

Report for: Cabinet Member Signing – 10 March 2022

Title: Park View School - Replacement of Sports Hall Roof and Wall cladding with Associated Works – Variation of Construction Contract

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

Lead Officers: Claire Barnes, Delivery Manager (interim), Major Projects Team, claire.barnes@haringey.gov.uk

Ward(s) affected: West Green

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

1. Describe the issues under consideration

- 1.1 On 13th April 2021 the Cabinet Member for Early Years, Children, and Families approved an award to Cosmur Construction for the Construction Contract for Park View School up to £869,431.24. This was broken down into an initial award of £790,392.04 and contingency allowance of £79,039.20.
- 1.2 This award was amended under officer delegation to correct the company name to Cosmur Construction (London) Ltd and subsequently reported to Cabinet on 8th February 2022.
- 1.3 This report seeks Cabinet Member approval to vary the contract with Cosmur Construction (London) Ltd for Park View School as allowed under Contract Standing Order (CSO) 16.02 and 10.2.1.b.

2. Cabinet Member Introduction

- 2.1 As this report is being presented to Cabinet Member for Early Years, Children, and Families for a decision, Cabinet Member introduction is not required.

3. Recommendations

The Cabinet Member for Early Years, Children, and Families is asked:

- 3.1 Pursuant to Contract Standing Order 16.02, to approve a variation of the construction contract to Cosmur Construction (London) Ltd in the sum of £39,271.59 giving a varied contract value of £908,702.83.
- 3.2 To approve a contingency allowance of 5% at £45,435.14 offering a total award value up to £954,137.97. The contingency will be managed under strict change control governance.

4. Reasons for decision

- 4.1 During construction, additional condition works have been identified that include the replacement of the hall flooring, lighting and redecoration. This was discovered once the works commenced and the contractor was able to fully access and intrusively inspect the hall flooring and lighting. Scaffolding and working crash deck in place for new mechanical works provided greater access to inspect lighting.
- 4.2 The opportunity to complete these additional works as part of the current construction contract provides best value for the council and minimises disruption for the school.
- 4.3 The Children's Capital Programme Budget is sufficient to cover this contract increase.

5. Alternative Options Considered

- 5.1 Do nothing – a decision not to support the increase in the value of the construction works contract would leave the school with inadequate facilities to meet curriculum requirements which the community also benefit from.

6. Background Information

- 6.1 London Borough of Haringey are seeking to identify and address building condition and suitability issues across the Education/schools estate.
- 6.2 A major review of the condition and suitability of the Children's Services estate has been undertaken which has informed the Children's Service's asset management plan (CSAMP). This identified condition and suitability deficiencies in the primary, secondary, and wider Children's Service estate that need addressing in the short, medium, and long-term.
- 6.3 The condition survey for Park View School identified issues relating to the condition of the Sports Hall Roof including regular water penetration during rainfall. These issues were backed up by the school providing information about the history of the water penetration and the failure of recent attempts to repair the roof. During outline and design development the scope of the project evolved to also include:
 - Replacement of wall cladding
 - Replacement of the halls ventilation system as this presented a health and safety issue due to inadequate supply of fresh air.
 - There was no safe access to the roof for routine maintenance.
 - Existing gutters and downpipes poorly sized to cater for the currently predicted heavy rainfall events.
 - The underground drainage associated to the removal of rainwater from the sports hall had failed in a number of locations and needed significant repairs.

- 6.4 Further works were identified during construction (refer to paragraph 4.1) which this variation seeks additional funding for: Replacement of flooring, lighting and redecoration.
- 6.5 In full discussion with the school, its likely once the programme of work is finalised not all of the additional work will be achieved in advance of May exams. To ensure we carefully manage the risk of any delays associated with the main roof project and the current vulnerable climate around materials and resources, the school have agreed a window of return in June and July 2022, once exams are complete. There is a keenness to complete before the summer holiday due to current booking commitments in the hall. The contractor has not applied any additional preliminary costs to accommodate this split in the completion of works.
- 6.6 The quantity surveyors have verified and confirmed the additional condition work costs are in line with market rates and will not result in the Council paying any additional costs compared with them being included within the tender.
- 6.7 The contract increases are within the Children’s Capital Programme Budgets for the works and therefore there is no additional funding requirement.
- 6.8 The total anticipated final outturn costs of Park View can be contained within the approved Children’s Capital Programme Budget:

Description	Park View
Construction Cost = £908,702.83 + 5% contingency £45,435.14	£954,137.97
Other Costs (including contingency)	£354,263.17
Total Cost	£1,308,401.14

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.

7.2 To confirm Park View is not in Wave 1 but is a high priority due to high risk in relation to health and safety or operational delivery impact to the school (i.e. not being able to use their sports facility).

8. Statutory Officers comments (Chief Finance Officer, Procurement, Head of Legal and Governance, Equalities).

8.1 Finance

8.1.1 The recommendation of the report is to vary the contract value for works at Park View School. If agreed the revised contract sum will be as follows:

	Original Award (M)	Variation (M)	Revised Award (M)
Park View	£.870	£.85	£.955

The above figures include contingency and are rounded up.
The revised contract sums can be contained within the programme budget.

8.2 Procurement

8.2.1 Strategic Procurement note the content of the report. The variations noted in the paper are in line with the authority's CSO's and the PCR's. Strategic procurement approves the variation for Park View at £.85M.

8.3 Legal

8.3.1 The Head of Legal and Governance (Monitoring Officer) has been consulted in the preparation of this report. The aggregate values of the original contract awards and the variations referred to in the report are below the threshold where the rules on contract modifications set out in Regulation 72 of the Public Contracts Regulations 2015 apply. The variations are therefore outside the scope of Regulation 72.

8.3.2 Pursuant to CSO 16.02 and CSO 10.02.1(b) a Cabinet Member with the relevant portfolio responsibilities has authority to approve the variations referred to in the report.

8.3.3 The variation for Park View School contract is a key decision and, as such, need to comply with the Council's governance arrangements in respect of Key Decisions, including publication on the Forward Plan.

8.3.4 The Head of Legal and Governance (Monitoring Officer) confirms that there are no legal reasons preventing the Cabinet Member for Early Years, Children, and Families from approving the recommendations in this 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 vary the contract awarded to Cosmur Construction (London) Ltd to account for additional works that have been identified during initial construction works to replace the sports hall roof at Park View School. This will affect roughly 1136 students and members of staff, among whom BAME communities and/or individuals experiencing socioeconomic disadvantage may be overrepresented (in line with the wider demographic profile of the West Green ward).

8.4.4 The objective of the proposed decision is to replace the hall flooring and lighting, and undertake redecoration works, in addition to the works identified upon the original award to Cosmur Construction (London) Ltd. Works are proposed to coincide with the conclusion of summer exams to minimise the impact of works on Park View School pupils. The additional works will ensure the Sports Hall is of an adequate standard that will allow for its continued use for physical education and other purposes, irrespective of weather conditions. It is expected that this decision will lead to improved health and safety of all students and members of staff. It will also ensure that pupils are not adversely impacted by the works by timing work to avoid the exam period. The proposed decision therefore represents a measure to advance equality of opportunity for all protected groups by ensuring that the standard of the Park View School estate is safe and fit for use.

8.4.5 As an organisation carrying out a public function on behalf of a public body, Cosmur Construction (London) Ltd 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 None

10 Local Government (Access to Information) Act 1995

10.1 None