

URGENT DECISIONS

Friday, 12th May, 2023, 4.30 pm

Councillors: 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. PARK VIEW SECONDARY SCHOOL - CONTRACT AWARD FOR THE URGENT PROVISION OF 11 TEMPORARY CLASSROOM UNITS (PAGES 1 - 6)

Due to the urgency of this decision, the Chair of Overview and Scrutiny has agreed that the call-in procedure shall not apply to this urgent decision. This is because the decision is urgent and any delay in implementation caused by the call-in procedure would seriously prejudice the Council's or the public's interests due to the fact that there is an urgent need to secure a contract with a temporary classroom provider in order to mobilise and install 11 temporary classrooms at the earliest opportunity. This decision will reduce the impact temporary teaching arrangements is expected to have on the quality of teaching and learning, ensure the wellbeing of students and staff and secure exam facilities for May. The provision of adequate temporary teaching facilities will enable the Council to meet its statutory obligation by minimising partial closure periods, providing education in a safe and appropriate environment and securing the best possible outcome for students.

Accordingly, the Chair of Overview and Scrutiny Committee has agreed that the decision is both reasonable in all circumstances, and that it should be treated as a matter of urgency. This is in accordance with Part 4, Section H, and Paragraph 18 (a) and (b) of the Council Constitution.

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 - PARK VIEW SECONDARY SCHOOL - CONTRACT AWARD FOR THE URGENT PROVISION OF 11 TEMPORARY CLASSROOM UNITS (PAGES 7 - 10)

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Head of Legal & Governance (Monitoring Officer)
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Friday, 12 May 2023

Report for Cabinet Member Signing,

Title: Park View Secondary School - Contract award for the urgent provision of 11 temporary classroom units

Report authorised by: Jonathan Kirby (Assistant Director Capital Projects and Property)

Lead Officer: David Lee, Senior Project Manager, Major Projects, Tel. 07837 214 601, Email: david1.lee@haringey.gov.uk

Ward affected: West Green

Report for Key/Non-Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1 To request approval for an award of contract to provide the following temporary accommodation; 13 classrooms, 1 office and 4 toilets for an 18 month hire period at Park View Secondary School.
- 1.2 Pursuant to Contract Standing Order (CSO) 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, Education and Families for a decision, Cabinet Member introduction is not required.

3. Recommendations

For the Cabinet Member for Children, Education and Families to:

- 3.1 Approve, pursuant to Contract Standing Order (CSO) 9.07.1d) and CSO 16.02, the award to Contractor A named in Part B exempt report of a contract to provide temporary accommodation (13 classrooms, 1 office and 4 toilets) for an 18 month hire period at Park View Secondary School for a fixed price of £1,134,000 plus a contingency as set out in the Part B exempt report.
- 3.2 Approve, pursuant to CSO 9.07.3, the issuance of a letter of intent for up to 10% of the contract value, namely £113,400.

4. Reasons for decision

- 4.1 Following an inspection of teaching Block A at Park View School by an external structural engineer, Reinforced Autoclaved Aerated Concrete (RAAC) was discovered forming part of the structural slab of the roof. On the 14th of April 2023 due to the risk of failure and collapse of this building element it was recommended that the top floor of the building, consisting of 14 classrooms and office space, immediately be vacated. It has been confirmed by the structural engineer that the other floors of the building can be safely used by students and staff. A curriculum and space analysis has been undertaken and it has been determined that the school requires temporary accommodation including 13 classrooms, 1 shared office and 4 toilets until the structural issue can be remediated.

- 4.2 Due to the urgency of providing this temporary accommodation, a Cabinet Member signing has been requested in May 2023 to meet space requirements for teaching and learning and minimise the disruption to the school flowing from the loss of this accommodation.
- 4.3 The Chair of the Overview and Scrutiny Committee has, in accordance with Part Four, Section D, Rule 17.1 of the Council's Constitution, agreed that the taking of the decision recommended in this report is urgent and cannot reasonably be deferred and has supported the decision to waive the requirements of the Constitution in Part Four, Section D, Rule 13 and the 5-day notice period requirement for key decisions set out in Part Four, Section D. It was agreed the decision was urgent and time critical in accordance with Part Four Section H Rule 18 (a) and 18 (b).
- 4.4 Interim teaching arrangements have been in place at the school from Monday 17th April 2023. These consist of teaching many pupils in shared/communal spaces such as the sports gym. This is not sustainable and is impacting the quality of teaching and learning and additionally the gym is required to support GCSE exams from mid-May.
- 4.5 The Chair of Overview and Scrutiny further agreed that the call-in procedure shall not apply to this decision. This is because the decision is urgent, and any delay would seriously prejudice the Council's interests in the delivery of education. The provision of adequate temporary teaching facilities will enable the Council to meet its statutory obligation by minimising partial closure periods, providing education in a safe and appropriate environment, and securing the best possible outcome for students. Accordingly, the Chair of Overview and Scrutiny Committee has agreed that the decision sought is both reasonable in all circumstances and should be treated as a matter of urgency. This is in accordance with Part Four, Section H Rule 18 (a) and 18 (b) of the Council's Constitution.

5. Alternative Options Considered

- 5.1 Do nothing – this would result in a failure by the Council to make adequate provision for teaching and learning for the students at Park View School.
- 5.2 Relocate pupils to other schools. This option was discounted as being detrimental to the children's education.

6. Background Information

- 6.1 On health and safety grounds, due to the identification of RAAC forming the structural slab of the roof of Block A at Park View School, 14 classes and office accommodation have been de-commissioned. This has led to the hall space ordinarily used for assembly and exams being used to teach students in groups of up to 100. This was deemed unsustainable, and students are now being sent home to study remotely.
- 6.2 Following a curriculum and space analysis it is not possible to find space within the school to make up for this loss of classroom and office accommodation and temporary accommodation is required for a minimum of 13 classrooms, 1 office and 4 toilets.
- 6.3 The Council's Major Projects Team have appointed a design consultant to advise on the optimum arrangement of temporary accommodation sited on the space identified by the school as suitable which is the playground area to the rear of the sports hall. Further to consultation with the Haringey Fire Officer, Building Control and Planning a 2-storey proposal has been recommended that provides the requisite space identified above.

- 6.4 An outline specification and a set of drawings provided by the design consultant have been used as a basis for an invitation to participate in a mini tender issued to six companies who expressed an interest using the Crown Commercial Services (CCS) Offsite Construction Solutions Framework RM6184 Framework Alliance Contract. Four tenders were received on the 26th of April 2023 and have been evaluated based on 70% quality and 30% price with the following results: -

Tenderer	Initial Tender Price (£)	Revised Form of Tender (£)	Price of Score (30%)	Moderated Quality Score (70%)	Combined Cost and Quality Score	Final Ranking
Contractor A	£1,575,000	£1,134,000	26.71%	56%	82.71%	1
Contractor B	£1,262,510	£1,262,510	23.99%	56%	79.99%	2
Contractor C	£1,009,500	£1,009,500	30%	32%	62.00%	3
Contractor D			Eliminated - qualified tender submission			

- 6.5 Within the quality criteria, 50% was weighted towards the ability to deliver works by the required date (due to the need to have the classrooms available in September 2023), 10% social value and 10% qualitative assessment of units being provided. The Contractors who bid are identified in the Part B exempt report.
- 6.6 Contractors were also asked to provide a price for the installation and sale of the units as part of the tender which using the same quality criteria for hire provided the following results:

Tenderer	Tender Price (£)	Price Score (30%)	Moderated Quality Score (70%)	Combined Cost and Quality Score	Final Ranking
Contractor A	£4,430,000	10.84%	56%	66.84%	2
Contractor B	£3,024,950	15.88%	56%	71.88%	1
Contractor C	£1,601,000	30%	32%	62.00%	3
Contractor D		Eliminated - qualified tender submission			

- 6.7 Due to time constraints a pre-tender estimate was not completed although the quantity surveyor for this project is satisfied with the pricing offered by Contractor A.
- 6.8 The school's Headteacher and Chair of Governors have been fully involved in the design solutions provided and agree with the recommended solution for this temporary accommodation which is required to support the teaching and learning of its students.
- 6.9 Tender D was eliminated due to qualifications in their tender submission including not having the requisite number of classrooms available and their bid was therefore discounted and not fully considered within the tender evaluation report. Their tendered prices were not fully qualified, and clarifications not issued, and they were eliminated from the evaluation process.

- 6.10 Due to time constraints a pre-tender estimate was not completed although the quantity surveyor for this project is satisfied with the pricing offered by Contractor A.
- 6.11 There have been several discussions with the Department of Education regarding the funding of the provision of this temporary accommodation (and the permanent accommodation). These discussions are ongoing and will be reported when they conclude.

7 Contribution to Strategic Outcomes

- 7.1 It is 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. In the interim this project proposal supports outcomes as outlined in the Borough Plan 2019-23, in particular:

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 project will contribute to meeting the following Borough Plan Outcome:

People - our vision is a Haringey where strong families, strong networks and strong communities nurture all residents to live well and achieve their potential.

8. Statutory Officers comments (Chief Finance Officer, Procurement, Corporate Governance, and Equalities).

8.1 Finance

- 8.1.1 Two proposals were sought from tenderers for the accommodation needs at the school. One was a hire option, and one was a purchase option. Officers have evaluated the tenders using the pre-agreed evaluation criteria of 70% quality and 30% price and concluded that the award of a hire contract to Contractor A represents the best interim solution. Further finance comments are contained in the Part B exempt report,

8.2 Procurement

- 8.2.1 Strategic Procurement (SP) note that this report relates to the approval of award for Park View School Temporary Accommodation (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 Pursuant to CSO 7.01(b) and Regulation 33 of the Public Contracts Regulations 2015, the Crown Commercial Services Framework for Modular Buildings was utilised, with an expression of interest stage followed by a mini tender.
- 8.2.4 SP confirms that the mini competition was carried out through the Haringey Procurement Contract System (HPCS).
- 8.2.5 Compliant tenders were received from 3 contractors with further clarifications needed to achieve the final price.

8.2.6 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 80% overall.

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 Section 1.1 of Part B of 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 which is proposing the award of a contract called off from a Crown Commercial Service framework agreement.

8.3.2 Under Contract Standing Order (CSO) 7.01(b) and Regulation 33 of the Public Contract Regulations 2015 (the PCRs 2015) the Council may award contracts called off under a framework established by another public sector body.

8.3.3 The Procurement comments in section 8.2 above appear to confirm that the call off process was done in a compliant manner.

8.3.4 Under CSO 9.07.1(d), contracts valued over £500,000 must ordinarily be awarded by Cabinet but in accordance with CSO 16.02 the relevant lead Cabinet Member may be allocated by the Leader to make the decision.

8.3.5 Under CSO 9.07.3 approval may also be granted for issue of a letter of intent for 10% of the value of a contract being awarded, as proposed in the recommendation in section 2 of this report.

8.3.6 The Head of Legal and Governance (Monitoring Officer) sees no legal reasons is not aware of any legal reasons preventing the Cabinet Member from approving the recommendations in section 3 of 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.

8.4.2 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. Although it is not enforced in legislation as a protected characteristic, Haringey treats socioeconomic status as a locally protected characteristic.

8.4.4 As an organisation carrying out a public function on behalf of a public body, 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 N/A

10 Local Government (Access to Information) Act 1995

10.1 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 authority holding that information).

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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