

Report of the Head of Service Learning Systems

Report to the Director of Childrens & Families

Date: 15th May 2017

Subject: Design & Cost Report and Tender Acceptance Report for the Learning Places expansion of Bramley Primary School



Capital Scheme Number: 32450/BRA/000

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Bramley & Stanningley	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Summary of main issues

1. The purpose of this report is to seek approval to incur capital expenditure of £3,820,451 from capital scheme number 32450/BRA/000 for the expansion of Bramley Primary School from an intake of 40 pupils up to 60 with effect from September 2017, to seek a funding injection from the Capital Risk Fund to cover the agreed scope enhancements and to award the tender to Leeds D&B One Ltd. and enter into contract for the works detailed herein.
2. The works required at Bramley Primary School are critical to ensure the Learning Places expansion accommodation is in place for commencement of the next academic year. The works detailed within this report cover the full design and construction costs for the expansion at Bramley Primary, inclusive of all professional fees, surveys and services, and all other costs associated with the development that sit outside of the construction contract.
3. In December 2016 the Executive Board approved the principal of a project to expand Bramley Primary from 280 places to 420 with effect from September 2017, with a funding envelope of £3.25m assigned to deliver the necessary development and construction works. In line with the associated waiver report the scheme is to be delivered via the Leeds Local Education Partner (LLEP) with their preferred construction partner, Interserve Construction Limited (ICL), and Norfolk Property Services (NPS) providing design and architectural services.

4. Of the funding envelope approved for the expansion of Bramley Primary a figure of £826,000 have previously been released to support the two packages of 'Early Works' necessary to ensure the critical delivery path is met. As per the prior approval, dated 17th March 2017 (D44225) and 8th May 2017 (D44387), these works are now on-site. The costs associated with the 'Early Works' package do not constitute part of this approval but are detailed within this report for context as they are included within the contract sum figures. The two 'Early Works' packages sought to establish the site compound, accelerate works to form the new school park, commence the ground works and demolition and secure a factory allocation and materials for delivery of the modular building.
5. The works detailed within this report are required to ensure a September 2017 completion, when the statutory expansion takes formal effect. Failure to meet this critical path will result in the need to provide alternative temporary accommodation at Bramley Primary to ensure that sufficient classroom space is available to place the additional pupils on roll.
6. Following approval of the scheme budget by Executive Board in December 2016 a number of additions to the project scope were agreed between the Head of Learning Improvement, Executive Member for Children & Families, local ward members and school governing body. These requirements address concerns associated with the 'early years' setting as highlighted by OFSTED in the previous inspection. As such a funding injection from the Capital Risk Fund is sought within this report.
7. The project is to be delivered by Childrens & Families Built Environment Team in conjunction with the LLEP and ICL. Contract and Legal support is to be provided via the Projects, Programmes & Procurement Unit (PPPU) who in turn will be drafting the JCT 2016 form of contract in conjunction with the LLEP and our independent technical advisors.
8. A revised procurement strategy requesting authorisation to appoint the Council's Strategic Partner, Leeds LEP Limited, to deliver the expansion to Bramley Primary School will be submitted to the School Places programme Board in February 2017. The Internal Service Provider does not have the capacity to deliver the work in the necessary timescales. Approval of this report and procurement strategy was granted on the 20th April 2017.
9. In accordance with this approval, this report has been issued for consideration and supported to the Director Resources & Housing, Director of City Development and Executive Member for Children & Families via email 15th May 2017.
10. In December 2016, Executive Board approved the Learning Places Programme report recommendation to delegate authority to the Director of Childrens & Families to approve Design and Cost reports for individual projects, subject to support by the Director Resources & Housing and the Director of City Development. Due to the request for additional funding this report represents a 'key decision' and therefore subject to call-in.

Recommendations

The Director of Childrens & Families is requested to:

1. Approve the expenditure of £3,820,451 from capital scheme number 32450/BRA/000 for the construction work associated with the expansion of Bramley Primary School necessary for occupation from September 2017. Please note, the above includes £826,000 of previous approvals attributable to the 'early works' requirement on this scheme.
2. To approve a Programme Capital Risk application for the sum of £570,451 for additional works added into the scheme at the request of the Executive Member for Children's and Families, the Head of Learning Improvement and the Bramley local ward members.
3. Authorise acceptance of the tender submitted by the LLEP in the sum of £3,397,877.12, inclusive of all design fees, development costs and surveys. Please note, this includes £826,000 of previous approvals attributable to the 'early works' requirement on this scheme.
4. Sanction the requirement to enter into a contractual agreement with Leeds D&B One Ltd. to deliver the expansion project at Bramley Primary School. This will take the form of a JCT 2016 contract between the Authority and Leeds D&B One Ltd. for the sum of £3,397,877.12. For contractual purposes this figure includes previous approvals, totalling £826,000, required to facilitate the 'Early Works' programme necessary to meet the critical path programme for the expansion of Bramley Primary School.
5. Note that the breakdown of project costs, highlighted in section 1.0 above, are detailed within section 5.5 of this report.
6. Note the programme dates identified in section 4.0 of this report, in relation to the implementation of this decision, represents the critical path for project success and must be adhered to where possible.
7. Note that the officer responsible for implementation is the Head of Service Learning Systems.

1.0 Purpose of this Report

1.1. The purpose of this report is:

- To provide background information in respect to the expansion at Bramley Primary School and the necessity to enter into a JCT 2016 contract with Leeds D&B One Co. for the delivery of critical works required to adhere to the expansion programme.
- Contextualise the associated cost and risk implications of the proposed works, both in terms of the construction programme at Bramley and the wider Learning Places programmes implication.
- To seek approval to incur expenditure of £3,820,451 against the £3.25m budget granted authority to spend at the December 2016 Executive Board.
- To seek approval for the Programme Capital Risk application of £570,451 for additional works added into the scheme at the request of the Executive Member for Children's & Families, the Head of Learning Improvement and the Bramley local ward members.
- To seek authority to enter into contract with the LLEP (D&B One Co.), at a contract value of £3,397,877.12, for ICL to the construction programme at Bramley Primary School. This figure includes professional design fees from RIBA Stage 4 and all construction costs, including the £826,000 of prior approvals necessary to expedite the 'Early Works' package at this site.
- Seek acceptance of the tender submitted by the LLEP in the sum of £3,397,877.12 for the aforementioned works.

2.0 Background Information

- 2.1. The Learning Places programme represents the Council's response to the demographic growth pressures in primary school provision. The increasing birth rate in Leeds has required Leeds City Council to approve an increasing number of new reception places since 2009 in order to fulfil its statutory duty to ensure sufficiency of school places.
- 2.2. The scale of the response cannot be met through the existing estate; therefore the expansion of existing schools or the creation of new schools has been required in many instances. The capital school building solutions to the demographic need is managed via Childrens & Families Learning Places Programme.
- 2.3. A report to Executive Board on 9th March 2016 detailed the outcome of consultation on the proposal to expand primary provision at Bramley Primary School from a capacity of 280 pupils to 420 pupils with an increase in the admission number from 40 to 60 with effect from September 2017. The proposal also included establishing provision for pupils with Complex Communication Difficulties including children who may have a diagnosis of ASC (Autistic Spectrum Condition) for approximately 6 pupils. Executive Board approved the recommendation to publish a Statutory Notice. The final determination was granted at the 22nd June 2016 Executive Board meeting.

- 2.4. The proposal for Bramley Primary School will form part of the on-going work to address capacity and sufficiency across all of Childrens & Families; which includes provision for primary and secondary school places in addition to early years and specialist provision.
- 2.5. These proposals form part of the Council's Learning Places Programme that embeds the 'One Council' approach in terms of shared ownership of proposed solutions across the various departments involved.
- 2.6. Considering the time pressures of this scheme and the subsequent accelerated programme for delivery, a delivery partner has to be mobilised immediately, ensuring that the full expansion of the school is complete by September 2017. As the work cannot be delivered by the Internal Service Provider, or through an existing Framework Agreement, by this deadline it has been necessary to submit a revised procurement strategy. This document requested authorisation to appoint the Council's Strategic Partner, Leeds LEP Limited, to deliver the expansion to Bramley Primary School and was approved on 17th March 2017 (D44225). Leeds LEP have confirmed they can meet the September 2017 deadline.
- 2.7. A scheme budget of £3.25m was previously approved by Executive Board in December 2016. Following this approval additional works have been agreed with the school management team and Governing body which has resulted in the project cost increasing. These elements were agreed with the participation and approval of the Head of Learning Improvement, former Basic Need Programme Manager and the Executive Member for Children's & Families. This additional scope has been included in the final cost submission and reflected in the planning application. A funding injection from the Programme Capital Risk fund is requested within this report.

3.0 Main Points

Design Proposals and Full Scheme Description

- 3.1. The works at Bramley Primary consists of the following essential components required to facilitate a September 2017 occupation of the new accommodation:
- Completion of the new school car park located adjacent the reservoir station prior to commencement of the main development works in May 2017. Works to this area have been accelerated under the 'Early Works' agreement in order to provide supplementary car parking provision whilst the main works are underway. Any necessary finishing works will be completed over summer 2017.
 - Delivery and installation of the new four classroom extension of modular build construction including necessary ancillary facilities and fire evacuation lift. Procurement of materials and commencement of construction within the factory have been accelerated under the 'Early Works' agreement'.
 - Traditional build extension to the main school hall; includes consequential amendments to the existing external nursery play area. Demolition works have been accelerated under the 'Early Works' agreement' to facilitate the construction of this extension.
 - Programme of internal remodelling to generate classrooms appropriately sized for 30 pupils each. Existing facilities are approximately 35% undersized and as such will not be suitable in a two form entry setup. Four new classrooms will be

generated via these works in addition to provision of a new adequately sized staff room.

- Construction of a Sport England standard hard standing multi-use games area (MUGA), link canopy and other associated external enhancements required as a consequence of the proposed expansion. Works to form the MUGA have been accelerated under the 'Early Works' agreement'.
 - Remodelling and condition based improvements of the two existing prefabricated buildings located on-site to enable usage as a reception class-base and school nursery. Includes for re-cladding to match the aesthetics of the proposed new four classroom block.
 - Contractual and commercial support from PP&PU.
 - Planning application fee.
 - Design and development costs, including all surveys and professional fees.
 - Off-site Highways works to provide additional road safety requirements to the entrance to the proposed new staff car park.
 - Decant support for the school during the summer period, necessary to facilitate the internal remodelling.
 - Allocation for furniture and equipment in-line with the proposed increase in pupil in-take.
 - A client held contingency commensurate with a scheme of this scale and complexity.
- 3.2. Due to the constricted programme and necessity to deliver the additional accommodation for commencement of the new academic year in September 2017 it is essential to approve the works detailed herein by week commencing 22nd May 2017 if the critical path is to be met.
- 3.3. The full scheme planning submission was submitted on the 26th January 2017. This was determined on the 21st April 2017.
- 3.4. The works detailed within this report have been procured under the Strategic Partnering Agreement (SPA) between the LLEP and Leeds City Council as the internal service provider could not meet the critical path programme due to the scope and complexity of the project. A report was submitted to this effect seeking to waiver Contract Procurement Rules 9.1 and 9.2 in order to allow the appointment of the LLEP as a fast track delivery partner. This report was approved on the 20th April 2017.
- 3.5. Childrens & Families have engaged PPPU to assist with the commercial and contractual aspects of Bramley Primary expansion project Support has been provided with setting up of the 'Early Works' agreements, development of the contract including the associated clauses and schedules along with general legal & commercial advice and assistance. As such, agreement has made to enter into a JCT 2016 contract with a target completion date of week commencing 22nd May 2017.

- 3.6. Design and technical services have been procured utilising the City Council's preferred provider, Norfolk Property Services (NPS). The Leeds office are providing design services for the full scheme having been appointed direct by the Authority between RIBA Stages 1 to 3. This service novated across to the LLEP at RIBA Stage 4 and the associated fees from this point will be included within the contract sum.
- 3.7. Further to the above NPS have also been commissioned to provide cost consultancy, Employer's Agent and Clerk of Works functions for the project at Bramley Primary. Due to the potential conflict of interests these services have been procured via the Barnsley office and assurances provided as to objectivity.
- 3.8. NPS Barnsley has undertaken a tender evaluation on the cost plan provided by Interserve, this document is appended to this report as 'Appendix B'. In summary the findings are that whilst a competitive tender would be preferable the cost provided represents value for money once the escalated delivery timeframe, the volume of work being undertaken and the complexity of this has been factored in. The tender report notes that the final cost plan provides a significant level of cost certainty for the scheme.

4.0 Programme

4.1. The 'early works' programme is currently scheduled to expire at the end of May 2017. As such it is critical that the contract is formally entered into by the week commencing 22nd May 2017 to ensure continuity of site presence from the week commencing 29th May 2017. This represents the latest possible dates on the critical path for these actions and is necessary to ensure the transition from 'early works' into the formal contract activities without any de-mobilisation and additional expenditure. As such approval of this report is required by 22nd May 2017.

4.2. The key milestones to achieve this programme are as follows:

- Planning application validated 26th January 2017
- Approval of authority to spend w/c 20th February 2017
- Target Planning determination 23rd March 2017
- 'Early Works' lead-in 28th March to 10th April 2017
- 'Early Works' start on-site 11th April 2017
- 'Early Works' end date w/c 29th May 2017
- Approval of this report w/c 22nd May 2017
- Contract award (Full Scheme) w/c 22nd May 2017
- Start on-site w/c 29th May 2017
- Completion & handover 1st September 2016
- Occupation w/c 1st September 2016

4.3. Full planning permission has been granted for this scheme and the pre-commencement conditions implemented. Requests to discharge these conditions are underway. As such no impediment is in place which would preclude formal commencement of the full construction phase once the necessary approval has been granted and the contract entered into. It is anticipated that this will commence from the week commencing 29th May, at the latest, and represent a seamless transition between the agreed 'Early Works' packages and the full contract works.

4.4. 'Early works' commenced on the 4th April 2017 and are due to complete on the 28th April 2017. Subject to approvals the works are due to continue into the main

contract period, however if this date cannot be met a second 'early works agreement' will be required to cover the intervening period. Contract award is currently programmed for week commencing 29th May 2017, at the latest.

5.0 Corporate Considerations

5.1. Consultation and Engagement

5.1.1. A report to Executive Board on 9th March 2016 detailed the outcome of consultation on the proposal to expand primary provision at Bramley Primary School from a capacity of 280 pupils to 420 pupils with an increase in the admission number from 40 to 60 with effect from September 2017. Executive Board approved the recommendation to publish a Statutory Notice. The final determination was granted at the 22nd June 2016 Executive Board meeting.

5.1.2. The proposed permanent expansion scheme has been subject to consultation with key stakeholders including Childrens & Families officers, Ward Members and the Executive Member for Children and Families. Consultation has also involved school staff and governors, the local residents and other colleagues within the Council. The Executive Member for Children's & Families and Head of Learning Improvement have worked with the Governing Body and local ward members directly to confirm the scope of this scheme.

5.1.3. Pre-planning consultation has been held with representatives from the Planning Department and LCC Highways. Supporting works to the Highways infrastructure have been identified and these will be addressed during the main construction programme.

5.1.4. Following extensive consultation with the Bramley ward members additional works have been added to the project which have in turn been approved by the Head of Learning Improvement and the Executive Member for Children's & Families. As a consequence of this a funding injection of £570,451 is sought to cover the additional expenditure as a result of the enhanced scheme scope.

5.1.5. This report has been issued for consideration and supported to the Director Resources & Housing, Director of City Development and Executive Member for Children & Families via email on 15th May 2017.

5.1.6. Childrens & Families will continue to brief elected members at key stages throughout the project development.

5.2. Equality and Diversity / Cohesion and Integration

5.2.1. The recommendations with this report do not have any direct nor specific impact upon any of the groups falling under the remit of the equality legislation and the need to eliminate discrimination and promote equality. A screening document has been prepared to this effect and an independent impact assessment is not required for the approvals requested. The screening document has been sent to the Equality Team to be approved, publishing and held on-file. A copy is included with this report as 'Appendix A'.

5.3. Council Policies and City Priorities

5.3.1. This scheme is due to be delivered under the City Council's Learning Places Programme and is required to fulfil the Local Authority's statutory responsibility to provide sufficient school places. In providing places close to where the children live

the proposals will improve accessibility of local and desirable school places, and thus reduce any risks of non-attendance.

- 5.3.2. Contract Procurement Rules (CPRs) apply to this process and this report confirms that the relevant CPRs have been adhered to. Please note, a waiver report was submitted and approved requesting the requirement to waiver CPR 9.1 and CPR 9.2 in order to fast track the LLEP as the appointed delivery partner. This decision reflected the constrained construction programme and complex scope of works and the internal service provider's inability to resource within the necessary timeline.
- 5.3.3. This contributes to the 2016/17 Best Council Plan outcomes for everyone in Leeds to 'Do well at all levels of learning and have the skills they need for life'; 'Be safe and feel safe' and 'Enjoy happy, healthy, active lives'. It also supports the vision in the supporting Children and Young People's Plan 2015-19 to build a child-friendly city with a focus on ensuring all children and young people are safe from harm; do well at all levels of learning and have the skills for life; enjoy healthy lifestyles; have fun growing up; are active citizens who feel they have a voice and influence. The programme seeks to deliver a supply of good quality accessible local school places which can contribute to these outcomes.

5.4. **Resource and Value for Money**

- 5.4.1. The scheme budget of £3.25m was previously approved at the December 2016 Executive Board. Due to the necessity for 'early works' £826,000 has since been drawn down from this figure and approved to commence work on-site.
- 5.4.2. The estimate scheme cost is £3,820,451 and inclusive of all the elements detailed in section 3.1 above and all associated fees and off-site works. The total projected scheme cost is currently over the £3.25m approved by Executive Board in December 2016 by £570,451. In order to fully fund the scheme, and allow the contract to be entered into, this report requests that the previously approved scheme budget of £3.25m be enhanced via an application to the Learning Places Programme Capital Risk Fund. Thus providing a funding injection of £570,451. There are sufficient funds with the Programme Capital Risk Fund to deal with this request as detailed in section 5.6 below.
- 5.4.3. The cost will be met through capital scheme number 32450/BRA/000 as part of the Learning Places Programme.
- 5.4.4. Due to the general level of complexity of this scheme coupled with the time pressure the internal service provider could not meet the required programme. As such a waiver report has been submitted and approved seeking to appoint the LLEP to deliver the project, and therefore waiving procurement rules 9.1 and 9.2. This was granted on the 20th April 2017.
- 5.4.5. The application to the Programme Capital Risk Fund is necessary due to the following key factors:
 - i. Following a ward member briefing in December 2016 an increase in the project scope was requested and subsequently agreed with the Head of Learning Improvement and Executive Member for Children's & Families. These additions were designed to address concerns with existing elements of the site not covered under the project remit. Consequently the project scope has been extended to include for a full fire evacuation lift in the new classroom block and a full refurbishment and reconfiguration of the two prefabricated buildings

currently located on-site. The latter including for an extended canopy to connect these facilities to the existing school and new classroom block.

- ii. In addition to adding the above into the scheme it was determined to be an ideal opportunity to align these works to address concerns raised by OFSTED with the existing Foundation function at Bramley Primary. Namely the lack of direct access to external play. As such additional minor remodelling has also been added into the scheme to reconfigure the existing Foundation stage area for use as general teaching. Foundation will then be relocated into the refurbished and reconfigured prefabricated units highlighted above.
 - iii. In order to minimise contractor fees and disruption to school it was determined that the additional works at Bramley Primary would be delivered concurrently with the original scope. Delay to these additions would impede the schools ability to deliver improved learning outcomes.
- 5.5. NPS Barnsley has undertaken a cost evaluation exercise on the proposals and the findings are detailed within the appended Tender Report. In summary the findings are that whilst a competitive tender would be preferable the cost provided represents value for money once the escalated delivery timeframe, the volume of work being undertaken and the complexity of this has been factored in. The tender report notes that the final cost plan provides a significant level of cost certainty for the scheme.
- 5.5.1. The works detailed herein are critical to ensure that accommodation is available for September 2017 and the additional pupils placed at Bramley Primary from this point.
 - 5.5.2. The costs detailed herein will be met through capital scheme number 32450/BRA/000 as part of the Learning Places Programme.

5.6. Capital Funding & Cash Flow

Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2016 £000's				
			2016/17 £000's	2017/18 £000's	2018/19 £000's	2019 on £000's
LAND (1)	0.0					
CONSTRUCTION (3)	816.0		239.0	577.0		
FURN & EQPT (5)	0.0					
DESIGN FEES (6)	0.0					
OTHER COSTS (7)	10.0		10.0			
TOTALS	826.0	0.0	249.0	577.0	0.0	0.0
Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2016 £000's				
			2016/17 £000's	2017/18 £000's	2018/19 £000's	2019 on £000's
LAND (1)	0.0					
CONSTRUCTION (3)	2572.0			2572.0		
FURN & EQPT (5)	20.0			20.0		
DESIGN FEES (6)	229.0			229.0		
OTHER COSTS (7)	174.0			174.0		
TOTALS	2995.0	0.0	0.0	2995.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2016 £000's				
			2016/17 £000's	2017/18 £000's	2018/19 £000's	2019 on £000's
	0.0					
Basic Need Grant	3821.0		249.0	3572.0		
	0.0					
Total Funding	3821.0	0.0	249.0	3572.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0

Parent Scheme Number: 32274/000/000

Title: Basic Need Primary Expansion 2017/18

5.6.1. The scheme budget includes following key elements:

- i. £3,397,877.12 for design (RIBA 4 & beyond), development and delivery of the proposed expansion at Bramley Primary School. Of which £826,000 has been previously approved as part of the 'Early Works' agreements at this site. This represents the contract sum and is inclusive of all design development services and professional fees unless otherwise stated in this section.
- ii. £153,454 for NPS fees including design (RIBA Stages 1 to 3), commercial review, clerk of works and Employer's Agent services.
- iii. £75,513 for pre and post-construction LLEP fees for the delivery of the expansion at Bramley Primary School.
- iv. The planning submission fee of £3,080.
- v. £35,000 for off-site Highways works associated with the implementation of the planning decision, as per the planning conditions.
- vi. £6,000 for PP&PU fees for commercial and contractual support on the Bramley Scheme, as per the resource proposal provided on the 16th February 2017.
- vii. £25,000 for loose furniture and equipment, based on an increase per year of 20 pupils, and decant support.

5.7. Capital Risk Fund Applications to Date

- 5.7.1. In the September 2014 Learning Places Programme report the Executive Board approved the establishment of a Learning Places Capital Risk Fund as part of the holistic Learning Places Programme budget. Delegated authority was granted to the Director of Childrens & Families to approve funding injections from the Capital Risk Fund into individual schemes were required and deemed appropriate. Funding injections from the Capital Risk Fund by the Director of Childrens & Families are subject to agreement by the Director of City Development and Director Resources & Housing in consultation with the Executive Member for Children's & Families.
- 5.7.2. This approval process provides a mechanism to allow timely and proportionate response to variations which are required to individual projects budgets pre and post approval of Design & Cost Reports as well as providing an effective mechanism to manage financial risks at programme level. The Capital Risk Fund budget was originally set at £10m, or 10% of the programme level.
- 5.7.3. In the reporting period since the December 2016 Executive Board Learning Places Programme update where the Fund value was reset at £6.7m and there have been no further applications to utilise the Capital Risk Fund in the intervening period.
- 5.7.4. The request to enhance the approved project budget of £3.25m at Bramley Primary by £570,451 is not as a consequence of overspends, it is a realignment of the budget necessary to reflect the extension of scope at this site, made in agreement with the Executive Member for Childrens & Families and the Head of Learning Improvement.
- 5.7.5. As a consequence of discussions with local ward members and the governing body the following elements have been added into the scheme which was not present when the original project budget approval was sought from Executive Board in December 2016. These are as follows; aesthetic cladding to two pre-existing pre-fabricated building, internal remodelling of the welfare facilities to the 'white' pre-fabricated building, condition based refurbishment of the 'green' pre-fabricated building, internal remodelling of the 'green' pre-fabricated building, external works to the two pre-fabricated buildings to realign as an 'early years' setting, extension of scope of the proposed canopy linking the pre-fabricated buildings to the main school, minor internal remodelling to the existing 'early years' setting into Key Stage One classroom space and confirmation of the requirement for a full fire evacuation lift with secondary power supply in the form of a generator.
- 5.7.6. Once final account has been achieved any savings made from the Bramley Primary expansion scheme will be returned to the Capital Risk Fund in-line with the recommendations within the December 2016 Learning Places Programme update to Executive Board.

5.8. Revenue Effects

- 5.8.1. Any additional revenue consequences that may arise as a result of the project will be managed within the respective school budgets.

5.9. Legal Implications, Access to Information and Call-In

- 5.9.1. The Director of Childrens & Families has been granted the delegated authority to approve this project to proceed after complying with the conditions established by

Executive Board in December 2016. As outlined in this report the Director of Childrens & Families requires the support for the decisions in this report from the Director Resources & Housing and Director of City Development, and has consulted with the appropriate Executive Members on the proposals.

5.9.2. Due to the request for additional funding this report represents a 'key decision' and therefore subject to call-in.

5.9.3. Appointment of the LLEP under the Strategic Partnering Agreement has been as a consequence of a waiver report seeking to discount CPR 9.1 and 9.2 with respect to the project at Bramley Primary School. This was approved on the 20th April 2017 and reflected the compressed delivery programme of this particular project couple with the complexity of scope.

5.10. **Risk Management**

5.10.1. Risk is to be managed through the application of 'best practice' project management tools and techniques via the City Council's 'PM Lite' methodology. Experienced project management resource has been allocated from within the Built Environment. Contractual and legal support for the formation of the programme contracts, early works agreements and formal sign-off of the NPP stages is to be provided to Childrens & Families from within PP&PU. NPS will be providing Employer's Agent Services and will be evaluating any project valuations.

5.10.2. A client held contingency, commensurate with a project of this value, has been included within the approval figure to address any risks that occur during construction.

5.10.3. Further support on risk is to be provided by the independent technical advisors assigned to the programme. A financial and technical review will be completed at the end of each key stage and are key components for sign-off and progression into future work packages. Further support will be extended to any necessary value engineering requirements. NPS have been appointed to undertake this function for the wider project.

5.10.4. A risk log has been developed for the scheme and will be updated and maintained throughout the project by the assigned project officer. Escalation of risk will be via the Children's Service Head of Service Learning Systems.

5.11. A tender report has been provided by NPS, in summary the findings are that whilst a competitive tender would be preferable the cost provided represents value for money once the escalated delivery timeframe, the volume of work being undertaken and the complexity of this has been factored in. The tender report notes that the final cost plan provides a significant level of cost certainty for the scheme.

6.0 **Conclusions**

6.1. In order to provide the necessary accommodation to implement the formal expansion of Bramley Primary School, from an intake of 40 pupils per year up to 60, it is necessary to undertake extensive construction work on-site to ensure the necessary accommodation is available for September 2017. Due to the tight timescale involved with this project it is essential that the contract is entered into with the date detailed within this report in order to ensure the critical accommodation is provided by September 2017.

- 6.2. The provision of the new accommodation at Bramley Primary School will be managed by Childrens & Families in conjunction with the LLEP, ICL and NPS. These works will be delivered in partnership with the school and other key stakeholders. The cost of the accommodation, and necessary supporting works, will be met through capital scheme 32450/BRA/000 to the value of £3,820,451. This includes the contract sum of £3,397,877.12, the previously approved 'Early Works' packages of £826,000, all other professional services, fees and client held contingency commensurate to the value of a project of this scale.
- 6.3. The requirement to provide additional accommodation at Bramley Primary School for a September 2017 delivery has been developed through continued consultation with the appropriate stakeholders.
- 6.4. The cost of the works detailed within section 3 will be met through capital scheme 32450/BRA/000 to the value of £3,820,451.
- 6.5. In order to deliver the extended scope of this project, as agreed with the Executive Member for Childrens & Families and the Head of Learning Improvement, it is necessary to inject £570,451 from the Capital Risk Fund into the previously approved project budget of £3.25m

7.0 Recommendations

- 7.1. The Director of Childrens & Families is requested to:
 - 7.1.1. Approve the expenditure of £3,820,451 from capital scheme number 32450/BRA/000 for the construction work associated with the expansion of Bramley Primary School necessary for occupation from September 2017. Please note, the above includes £826,000 of previous approvals attributable to the 'early works' requirement on this scheme.
 - 7.1.2. To approve a Programme Capital Risk application for the sum of £570,451 for additional works added into the scheme at the request of the Executive Member for Children's and Families, the Head of Learning Improvement and the Bramley local ward members.
 - 7.1.3. Authorise acceptance of the tender submitted by the LLEP in the sum of £3,397,877.12, inclusive of all design fees, development costs and surveys. Please note, this includes £826,000 of previous approvals attributable to the 'early works' requirements on this scheme.
 - 7.1.4. Sanction the requirement to enter into a contractual agreement with Leeds D&B One Ltd. to deliver the expansion project at Bramley Primary School. This will take the form of a JCT 2016 contract between the Authority and Leeds D&B One Ltd. for the sum of £3,397,877.12. For contractual purposes this figure includes previous approvals, totalling £826,000, required to facilitate the 'Early Works' programme necessary to meet the critical path programme for the expansion of Bramley Primary School.
 - 7.1.5. Note that the breakdown of project costs, highlighted in section 1.0 above, are detailed within section 5.5 of this report.
 - 7.1.6. Note the programme dates identified in section 4.0 of this report, in relation to the implementation of this decision, represents the critical path for project success and must be adhered to where possible.

7.1.7. Note that the officer responsible for implementation is the Head of Learning Systems.

8.0 Background Documents¹

8.1. Appendix A – Equality Impact Assessment Screening Document

8.2. Appendix B – NPS Tender evaluation report [Exempt from Publication]

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.