

**TO: THE EXECUTIVE  
31 MARCH 2015**

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**CRANBOURNE CLASSROOMS  
REVISED AWARD OF CONTRACT  
Director of Children, Young People & Learning**

**1 INTRODUCTION**

- 1.1 The purpose of this report is to notify the Executive of the decision taken by the Leader, Executive Member for Council Strategy and Community Cohesion, on 23 February 2015 to revise the award of the contract previously taken by the Executive in September 2014 for the construction works to create new classrooms at Cranbourne Primary School.
- 1.2 Contract Standing Orders stipulate that if there are special circumstances to waive or suspend any section or sections of Contract Standing Orders, for contracts over £400,000 a report must be made to the Executive, incorporating advice from the Head of Procurement, for approval save that where the Borough Solicitor and Chief Executive have confirmed that there is genuine urgency and it is not possible to obtain approval from the Executive in time, the Leader may approve, but shall report his decision to the next meeting of the Executive for information. The latter applied in this case.

**2 RECOMMENDATION**

- 2.1 That the use of Special Urgency Procedures by the Leader to revise the award of contract for the construction works to create new classrooms at Cranbourne Primary School be noted.**

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 To comply with Contract Standing Order 7 in relation to the reporting of any waiver of Contract Standing Orders approved by the Leader in relation to contracts valued at over £400k.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 None, as to have delayed the decision until the next meeting of the Executive would have impacted significantly on the works programme and jeopardised the timely delivery of the new classrooms.

**5 SUPPORTING INFORMATION**

Background

- 5.1 The works to Cranbourne Primary School form part of the Education Capital Programme approved by the Executive in February 2013 and is also set out in the

school Capacity Strategy approved by the Executive in October 2013. The works include demolition of the existing pre-school classroom, reception classroom and creation of 3 new classroom areas including associated toilets, kitchen and storage areas.

#### Reason for Urgency

- 5.2 Urgency Procedures in the Council's Constitution cover both "General Exception" and "Special Urgency" procedures as defined in the Access to Information Procedure Rules where there is a need to make decisions at short notice outside of the established decision making process where special circumstances apply. This decision was taken in accordance with the General Exception procedure.
- 5.3 Urgency arose in this case following issues with the original tenderer who had been awarded the contract which came to light after the contract award decision by the Executive in September 2014. The time required to follow the established decision making process to revise the award of the contract would have resulted in an unacceptable delay to the construction on site and mean that classrooms would not be completed before they are needed at the beginning of the academic year in September 2015.
- 5.4 Doing nothing was not an option because the Council has a statutory duty to provide sufficient pupil places and there is insufficient time to undertake a new tendering exercise and deliver the required classrooms for September 2015.

#### Call In Period

- 5.5 The urgency also meant that the call-in period after the award decision has been waived with the consent of the Mayor in order to serve a letter of intent on the contractor to achieve the key programme dates. The Mayor was satisfied that call-in would have seriously prejudiced the Council's and the public's interests.

#### Timescales

- 5.6 The Works are planned to start on site in March 2015 for completion of key classrooms by September 2015 and overall completion of all areas later during the 2015 autumn term.

#### Costs and Funding

- 5.7 The funding for this contract has already been approved by the Executive as part of the Education Capital Programme, and includes DfE grants for Basic Need and Schools Capital Maintenance, plus a capital receipt from the sale of the former caretaker's house.

### **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

#### Borough Solicitor

- 6.1 Nothing to add to the report.

#### Borough Treasurer

- 6.2 Nothing to add to the report.

Equalities Impact Assessment

6.3 Not applicable.

Strategic Risk Management Issues

6.4 Not applicable

**7 CONSULTATION**

Principal Groups Consulted

7.1 None.

Method of Consultation

7.2 Not applicable.

Background Information

Atkins Ltd. Tender Report – Cranbourne Primary School, February 2015 (Exempt Information).

Contacts for Further Information

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