



<b>Award of Contract for the construction of a new school building and the expansion of buildings on the existing site to accommodate the expansion of Phoenix Special School</b>
<b>Cabinet Member for Education, Skills and University</b>
<b>September 2014</b>
<b>Deadline date: September 2014</b>

Cabinet portfolio holders:	<i>Cllr Holdich, Cabinet Member for Education, Skills and University</i>
Responsible Director:	<i>John Harrison, Executive Director Resources</i>
Is this a Key Decision?	YES If yes has it been included on the Forward Plan : Yes Unique Key decision Reference from Forward Plan : KEY/02MAY14/05
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO

**R E C O M M E N D A T I O N S**

The Cabinet Member, in consultation with the Cabinet Member for Resources and the Executive Director - Children’s Services ; Executive Director – Strategic Resources and the Head of Legal Services, is requested to :

1. Authorise the construction of a new school building on the Tunnel site, Malborne Way to accommodate the expansion of Phoenix Special School and associated external works on the existing site relating to the car park, up to the value of the budget sum of £5m. This sum shall also include funding for Information and Communications Technology (ICT), all site surveys and project management and technical advisors fees and removal of one of the existing temporary double mobile classrooms currently sited on the CRA land at the back of the school site;
2. Authorise the Executive Director of Children Services to vary the design and build lump sum option contract with Carillion Construction Ltd to include the construction of a new building and remodelling of external areas on the existing site to accommodate the expansion of Phoenix Special School;
3. Authorise the Head of Legal Services to enter into any legal documentation on behalf of the Council in relation to this matter.

Cllr Seaton, Cabinet Member for Resources, has given his approval for this project.

## SUMMARY OF MAIN ISSUES

- 1.1 This report seeks the Cabinet Member's approval to the recommendations to enable Phoenix Special School to be expanded to take an additional 54 pupils.
- 1.2 The new building will consist of an additional six classrooms and life skills room, staff room, dining room, kitchen, admin block and toilets.
- 1.3 Refurbishment of the existing site to include the provision of additional car parking on the adjacent land purchased from the Nene Valley Medical Centre, under the terms of the land transfer agreement, and a layby on the entrance road to the site to assist with solving the current drop off / pick up issue has been approved under a separate Directors Award Report. Work started in July 2014 and is due to be completed ready for additional pupil intake in September 2014.
- 1.4 Removal of a temporary double mobile classroom unit currently sited on the CRA land at the back of the school site.

## 2. PURPOSE OF THIS REPORT

- 2.1 The purpose of this report is to provide background information and seek the Cabinet Member's approval in relation to the recommendations.
  - 2.2 This decision is proposed in accordance with the delegations for the Cabinet Member for Education, Skills and University exercising delegated authority under paragraph 3.4.8 (a) of Part 3 of the constitution in accordance with the terms of his portfolio.
3. **TIMESCALE** (*If this is not a Major Policy item, answer **NO** and delete second line of boxes*).

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	
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## 4. DETAILS OF DECISION REQUIRED

- 4.1 This decision is further to the approval by the Chief Executive in consultation with the Executive Director - Children's Services, Executive Director – Strategic Resources, Solicitor to the Council, the Cabinet Member for Resources and the Cabinet Member for Education, Skills and University, on 17 July 2012 to appoint Carillion Construction Ltd under a design and build lump sum option contract to build the City of Peterborough Academy.
- 4.2 The design and build lump sum option contract which the Council entered into with Carillion Construction Ltd, as agreed with Partnerships for Schools, the Department for Education and the Education Funding Agency allowed for the City of Peterborough Academy to be the "sample" school, with schools in the Council's Primary Capital Programme as "non sample" schools. The Council in its procurement for a contractor to build the City of Peterborough Academy therefore also procured a contractor to design and build such further schools. The contract would be the standard form of Design and Build contract for use with the Partnerships for Schools National Framework. The Partnerships for Schools Contractors Framework was procured under the Restricted Procedure of the Public Contracts Regulations 2006.
- 4.3 The process for adding additional schools to the Council's contract with Carillion involves Carillion submitting Contractor's Proposals (akin to a bid) in response to a specification issued by the Council. The project team responsible for the evaluation of Carillion's Contractor's Proposals comprises representatives of Phoenix Special School, Council officers and external specialist technical advisors.
- 4.4 Once the project team are satisfied with the Contractor's proposals a value for money report will be sent to the Executive Director of Resources to approve the variation to

Carillion's contract for the construction of the new school building, refurbishment and remodelling to the existing buildings at Phoenix Special School.

- 4.5 A budget of £5m has been set for the works. These funds are allocated against the Children's Services Capital Programme within the Medium Term Financial Strategy (MTFS) (2013/14 – 2016/17).
- 4.6 The expanded Phoenix Special School is required to be open by September 2015 so as to accommodate the increased intake of pupils.
- 4.7 The planning application for the school was submitted on 4th July 2014.
- 4.8 The batched arrangements under the design and build lump sum option contract expire on 31 December 2014. This means any variations to the design and build lump sum option contract with Carillion Construction Ltd has to be in place by this date.
- 4.9 In order to keep to the overall programme timescale, careful consideration has been given to the decisions that will be required to ensure probity in the process. The following milestones and dates should be noted:

- Submission of planning application	3 <sup>rd</sup> July 2014
- Contractors Proposals submitted	4 <sup>th</sup> August 2014
- Planning decision	September 2014
- Financial and Commercial close	15 <sup>th</sup> September 2014
- Start on site	13 <sup>th</sup> October 2014
- Complete works on school site	17 <sup>th</sup> August 2015
- New building open to students	7 <sup>th</sup> September 2015

## 5. CONSULTATION

- 5.1 The headteacher and representatives of the Phoenix Special School Governing Body have been fully involved in the development of the specification and design for the new school site.
- 5.2 A presentation of the scheme was given to the full governing body of Phoenix Special School on Tuesday 10<sup>th</sup> June 2014 and they gave formal approval to the emerging design of the scheme.
- 5.3 A public exhibition was held on Thursday 12<sup>th</sup> June 2014 at the school where the designs for the expansion and remodelling were on display for the public, parents, students and staff. The exhibition was well attended and the proposals very positively received. The Cabinet Member for Education, Skills and University, the Ward Councillors and other members of local community were invited to the exhibition.
- 5.4 As a statutory consultee Sport England were informed at an early stage of the proposed relocation and formally consulted through the planning application for the new school building.
- 5.5 Key stakeholder departments within the Council are fully briefed on the proposals. These include Planning Department, Strategic Finance and Legal Services.
- 5.6 The extension is not being built on existing school fields and therefore consent is not required from the Department of Education pursuant to section 77 of the School Standards and Framework Act 1988. Confirmation has already been received from the Education Funding Agency to this effect.

## 6. ANTICIPATED OUTCOMES

- 6.1 Subject to the evaluation of Carillion's Contractors Proposals by the Project Team, Carillion will design and construct the new extension and refurbishment to Phoenix Special School site under the Partnerships for Schools design and build contract.

## **7. REASONS FOR RECOMMENDATIONS AND ANY RELEVANT BACKGROUND INFORMATION**

7.1 The Local Authority has a statutory duty to provide school places and there are significant pressures on the city as a whole. The decision to expand Phoenix Special School was made by the Cabinet Member for Education, Skills and University following discussion and approval by the Phoenix Governing Body and Headteacher.

7.2 As a result of the above, Phoenix Special School is expanding to accommodate an additional 54 pupils. The proposed scheme will :

- Provide an additional building consisting of 6 classroom, hygiene rooms, life-skills and music room, dining and kitchen facilities, administration and group rooms.
- Remodelling of the external area of the existing site to accommodate additional car parking and layby to alleviate the existing drop off / pick up issues currently being experienced by the school.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

The following options were considered and rejected:

8.1 **To do nothing.** This option was rejected due to the shortage special school pupil places in Peterborough area and the Local Authority's statutory duty to provide sufficient school places.

8.2 **Tender separately for the works** i.e., do not use the batched contract arrangement. If the batched contract arrangement with Carillion was not to be used this would mean that the Council would have to spend some 3 - 4 months procuring a contractor to build the new school. The batched arrangement obviates the need for such a procurement exercise and enables the Council to deliver the additional accommodation required for January 2015.

8.3 **Transport children out of Peterborough** – this would have considerable financial implications not only for transport costs but also to purchase places at neighbouring authorities, if available. There are statutory guidelines for distances allowed to transport children with special needs and currently there are limited spaces in neighbouring authorities. This could mean children may need to be sent to residential units at much higher costs.

## **9. IMPLICATIONS**

9.1 Financial – The financial implications of this Cabinet Member Decision Notice are set out in the main body of the report.

9.2 Legal - The Partnerships for Schools Contractors Framework was procured under the Restricted Procedure of the Public Contracts Regulations 2006 and the Council is permitted to use the framework to call-off contracts instead of carrying out a separate tender exercise for the proposed works. The Council is entering into the agreement pursuant to its powers contained in section 2 of the Local Government Act 2000, section 14 of the Education Act 1886, section 22 of the Schools Standards and Framework Act 1998 and section 111 of the Local Government Act 1972 in order to enable investment in certain educational services and facilities.

9.3 Environmental - The specification for the works in the new build will include a sustainable approach to ensure that the building envelope exceeds current building regulations in terms of air quality, air tightness and energy efficiency. It will also incorporate renewable technologies to achieve the 10% improvement in Part L2A Buildings Regulations.

**10. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED**

None.

**11. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

School Organisation Plan 2012-2017