

## Record of operational decision

<b>Decision title:</b>	Decision to vary the Schools Capital Maintenance Programme's consultant contract to manage the delivery of Capital Works carried forward from 2022/2023 and to approve delegated authority to Service Director to take Contract award operational decisions.
<b>Date of decision:</b>	06 April 2023
<b>Decision maker:</b>	Corporate Director, Children and Young People
<b>Authority for delegated decision:</b>	<p>The authority for the specified officer to take this decision as set out in the cabinet report, Local Authority School Buildings Maintenance Works, approved February 2023.</p> <p>The Corporate Director, Children and Young People be authorised to take all operational decisions relating to the award of contracts for the above programmes of work.</p> <p>Link: <a href="#">Decision - Local authority school buildings maintenance works 2023 - 2026 and accessibility improvement works 2023-2024 - Herefordshire Council</a></p>
<b>Ward:</b>	Countywide
<b>Consultation:</b>	<p>The Cabinet Member for children &amp; families has been consulted and is supportive of the programme of works.</p> <p>The Cabinet member for commissioning, procurement and assets has been consulted and is supportive of the programme of works.</p> <p>Political groups have been consulted.</p>
<b>Decision made:</b>	<p>To vary the contract with consultant AHR Building Consultancy Ltd to extend the term to allow for delivery of the remaining 2021-2023 schemes currently in design and procurement stage.</p> <p>The works costs estimated include contingency to allow for unforeseen works that may arise and for inflation of costs.</p> <p>Responsibility for monitoring the remaining works to be carried out by the Capital Project Manager within the spend budget.</p> <p>The Corporate Director, Childrens and Young People approve the delegated authority to the Service Director to take all operational decisions relating to the award of contracts for the 2023-2026 School Capital Maintenance programme.</p>
<b>Reasons for decision:</b>	<p>The existing contract allows Herefordshire Council to omit and add in any works to the programme as agreed with the consultant.</p> <p>Due to the number of emergency unplanned schemes added to the 2021-2023 an extension of time is needed for the consultant to complete the delivery of the schemes. The extension needed will be up to 31<sup>st</sup> March 2025, which include the defects liability period.</p>

	The contract variation would be based on the existing percentage fee rate and terms & conditions with the consultant.
<b>Equality Considerations</b>	<p>Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:</p> <p>A public authority must, in the exercise of its functions, have due regard to the need to –</p> <ul style="list-style-type: none"> <li>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> <p>The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation. Any building works carried out within schools will be compliant with the Equality Act 2010 and support improved accessibility.</p> <p>The proposed capital maintenance schemes have given due consideration to equality issues particularly in relation to disability. The council maintains an accessibility strategy.</p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	Due to the number of priority unplanned works added to the programme, the remaining works will carry forward into 2023/24. A contingency will be included against each piece of work to cover inflation and for unforeseen elements once works commence.
<b>Details of any alternative options considered and rejected:</b>	If a new consultant took on the remaining schemes as part of their contract there would be a duplication of works and costs with the new consultant needing to carry out their own investigations.
<b>Details of any declarations of interest made:</b>	None

Signed..... Date: 6 April 2023  
Darryl Freeman