is at risk of school closure.

In 2019, a commission was given to further investigate and address urgent works relating to the condition of building services (i.e. heating, electrics and plumbing), external envelope (i.e. roofs, windows) and boundary security.

A scheme for Highgate Primary School has been developed to achieve the following:

- Salix Public Sector Decarbonisation grant funding works (Loft Insulation).
- Boiler and heating works completion prior to the heating season starting in October.
- Roof replacement, brick repointing, below and above ground drainage.
- Small package of electrical works.

This construction award report requests a decision on the procurement of a contractor to undertake all the external envelope and building services infrastructure works identified, designed and approved by the project sponsor.

A Cabinet Member decision is required in February 2022 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.

### **Alternative options considered**

Do nothing – a decision not to support this award of construction contract will result in the Councils 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.

## **122. EXCLUSION OF THE PRESS AND PUBLIC**

### **RESOLVED**

That the press and public be excluded from the remainder of the meeting as item 6 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.

## **123. EXEMPT - HIGHGATE PRIMARY SCHOOL - PHASE 2 EXTERNAL ENVELOPE & BUILDING SERVICES REPLACEMENT WORKS - AWARD OF CONSTRUCTION CONTRACT**

The Cabinet Member considered the exempt information.

CABINET MEMBER: Cllr Zena Brabazon

Signed by Cabinet Member .....

Date ...16 February 2022.....