

URGENT DECISIONS

Tuesday, 1st August, 2023, 1.30 pm -

Councillors: Zena Brabazon – Cabinet Member for Children, Schools and Families

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. HORNSEY SCHOOL FOR GIRLS - CONTRACT AWARD FOR URGENT CONDITION AND SAFETY WORKS (PAGES 1 - 8)

The Chair of Overview and Scrutiny has agreed that the decision is both reasonable in all the circumstances and that it should be treated as a matter of urgency as 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.

This decision was taken on the 31st of July 2023 but needs to be updated to correct an error in the report reference to the contractor's name. The attached report contains the correct reference of Diamond Build Plc.

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Tuesday, 01 August 2023

Report for Cabinet Member Signing, 1 August 2023

Title: Hornsey School for Girls – Contract Award for Urgent Condition and Safety Works

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

Lead Officer: Joanna Heard, Project Manager, Major Projects, Tel. 07788 844329, Email: Joanna.heard@haringey.gov.uk

Ward affected: Hornsey

Report for Key/Non-Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1 The report seeks a waiver of Contract Standing Order 9.01 (requirement to tender) pursuant to Contract Standing Order 10.01.1a on the basis of 10.01.2.(d)(ii) and approval for an award of contract to Diamond Build Plc for a value of up to £682,017.52, including a provisional sum of £125,000 and a contingency of £162,000.88, for urgent condition and safety works at the Hornsey School for Girls.
- 1.2 Pursuant to Contract Standing Order (CSO) 9.07.3 to approve the issuance of a letter of intent in the value of £100,000.

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 a waiver of Contract Standing Order 9.01 (requirement to tender) pursuant to Contract Standing Order 10.01.1a on the basis of 10.01.2.(d)(ii).
- 3.2 Approve, pursuant to Contract Standing Order (CSO) 9.07.1d) and CSO 16.02, the award of a contract for urgent condition and safety works at Hornsey School for Girls to Diamond Build Plc for a value of up to £682,009.64, which includes an initial contract value of £495,008.76, plus an option for additional works on the Performing Arts block at an estimated value of £125,000 and for other ancillary works for a contingency value of £62,000.88.
- 3.3 Approve, pursuant to CSO 9.07.3, the issuance of a letter of intent for a value of up to £100,000.
- 3.4 To note that the aggregated value of an enabling works package for the installation of scaffolding awarded to Diamond Build Plc under a waiver of Contract Standing Orders on 21st July 2023 at a value of £33,838.51 and of the works contract which totals £715,848.15 as detailed in section 6.7 below.

4. Reasons for decision

- 4.1 Following an inspection of the school by a structural engineer, Reinforced Autoclaved Aerated Concrete (RAAC) was discovered in the roof of teaching Block A. An immediate recommendation was provided on 2nd June 2023 for identified 4 fully specified Science laboratories, a science preparation room and an access corridor to be vacated immediately. The school responded to this immediately, with support from Haringey's Corporate Landlord team. A detailed report was provided on the 26th of June 2023 which identified additional RAAC panels to the top floor of Block A and the Performing Arts block that were deteriorated to an extent that remedial action is required within 3-6 months, if those spaces are to be used. Given the quantum of work required to address these structural issues it is not considered feasible to complete rectification of all areas in Block A by September 2023.
- 4.2 An architect was appointed to work with the school to ascertain the minimum space requirements and proposed a solution using space within the existing school buildings without the need of temporary accommodation. This includes 4 laboratories in Block A, with a 5th classroom repaired to provide a science prep area, 10 general teaching classrooms in Block G, an ICT classroom in block G, and 2 subject offices in block G together with necessary repairs to the Performing Arts block.
- 4.3 The analysis of existing teaching accommodation reviewed the available space in Blocks A (below the top floor) and Block G to meet the curriculum needs of the school. The provision set out in 4.2 above will ensure the school can deliver the full curriculum, although practical science will have to be reprogrammed to prioritise Yr 11 students approaching GCSEs once the 4 labs on the top floor of Block A have been made safe for use. This is the minimum required to deliver the curriculum although this is not ideal and should be considered a temporary measure only. Discussions are in progress with the Department for Education to agree the funding of a long-term solution. If this timescale is elongated, there will be a further project brief developed to provide at least two more science labs, if required, within 12 months to meet the necessary accommodation schedule for this school, as per BB103.
- 4.4 The general teaching classrooms in Block G that have been identified as alternative science provision will not be fitted out as labs – science will be taught as theory, with any experiments either demonstrated virtually, by the teacher alone (safety allowing) or will need to be specifically timetabled for when a lab on the top floor of Block A is available. This will be disruptive to the science department, given it will be split over two buildings, and for pupils outside of Yr 11, but represents the most effective and value for money solution in the circumstances and avoids the use of temporary accommodation, which would be a more costly and less deliverable solution in the time available.
- 4.5 Interim teaching arrangements were in place at the school from Monday 5th June 2023, when advice was received from surveyors in advance of their report to close 4 teaching spaces in Block A immediately. The school responded with support from Haringey Council's Corporate Landlord team to close these areas, which was deemed possible due to exams taking place in other areas of the school. Following receipt of the full report from surveyors, the alternative solution provided for the second half of summer term 2023 is not sustainable and will impact the quality of teaching and learning from September 2023.
- 4.6 Due to the urgency of providing this solution for autumn term 2023, a Cabinet Member signing has been requested to seek approval for award of a contract based on a bid from Diamond Build Plc to provide the proposed solution to meet space requirements for teaching and learning and minimise the disruption to the school flowing from the loss of this accommodation. A waiver of Contract Standing Orders, which usually requires tendering, has been requested. Diamond Build Plc is a local supplier with a proven track record and has the

capacity to undertake the work. The price submitted has been evaluated and considered acceptable. The direct award will be raised via the HPCS.

- 4.7 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).
- 4.8 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 Hornsey School for Girls.
- 5.2 Relocate pupils to other schools for lessons taught in Block A 2nd Floor and the Performing Arts Block. This option was considered but it was noted that there are no suitable alternative secondary school teaching spaces available within the vicinity of Hornsey School for Girls. It was also discounted as being detrimental to the children's education.
- 5.3 There are no resources within the Council that have the capacity along with the necessary experience, qualifications, and expertise to deliver this service in house.
- 5.4 Use of the LCP Major Works Framework, Education Lot was discounted as this framework is not available for works below £1m.
- 5.5 The Council's Dynamic Purchasing System for Minor Works (DPS) does not permit a direct award. A mini competition was discounted as it was felt negotiating with a single contractor under a waiver of the usual requirement for tendering would be most efficient in terms of time. A cost management consultant has been appointed to assess the tender price and confirm value for money.

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 Hornsey School for Girls, the second floor of Block A and the Performing Arts block have been de-commissioned.
- 6.2 Following a curriculum and space analysis it is possible to find space within the school to make up for this accommodation by carrying out a permanent repair of 4 Science labs in block A plus one additional classroom to be used as a prep room, together with associated works relating to compartmentation and services to ensure this is a safe and suitable solution in advance of the remaining repairs to block A being carried out. In addition to this, Block G, which is currently not used for teaching, has been identified as an alternative location for 6 general classrooms, a specialist ICT classroom and 2 subject lead offices.
- 6.3 Block G requires works relating to fire safety to enable it to be used as a teaching space from September 2023.
- 6.4 The Performing Arts Block requires urgent works to repair a limited number of RAAC panels. However, given the height of the ceiling in this area and challenging access requirements, it has not been possible for Diamond Build to review the works in detail and therefore a proposal has not yet been submitted for these works. The consultant team has provided an estimated cost, which has been included in this report as a contingency, and it is proposed that once Diamond Build has started on site, they will assess and prepare a cost and programme for instruction under a variation to this contract award. Diamond Build has agreed an open book approach to pricing, which will ensure value for money is maintained. An contingency cost for these works has been included in section 6.7 below.
- 6.5 Works included in this contract award are:

Block A

- Isolation of radiant panels, electrics, data, power, fire alarm cables and mechanical equipment.
- Removal of existing ceiling.
- Timber support works to the RAAC panels (to provide long term structural solution). This is designed to prevent having to undertake further works to the panels.
- Compartmentalisation of walls to each classroom.
- New fire protected ceiling (below the new timber frame and existing supporting steel).
- New lighting, power, data, and fire alarm systems (depending on condition).
- New Inlay grid ceiling.
- Making good and redecoration.

Block G

- Fire safety works as identified by specialist.

Performing Arts Building (still to be priced and instructed as a variation under delegated approval request set out in section 6.4 above)

- Isolation of radiant panels, electrics, data, power, fire alarm cables and mechanical equipment.
- Timber support works to limited number of RAAC panels.

6.6 An outline specification and a set of drawings provided by the design consultant have been used as a basis for Diamond Build Plc to prepare a tender. The tender offer has been reviewed by an independent cost consultant and is considered comparable to market rates and value for money.

6.7 Proposed construction costs for this project:

Main works to Block A & Block G		£495,008.76
Performing Arts Block works option contingency	£125,000.00	
Ancillary works contingency – 10%	£ 62,000.88	
Subtotal Contingency/Provisions		£187,000.88
Recommended contract value		£682,009.64
Enabling works – Scaffolding		£ 33,838.51
Estimated total construction costs		£715,848.15

6.8 Main works are due to commence from 1st August 2023 with a construction contract completion date of 8th September 2023.

6.9 A planning application is not required. An application to Building Control has been submitted for urgent consideration.

6.10 There have been several discussions with the Department of Education regarding the funding of the works relating to deteriorated RAAC. 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.

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 The appointment of Diamond Build Plc to undertake works at Hornsey School for Girls to an estimated maximum value of £0.716m will be funded from the approved General Fund Children's Services capital programme. For the reasons set out in the report it has not been possible to seek tenders, nor has it been possible to definitively price the works required for the performing arts space. Whilst the proposed expenditure is being funded through the approved capital programme initially discussions are being held with Department for Education with regards to it potentially providing funding for these works as set out in 6.10 above.

8.2 Procurement

8.2.1 Strategic Procurement (SP) note that this report relates to the approval of award for Hornsey School for Girls Reinforced Autoclaved Aerated Concrete (Construction Contract Award) to Diamond Build Plc.

8.2.2 SP support the recommendation in this report to waive off (CSO) 9.01.1 and approve the award in accordance with CSO 9.07.1(d) and 16.02

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.

8.3.2 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.

8.3.3 Sections 4.7 and 4.8 of the report outline the special urgency provisions in the Council's Constitution that allow for departure from the usual timelines and procedures for taking the required decision so that it may be taken on an urgent basis and indicate that those provisions have been complied with.

8.3.4 Under CSO 9.07.3 approval may also be granted for issue of a letter of intent for £100,000.00, as proposed in the recommendation in section 3.4 of this report.

8.3.5 The Head of Legal and Governance (Monitoring Officer) 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, Diamond Build Plc will be obliged to have due regard for the need to achieve the three aims of the Public Sector Equality Duty as stated above. It is not envisaged that there will be any impact on people with protected characteristics (e.g., people with disabilities or others who have reduced mobility). There is an access lift in block A which will not be affected by these works. It should remain operational for the remainder of the building during the works and will provide access to 2nd floor Block A science rooms on completion. 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 N/A