

## **Report to Andrew Edwards, Assistant Director (Property and Assets)**

**October 2022**

### **Award of Contract for creation of a Special Support Centre at Felpham Community College, Bognor Regis**

**Report by Philippa Hind, Head of Development**

**Electoral division: Felpham**

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#### **Summary**

The Special Education Needs Team within Education and Skills has identified a need to increase provision for children and young people with Special Educational Needs and Disabilities (SEND) through the creation of additional places in Specialist Support Centres (SSCs) to assist with the aim of enabling children to attend school locally.

In line with this aim, in November 2021 the Cabinet Member for Learning and Skills approved the allocation of £1.224m to fund the provision of a 12 place Special Support Centre at Felpham Community for children aged 11 to 16 with social communication needs (decision [LS10 \(21/22\)](#) refers). Since that decision was taken, due to inflationary increases in the construction industry, the overall project budget forecast has increased, and the successful tender exceeds the original agreed budget. In accordance with the capital programme governance requirements, a change control request to increase the project budget has been approved for the additional sum of £284,000 to enable the project to proceed.

The project will involve the installation of a modular building within the grounds of the College to accommodate the SSC. This will be located on the site of a redundant caretaker's cottage that has been vacant for a number of years, is in a poor state of repair so is to be demolished.

#### **Recommendations**

The Assistant Director (Property and Assets) is asked to approve:-

- (1) The award of contract for the demolition of the caretakers cottage and construction of a SEND classroom modular block including breakout space and hygiene room at Felpham Community College for the sum of £1,411,023 to Cheesmur and Sons Limited
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#### **Proposal**

##### **1 Background and context**

- 1.1 There is a need to reduce the number of children and young people with Special Educational Needs and Disabilities (SEND) moving from maintained schools and

academies into more expensive Independent and Non-Maintained Schools (INMS), some of which are out of county. Increasing provision for children and young people with SEND through the creation of additional places in Special Support Centres (SSCs) will assist with the aim of enabling children to attend school locally and meets a key objective of the County Council's SEND and Inclusion Strategy 2019 - 2024.

- 1.2 To assist in meeting this need for additional places in SSCs a feasibility study was undertaken at Felpham Community College in August 2020 to explore options for creating a SSC to accommodate 12 children. The study indicated that installation of a new classroom modular building would provide the additional basic provision necessary for the SSC.
- 1.2 In November 2021 the Cabinet Member for Learning and Skills approved the allocation of £1.224m to fund the necessary accommodation and external play area to enable the establishment of a 12 place SSC for with social communication needs from September 2023 (decision [LS10 \(21/22\)](#) refers). As part of the decision the Cabinet Member also delegated authority to the then Director of Property and Assets to enter into a construction contract with the successful provider.
- 1.3 Since the decision by the Cabinet Member to approve the budget allocation the overall project budget forecast has increased and is currently showing an over-spend, this includes contingency within the construction budget (as set out in line one in the table in paragraph 5.2) and client contingency of 10%; the Cabinet Member has been made aware of this. The increase has been identified through the procurement process as the successful tender exceeded the original agreed budget. In accordance with the Capital Programme governance requirements a change request has been approved to uplift the project budget by £284,000 and enable the project to proceed.
- 1.4 The procurement for a contractor to carry out the works was undertaken via a restricted competitive tender process advertising the opportunity on the SE Shared Services Tendering Portal and on Contracts Finder. The successful bid had the highest overall score based on Technical, Social Value and Commercial sub criteria. Expenditure is expected to be met within budget now that an increase to the funding has been agreed. The value of this procurement is below the Public Contract Regulations 2015 (PCR) threshold for works of £4,733,252.
- 1.5 The County Council's Multi-Disciplinary Consultant (MDC) is providing Project Management and technical services.

## **2 Proposal details**

- 2.1 The Assistant Director (Property and Assets) is asked to approve the award of contract for the works to Cheesmur & Sons Limited.
- 2.2 The proposal is to provide a classroom modular teaching block with associated group room, hygiene provision, storage and external works to enable the establishment of an SSC at Felpham Community College. The project will also involve demolition of the care takers cottage that is a derelict building situated on the school grounds and where the new modular block will be situated.
- 2.3 Construction work is anticipated to commence on site in winter 2022 and complete in Summer 2023.

### 3 Other options considered (and reasons for not proposing)

- 3.1 One alternative is to not undertake the proposed expansion project, but this would mean the school would not be able to accommodate further children that is a statutory duty that WSCC must meet. The derelict caretaker cottage may become a Health & Safety risk to the council and pose a risk to vandalism and trespassing.

### 4 Consultation, engagement and advice

- 4.1 The Headteacher and Governors have been fully involved in the design and they will continue to be involved as the project progresses through the construction stage and into hand over.

### 5 Finance

- 5.1 Capital consequences

	Current Year 2022/23 £m	Year 2 2023/24 £m	Year 3 2024/25 £m	Total £m
Approved Capital budget	0.256	1.154		1.410
Change from Proposal		0.284		0.284
Revised Budget after Approval	0.256	1.438		1.694

The table above shows the effect of the additional £0.284m being requested giving a revised budget of £1.694m. A change request in respect to this has been submitted and agreed. The scheme delivers 12 places at a cost of £141,167, significantly above historic benchmark prices. This reflects market volatility, inflation and reduced bidders on projects.

- 5.2 The effect of the proposal:

#### (a) Overall Project budget breakdown

<b>Construction Cost</b>	<b>£1,250,930</b>
<b>Loose FF&amp;E and ICT</b>	<b>£35,000</b>
<b>Construction Contingency (10%)</b>	<b>£125,093</b>
<b>Construction Value</b>	<b>£1,411,023</b>

<b>Professional Fees</b>	<b>£194,086</b>
<b>Site Surveys and Investigations</b>	<b>£39,794</b>
<b>Local Authority Fees</b>	<b>£2,000</b>
<b>Cost of moving pupils and staff</b>	<b>£6,500</b>
<b>Client Contingency (2.5%)</b>	<b>£41,335</b>
<b>Project Total Cost</b>	<b>£1,694,738</b>

The additional funding requested will be taken from the SEND Funding in the Capital Programme 2022/23 to 2026/27. After this and all other amounts concurrently being requested the balance available reduces to £14.536m.

(b) **Future savings/efficiencies being delivered**

None

(c) **Human Resources, IT and Assets Impact**

None

**6 Risk implications and mitigations**

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
Project scope creeps following engagement with various parties increasing costs and delaying programme.	Ensure impacts of all scope changes are understood and managed via the change control process proposed before formally approved.
The project has a tight programme for delivery.	Regular engagement sessions have been discussed and included within programme, all personnel responsible for delivery of this project will coordinate and manage their input to ensure effective engagement occurs and management and progress is maintained.
Planning has not been approved at present. However delay in awarding the contract will cause a significant delay in the project programme, therefore the delivery date will not be obtainable and WSCC will not be able to provide the	Progress with the Officer Key Decision to award the contract. The project team will work closely with the planning department and Arboriculturists ensure that sign off is approved. Planning application has been submitted and extensive consultation has been met throughout the duration of the planning process.

Risk	Mitigating Action (in place or planned)
modular classroom as per the statutory requirement	

## 7 Policy alignment and compliance

7.1 Our Council Plan sets out the corporate priorities and includes a commitment to help people and communities to fulfil their potential. This proposal will provide appropriate accommodation and facilities to meet the need for specialist SEND places in the area ensuring young people have a school place close to home.

7.2 Legal implications

7.2.1 The Council is a Contracting Authority as defined in the Public Contract Regulations 2015 ("PCR") and as such is governed by those regulations.

7.2.2 The value of the proposed contract is below the relevant PCR Thresholds as referred to in the PCR of £4,733,252 for Works Contracts.

7.2.3 As such the Council will competitively tender these services in accordance with the procedures set out in PCR.

7.2.4 The Council will enter into a works contract using terms and conditions, approved by Commercial Legal Services and compliant with section 10 of the Council's Standing Orders on Procurement and Contracts.

7.2.5 The increase in project costs as a result of the current inflation rise and cost of materials has been reported through the correct governance levels and notified to the Cabinet Member. Agreeing the extra costs now will mitigate to some extent the need for future change control requests.

7.3 Equality duty and human rights assessment

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.

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 high quality Special School places close 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.

7.4 Climate change

The employer's requirements to consider climate change proposals acts as part of the contract documentation and building regulations that must be adhered to.

Sustainability considerations will be fully imbedded in the design of the new building as it develops and will support the County Council's goals in relation to combatting climate change.

7.5 Crime and disorder – Not Applicable

7.6 Public health – Not Applicable

7.7 Social Value – The contractor appointment will reflect the County Council's duty under the Public Services (Social Value) Act 2012.

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### **Background papers**

None