

Mr Edwards, Director of Property and Assets	Ref No: OKD32 19/20
January 2020	Key Decision: Yes
Award of Contract for the Expansion of Manor Green Primary School, Crawley	Part I
Report by Contract and Relationship Manager	Electoral Divisions: Langley Green and Ifield East
<p>Summary</p> <p>The County Council has a statutory duty to provide sufficient school places for all children who need a place.</p> <p>Manor Green Primary School in Crawley caters for a wide-range of Special Educational Needs and Disabilities (SEND), particularly for children with moderate and severe learning difficulties, complex social and communication difficulties or those who have been identified as having an Autistic Spectrum Condition.</p> <p>In October 2019 the Cabinet Member for Education and Skills approved the allocation of £1.018m from the Capital Programme to fund an increase in space at the school to provide 36 additional school places (decision reference ES05(19/20)). As part of this decision the Cabinet Member also approved the delegation of authority to the Director or Property and Assets to award the contract for the works.</p> <p>A procurement process has taken place and, following full financial and technical evaluation, based on a 60% cost and 40% quality evaluation approach, this report recommends the contract to increase space at Manor Green is awarded to J. Cheesmur & Sons (Lewes) LTD.</p>	
<p>West Sussex Plan: Policy Impact and Context</p> <p>The proposal is in accordance with the Best Start in Life Policy within the West Sussex Plan. It will ensure access to education meeting the needs of the community.</p>	
<p>Financial Impact</p> <p>This proposal will reduce the amount of unallocated Basic Need funding as shown in the table in paragraph 4.3 and is also part funded by corporate borrowing. Extra pupils and building space will create higher revenue costs; however these will be funded by additional per pupil funding from the Government as the places created fill up. The additional Special School places will avoid some costly out county placements.</p>	
<p>Recommendation</p> <p>That the Director of Property and Assets awards the construction contract to expand Manor Green Primary School to J. Cheesmur & Sons (Lewes) LTD for the sum of £619,773 which is affordable within the overall budget of £1,018m for this project.</p>	

Proposal

1. Background and Context

- 1.1 The County Council has a statutory duty to provide sufficient primary and secondary school places for all children who need a place. In its strategic role as commissioner of school places, the County Council must respond to changes in demand over time by increasing or removing capacity. It discharges this duty in partnership with Diocesan authorities and other providers. In deciding the need for places it considers the capacities of existing schools and the forecast number on roll.
- 1.2 School places need to be available to pupils for the start of each school year, with projects planned and delivered, wherever practicable, by the summer in the relevant year. The requirements are reviewed annually to identify the next tranches of projects and to ensure planned projects are still required following reviews of the projection data of pupil numbers.
- 1.3 In order to accommodate the increased need for Special School places in the north of the County, in October 2019 the Cabinet Member for Education and Skills approved a decision (decision reference [ES05 \(19/20\)](#) to allocate funding from the Capital Programme to expand Manor Green Primary School. This expansion will enable the school to increase its planned places from 164 to 200 from September 2020.
- 1.4 As part of the decision the Cabinet Member delegated authority to the Director of Property and Assets to award the building contract to carry out the necessary works.
- 1.5 The project to provide additional places at Manor Green Primary School was procured utilising a single stage design and build approach via the County Council's Procurement team with the County Council's Multi-Disciplinary Consultant (MDC) providing Project Management and technical services.

2. Proposal Details

- 2.1 Approval to award the building contract to undertake the single stage expansion work in relation to Manor Green Primary School to J. Cheesmur & Sons (Lewes) Ltd for the sum of £619,773 is sought from the Director of Property and Assets. The contract will commence in March 2020 and the work is due to be completed during August 2020.

Factors taken into account

3. Consultation

- 3.1 The project has been designed and agreed in full consultation and agreement with the school.
- 3.2 The project has received planning permission.
- 3.3 The details of the proposal have been shared with the local Member representing the Langley Green and Ifield East division.

4. Financial (revenue and capital) and Resource Implications

- 4.1 The High Needs Block funding from the Department for Education is currently no longer sufficient to meet the increasing costs of providing for the number of children with Education Health and Care Plans (EHCPs). In March 2015 3,423 children and young people in West Sussex had EHCPs and by June 2019 this number had risen to 5,440.
- 4.2 The needs of children with SEND are also becoming more complex and this is driving increased financial pressures across the system. There is a shortage of local specialist educational provision to meet need, particularly in relation to Autism Spectrum Disorder (ASD) and Social, Emotional and Mental Health Needs (SEMH), and this is resulting in the County Council needing to increase the number of children educated in specialist placements with independent providers. There is also an increased demand for top-up funding across all settings. A project such as this, to provide additional places in County Council Special Schools, reduces the need for more expensive placements with independent providers.
- 4.3 The project is to be part funded from Corporate Borrowing in the approved capital programme and by Basic Need Grant. The current table shows the phasing of Basic Need as per the Capital Programme approved by County Council on 15th February 2019. This shows the overall amount of Basic Need available in the 5 year Capital Programme is £47.365m. Any assumptions around future assumed Basic Need settlements not confirmed have been removed. The phasing of the Basic Need can be accelerated or slipped depending on the development of plans.

	2019/20	2020/21	2021/22- 2022/23	Total
	£m	£m	£m	£m
Basic Need Grant per capital programme	6.65	14.5	34.935	56.085
Previously committed (since Capital Programme set)	-5.065	-2.637		-7.702
Manor Green	-0.2	-0.818		-1.018
Uncommitted	1.385	11.045	34.935	47.365

- 4.4 The County Council's Multi-Disciplinary Consultant (MDC) was appointed to undertake the design work necessary for the production of a planning application and tender package. The cost of this initial design stage is £50,000 and this has already been funded from an initial capital allocation of £50,000 approved by the Executive Director Economy, Infrastructure and Environment.
- 4.5 The balance to fund the completed design and construction is £1,018m. The main contractor has now sought a minimum of three quotes for all the packages of work required for this project and these have been interrogated by the Cost Manager to ensure value for money. The MDC has now confirmed that the single stage tender figure received from the main contractor, J.

Cheesmur & Sons (Lewes) LTD, for £619,773 is fair and reasonable for the building works. A Clerk of Works is to be appointed so as to protect the Authority's interests.

4.6 The gross budget for the whole project is as follows:

Stage 1 Design by MDC -	£109,674
Stage 2 Construction works -	£619,773
Fees Statutory/surveys -	£18,000
ICT -	£57,000
Furniture and Equipment -	£46,200
Contingency -	£167,353
Total -	£1,018,000

4.7 It is recommended that a contingency of £167,353 is included to ensure sufficient funds are in place for additional consultancy fees including Clerk of Works. Any unused contingency will be returned to the Education Capital Programme.

4.8 A Clerk of Works will be appointed to ensure the Contractor's construction work is carried out to the County Council's standards as set out in the Employer's Requirements and the Contractor's Proposals.

4.9 The Cabinet Member Decision Report [ES05 \(19/20\)](#) approved the allocation of the gross budget for the project of £1.018m funded from £450,000 Corporate Borrowing and £568,000 from Basic Need.

5. Legal Implications

5.1. The procurement for a contractor to complete the building works has been successfully and compliantly processed with the successful bidder being J. Cheesmur & Sons (Lewes) Ltd. The works will progress under a duly completed JCT form of contract which will allow for Performance Bond and Collateral Warranties (where appropriate for design work) to be procured for the benefit of the Council.

5.2. Given the fact this school provides special needs support and education, it is of benefit to have a clerk of works managing the project to mitigate any reputational risk to the Council should there be delay to completion of the works.

6. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
Project costs exceed budget	Ensure design follows project brief
Design changes increase project cost	Regular design meetings held to review design. Stakeholders & end users to sign off design at each stage. No changes to be made before time & cost implications have been fully assessed
Building regulations approval	Design to commence early dialogue

process is delayed or requires changes to design prior to construction	with the local Building Control inspector. Contractor to submit Building Regulations application as soon as reasonably possible
Design places with unacceptable maintenance duties and costs to the school.	Design team to work with principle designer to design out risk and ensure building is maintainable within schools existing maintenance plans
Contractor requires extended design period	Request confirmation of tenderers required design period in tender returns
Existing attenuation is insufficient to cater for additional classrooms	MDC to allow for new attenuation tank within design to accommodate increased surface water. A provisional sum has been included.
The additional places will not be taken by pupils who would otherwise be in INMS placements but instead are taken by pupils who should be in mainstream placements, thereby increasing costs rather than offering the reduction expected	Individual children's needs to be reviewed and appropriate School placements made based on need
Increase in pupil numbers will impact other areas of the school, i.e. dining, not currently included in the project scope	The project will provide additional teaching space, WCs and storage only. Other aspects of the school's accommodation are not be enhanced through this project as they are considered suitable for the increase in numbers. However, school accommodation will continue to be reviewed annually and, should additional works be required in the future, this would be progressed separately through the Capital Governance arrangements.
Project will not complete for September 2020	Cost for extra hire of temporary accommodation has been included in costings.

7. Other Options Considered (and reasons for not proposing)

- 7.1 One alternative is not to undertake the project. This would mean that the County Council cannot meet its statutory requirement to provide sufficient primary school places in the area and the children would be accommodated in costly out county placements in the Independent and Non-Maintained Sector at an average cost of £44,800 per place per annum.

8. Equality and Human Rights Assessment

- 8.1 Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to (1) eliminate discrimination,

harassment, victimisation and other unlawful conduct under the Act, (2) advance equality of opportunity and (3) foster good relations between persons who share a protected characteristic and persons who do not share it. This proposal will ensure those with protected characteristic have school places near to their home.

- 8.2 Everyone has the right to respect for private and family life, home and correspondence under Article 8 of the Human Rights Act. The impact of any proposed changes on the right to family life such as a need to travel further to an appropriate school has been taken into consideration and this proposal will provide additional Special School places closer to home. Article 1 of the First Protocol is the right to education. No person shall be denied the right to education. The proposals therefore support this right as school places will be available in the local area for all children of school age.

9. Social Value and Sustainability Assessment

None applicable.

10. Crime and Disorder Reduction Assessment

None.

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Background papers

None