



## Decision of Cabinet Member for Education, Employment and Skills

### Report from the Strategic Director of Regeneration & Environment

# AUTHORITY TO VARY THE CONTRACT WITH MOTT MACDONALD LTD AS EMPLOYERS AGENT AND QUANTITY SURVEYOR FOR UXENDON MANOR PRIMARY SCHOOL EXPANSION PROJECT IN ACCORDANCE WITH PARAGRAPH 13 OF PART 3 OF THE CONSTITUTION

<b>Wards Affected:</b>	Kenton
<b>Key or Non-Key Decision:</b>	Non-Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt – Appendix A is exempt as they contain the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
<b>No. of Appendices:</b>	Appendix A – exempt
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Jas Yembra, Capital Project Manager Property & Assets 020 8937 2379

## 1.0 Purpose of the Report

- 1.1 This report concerns the Uxendon Manor Primary School Expansion Project. This report requests individual Cabinet Member approval to vary the contract with Mott MacDonald Ltd as Employers Agent and Quantity Surveyor for Uxendon Manor Primary School Expansion Project in accordance with paragraph 13 of Part 3 of the Constitution.

## 2.0 Recommendation(s)

That the Cabinet Member for Education, Employment and Skills, having consulted with the Leader:

- 2.1 Agrees to vary the contract with Mott MacDonald Ltd as Employers Agent and Quantity Surveyor for Uxendon Manor Primary School in accordance with paragraph 13 of Part 3 of the Constitution.

### **3.0 Detail**

- 3.1 In March 2020 Cabinet approved a virement to complete the recovery project at Uxendon Manor Primary School.
- 3.2 In April 2020, the Council awarded an Employers Agent and Quantity Surveyor Consultancy Contract to Mott MacDonald Ltd as part of the recovery project for Uxendon Manor Primary School Expansion Project approved by the Director of Property and Assets as detailed in Appendix A.
- 3.3 This report outlines prolongation and thickening activity required due to changes in programme and scope of works and the respective impact on the consultancy roles delivered by Mott MacDonald Ltd as Employers Agent and Quantity Surveyor for Uxendon Manor Primary School Expansion Project
- 3.4 An Employers Agent is required to deliver the contract administration and project management service for this project. A Quantity Surveyor will provide specialist construction industry commercial expertise to ensure value for money on this project.
- 3.5 Due to the extenuating circumstances of this project, with the demise of Lakehouse, the project programme and scope of works has increased with additional works identified to ensure the buildings are safe, compliant and appropriate for the school to utilise.
- 3.6 The contracted scope of works has increased in order to address quality issues with the building from the works completed by Lakehouse Contracts Ltd as well as weather related deterioration. Examples in the teaching block include removal and replacement of ceilings on the ground and first floors, additional fire barriers, electrical testing and associated remedial works. Examples in the hall include ceiling removal and replacement, works to the link roof, screed replacement with associated works to the stage. Examples of external works include the installation of a temporary haul road to resequence on site removal of temporary classrooms blocks, additional drainage and landscaping works.
- 3.7 The Council's Employers Agent and Cost Consultants have enhanced their level of service to respond to the increased programme and scope of work to minimise risks to the Council and to administer the contract effectively.
- 3.8 The existing consultant project team has extensive knowledge of this project, which is invaluable to ensure project delivery and therefore consideration for a new procurement approach would be ill advised at this stage of the project.
- 3.9 The increase relates to prolongation due to the changes in the programme and resource thickening due to the complexity of the changes on the project.

- 3.10 In accordance with paragraph 13 of Part 3 of the Constitution, the Cabinet Member has been delegated authority to make this decision in consultation with the Leader. The individual Cabinet Member is asked to give its approval to these proposals as set out in the recommendations and in accordance with the Constitution.

#### **4.0 Financial Implications**

- 4.1 The contract award value is as detailed in paragraph 4.1 of Appendix A, based on the value of the D&B contract award represents 7% of the contract value.
- 4.2 Cost report 11 submitted by the Council's Quantity Surveyor anticipates the Final Account is as detailed in paragraph 4.5, Appendix A, noting this is anticipated not final.
- 4.3 The increase as detailed in paragraph 4.3, Appendix A is for prolongation and resource thickening, this represents 7% of the anticipated final account based on cost report 11, which is consistent with the contract award and therefore continues to present value for money.
- 4.4 The current approved contract value is detailed in paragraph 4.4, Appendix A, the increase will change the contract sum to the revised value as detailed in paragraph 4.4, Appendix A. The increase will be accommodated within the assigned project budget.

#### **5.0 Legal Implications**

- 5.1 Based on the contract value mentioned above which is below the threshold for services under the the Public Contracts Regulations ('the Procurement Regulations'), the contract and the variation are not subject to the Procurement Regulations but the variation is subject to the provisions of the Council's constitution in respect of approval.
- 5.2 Under Paragraph 9.5(3)(b)(f) of Part 3 of the Constitution, variation of contracts may be agreed without the need for Cabinet approval, provided that the variation would not be in breach of the Procurement Regulations; does not substantially alter the terms and conditions of the contract; there is sufficient existing budgetary provision and provided that in the case of any variation, the total value of the variation is less than £1m; and if the total value of the variation is more than £50k it is not more than 50% of the original contract value. The relevant Cabinet Member shall be consulted prior to a decision and may request that the decision instead be referred to them.
- 5.3 Clause 29.2 of the contract provides that the Council may from time to time require the addition of new Services, or increasing or decreasing the Services or specifying the order in which the Services are to be performed for any reasons whatsoever and such a change may also result in the contract price variation and as already mentioned the contract is not subject to the

requirements of the Procurement Regulations. The contract will continue on the same terms and conditions.

- 5.4 As mentioned in paragraph 4, the increase in the contract price will be more than 50% of the original contract value. Paragraph 13 of Part 3 of the Constitution also provides that Individual Cabinet Members have delegated to them, authority to agree variation of contract where the total value of the variation is more than 50% of the original contract value. It is considered that the Individual Cabinet Member for Education, Employment and Skills, has the authority to approve the variation of the Council's contract with Mott MacDonald Ltd as Employers Agent and Quantity Surveyor for Uxendon Manor Primary School Expansion Project to enable them to provide additional work required under the project.

## **6.0 Equality Implications**

- 6.1 Members are referred to the Equalities Impact Assessment from previous Cabinet reports as outlined below

- Uxendon Manor Primary School
- Cabinet Meeting Date: 24<sup>th</sup> August 2015
- Item 5
- Appendix 4

- 6.2 The proposals in this report have been subject to screening and officers believe that there are no equality implications.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 Ward Members are kept up to date with the progress on the project.

## **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 Should this recommendation not be approved there is a risk that this project may not complete in line with the current programme and the School will not have access to the hall and external areas.

### **Related documents:**

Uxendon Manor Primary School Expansion Project  
March 2020 Cabinet Paper, Item 9

<https://democracy.brent.gov.uk/ieListDocuments.aspx?CId=455&MId=5363&Ver=4>

### **Report sign off:**

**Alan Lunt**

Strategic Director of Regeneration & Environment

