

MINUTES OF MEETING Cabinet Member Signing HELD ON Thursday, 21st March, 2024, 3.30pm

PRESENT:

Councillors: Ruth Gordon

1. FILMING AT MEETINGS

The Chair referred to the filming at meetings notice and attendees noted this information.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. DEPUTATIONS/PETITIONS/QUESTIONS

There were no deputations, petitions or questions received.

6. BRUCE GROVE PUBLIC CONVENIENCE REFURBISHMENT AND EXTENSION WORKS - VARIATION OF CONSTRUCTION WORKS CONTRACT AWARD

The Cabinet Member for Council House building, Placemaking, and Local Economy noted concerns about a significant budget increase and delays in the project. However, acknowledged that taking no action could lead to further delays and risk withdrawal of funding from GLA and Historic England, who have partially funded the scheme.

The Cabinet Member for Council House building, Placemaking, and Local Economy RESOLVED:

1. To approve a variation of construction works contract (No. 3) to Lilstone Limited (The Contractor) pursuant to Contract Standing Order (CSO) 3.01(d) and CSO 10.02.1(b), as detailed in Part B section 3.

2. To approve a client contingency which will be strictly managed under change control governance arrangements. Refer to Part B section 3 for the contingency value and total award value.
3. To approve an increase in total project budget of £0.493m.
4. To vire £0.493m from the Tottenham High Road Strategy budget to the Tottenham Heritage Action Zone budget where this scheme sits.

Reasons for decision

The council is currently in contract with Lilstone Limited. There is a requirement under the terms of the contract to pay the contractor for delays to the general progress of work caused by events beyond their control. Additionally, as noted in section 6 of this report unforeseen works below ground and additional works required to meet Network Rail technical approvals have contributed to the required variation set out in Part B section 3 of this report.

This variation comes at an extremely late stage in the construction programme and the project is expected to complete in March 2024. Non completion of the project could lead to the risk of funding being withdrawn from the Greater London Authority (GLA) & Historic England who have partly funded the refurbishment works at BGPC. The council has grant agreements in place with both funders which cover this scheme.

Alternative options considered

Do nothing

1. Contractual Liability as detailed in 4.1 of this report.
2. This will lead to further project delays and risk of withdrawal of funding by the GLA and Historic England who have partially funded the scheme.
3. This would provide the Council with a partially complete building which would be deemed unsafe, unrentable/unusable space in its current state. Works commenced on site in January 2022 and are projected to complete by 21st March 2024. It is acknowledged that the contract duration has 4 weeks remaining before achieving practical completion.
4. This could further expose the council to a loss of profit claim and or payment of goods which have been procured but perhaps not yet installed.

In-house Delivery

1. There is currently no resource within the council that has the capacity, specialist expertise or qualifications to deliver this service and Lilstone Limited are the incumbent contractor delivering this scheme.
2. The remaining works could be procured via an alternative contractor, but this would delay completion and impact on grant funding required to be committed by the end of March 2024. Therefore, based on time and cost of re-

procurement it is not considered this would represent value for money for the council.

Alternative Procurement Route

1. The remaining works could be procured via an alternative contractor. This would delay completion and impact on grant funding required which is to be spent by the end of March 2024. Entitlement to inflation, L&E and loss of profit would remain. Incomplete testing and commissioning of systems installed, time and cost of re-procurement this option is not considered to represent best value for the council.

2. Moving remaining works to the incoming tenant - consideration needs to give to the contractual obligations noted in section 4 of this report. Additionally incomplete testing and commissioning of systems installed. Whilst considering these risks, the Council could explore the possibility of letting the facility on the basis of including within the agreement completion of all remaining construction works. Aside from the building potentially being in an unsafe state at the point of suspending the current contract, entitlement to inflation, L&E and loss of profit as noted would remain and this basis is not recommended for consideration.

7. AWARD OF CONSULTANCY CONTRACTS FOR BROADWATER FARM NEW HOMES DESIGN TEAM

This report sought authority to award a contract for architectural services for the Broadwater Farm New homes programme which was a key component of the overall regeneration programme. By awarding this contract the council would be able to complete RIBA stage four designs ahead of procuring a contractor to build the homes.

The Cabinet Member for Council House building, Placemaking, and Local Economy noted that she had been briefed well and had no further questions. It was also noted that this had been a fair and open procurement process.

The Cabinet Member for Council House building, Placemaking, and Local Economy RESOLVED:

1. To approve the award of Architect and Lead Consultant Services consultancy contract to EXEMPT for the total value of £707,677.
2. To agree to the sum shown in EXEMPT Report.

Reasons for Decision

1. In order to build new homes on the Broadwater Farm estate the Council needs to finalise designs ahead of appointing a contractor. The Council appointed a contractor last year to undertake this work but this contract was terminated following a failure to agree a build contract for the first phase.
2. While design work on phase one is completed and procurement for a build contractor is underway, design work for all future phases is required. In order to progress this, and to ensure the council retains control over design quality and

- design integrity, the council is proposing to appoint a qualified architect and lead consultant. Without this appointment the council is unable to progress the new homes scheme.
3. As part of the commission the consultant will provide a range of services, including, Architectural, Acoustic, Principal Designer, Landscape Designer & Lead Consultant services, to support the development and delivery of the Broadwater Farm Estate regeneration programme for the remainder of the pre-construction programme and construction programme.
 4. The council is procuring other professional services to complete the design and engineering team. A structural and civils engineer has been selected and other professionals will also be procured (Mechanical, Electrical, Plumbing and Heating engineers (MEPH), Fire Safety Engineer, Principal Designer, Clerk of Works). These appointments will be subject to separate decisions.

Alternative Options Considered

1. The council could have sought to procure a new contractor to complete the RIBA stage four designs. Analysis of market conditions and advice from the procurement team concluded that this approach would not offer the council the best value for money.
2. The council could have sought to resource the work in-house. Unfortunately, the council does not have the resources in house to do this work.
3. The council could have decided to not progress the scheme. The council has however committed to residents to deliver new homes and improvements to Broadwater Farm, so this option was discounted.

8. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded from the remainder of the meeting as items 9 and 10 contain exempt information as defined under paragraphs 3 and 5, Part 1, Schedule 12A of the Local Government Act 1972:

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

9. EXEMPT - BRUCE GROVE PUBLIC CONVENIENCE REFURBISHMENT AND EXTENSION WORKS - VARIATION OF CONSTRUCTION WORKS CONTRACT AWARD

The Cabinet Member considered the exempt information.

10. EXEMPT - AWARD OF CONSULTANCY CONTRACTS FOR BROADWATER FARM NEW HOMES DESIGN TEAM

The Cabinet Member considered the exempt information.

CHAIR:

Signed by Chair

Date