

Report for: Cabinet 10 November 2020

Title: **Fortismere School – Variation of Award for Phase 3 Fire Precaution and External Fabric Health and Safety Works - Construction Contract**

Report

Authorised by: Ann Graham, Director of Children's Services

Lead Officer: David Lee Project Manager
Telephone 07837 214 601 email: david1.lee@haringey.gov.uk

Ward(s) affected: **Muswell Hill**

Report for Key/
Non-key Decision: Key Decision

1. Describe the issue under consideration

- 1.1 To approve a variation of award to Diamond Build Plc to undertake Phase 3 Fire Precaution and External Fabric Health and Safety Works pursuant to Contract Standing Order 10.02.1 (d).
- 1.2 Pursuant to Contract Standing Order 9.07.3 to approve the issuance of a letter of intent.

2. Cabinet Member Introduction

- 2.1 Its acknowledged that the works prescribed are of an urgent health and safety nature and that in this instance this is supported.

3. Recommendations

- 3.1 For Cabinet to approve the variation of an existing award of contract to Diamond Build Plc to undertake Phase 3 fire precaution and external fabric health and safety works to the 6th Form Buildings at Fortismere secondary school as a main contractor for the fixed price sum of £372,336.78.
- 3.2 For Cabinet to note Phases 1 & 2 previously awarded to Diamond Build Plc as a waiver of contract standing orders under delegated powers.
- 3.3 For Cabinet to approve a total award for all 3 phases of £815,922.78
- 3.4 For Cabinet to delegate to the Assistant Director of Childrens Services power to approve the construction contingency sum set out in the exempt Part B.

4. Reasons for decision

- 4.1 A recent Health and Safety inspection of the school's 6th form accommodation identified significant condition and compliance issues relating to fire precaution and external fabric health and safety works. This work was assessed by Haringey's Health and Safety officers as being required prior to the school returning to the buildings for the autumn term in September 2020.
- 4.2 There remains health and safety issues relating to fabric repairs that need to be addressed and the appointment of Diamond Build Plc to complete this work is considered the most economically advantaged approach which will limit the disruption to the school.

5. Alternative options considered

- 5.1 Use of the LCP Major Works Framework; Education Lot was discounted as this framework is not available for works below £1m. The Dynamic Purchasing System does not permit a direct award. A mini competition was discounted for Phase 1 & 2 as it was considered that negotiating with a contractor would be most efficient in terms of time due to the urgent health and safety nature of the work and economic benefits detailed above.
- 5.2 Competitively tendering the works was discounted as this would create a delay to the overall programme and prolong disruption to the school. This was not considered to offer the Council best value in terms of cost due to need to remove and re-erect scaffolding between phases. Benefits in contractor preliminary costs are also more likely due to a smooth continuation of works. As outlined in section 6 of this report, with Phase 1 & 2 previously awarded and continuing on site until November 2020, it is considered that the most expedient and cost effective procurement method for Phase 3 would be to award a waiver of contract standing orders (as set out in 3.1) to Diamond Build Plc.

6. Background Information

- 6.1 Due to the urgent nature of the project it was essential to mobilise a contractor in July 2020 in order to facilitate completion of the most urgent items and secure re-occupation of the school's 6th form accommodation for the start of the Autumn term 2020.
- 6.2 To achieve this, the work was divided into 3 phases. Diamond Build Plc, who are a supplier on the Council's London Construction Framework and a local supplier to Haringey, were approached and confirmed they had sufficient resources at short notice to mobilise to meet our programme requirements.
- 6.3 Phase 1 & 2 were approved as a waiver of contract standing orders under delegated approval.
- 6.4 Phase 1 is complete. This phase was for the erection and initial hire of scaffolding to make safe some of the most urgent condition items and to provide an access platform to undertake a full survey.

- 6.5 Phase 2 is currently on site. The most immediate condition works to enable re-occupation of the building were completed in early September 2020 with work continuing until the end of November 2020. The remaining works that have been identified are still considered to be of a health and safety nature (albeit at a lower risk) to prevent further deterioration of the building fabric. This work includes window repair and replacement, roofing and guttering repairs and will ensure that adequate ventilation is maintained in each classroom to prevent the risk of any spread of the Corona Virus. This work will require the presence of scaffolding to facilitate access.
- 6.6 All works have been specified and measured by independent design and cost consultants to ensure best value for the Council against pre-determined market rates.
- 6.7 Budget information by phase is set out in Part B of the report.

7. Contribution to Strategic Outcomes

- 7.1 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 relevant Borough Outcome for this project is: **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, Assistant Director of Corporate Governance, Equalities).

8.1 Finance

- 8.1.1 The overall cost of the works at Fortismere can be contained within the overall Children's Services capital programme.

8.2 Procurement

- 8.2.1 Strategic Procurement support this report in accordance with Contract Standing Orders clause 3.0.1. (b), 7.0.1. (b) and 10.01.01 (a).

8.3 Legal

- 8.3.1 The Assistant Director of Corporate Governance has been consulted in the preparation of the report.
- 8.3.2 The Assistant Director of Corporate Governance sees no legal reasons preventing Cabinet from approving the recommendations in 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 applies to the first part of the duty.
- 8.4.3 The proposed decision is to approve the variation of an award to Diamond Build Plc, to undertake Phase 3 fire precaution and external fabric health and safety works at the 6th Form Buildings at Fortismere secondary school. This will affect roughly 300 students and members of staff. The objective of the proposed decision is to repair and replace the window, roofing, and gutters, which will ensure that adequate ventilation is maintained in each classroom to prevent the spread of the Coronavirus. This will improve the fire precaution, external fabric and health and safety of Fortismere Secondary school 6th form accommodation. It is expected that this decision will lead to improved health and safety of all students and members of staff.
- 8.4.4 As this work will require the presence of scaffolding to facilitate access, it is recognised that this measure may result in reduced access along pavements covered by scaffolding for disabled persons. To mitigate potential inequalities caused by a reduction of access, along pavements and/or entrances to the 6th form accommodation covered by scaffolding, Diamond Build Plc, have a dedicated site compound to segregate staff and students from the major works, ensuring proper access is maintained to Fortismere Secondary school 6th form accommodation for staff and students. Therefore, no negative consequences are identified for those who share a protected characteristic, and it is concluded that the major works will have a positive impact by improving the health and safety of Fortismere Secondary school 6th form accommodation, the proposed decision therefore represents a proportionate means of achieving a legitimate aim.
- 8.4.5 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. 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 Appendix A – Part B

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 statutory holding that information).