

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3051
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Department:	Chief Executive's
Contact:	Pratima Balaghee (Job Title: Project Manager, Email: pratima.balaghee@nottinghamcity.gov.uk, Phone: 01158762570)
Subject:	Approval for the funding and the contractual arrangements in relation to the expansion of Glade Hill Primary School and Middleton Primary School
Key Decision (decision valued at more than £1million):	Yes
Key Decision (decision affects 2 or more wards):	Yes
Total Value:	£5,600,000 (Type: Capital)
Decision Being Taken:	<p>Middleton Primary School</p> <ol style="list-style-type: none">1. To approve the expenditure of £3.8m for the expansion of Middleton Primary School, in line with the finance comments attached.2. To delegate authority to the Head of Legal Services to enter into contract with a contractor from the East Midlands Property Alliance (EMPA)/Scape Regional Framework to undertake the expansion works at Middleton Primary School.3. To approve entering into contract with Perfect Circle to provide services associated with Quantity Surveying, architect, mechanical and electrical, civil and structural to progress the designs through to construction and completion of the project. <p>Glade Hill Primary School</p> <ol style="list-style-type: none">4. To approve the expenditure of £1.8m for the expansion of Glade Hill Primary School, in line with the finance comments attached.5. To delegate authority to the Head of Legal services to enter into contract with a contractor from the EMPA/Scape Regional Framework to undertake the expansion works at Glade Hill Primary School.6. To approve funding of any direct costs and fees associated with planning, building control and Design Services and reimburse any project related costs incurred by the schools.

Approval of the decisions above will enable the design, development and delivery of the works required to expand the two schools - Middleton Primary School and Glade Hill Primary School.

The City Council has a statutory duty to provide sufficient school places. One of the five key objectives of the Council Plan setting out the Council's ambitions is to ensure that every child in Nottingham is taught in a school that is judged good or outstanding by Ofsted.

The expansion of Middleton Primary School and Glade Hill Primary school meet this requirement and also supports the Council's priorities of providing access to a good school close to home for every young person in Nottingham and to guarantee a choice of places for every child at a local primary school.

Middleton Primary School

Executive Board approved the expansion of Middleton Primary School in September 2017 to accommodate the predicted increase in pupils requiring school places in the Wollaton area. The school will increase its capacity from 420 places to 630 places whilst retaining the existing 52 Full Time Equivalent (FTE) nursery places.

The scope of works includes the following:

- delivery of two Key Stage two classrooms
- a new built Early Years Unit
- the extension of the existing car park and
- some refurbishment works in the existing school building.

Details of the scope of the project are provided in the appended Business Case.

A number of approvals are already in place; a delegated decision (DDM 2933) in September allowed the development of a detailed feasibility study to confirm the scope and costs of the project. This was delivered by Perfect Circle. The project will be delivered in two phases as the school requires two Key Stage 2 classrooms by September 2018 to accommodate an additional 30 children and the remaining works will be delivered by December 2019. Contractual arrangements with Perfect Circle and a contractor from the EMPA/Scape Regional Framework are required imminently to avoid delays in the project delivery.

Approval is now being sought to extend the contractual arrangements with Perfect Circle to enable the design works to progress and deliver the expansion works. With the EMPA/Scape Regional Framework being re-tendered, a Delivery Agreement is required with a contractor by the end of January 2018 to enable them to progress with the planning of the construction works, in particular the two classrooms, which the school requires by September 2018. Otherwise, this will lead to delays in the project delivery and abortive costs associated with developing the designs and carrying out the detailed feasibility study.

Glade Hill Primary School

Executive Board approved the expansion of Glade Hill Primary School on the 18th of July 2017. The school will increase its capacity from 210 places to 420 places to provide for the increase in school places identified in the Bestwood area.

This is a two-phased project and phase 1 is complete. Approval for phase 1 and the feasibility of phase 2 was obtained in DDM 2761 in September 2017. Phase 2 will include the delivery of an additional Key Stage 1 classroom for September 2018 and a block of four Key Stage 2 classrooms by September 2019.

The Council's Design Services team has been engaged to deliver the design works and administer the contract on behalf of Major Projects. Services including Quantity Surveying, architectural, structural, Clerks of Works and CDM will be delivered by Design Services.

With the EMPA/Scape Regional Framework being re-tendered, a delivery agreement is required imminently by the end of January 2018 to engage a contractor to deliver the works. This will ensure design works can progress to deliver the additional classroom, which the school requires for September 2018. The approvals being sought will ensure there is no delay in project delivery and will prevent abortive costs associated with producing the detailed feasibility study.

To ensure continuity in the delivery of both projects, additional clauses recommended by the EMPA/Scape Regional Framework will be included in the contractual documents . This will ensure the contractors are engaged prior to the end of the framework and works are progressed to deliver the classrooms required for September 2018 at both schools. Please see Legal comments.

Other Options Considered:

Do nothing - This option will prevent the schools from increasing their capacities to accommodate the increased number of pupils for September 2018 and 2019 intake. This will mean that children will not have a school place in their local area. It will also lead to the Council not entering into contract with the preferred contractors which will lead to abortive costs associated with the development of detailed feasibility studies for both projects and delay in project deliveries.

Approval of the funding requested will ensure works are progressed to further develop the scheme and deliver the works within the timescales. Delegating authority to the Head of Legal Services to enter into contract with the preferred contractors will ensure the contractors are appointed without causing delays to the project delivery.

Background Papers:

Unpublished background papers:

Glade Hill _Progress Report.pdf, Business Case_Glade Hill_V5.0.pdf, Middleton Primary Progress Report.pdf, Business Case_Middleton_V5.0.pdf

Published Works:

Affected Wards:

Bestwood, Wollaton West

Colleague / Councillor Interests:

Use of Consultants

Number of Days:425
Rate per Day:500
Total value:211709.75
Start date:08/01/2018
End date:31/12/2019

Reason for using a consultant:

Perfect Circle was appointed to progress the initial designs of the Middleton Primary expansion project through a Delegated Decision report (DDM2933) to provide services including Quantity Surveying, Architect, Mechanical, Civil, Structural and Electrical Engineer. Approval is now being sought to extend this appointment until the end of the project to further progress the designs and support works associated with the building works.

Due to project sensitivities, the internal design team is not able to deliver the expansion works at Middleton Primary School. The particulars of the situation have been agreed with the Portfolio Holder and this is the preferred solution.

The rates of the different disciplines vary and an average rate is used above. The number of days also varies between the disciplines an average figure is used.

Other options considered:

Use of internal design team was considered but was rejected due to project sensitivities. Support from the wider Building Services team has been made available and the team will have a role in challenging the design to ensure it meets the standards of the City Council.

Name of consultant:

Perfect Circle

Reason for selection?

Perfect Circle have been selected to provide services to support delivery of this project from Scape's Built Environment Consultants Services (BECS) Framework. This is an OJEU compliant framework that provides services to support the delivery of this type of project.

Has the consultant previously completed work for the City Council?

Perfect Circle was appointed in September 2017 (DDM 2933) to progress the initial designs for the expansion of Middleton Primary School.

Specific activities to be undertaken by the consultant are:

Architectural, civil engineering, electrical and mechanical engineering, quantity surveying and structural engineering support to deliver the expansion works for Middleton Primary School. This report seeks approval to extend the contract with Perfect Circle to progress the initial designs of the project through to RIBA Stages 5 - 7 until the completion of building works on site.

Gleeds will administer the contract on behalf of the Council. The Council's internal Design Services team will support the project in terms of providing design challenge to ensure the project progresses in line with the Council's building standards. The team will also provide CDM support and Clerks of Works.

Period of engagement:

January 2018 - December 2019

By what process was the consultant selected?

Through the Scape Framework.

Consultations:

Date: 13/03/2017

Other: Parents/carers, school governors, staff members, Councillors and local residents

Glade Hill Primary School:

13th March - 21st April 2017 - six weeks formal consultation was carried out on the proposal to expand the school.

Middleton Primary School

24th April 2017 - 19th May 2017 - Four weeks formal consultation was carried out on the proposal to expand the school.

20th November 2017 - Drop in session was undertaken with parents/carers, staff, school governors, councillors and local residents to obtain feedback on proposed designs.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

There are no implications on crime or disorder.

Equality:

Please login to the system to view the EIA document: Equality Impact Assessment_Middleton_Glade Hill_V3.pdf

Relates to staffing:

Yes

Relates to Council Property Assets:

Yes

Relates to Building Services:

Yes

Decision Type:

Leader's Key Decision

Subject to Call In:

No

The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.

Person Consulted: Councillor Brian Parbutt

Consultation Date: 19/01/2018

The Council must be in contract with the contractors from the EMPA/Scape Regional Framework by the 30th January 2018 otherwise there will be a major delay in delivering the works by September 2018 and there will also be financial implications/penalties (abortive costs in terms of feasibility works carried out).

Advice Sought:

Legal, Finance, Procurement, Human Resources, Equality and Diversity

Legal Advice:

This report does not raise any significant legal issues. It is understood that all necessary consultations on the expansion of the schools have been undertaken. Advice provided by Andrew James (Team Leader Contracts and Commercial) on 11/01/2018.

Finance Advice:

See attached document for finance comments.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 12/01/2018.

Advice documents: 180110 - Middleton Primary & Glade Hill.docx

Procurement Advice:

There are no direct procurement implications to this decision. The Scape & EMPA frameworks have been tendered in line with the Public Contracts Regulations; and use of these to appoint contractors and consultants is compliant with Contract Procedure Rules. Care must be taken that any contracts awarded using those frameworks are in accordance with the framework terms & conditions; especially in respect of the framework expiry dates. The Procurement Team will be available to advise and support the client as required throughout the project.

Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 21/12/2017.

HR Advice:

The proposal is to use Consultancy arrangements rather than use internal resources and therefore there are not considered to be any workforce implications with this proposal. The proposal is to use a Consultancy company rather than an individual therefore avoid any potential employment issues.

Advice provided by Faye Truong (Service Redesign Consultant) on 21/12/2017.

Equality and Diversity Advice:

No significant equality issues are identified in the proposal. However, strong consultation that is on-going should be a cornerstone of the developments in order for all groups esp. if disabled children and citizens are to fully integrate. Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 21/12/2017.

Property Advice:

Property support the expansion of these City owned Schools on the basis that the necessary statutory approvals are obtained. The funding package for the proposed capital expenditure detailed in this report includes a capital receipt from the sale of the former Haywood School detached playing field plus other unsecured capital receipts. A sale of the former Haywood School detached playing field is subject to the consent of the Secretary of State for Education being obtained. An application for this consent has been submitted. In general the availability and timing of unsecured capital receipts is subject to a number of factors, such as market conditions, and therefore may vary over time. Advice provided by Rod Martin (Development Manager) on 12/01/2018.

Building Services Advice:

There are no significant concerns with the decision being sought and Building Services are supporting these projects. It should be noted that the Council are seeking to balance the accountability for buildings sitting with building managers alongside the technical and professional input of the Building Services team and all Building Managers (and Budget Holders) are asked to ensure that the Building Services teams are fully engaged in the design and construction process, in particular where these may involve external consultants.

This will help ensure that the service and project information from providers is robustly challenged against design, cost and technical content as necessary, and will help offer the Council greater value for money in the services and performance received.

Advice provided by Asaad Raof (Design Services Manager, C&O Dept on 22/12/2017).

Advice provided by Asaad Raof (Design Services Manager) on 22/12/2017.

Signatures:

Jon Collins (Leader of the Council)
SIGNED and Dated: 23/01/2018
Alison Michalska (Corporate Director for Children and Adults)
SIGNED and Dated: 16/01/2018