	<p>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER {02/01/2018}</p>
<p style="text-align: right;">Title</p>	<p>Blessed Dominic and St James Schools – Authorisation to enter into New Engineering Contract (NEC)</p>
<p style="text-align: right;">Report of</p>	<p>Commissioning Director, Children and Young People and Director of Children's Services</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>None</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Chris Smith, Head of Estates Chris.smith@barnet.gov.uk</p> <p>Daniel Brett, Programme Manager, Corporate Programmes daniel.brett@capita.co.uk</p>

Summary

To ensure that Barnet meets its duty to provide sufficient places for children and young people in Barnet the Council are working in partnership with the Catholic Diocese of Westminster to relocate and expand Blessed Dominic as part of the development of a Catholic education hub on the nearby St James site. This project would also see the expansion of St James as part of meeting secondary demand. The vacated site would become available for a new secondary school in the heart of the Colindale regeneration area, potentially with space for primary provision.

In October 2016 John Graham Construction Ltd (GCL) was appointed as the Council's Strategic Construction Partner for a period of 5 years. The Strategic Construction Partner Agreement supports an estimated £150 million of construction activity in Barnet, which includes the building of school facilities, subject to project pricing.

In December 2017, the Local Planning Authority approved an application for the redevelopment and expansion of St James Catholic High School including a new 2 form entry primary school to accommodate the relocated Blessed Dominic Primary School. John Graham Construction Ltd (GCL) have confirmed a total fixed construction price of £20,700,000 for delivery of the works through a New Engineering Contract (NEC) 3.

Decisions

- 1. To approve award of the NEC Contract to John Graham Construction Ltd for the expansion of St James Catholic High School and new premises for Blessed Dominic Primary School to a value of £20,100,000**
- 2. To approve award of the NEC Contract to John Graham Construction Ltd for early enabling works at St James Catholic High School to a value of £600,000**
- 3. To provide authority to officers to implement the required NEC contract requirements and monitoring arrangements to be delivered**
- 4. To provide authority to the Commissioning Director, Children and Young People and Director of Children's Services to approve and instruct changes in accordance with the NEC contract.**

1. WHY THIS REPORT IS NEEDED

- 1.1 On the 15th September 2014, the Children, Education, Libraries and Safeguarding Committee (CELS) committee approved a commissioning strategy for school places up to 2019/20 which set out the reasons for the need for school places and the approach to meeting this need.
- 1.2 In October 2016 John Graham Construction Ltd (JGCL) was appointed as the Council's Strategic Construction Partner for a period of 5 years. This report requests approval to 'call-off' its Strategic Construction Partnership Agreement with JGCL and enter into NEC contracts for a total construction value of £20,700,000 for the Blessed Dominic and St James schools project.
- 1.3 The total construction value covers a NEC 3 build contract for early enabling works for a value of up to £600,000 and the main works NEC 3 Design and Build contract for a value of up to £20,100,000.
- 1.4 Planning for the enabling works was granted by the Local Planning Authority in May 2017 with permission for the main works being granted in December 2017.

2. REASONS FOR DECISIONS

- 2.1 This project would also see the expansion of St James and Blessed Dominic as part of meeting demand for school places
- 2.2 The vacated site would become available for a new secondary school in the heart of the Colindale regeneration area, potentially with space for primary provision. The benefits of this revised proposal are:

- A co-located primary and secondary Catholic education offer
- Economies of scale by rebuilding Blessed Dominic alongside expanding St James
- The release of Lanacre Avenue site for a new secondary school in the heart of Colindale.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3.1 None

4. POST DECISION IMPLEMENTATION

4.1. It is anticipated that following authorisation, the construction programme for the main works will commence on the 2nd February 2018. The programme will comprise of 78 weeks

4.2. The subsequent timetable will be implemented;

Programme Activity	Anticipated Period
RIBA Stage 5 (construction)	Feb 17 – up to Aug 2019
RIBA Stage 6 (close out)	Aug 2019
RIBA Stage 7 (main building in use)	September 2019

4.3 Some sections of refurbished building will become available in advance of the 2019-2020 school year to assist St James School continue to function whilst the works are underway

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 Ensuring a sufficient supply of good quality school places supports the Council's ambition for Barnet to create the right environment to promote responsible growth, development and success. The reputation and quality of Barnet's schools makes Barnet an attractive place to live and is key to the satisfaction of many residents in the borough. With the borough's population set to grow, the investment programme set out in this report will sustain the good quality education offer within areas of growth. It will also ensure that the growing number of children with special educational needs will have increased access to good quality local provision within the Barnet partnership of schools.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 On 02 September 2015 Policy and Resources Committee approved the

procurement of a new strategic partner (John Graham Construction Ltd) to deliver its Capital Programme for a period of 5 years (with the option to extend up to a maximum of 2 years), with an estimated value of up to £150 million. The aims of which are to:

- Reduce procurement cost;
- Improve value for money;
- Secure a partnership ethos;
- Achieve tighter cost control; and
- Achieve more efficient delivery times

5.2.2 As such there is no constitutional requirement to undertake procurement and individual projects can be placed under the Strategic Partnering Agreement by Chief Officers with appropriate delegated powers via Delegated Powers Reports.

5.2.3 The total cost of the Main Works NEC contract with JGCL is £20,100,000 with a separate Enabling Works NEC Contract of up to £600,000

5.2.4 There is no constitutional requirement to undertake further procurement for individual projects within the Strategic Partnering Agreement. This report seeks authorisation to call off that Agreement, and as such there is no need to return to committee.

5.2.5 The NEC3 contract, provides for changes to be instructed if necessary during the contract. The nature of construction works means that changes may be required as works progress, with associated costs, resulting in reductions or increases in the contract value. The project team includes commercial leads who will be able to provide assessment and appropriate scrutiny of cost where an event occurs. Any changes would be subject to appropriate project governance (via the Education Capital Programme Board) and adequate contingency funding remaining in the approved project budget.

5.2.6 At handover, warranties will be transferred to the Diocese of Westminster, and any subsequent defects monitored and resolved as per the terms and conditions in the NEC contract. This will be monitored by the Council and school staff, and reported through the Education Capital Programme Board

5.2.7 All decisions regarding the project will be escalated via Education Capital Programme Board (as outlined above) or the Board's delegated representative.

5.2.8 JGCL will have a dedicated project manager for each construction site, who will be responsible for communicating all issues back to the CSG Project Manager, reporting on progress, as well as ensuring the construction management plan is adhered to.

5.3 **Legal and Constitutional References**

- 5.3.1 HB Public Law has commissioned external legal advisors (Bevan Brittan LLP) who have provided legal and procurement advice in relation to the procurement of the Strategic Partner.
- 5.3.2 The procurement process has been conducted using the Competitive Procedure with Negotiation under Regulation 29 of the Public Contracts Regulations 2015.
- 5.3.3 The authorisation and acceptance of the Strategic Partnering Agreement procurement was in accordance with the Council's Contract Procedure Rules Appendix 1 Table A (Constitution Item 22 9 Contract Procedure Rules, Appendix 1 Table A - Award of contract by a Full Delegated Powers report in consultation with the relevant Committee Chairman
<http://barnet.moderngov.co.uk/ecSDDisplay.aspx?NAME=SD350&ID=350&RPID=553501038&sch=doc&cat=13581&path=13581>).
- 5.3.4 The draft terms and conditions for the Strategic Construction Partnering Agreement were released with the tender documents.
- 5.3.5 Chief Officers can place individual contracts under the Strategic Partnering Agreement using their delegated powers under Article 9 of the Constitution.
- 5.3.6 Bevan Brittan LLP will be instructed to complete the Building Contract.

Risk Management

- 5.3.7 The NEC contract highlights the process of risk management and mitigation. JGCL will take all reasonable steps to minimise risks that could have an adverse effect on cost, programme or quality of works, and will report to the CSG Project Manager and Technical Lead all possible areas of risk.
- 5.3.8 A risk register will be produced by JGCL as per the monitoring requirements and circulated to core staff for review. The risk register will include; new risks, steps taken to prevent/mitigate these (and previously identified) risks, and those which have been successfully prevented and mitigated against (which can be removed from the risk register).
- 5.3.9 JGCL will provide LB Barnet with an early warning notice, outlining the details of any risk and its potential impact.
- 5.3.10 As outlined above, ECPB will monitor programme delivery, cost assurance and risk monitoring. This, and the project team will monitor all aspects of the build to ensure continued assessment of the finances, appropriate design and health and safety through design and from construction start to completion.
- 5.3.11 As outlined under Resources, JGCL is responsible for ensuring that a Construction Management Plan (CMP) for both sites is in place to minimise

the impact that construction has on the site and nearby traffic arrangements.

5.3.12 It is considered that any issues involved are unlikely to raise significant levels of public concern or give rise to policy considerations.

5.4 Equalities and Diversity

5.4.1 The 2010 Equality Act outlines the provisions of the Public Sector Equality duty which requires public authorities to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

5.4.2 There are no equalities and diversity issues that have been identified, the design of the new leisure facilities considers the Equality Act 2010 in addition to the Disability Discrimination Act.

5.4.3 Further assessments have been undertaken by assessing the impact of our actions on different groups within Barnet, including those identified in equality legislation as protected characteristics, namely: age, disability, gender, gender reassignment marriage, civil partnership, pregnancy, maternity, sexual orientation, religion or belief.

5.5 Consultation and Engagement

5.5.1 Officers did not consider that there was any need to consult on this specific issue

5.5.2 Engagement has been carried with the schools to develop the design and statutory consultation via the planning process & school relocation process.

5.5.3 Engagement has also been carried out with Sport England throughout the project

6. BACKGROUND PAPERS

- 1.1 The Policy and Resources Committee agreed at the 2 September 2015 meeting, under item Agenda 8: Aggregated Procurement.
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MID=8347>

Documents:

<http://barnet.moderngov.co.uk/documents/s20193/Procurement%20Forward%20Plan%202015-16.pdf>

- 1.2 The Award of Contract to John Graham Construction was authorised by the Council's Chief Executive via Delegated Powers on 14 October 2016
<https://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=6423>

Documents:

<https://barnet.moderngov.co.uk/documents/s35284/Award%20of%20Contract%20for%20Strategic%20Construction%20Partner%20to%20John%20Graham%20Construction%20LTD.pdf>

- 1.3 The Children Education, Libraries and Safeguarding Committee noted the progress of delivering the commissioning strategy for school places and the future requirements for school places up to 2019/20 on 21 September 2015
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=697&MId=8258&Ver=4>

Documents:

<https://barnet.moderngov.co.uk/documents/s25902/Planning%20for%20new%20school%20places%202016%20to%202020.pdf>

7. DECISION TAKER'S STATEMENT

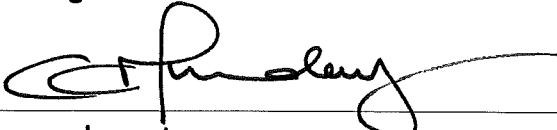
- 7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision-making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

8. OFFICER'S DECISION

To approve award of the NEC Contracts to John Graham Construction Ltd for the extension and development of Blessed Dominic & St James schools, for a fixed total construction fee of £20,700,000.

To provide authority to officers to implement the required NEC contract requirements and monitoring arrangements to be delivered

To provide authority to the Commissioning Director, Children and Young People and Director of Children's Services to approve and instruct changes in accordance with the NEC contract

Signed 
 Date 24/1/2018

REPORT CLEARANCE CHECKLIST

(Removed prior to publication and retained by Governance Service)

Report authors should engage with their Governance Champion early in the report writing process and record the date below. If the decision/report has been reviewed at an internal board please record the date and name of the meeting (e.g. SCB). Otherwise enter N/A.

All reports must be cleared by the appropriate Director/AD, Legal, Finance and Governance as a minimum.

Legal, Finance and Governance require a minimum of 5 working days to provide report clearance. Clearance cannot be guaranteed for reports submitted outside of this time.

AUTHOR TO COMPLETE TABLE BELOW:

Who	Clearance Date	Name
Director / AD / Lead Commissioner		Chris Monday
Enabling Board / Delivery Board		
Commissioning and Policy		
Equalities & Diversity		
HR Business Partner		
Strategic Procurement		
Estates	04/01/2018	Chris Smith
HB Public Law	12/01/2018	Stephen Dorrian
Finance	04/01/2018	Gaspere Nicolini
Governance	12/01/2018	Paul Frost / Jan Natynczyk