

**OFFICER DECISION MADE UNDER DELEGATED AUTHORITY
INC SUPPORTING REPORT**

STATEMENT OF OFFICER DECISION UNDER DELEGATED AUTHORITY

TITLE OF REPORT/DECISION:	Richard Alibon Primary School, Expansion to 3FE: Award of Interim Works Order (Part of Ongoing Works)
WARDS INVOLVED:	Alibon
DECISION MAKER:	Helen Jenner, Director of Children & Young People
DECISION(S) MADE:	To approve the placing of a Purchase Order for an interim value of work pending agreement of full contract value.
IS THIS A KEY DECISION?	No
VALUE:	£471,437.00
AUTHORITY FOR DECISION:	Scheme of Delegation, Council's Constitution Part C Section 7; "Delegation to Chief Officers".
REASON(S) FOR DECISION:	To place an interim order for works with the framework contractor to ensure the overall expansion project is delivered in accordance with the programme.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:	Await full contract sum pricing; rejected due to programme pressure to deliver places by September 2014. This contract is already in progress and final costs are being agreed. Alternatives are no longer relevant at this juncture.
ANY CONFLICT OF INTEREST DECLARATION BY ANY CABINET MEMBER CONSULTED?	None known
ANY DISPENSATION GRANTED BY CHIEF EXECUTIVE IN RESPECT OF ANY DECLARED CONFLICT OF INTEREST?	No

OFFICER DECISION UNDER DELEGATED AUTHORITY

REPORT

Title: Richard Alibon Primary School, Expansion to 3FE: Award of Interim Works Order (Part of Ongoing Works)	
Key Decision: No	Wards Affected: Alibon
Decision Maker: Helen Jenner, Director of Children & Young People	
Responsible Officer: Richard Hallgate-Hills, Senior Project Sponsor	
Recommendations: 1. To approve the raising of a Purchase Order to Neilcott Construction Limited for the sum of £471,437.00.	
1. Background 1.1. The Council's Cabinet accepted the intention to use part of the DfE £75m Schools Capital Basic Need to provide a built solution to expand the school by one form of entry, (13 th November 2012; Min. No.51). This project will ensure that the Council meets its duty to provide school places. The project is funded by DfE Basic Need capital and will be delivered by means of a two-stage tender through the Council's framework and award of JCT Design & Build contract. The project will entail returning some existing classrooms to mainstream teaching use, converting larger hall spaces into teaching spaces and building a new dining hall extension and specialist ICT suite/library in the central quadrangle. 1.2. The Council's Finance & Resources, Regeneration Section appointed a Senior Project Manager to deliver the expansion project in two main phases. The construction contract for Phase I, comprising the conversion of existing areas into teaching spaces to accommodate an additional form of entry in Reception and Year 1 from September 2013, was awarded to Kirkman & Jourdain Limited following Delegated Decision approval being given on 16 June 2013. These works were completed in August 2013. 1.3. Approval was also given on 29 May 2013 to award Stage 2 pre-construction design fees to Neilcott Construction Limited to prepare detailed design for Phase II of the project, involving the new build dining hall extension and ICT suite/library. Subsequent approval was given on 6 November 2013 to award pre-commencement enabling works to the value of £472,017.63 to Neilcott Construction Limited so that demolitions, groundworks	

DATE OF DECISION:	
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For completion by Democratic Services	
Date decision published	
Date decision implementable	

This Decision Sheet to be submitted to Democratic Services by []

and foundations could begin whilst detailed design continued.

2. Proposal and Issues

2.1 An elemental cost plan, based upon the finalised detailed design for Phase II has been submitted by Neilcott Construction Limited and a value engineering exercise is in progress to achieve affordability for this final phase of the expansion project. The Council's quantity surveyor is not satisfied with the amount of "unqualified" costs shown as provisional sums and is not willing to recommend the price offered for acceptance. In order to maintain the required programme and to avoid a halt on site it is therefore imperative for the contractor to be awarded an interim order for works identified to a value that the quantity surveyor is prepared to accept as representing good value for money to the Council. To this end the quantity surveyor has agreed a sum of £471,437.00 with the contractor and is recommending that an order be raised pending agreement of the final overall contract value.

As of 25 March 2014 a further challenge by the Council's cost consultant is being made to the contractor. The final contract sum is still awaited.

This report seeks approval to raise an interim Purchase Order with Neilcott Construction Limited for the sum of £471,437.00.

3. Alternative options considered and rejected:

3.1 The intention was to await a full and final contract sum from the contractor and this had been expected by 17 December 2013; however, the pricing document was not delivered by the contractor until late January, leaving insufficient time for to analysis and challenge where necessary. The decision was taken to seek approval to raise an interim order whilst pricing was firmed up by the contractor to the satisfaction of the Council's quantity surveyor.

5. Equalities and other Customer Impact

Providing a school place for all those that require one. Equal opportunities are a core value of education provision within the Borough and are embedded within Children's Services policy. Provision is made within new buildings for use by all members of the community in line with current legislation.

6. Other considerations and implications

Risk and Risk Management

This is an ongoing project and the risk register is monitored by the Council's Capital Delivery Unit, (CDU) Project Manager. A high-level risk analysis is incorporated into the CDU Project Manager's monthly Highlight Report. This interim order is to maintain progress on site and is in itself part of the mitigation of risk to ensure that the project is successfully delivered by September 2014.

Staffing Issues

No direct impact upon staffing levels arising from the building project, other than the indirect need for additional teachers and teaching assistants due to the expansion of the school's capacity.

Safeguarding Children

The creation of a new purpose-built ICT Suite will ensure that every pupil receives a thorough grounding in the use of ICT technology and enjoy improved access to the curriculum via the ICT medium. The dining hall is being extended that all pupils wishing to take up the offer of Free School Meals will be able to do so. Providing school places and facilities to support enhanced teaching and learning.

Health Issues

The dining hall is being extended that all pupils wishing to take up the offer of Free School Meals will be able to do so.

Crime and Disorder Issues

The project includes improvements to access control and CCTV systems around the school that will afford the pupils, staff and visitors greater personal security and make the whole site a safer environment.

Property / Asset Issues


The project will enhance the usefulness and suitability of the school premises as well as the basic capacity. This project does not involve the acquisition/disposal/leasing of land or property.

7. Consultation

This project is one of a number of school expansions included in The Strategy for Ensuring Sufficient School Places 2012/13 – 2020/21 which was originally submitted to and approved by Cabinet, (Min. 51; 13 November 2012 refers) and subsequently updated and reviewed by Cabinet (Min. 72; 18 December 2013 refers). A consultation meeting was held at the school in July 2013 to inform pupils, staff, parents and neighbours about the proposal and to invite comments before the planning application was submitted. The formal planning approval process then offered any interested or affected parties further opportunity to query or comment.

Consultee	Name/Title	Date consulted
Portfolio Holder	Councillor JR White: Children's Services Portfolio	July/August 2013
Ward Councillor(s)	Councillor S Alasia Councillor J Davis Councillor D Rodwell	July/August 2013 July/August 2013 July/August 2013

Other Council Bodies	Regeneration Development Control	July/August 2013
Corporate Directors		
Other required Officer(s)		
Statutory/Proper Officer		
Others (Specify)		
8. Conflict of Interests and dispensation None known		
9. Financial Implications Implications completed by: Patricia Harvey: Date: 28.03.14 - Group Manger Children's Services Finance 9.1 Resources will be supported from the DfE Schools Capital Basic Need Program that was approved by Cabinet in November 2012, totaling £75.568m to provide for the additional capacity to support school place demand.		
10. Legal Implications Implications completed by: Fiona Taylor: Head of Legal & Democratic Services 10.1 The author has confirmed that this DA is for approval in relation to the raising of the PO, not for entry into a new contract. 10.2 On the information provided by the report author Legal can confirm that this is in relation to a previous contract which has been procured using a procedure that is in compliance with EU regulations – namely the author has confirmed that this is a contract of value referred to above which is below the EU threshold for works contracts. Note further as set out above this has been procured using the Council's existing construction framework which is a process in compliance with EU procurement regulations. The report author advises that the authorizations to enter into the contract have been received last year via the reports referred to in section 1 above.		
11. Documents considered by decision-maker in making decision None		
Officer decision	Having reviewed and taken account of the matters stated and documents listed in this report and having consulted with the persons/bodies identified in this report, and being satisfied that the decision(s) is/are in the best interests of the Council, I hereby agree and approve the Recommendations set out in this report.	

	Signed 
	Officer Title Director of Children's Services
	Date 9/4/14

List of appendices:

None

Background Papers Used in the Preparation of the Report:

- Neilcott Construction Limited's Phase II Cost Plan Proposal
- LBBD Quantity Surveyor's analysis and challenge

Report Author:

Richard Hallgate-Hills: Senior Project Sponsor, School Estates & Organisation Group

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