

NOTICE OF MEETING

CABINET MEMBER SIGNING

Wednesday, 12th June, 2024, 12.00 pm - Alexandra House, 10 Station Road, N15 7TY (watch the live meeting [here](#))

Councillors: Zena Brabazon

1. FILMING AT MEETINGS

Please note that this meeting may be filmed or recorded by the Council for Live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. 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

4. FORTISMERE SCHOOL URGENT CONDITION WORKS PHASE 2 (PAGES 1 - 6)

5. EXCLUSION OF THE PRESS AND PUBLIC

Item 4 is likely to be subject to a motion to exclude the press and public be 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.

6. EXEMPT FORTISMERE SCHOOL URGENT CONDITION WORKS PHASE 2 (PAGES 7 - 10)

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Fiona Alderman

Head of Legal & Governance (Monitoring Officer)

George Meehan House, 294 High Road, Wood Green, N22 8JZ


Tuesday, 04 June 2024

Report for: Report for Cabinet Member Signing, Scheduled for 12th June

Item number: TBC

Title: Fortismere School Urgent Condition Works Phase 2 - Award of Construction Works Contract

Report authorised by: Anne Graham, Director of Children Services

Signature: 

Lead Officer: David Lee, Senior Project Manager, Major Projects
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Contact No. 07873 214 601

Ward(s) affected: Muswell Hill

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

1. Describe the issue under consideration.

- 1.1. To request approval to award a contract to undertake urgent condition work at Fortismere School.
- 1.2. To approve the issuance of a letter of intent representing 10% of the contract sum.

2. Cabinet Member Introduction

- 2.1 Not applicable.

3. Recommendations

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

- 3.1 Approve, pursuant to contract standing order (CSO) 16.02 (urgent decision allocated to Cabinet Member) and 9.07.1d (Contracts valued at £500,000 or more only to be awarded, assigned, or novated by the Cabinet), an award of contract to Contractor B, identified in the Part B exempt report, to undertake condition works at Fortismere School at a tender price of £1,367,012 subject to the further details of the recommendation in section 3.1 of the Part B report.
- 3.2 To Approve the issuance of a Letter of Intent for a value of £136,701 pursuant to CSO 9.07.3 (Director may approve issuance of a Letter of Intent).

- 3.3 Note that based on the above recommendation the total project cost for this project is as follows: -

Description	Actual / Forecast Spend
Project Cost up to May 2024	£226,298
Forecast Construction Cost 24/25	£1,332,837
Forecast On Cost 24/25	£464,749
Forecast Construction Cost 25/26	£34,175
Forecast On Cost 25/26	£21,483
Total	£2,079,118

4. Reasons for decision

- 4.1 A feasibility study was completed in February 2022 that recommended improvements to aspects of the school's building services and fabric to ensure compliance with health and safety regulations and to maintain resilience of mechanical and electrical systems.
- 4.2 To limit the disruption to the school the works identified were split into two phases with Phase One works including improvements to Block H that was suffering from structural defects and serious fire precaution issues which needed to be addressed to ensure the safe use by the school. This phase (Phase 2) will address wider issues across the school including the following:
- Fire Compartmentalisation
 - Replacement fire doors
 - Extension of heating system to Block E
 - Concrete repairs
 - Electrical mains power distribution renewal
 - Water tank replacement

5. Alternative options considered.

- 5.1 Do nothing – The refurbishment works will address serious health and safety issues which if unattended could lead to Haringey being held liable under the Management of Health and Safety at Work Regulations 1999 amongst other Health and Safety legislation and would place students, staff, and visitors at unnecessary risk.
- 5.2 Following liaison with Haringey's Strategic Procurement department the contractors on the LCP Major Framework were assessed and discounted as it was considered that a more competitive offer would be received by undertaking a procurement via the Dynamic Purchasing System (DPS).
- 5.3 In-house – There is currently no resource within the Council that has the capacity, specialist expertise or qualifications to deliver this service.

6. Background information

- 6.1 Haringey Council has sought to identify and address building condition and suitability issues across the Education and Schools estates.
- 6.2 Many of the schools are a hundred plus years old and have been variously extended and adapted over the years to address pupil place requirements and to comply with schools premises regulations.
- 6.3 Within this context, building condition surveys were undertaken which identified the need to repair and update key building elements, building services and electrical systems, many of which date from their original installation.
- 6.4 The condition surveys identified urgent health and safety issues at the school and to limit the disruption to teaching and learning, works were divided into two phases with Phase 1 being completed in the summer of 2022. This work remedied structural, fire prevention and compartmentalisation issues within Block H.
- 6.5 The work identified in Phase 2 is detailed in section 4.2 above.
- 6.6 The Invitation To Tender (ITT) was issued by Strategic Procurement via the London Construction Programme's (LCP,s) Dynamic Purchasing System for Minor Works. The assessment of tender responses was based on a 40% quality to 60% price ratio. Quality assessments were undertaken by McBains and Haringey Council staff, and cost assessment was undertaken by the cost consultant John Rowan Partnership with the following results further detailed in the Part B exempt report: -

Tenderer	Quality (30%)	Social Value (10%)	Price	Price Score (60%)	Total (100%)	Ranking
Contractor A	23.40%	4.10%	£1,361,956	60.00%	87.50%	2
Contractor B	19.80%	8.50%	£1,367,012	59.78%	88.08%	1
Contractor C	17.70%	3.23%	£1,702,304	48.00%	68.93%	3
Contractor D	12.30%		Failed min quality score		N/A	

- 6.7 As part of the tender evaluation process, the cost consultant (JRP) responded to several clarifications and qualifications from each contractor. As can be seen from the table in section 6.6 above, Contractor B scored the highest based on their total quality, social value, and price score.
- 6.8 The cost consultant has confirmed that the bid provided by Contractor B represents value for money and has therefore recommended them to deliver these works.

- 6.8 The quantity surveyor for this project has undertaken a thorough and detailed review of the tender and a summary of the tender report is included in Part B.
- 6.9 The defects liability period (rectification period) is 12 months.
- 6.10 The contract is to be awarded on a fixed price basis.
- 6.11 The procurement route is based on a traditional (full design) form of contract – JCT Standard Building Contract without Quantities 2016.
- 6.12 Completion of the remaining works is projected to be November 2024.

7. Contribution to the Corporate Delivery Plan 2022-2024 High level Strategic outcomes'

- 7.1 This project will support Theme 3 of the Corporate Delivery Plan 22/23 and 23/24 (Children and Young People) and in particular the outcome of allowing children to enjoy successful futures - Every young person, whatever their background, has a pathway to success for the future to live healthy and fulfilling lives.

8. Carbon and Climate Change

- 8.1 This project will support the Borough's carbon reduction and climate change ambition by delivering approx. 20.99 tCO₂pa carbon reduction through the installation of energy efficient measures such as extending the existing heating systems to the school's hall and replacing the electrical system with more efficient infrastructure. This work also benefits the Council in reducing the reactive maintenance requirements at the facility in future by economically fixing the root cause of the condition issues within a single project whilst avoiding additional temporary repairs costs.

9. Statutory Officers comments (Director of Finance (procurement), Assistant Director of Legal and Governance, Equalities)

9.1 Finance

- 9.1.1 The Council at its budget setting meeting of the 4th of March 2024 included £3.983m with the Children's Services capital programme for 2024/25 for works to Secondary Schools. The recommendation to award a contract with a value of £1.362m, plus the contingency outlined in Part B. In addition, there will be other delivery costs such as project management estimated at £0.519mm, will be contained within this budget allocation.

9.2 Procurement

- 9.2.1 Strategic Procurement (SP) note that this report relates to the approval of an award to Contractor B for condition works at Fortismere School

- 9.2.2 SP note that a competitive tender was launched via the LCP's DPS for Minor Works. The adopted procurement is in line with Contract Standing Order (CSO) 9.04.1(b) and Regulation 34 of the Public Contracts Regulations.
- 9.2.3 The Tenderers' bid submissions were evaluated in accordance with the scoring methodology contained within the published Invitation to tender document.
- 9.2.4 Bid evaluation was based on price and quality and the preferred bidder's submission demonstrates value for money.
- 9.2.5 SP support the recommendation to approve the award in accordance with CSO. 9.07.1 (d) and 16.02

9.3 Legal

- 9.3.1 The Assistant Director of Legal and Governance (Monitoring Officer) has been involved in drafting this report.
- 9.3.2 The procurement of the contract which this report relates to is in accordance with the Council's Contract Standing Orders and the Public Contracts Regulations 2015.
- 9.3.3 Pursuant to Contract Standing Orders 9.07.1(d) and Contract Standing Order 16.02, a Cabinet Member to whom the decision to make an award has been allocated by the Leader may award a contract valued over £500,000 as in this matter.
- 9.3.4 The Assistant Director, Legal and Governance sees no reasons preventing the Cabinet Member from approving the recommendations in section 3 of the report.

9.4 Equality

- 9.4.1. The Council has a Public Sector Equality Duty (PSED) under the Equalities Act (2010) to have due regard 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.
- 9.4.2. The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

- 9.4.3. Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.
- 9.4.4. The proposed decision is to request approval to award a contract to Contractor B up to the value stated in Section 3.3 and Part B of this report, that will allow for works to take place to protect the health, safety and wellbeing of students and staff using the school buildings.
- 9.4.5. No negative consequences are identified for those who share a protected characteristic, and it is concluded that the works will have a wholly positive impact by improving the health and safety of the local community.
- 9.4.6. The following measures have ensured that the works comply with the Council's equalities duties:
- No reduction in service provision, either during the works or once they are completed;
 - Services will be improved through better buildings which are safe to use.
 - New heating will also be installed, making the environment more comfortable for all;
- 9.4.7. As an organisation carrying out a public function on behalf of a public body Contractor B 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.

10. Use of Appendices

- 10.1. Appendix A – Part B – exempt report

11. Background papers

- 11.1. None
- 11.2. 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 statutory 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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