

Report for: Report for Cabinet Member Signing, Scheduled for 17th March 2025

Item number: 6

Title: The Brook on Broadwaters Safety Valve Project - Award of Construction Works Contract

Report authorised by: Ann Graham, Director of Children Services

Lead Officer: Joanna Heard, Major Works Project Manager, Major Projects

Ward(s) affected: West Green

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

1. Describe the issue under consideration.

- 1.1. To request approval to award a contract to design and construct a modular building at The Brook on Broadwaters 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, pursuant to contract standing order 16.02, to:

- 3.1 Approve, pursuant to contract standing order (CSO) 9.07.1d an award of contract to construct a new build modular two classroom block at The Brook on Broadwaters school based on a tender contract sum of £1,154,231.54.
- 3.2 Approve a client contingency as set out in Part B of this report which will be strictly managed under change control governance arrangements.
- 3.3 To Approve the issuance of a Letter of Intent up to the value of £115,423.15 pursuant to CSO 9.07.3.

4. Reasons for decision

- 4.1 In February 2024, Cabinet granted permission for The Brook on Broadwaters to be a location to provide up to 18 places for key stage two (KS2) children with Complex Needs as part of the Safety Valve Programme.

- 4.2 A feasibility study was completed in July 2024 that recommended a modular building, situated in the South East corner of the site. This is for the expansion of the existing school site for the creation of an additional 18 new places for children with severe learning difficulties.
- 4.3 A design and build contract was recommended as the most efficient solution to meet the project deadline of September 2025.

5. Alternative options considered.

- 5.1 Do nothing – This would result in Haringey failing to meet its commitment to deliver additional SEN spaces by September 2025 under the Safety Valve Programme.
- 5.2 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 The Brook Special School is a special school for primary age children, co-located within the same building as the Willow Primary School and sharing one playground, car park and other amenities. The Brook has places for 128 pupils aged from 4-11 and specialises in coeducational day school provision for children with Autism (ASD); profound, severe and severe learning difficulties plus associated physical, medical, communication and emotional needs.
- 6.2 The school building is a decade old, designed as a single building in a 'C' shape, with two teaching wings and shared facilities in the central block. Both the Brook and Willow are at capacity. The current site configuration replaced three other schools, including Moselle Primary on a site immediately to the east. This is being developed for housing by the council (see below for more details).
- 6.3 The school site was selected to host a unit that the school will run for up to 18 KS2 students with Complex Needs, as part of the Safety Valve programme, which was approved by Cabinet in September 2024.
- 6.4 A multi-disciplinary design team was appointed in July 2024. The design team prepared a number of options considering different locations on the site and presented a feasibility report to key stakeholders in September 2024, where a preferred option was selected. This option has been developed to RIBA stage 2 and a tender prepared for a modular building.
- 6.6 A Design and Build Contract was considered the most appropriate form of contract for this project. To expedite the programme for delivery by September 2025 the tender was issued on the basis of a RIBA 2 design, with employer's requirements and room data sheets, for the bidding contractor to complete the final design. Whilst a planning application has been submitted, the successful contractor will be required to discharge any planning conditions and submit and obtain building control approval.

- 6.7 The Invitation To Tender (ITT) was issued by Strategic Procurement via the Dynamic Purchasing System, filtered for modular and modern methods of construction contractors. The assessment of tender responses was to be based on a 60% quality to 40% price ratio. However, following issue of a Pre Tender Estimate in excess of the £1,000,000 threshold for social value, the tender was placed on hold and the documents updated to include Social Value. Therefore, the tender assessment is based on 50% quality, 40% cost and 10% social value. One tender was received, which was evaluated with scores as follows:-

No.	Tenderer	Price	Quality Score (50%)	Quality Ranking	Price Score (40%)	Price Ranking	Social Value (10%)	Social Value Ranking	Overall Score (%)	Final Ranking
1	Contractor A	£1,154,231.54	25.5%	1	40%	1	6.25%	1	71.75%	1

- 6.8 As part of the tender evaluation process, the cost consultant (Playle and Partners LLP) issued clarifications of errors and qualifications to Contractor A with a response confirming a firm price as noted in section 3.1 above. As can be seen from the above, Contractor A met the minimum quality threshold, as set out in the tender documents with their quality, social value, and price score and the cost consultant has confirmed their bid represents value for money and their appointment is therefore recommended to deliver these works.
- 6.9 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.
- 6.10 The defects liability period (rectification period) is 12 months.
- 6.11 The contract is to be awarded on a fixed price basis.
- 6.12 The procurement route is based on a JCT Single Stage Design and Build form of contract – JCT D&B 2016.
- 6.13 Completion of the works is projected to be September 2025.
- 6.14 The total project cost for this project is as follows: -

Description	Total Projected Cost (£)
Construction	£1,154,231.54
On Cost	£578,296.89
Total	£1,737,528.43

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

- 7.1 This project should support the following objectives in the Corporate Delivery Plan 2023/24:
- All council-run schools to be net zero by 2041.
 - More sustainable construction in the Borough.
 - An increased number of young people are meeting educational attainment goals.
 - Maximum social value is extracted from council procurement activity, driving local jobs, skills & training, local supply chains, community benefit and environmental benefits.

8. Carbon and Climate Change

- 8.1 The design specification and ERs include a green roof and a requirement for the Contractor to meet Planning policy and DfE specifications relating to sustainable design.

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

9.1 Finance

- 9.1.1 Finance comments included in Part B report.

9.2 Procurement

- 9.2.1 Strategic Procurement (SP) note that this report relates to the approval to award a contract to contractor A.
- 9.2.2 SP note that a competitive tender was launched via the LCP's Minor Works DPS. The adopted procurement is in line with Contract Standing Order (CSO) 9.04.1(b) and Regulation 34 of the Public Contract Regulations.
- 9.2.3 One bid was received and was evaluated in accordance with the scoring methodology contained within the published Invitation to tender document.
- 9.2.4 The service area has confirmed their bid submission represents 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 (Michael Papadakis - Senior solicitor)

- 9.3.1 The Assistant Director for Legal and Governance (Monitoring Officer) has been consulted in the preparation of this report.

- 9.3.2 Strategic Procurement has confirmed that a competitive tender process under the LCP's Minor Works DPS was used to procure the contract in the report and this is in line with the Council's CSO 9.04.1(b) and Regulation 34 of the Public Contract Regulations of 2015 as amended. The estimated value of this contract was more than £1million.
- 9.3.3 Pursuant to the provisions of the Council's CSO 9.07.1(d), Cabinet may approve the award of a contract where the value of the contract is £500,000 or more.
- 9.3.4 Pursuant to the provisions of the Council's CSO 16.02, the Leader may allocate a decision reserved for Cabinet to the Cabinet Member having the relevant portfolio responsibilities and as such the recommendation in paragraph 3 of the report to seek approval from the Cabinet Member for Children, Education and Families to award the contract and approve the contingency is in line with the provisions of the Council's CSO provided that such a decision has been allocated to the Cabinet member by the Leader.
- 9.3.4 The recommendation in paragraph 3.3 of the report is permitted under the Council's CSO 9.07.3 which allows the issuance of a Letter of Intent pending the issuance and execution of a formal contract where works, goods or services under a contract is required to commence prior to the issuance and execution of a formal contract.
- 9.3.5 The Assistant Director for Legal and Governance (Monitoring Officer) sees no legal reasons preventing the Cabinet member from approving the three recommendations under paragraph 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. An Equalities Impact Assessment (EQIA) relating to the Safety Valve Programme was prepared for the Cabinet report in February 2024. An

Equalities screening review was undertaken for this specific project and it is noted that there is a positive impact to a vulnerable user group, with special education needs (SEN). A specific EQIA for this individual scheme is not considered necessary because there is no significant change to the service and there are no anticipated negative impacts on groups that share protected characteristics or other disadvantaged groups.

9.4.5. The proposed decision is to request approval to award a contract to xxxx 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.

9.4.6. 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.

9.4.7. 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;

9.4.8. As an organisation carrying out a public function on behalf of a public body 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

11. Background papers

11.1. 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).