

Record of officer decision

Decision title:	Decision to spend monies related to Brookfield School and the re-engagement of Principal consultants McBains and Pick Everard.
Date of decision:	
Decision maker:	Service Director, Education, Skills and Learning Director of Resources and Assurance
Authority delegated decision:	<p>for</p> <p>On the 14th Nov 2022 the decision to approve spend of up to £370,000 pre-construction cost to enable the surrender of a lease to acquire possession of land required to redevelop Brookfield School, start the gas diversion process prior to school redevelopment and re-engage with existing consultants to tender project. http://councillors.herefordshire.gov.uk/mglIssueHistoryHome.aspx?Id=50043182</p> <p>On the 21st July 2022 cabinet approval Brookfield Special School Capital Improvement Programme – re-profile of spend. - Printed decision Brookfield Special School Capital Improvement Programme re-profile of spend.pdf (herefordshire.gov.uk)</p>
Ward:	All Wards
Consultation:	<p>Consultation has been carried out as part of the Brookfield Special School Capital Improvement Programme – re-profile of spend cabinet decision held on 21st July 2022. Link- Printed decision Brookfield Special School Capital Improvement Programme re-profile of spend.pdf (herefordshire.gov.uk)</p>
Decision made:	<p>To approve the spend for Re-engagement with Consultants as follows: The re-engagement of McBains Ltd for the provision of a Multi Discipline Design Services and Pick Everards for the provision of a Cost Consultant Service for the duration of the Brookfield School Improvement project.</p> <p>Pre-Construction Cost spend from Capital development fund: McBains Ltd - £11,803.09 Review tender docs and tender. Pick Everard - £6,000. Review Cost and tender Total £17,803.09</p> <p>Consultant services for duration of project from Capital Improvement Project fund: McBains Ltd – Fees to end of Project £179,411.00. Pick Everard – Fees to end of project £18,098.41. Total Spend = £197,509.41</p>
Reasons for decision:	<p>The Brookfield Special School is an academy situated in Hereford on two sites – the main site being close to the racecourse and the second located across the City in a mobile classroom close to the inner ring road (approximately 20 minutes apart by car). It has both primary and secondary phases. It is Herefordshire’s only social, emotional & mental health (SEMH) special school.</p> <p>The premises are inadequate – A small group of the most vulnerable and challenging pupils are currently accommodated offsite in a temporary demountable building of poor quality and unsuitable layout on Symonds</p>

	<p>Street. The use of this building is subject to a temporary planning permission which requires the mobile building to be removed by 16 April 2023. There are no female pupil toilets in the secondary building and as there is now demand for female places at the school (although this has not been the case previously), this poses an equality issue. All current classrooms are small and there are only 9 as opposed to the 10 classrooms described as necessary in BB104 (Establishes non-statutory area guidelines for buildings and grounds at special schools and alternative provision). There are no indoor sports facilities despite physical education being a statutory requirement of the national curriculum.</p> <p>This decision supports the Cabinet decision, on 21 July 2022, to accept of the Department for Education (DfE) funding offer and move forward with The Brookfield Special School project.</p> <p>There are a number of requirements to allow the progression of this decision in a timely manner.</p> <p>The three required tasks needed to start the project are:</p> <ol style="list-style-type: none"> 1. Negotiate and agree the surrender of the current lease with the Greyhound Rugby Club (GRC) and take forward a new lease. 2. Commission a contractor to divert an existing gas pipe that currently runs through the proposed construction site. (subject to approval of the GRC, legally documented by a license and works agreement.) 3. To re-engage consultants to review and update the existing tender documents and design Stage 4 and carry out procurement for design and build. <p>This decision is for Part 3 above, re-engagement of consultants. Other parts will require other decisions.</p> <p>We need to re-engage the consultants, who were appointed following a competitive tender process, to prepare the original tender documents, to review and update the documents ready for re-tender. At the outset of the project, design and cost consultants were appointed as part of the delivery team. During the ongoing negotiations with the DfE regarding funding, the consultant's contracts were temporarily paused and now require to be re-engaged. This will allow for a prompt tendering process which can be done in parallel to the gas works, again saving time and additional cost. It is intended that once the transfer of the Brookfield Special School to the MET, the funding provided from Capital Development budget will be reimbursed from the funding allocated to the Brookfield Special School capital improvement budget.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Commercial Services - The uplift is within the level allowed in the CPR's and the justification given is reasonable to allow the variation.</p> <p>Legal - This contract was paused whilst the finances were agreed following changes to the trust status of the school during the procurement process for the construction.</p> <p>The contract does allow for the contract to be suspended and for the fees to be adjusted if the performance of the Services is materially delayed or disrupted due to causes outside the Supplier's reasonable control and which it could not reasonably have foreseen at the date of the agreement. The issue with the finances were not know when the contract with the consultant was initially entered into, therefore, the changes are</p>

	<p>permissible under the contract.</p> <p>Finance Services- Although the increase seems a little higher than normal inflation over the delay period it is understood the remobilisation of the team etc and the additional works are a significant part of the increase. It would seem sensible to retain this company as a significant amount of the contract has been delivered and to retender this would likely add even more cost and create delays in commencement of the project.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>If not approved, an open tender exercise would have to be undertaken. This runs the risk of not only higher tender costs and all previous knowledge and time spent lost, but there is an urgent need to gain the tender cost in order to allow the DfE to assign cost as part of the trust transfer by end March 2023</p>
<p>Details of any declarations of interest made:</p>	<p>None</p>

Signed:

Elizabeth Farr
04/01/2023