BIRMINGHAM CITY COUNCIL

CABINET MEMBER AND CHIEF OFFICER

WEDNESDAY, 29 APRIL 2020 AT 00:00 HOURS
IN CABINET MEMBERS OFFICE, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

AGENDA

3 - 20

1
FULL BUSINESS CASE AND RECOMMENDED CONTRACT AWARD
FOR THE CAPITAL SCHEME AT THE FORMER NURSERY UNIT ON
BELGRAVIA ROAD (CALTHORPE ACADEMY)

Item Description

Birmingham City Council Report to Cabinet Members Education, Skills & Culture and Finance & Resources



Date: 28th April 2020

Subject:	FULL BUSINESS CASE AND RECOMMENDED CONTRACT AWARD FOR THE CAPITAL SCHEME AT THE FORMER NURSERY UNIT ON BELGRAVIA ROAD (CALTHORPE ACADEMY)				
Report of:	Dr Tim O'Neill Director for Education & Skills				
Relevant Cabinet Member:	Cllr Jayne Francis - Education, Skills and Culture Cllr Tristan Chatfield - Finance and Resources				
Relevant O &S Chair(s):	Cllr Kath Scott - Education and Children's Social Care Cllr Sir Albert Bore - Resources				
Report author:	Zahid Mahmood, Capital Programme Manager, Telephone No: 0121 464 9855 Email Address: <u>zahid.mahmoo</u>				
Are specific wards affected	?	⊠ Yes	□ No – All wards affected		
f yes, name(s) of ward(s): I	Balsall Heath West				
s this a key decision?		□ Yes	⊠ No		
f relevant, add Forward Plan Reference:					
s the decision eligible for c	⊠ Yes	□ No			
Does the report contain cor	⊠ Yes	⊠ No			
f relevant, provide exempt	information paragraph number or	reason if co	nfidential:		

1. Executive Summary

1.1 To seek approval of the Full Business Case for the capital scheme at the former nursery unit on Belgravia Road to provide additional places for 40 SEND pupils as described in **Appendix A**.

2 Recommendations

That the Cabinet Members for Education, Skills and Culture and for Finance and Resources:

- 2.1 Approve the Full Business Case (**Appendix A**) for the capital works at the former nursery unit on Belgravia Road at a total project cost of up to £916,930 including Acivico QS fees of £4,000 and Edl fees of £26,706
- 2.2 Authorise the Director for Education & Skills to make a grant payment of up to £886,224 (for the construction element of the capital works only) to Calthorpe Academy from the Special Provision Fund Allocation (SPFA).
- 2.3 Note the recommended contract award to Hardyman Group Ltd. by Calthorpe Academy on the basis of their submission being ranked first after the evaluation of quality, social value and price.
- 2.4 Authorise the City Solicitor to negotiate, execute and complete all necessary documents to give effect to the above recommendations.

3 Background

- 3.1 The Local Authority has a statutory duty to ensure that there are sufficient pupil places, secure diversity in the provision of schools and increase opportunities for parental choice through planning and securing additional provision (Section 14, Education Act 1996).
- 3.2 A report on the changing demand and supply of school places was shared at the Overview and Scrutiny Committee for Learning, Culture and Physical Activity in September 2018. This report identified a need for additional places for pupils who have special educational needs or disabilities (SEND).
- 3.3 Calthorpe Academy has been identified by EdI as having the potential to create additional places for pupils who have SEND. The Local Authority owns a vacant nursery building adjacent to Calthorpe Academy which can be refurbished and adapted to suit SEND pupils. A lease will be put in place between Calthorpe Academy and the Council to enable the Academy to use this property to offer places to pupils. The contract for completion of the works will be between Calthorpe Academy and the contractor.
- 3.4 The Works comprise of fully stripping and fully modernising all internal walls, joinery, finishes and building services, external windows and roof coverings, external play surfaces and vehicle driveways. Refurbishment features include improved acoustic, robustness, safety and thermal performance of the building and externally enhanced perimeter fencing and access control to adequately secure the Academy. The completed design will provide 5 classrooms with in-built safely accessible storage, and off-classroom accessible WC areas and break-out Learning / calm rooms. The teaching areas are supported by a Food preparation/ learning room, a staff room and facilities, an office and 'air-lock' secure reception area.

- 3.5 The refurbishment of this building will assist the Local Authority by utilising an existing asset to ensure value for money as the option to create a new build would be more expensive.
- 3.6 The proposed works once complete will mean that additional pupils with SEND can be allocated a suitable school place in a safe teaching environment.
- 3.7 The works are proposed to commence in April 2020 with a completion in August 2020, subject to the current emergency situation involving Covid-19.

4 Options considered and Recommended Proposal

- 4.1 The option of doing nothing would mean the Local Authority fails to meet its statutory obligation to ensure that there are sufficient pupil places, promote diversity and increase parental choice through planning and securing additional provision.
- 4.2 The new build option was considered but was discounted on the basis that it would be more expensive to construct and not cost effective for the number of new places that would be created.
- 4.3 The recommended option is to refurbish the existing nursery building to provide a fit for purpose school capable of accommodating pupils with SEND.

5 Consultation

5.1 The Head Teacher and governors at Calthorpe Academy have been consulted and are fully supportive of the scheme. The local ward councillor for Balsall Heath West was consulted, but no response was received. The Regional Schools Commissioner has approved the request for a significant change to Calthorpe Academy by approving the use of a satellite site.

6 Risk Management

- 6.1 The Government have yet to make a decision on whether the construction industry will stop work due to Covid-19. The contractor has been asked to look at mitigation measures to limit the impact on the timeframe proposed for completion. Acceleration may be required which will take the form of weekend / evening working.
- 6.2 Weekly meetings are held to ensure that all parties are informed of progress to ensure any concerns are picked up at the earliest opportunity and resolved to ensure that the programme stays on track. Where costs are seen to escalate, a value engineering exercise is undertaken to ensure that the costs do not exceed the approved budget.
- 6.3 Disruption risks to school operations are minimised as the current site is vacant. Ridge, the project managers appointed by Calthorpe, have many years' experience at delivering refurbishment projects to special schools of this nature and will manage and co-ordinate the works in consultation with the school.
- 6.4 A Ridge Health & Safety Consultant has also been appointed by the school to oversee all Construction (Design & Management) Regulations (CDM) duties including Principal Designer role and management of the design and overall project risk register.

6.5 Acivico will assess valuations on behalf of the Local Authority to reduce the risk of allowing a third-party organisation (the academy) to manage the development of a Local Authority owned building before a lease has been agreed, to ensure that funding is released retrospectively after works are completed.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 These works are to ensure that all pupils are provided with a safe and secure learning environment. The spending priorities proposed are in accordance with the Schools' Basic Need Programme 2019-20 approved by Cabinet on 26th March 2019, and the Council's Vision and Forward Plan priorities for Children, particularly 'A great place to grow up in by providing an environment where children have the best start in life and are able to realise their full potential through great education'.

7.2 Legal Implications

7.2.1 The recommendations in this report facilitates the discharge of functions contained within section 14 of the Education Act 1996 whereby the local authority has a duty to ensure that there are sufficient school places to provide all pupils the opportunity of appropriate education. The Council also has overall responsibility for capital strategy across the school estate, including in respect of academy schools.

7.3 Financial Implications

- 7.3.1 The capital cost of the proposed works at the former nursery unit at Belgravia Road will not exceed £916,930. This will be funded from the Special Provision Fund Allocation. The detailed breakdown of this cost is included in **Appendix A**.
- 7.3.2 Consequential revenue costs arising including additional staffing, utility costs and any on-going day to day repair and maintenance of the asset will be the responsibility of the Academy and funded from the Academy's General Annual Grant (received by the Academy from the ESFA).

7.4 Procurement Implications (if required)

7.4.1 The procurement route for this project is via single stage open traditional tender aligned with Calthorpe School and EU Procurement Law. Contractors were invited to tender with a pre-qualification stage including but not limited to Financial, Insurance, and project & personnel experience related to the type of works. Ridge & Partners on behalf of Calthorpe Academy developed full detailed designs and specifications for the works and a pre-tender estimate to achieve best value for money based on current DfE education space guidelines and industry benchmark rates. Ridge & Partners will provide Project, Cost and Contract Management services and close project progress monitoring to ensure value for money is achieved throughout delivery.

- 7.4.2 Hardyman Group Ltd are recommended for appointment to take forward the contracted works, returning the most price competitive tender at £715,798.50 excluding VAT, and Ridge are satisfied from their assessment this adjusted fixed price is inclusive of all tender requirements.
- 7.4.3 As Ridge went through the process the design and associated costs have evolved as expected from the original bid price from a price of £715,798.50 to the final design costs of £886,224.
- 7.4.4 Although the value of this contract is below the Charter threshold for contracts for the execution of works, contractors will be asked if they wish to sign up voluntarily.

7.5 Human Resources Implications (if required)

7.5.1 N/A

7.6 Public Sector Equality Duty

7.6.1 A Full Equality Analysis (EA0001202) was carried out in May 2016 for Education Infrastructure's Education Development Plan and Schools' Capital Programme 2019-20. The outcomes from consultation demonstrate that proposed capital developments support positive outcomes for children, young people, their families and carers. No negative impact on people with Protected Characteristics was identified. It was concluded that sufficiency of educational places and opportunities for all children and young people contributes to providing positive life chances, and supports a positive approach to Safeguarding in Birmingham: actively reducing the number of children and young people out of school helps to mitigate risk to their safety and wellbeing. We have assessed the content and can confirm that it still remains relevant to proposed expansions by having a positive impact.

The Local Authority has considered whether a full equality impact assessment should be conducted in relation to the decision to authorise the full business case at **Appendix A** and decided that the recommendations in this report were considered unlikely to have an adverse impact on those with a protected characteristic and therefore the current equality impact assessment remains relevant.

8 Background Documents

8.1 Schools' Capital Programme - School Condition Allocation 2020-21+ Future Years Cabinet Report 21st April 2020

9 List of Appendices

9.1 Appendix A - Full Business Case

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FULL BUSINESS CASE (FBC)

A. GENERAL INFORMATION

A1. General

A1. Ochiciai					
Project Title	CALTHORPE SCHOOL FULL BUSINESS CASE				
(as per Voyager)					
Voyager code					
Portfolio	Education and Skills Directorate Education, Skills &				
/Committee			Culture		
Approved by	Jaswinder Didially	Approved by	Paul X Stevenson		
Project	13.02.20	Finance Business	28.02.20		
Sponsor		Partner			

A2. Outline Business Case approval (Date and approving body)

Cabinet Report 26th March 2019 – Schools Capital Programme – School Condition Allocation, Basic Need Allocation 2019 -20 + Future Years

A3. Project Description

The Works comprise of fully stripping and fully modernising all internal walls, joinery, finishes and building services, external windows and roof coverings, external play surfaces and vehicle driveways. Refurbishment features include improved acoustic, robustness, safety and thermal performance of the building and externally enhanced perimeter fencing and access control to adequately secure the facility. The completed design will provide 5 classrooms with in-built safely accessible storage, and off-classroom accessible WC areas and break-out Learning / calm rooms; The teaching areas are supported by a Food preparation/ learning room, a staff room and facilities, an office and 'air-lock' secure reception area.

A4. Scope

This scheme involves works as described in the above project description

A5. Scope exclusions

No works outside this scope will be undertaken

B. STRATEGIC CASE

This sets out the case for change and the project's fit to the Council Plan objectives

B1. Project objectives and outcomes

The case for change including the contribution to Council Plan objectives and outcomes

- Council Business Plan and Budget 2019+;
- A Fair City: Tackling Inequality and Deprivation;
- Laying the foundations for a Prosperous city based on an inclusive economy;
- A Democratic City involving local people and communities in the future of their local area and public services: a City with local services for local people;
- Enjoy and achieve by attending school;
- Schools Capital Programme

B2. Project Deliverables

These are the outputs from the project eg a new building with xm2 of internal space, xm of new road, etc

Internal Refurbishment of existing building to create appropriate space for SEND pupils.

B3. Project Benefits

These are the social benefits and outcomes from the project, eg additional school places or economic

benefits.	
Measure	Impact
List at least one measure associated with each of the objectives and outcomes in B1 above	What the estimated impact of the project will be on the measure identified – please quantify where practicable (eg for economic and transportation benefits)
The students will be taught in modern fit for purpose accommodation allowing for the delivery of a quality education.	Providing appropriate accommodation addresses identified demand and fulfils the Authority's statutory obligations to provide sufficient pupil places
The project delivers new teaching places.	Raised standards, improved behaviour, staff well- being and reduced turnover, mobility, facilitation of the sharing of good practice.
Support and enrich community and family learning e.g. positive parenting programme, basic skills, opportunities to address worklessness.	Children and young people will have a safe, warm and dry environment before, during and after school hours.
Promoting designs which support Birmingham's Education Vision.	Creating teaching and learning environments that are suitable for delivering education.
R4 Panafite Paglication Plan	

B4. Benefits Realisation Plan

Set out here how you will ensure the planned benefits will be delivered

Benefit	How Benefit will be delivered
The students will be taught in modern fit for purpose accommodation allowing for the delivery of a quality education.	Ridge & Partners have provided full design and specification for the works compliant to current Building Regulations for school buildings and aligned with DoE design guidance for special schools BB104 and their Output Specification generic design brief with technical annexes for school building projects, and in regular consultation with Calthorpe school who have extensive experience of the required environment and facilities to deliver the high quality of education for the children and staff this facility will support. The construction quality of the works will be routinely monitored and measured against this specification during the construction process to ensure completion standards required are achieved
The project delivers new teaching places.	The remodelling and refurbishment design and contracted works will provide for 40 new children places inclusive of 5 classrooms, supportive breakout learning and assisted changing WC spaces, external secure play areas, and supporting staffroom, staff welfare, office and reception areas. The facilities have been professionally designed to meet the specific needs for teaching and delivering essential support services to children with complex autism.

	AFFLINDIA
Support and enrich community and family learning e.g. positive parenting programme, basic skills, opportunities to address worklessness.	The refurbishment will provide a safe and effective learning environment for those primary age students with a diagnosis of complex Autism. The addition places will support the community for those parents whose child require a special school placement but there is no current provision available.
Promoting designs which support Birmingham's Education Vision.	The refurbished building will be welcoming, accessible and inclusive, reflecting the SEND code of practice, Department of Education area guidelines for SEND provision (BB104), and Building Regulations England. The design will fully support a range of autism needs providing additional places for primary age children to meet their individual needs at different ages. The completed teaching unit is fully supported by the wider all-through facilities and SEND teaching experience of Calthorpe Special school near to the new facilities, extending the flexibility of access to local places Birmingham can offer the immediate community.

B5. Stakeholders

A stakeholder analysis is set out at G4 below.

C. ECONOMIC CASE AND OPTIONS APPRAISAL

This sets out the options that have been considered to determine the best value for money in achieving the Council's priorities

C1. Summary of options reviewed at Outline Business Case

(including reasons for the preferred option which has been developed to FBC)
If options have been further developed since the OBC, provide the updated Price quality matrix and recommended option with reasons.

- The option of doing nothing would mean the City Council failing to meet its statutory obligation to ensure that there are sufficient pupil places, promote diversity and increase parental choice through planning and securing additional provision.
- The recommended option is to refurbish the existing building to provide a fit for purpose facility capable of accommodating SEND pupils.

C2. Evaluation of key risks and issues

The full risks and issues register is included at the end of this FBC

- Weekly meetings are held to ensure that all parties are informed of progress to ensure any
 concerns are picked up at the earliest opportunity and resolved to ensure that the programme
 stays on track. Where costs are seen to escalate, a value engineering exercise is undertaken
 to ensure that the costs do not exceed the approved budget.
- To ensure Birmingham City Council meets its statutory obligations by providing sufficient capacity for educating children.
- Disruption risks to school operations are minimised as the current site is vacant. Ridge have many years' experience at delivering refurbishment projects to special schools of this nature and will manage and co-ordinate the works in consultation with the school.
- A Ridge Health & Safety Consultant has also been appointed by the school to oversee all CDM duties including Principal Designer role and management of the design and overall project risk register

C3. Other impacts of the preferred option

Describe other significant impacts, both positive and negative

• Facilities will provide appropriate accommodation to meet education standards for 21st Century teaching provision.

D. COMMERCIAL CASE

This considers whether realistic and commercial arrangements for the project can be made

D1. Partnership, Joint venture and accountable body working

Describe how the project will be controlled, managed and delivered if using these arrangements

Scheme will be delivered by Project Team as follows:

- Client for the Project is Calthorpe School
- Project & Cost Management, Contract Administration and Principal Designer services will be provided by Ridge & Partners LLP
- End User will be Calthorpe School
- Contractor has been selected through competitive tender process

Project will be managed by Ridge & Partners with the Contractor and End User throughout the duration of the project development and delivery to ensure that project deliverables are achieved.

- Project deliverables established with Calthorpe School and Birmingham City Council
- Regular weekly site inspection visits and reports by Ridge & Partners to aid project communication, early warning and track project progress
- Regular 4-weekly progress meetings held with Project Team
- Engagement meetings held with End User
- Programme monitored and developed to ensure that required timescales are achieved (subject to timely funding approval and main contractor confirmed appointment)
- Scheme costs assessed, developed and monitored through weekly site inspections and 4 weekly progress and valuation reviews
- Surveys of the site carried out to establish site specifics to confirm programme and costs

D2. Procurement implications and Contract Strategy:

What is the proposed procurement contract strategy and route? Which Framework, or OJEU? This should generally discharge the requirement to approve a Contract Strategy (with a recommendation in the report).

The procurement route for this project is via single stage open traditional tender aligned with Calthorpe School and EU Procurement Law. Contractors were invited to tender with a prequalification stage including but not limited to Financial, Insurance, and project & personnel experience related to the type of works. Ridge & Partners developed full detailed designs and specifications for the works and a pre-tender estimate to achieve best value for money based on current DfE education space guidelines and industry benchmark rates. Ridge & Partners will provide Project, Cost and Contract Management services and close project progress monitoring to ensure value for money is achieved throughout delivery.

D3. Staffing and TUPE implications:

No TUPE implications via the capital project

Capital Costs & Funding	Voyager Code	Financial Year	Financial Year	Totals
3		2019/20	2020/21	
Expenditure Calthorpe Academy (Belgravia)				
Construction costs, incl. Surveys, Investigations, & Statutory Fees		£380,442	£505,782	£886,224
Acivico		£1,000	£3,000	£4,000
Edl		£11,443	£15,263	£26,706
Total Project Cost		£392,885	£524,045	£916,930
Funding sources				
Special Provision Fund Allocation		£392,885	£524,045	£916,930
Totals		£392,885	£524,045	£916,930

E2. Evaluation and comment on financial implications:

The current costs for the project are based on a committed JCT Intermediate 2016 Contract value offer.

The Contractor's proposals include a fully costed Activity Schedule against the full detailed design already completed by Ridge & Partners in conjunction with and on behalf of Calthorpe school. The returned offer has additionally been reviewed and assessed against current construction industry values and a pre-tender estimate to ensure that best value is achieved.

E3. Approach to optimism bias and provision of contingency

N/A

E4. Taxation

Describe any tax implications and how they will be managed, including VAT

N/A

F. PROJECT MANAGEMENT CASE	
This considers how project delivery plans are robust and realistic	
F1. Key Project Milestones	Planned Delivery Dates
The summary Project Plan and milestones is attached at G1 below	
Cabinet Member Approval	April 2020
Main Construction works	April 2020
Practical completion	August 2020

F2. Achievability

Describe how the project can be delivered given the organisational skills and capacity available

- Scope of work identified as in the project description.
- Site investigation reports have shown no abnormal conditions.
- Programme and costs developed.
- Funding is in place.
- Contractors have considerable previous experience.
- Availability of resources.
- Similar projects have been delivered on budget and to time by using experienced internal project managers, BCC recognised building experts and following BCC guidelines.
- The project team (Calthorpe School & Ridge & Partners) has successfully delivered similar projects

F3. Dependencies on other projects or activities

- Placing orders with Contractor.
- Planning Permission (enhanced perimeter fencing only submitted)

F4. Officer support		
Project Manager:	Zahid Mahmood	Capital Programme Manager, Education Infrastructure
	07860906126	zahid.mahmood@birmingham.gov.uk
Project Accountant:	Jaspal Madahar	Finance & Resources Manager
	07766922478	jaspal.madahar@birmingham.gov.uk
Project Sponsor:	Jaswinder Didially	Head of Education Infrastructure
	07825 117334	jaswinder.didially@birmingham.gov.uk

F5. Project ManagementDescribe how the project will be managed, including the responsible Project Board and who its members are

As per D1

G. SUPPORTING INFORMATION

(Please adapt or replace the formats as appropriate to the project)

G1.	 _		 A 81

Detailed Project Plan supporting the key milestones in section F1 above

See attachment with this document – Contractor's proposed construction programme which will be included with Contract details

G2. SUMMARY OF RISKS AND ISSUES REGISTER Risks should include Optimism Bias, and risks during the development to FBC Grading of severity and likelihood: High – Significant – Medium - Low Risk after mitigation: Risk or issue Mitigation Severity Likelihood Stakeholders do not consider Review school travel plans in partnership Low High School Travel Plans and with transportation prior to local transportation issues prior to consultation in order to mitigate possible consultation objections. Stakeholders/ Trust do not The Design Team will ensure regular Low Medium engage in project and do not meetings and consultation with sign up to the solution stakeholders and Trust Liaise closely with Free School Providers New Free Schools and and Academies when planning the Medium Academies opening across Medium provision of Additional Secondary Birmingham Places. Building costs escalate The Design Team will closely monitor the Low Medium schedule of works and build costs. Cost schedules include contingency sums. Any increase in costs will need to be met through value re-engineering to ensure projected spend remains within overall allocation Building works fall behind The Design Team will closely monitor Medium Medium schemes on site and liaise with Contractor Partners to identify action required. BCC faced with increasing Consequential revenue costs arising Low Low including additional staffing, utility costs revenue costs and any on-going day to day repair and maintenance of the asset will be the responsibility of the Academy and funded from the Academy's General Annual Grant (received by the Academy from the EFA). Problems with contract Work closely with Partners to ensure Low Low compliance with City Council standing procurement process

G3. EXTERNAL FUNDING AND OTHER FINANCIAL DETAILS

orders.

Description of external funding arrangements and conditions, and other financial details supporting the financial implications in section E1 above (if appropriate)

G4. STAKEHOLDER ANALYSIS

Stakeholder	Stake in project	Potential impact on project	What does the project expect from stakeholder	Perceived attitudes and/or risks	Stakeholder management strategy	Responsibility
Cabinet Members for ES&C and F&R	Strategic Overview of DGCF expenditure	High	Ratification of BCC approach to TBN	Strategy not approved	Early Consultation and Regular Briefing on all aspects of Special Provision	BCC / EDI
School's Consultant Partners	Design and Delivery	High	Project management	Unable to design to budget Unable to deliver to timescales	Close working with other stakeholders Regular feedback	School Leadership Team / Governors
Planning Officers	Granting Planning Consent	High	Close Liaison with EDI to design a scheme that can receive planning approval	N/A	Frequent communication on all aspects of project design	School's Consultant Project Manager EDI Project Officer
School Leadership Team / Governors	Governing Body Agreement and End Users	High	Compliance with GBA Ongoing Revenue costs for R&M once build complete	N/A	Governing Body Agreement signed and regular project meetings	School Leadership Team / Governing Body EDI Project Officer
Pupils	End user	Low	Consultation	Nil	Through schools council	School Leadership Team
Ward Councillors	Knowledge of other development s affecting local communities that may link into project	High	Consultation with community and support for project	Objections from local residents	Involve in consultation and planning permission process	EDI Project Officer Governors/ School Leadership Team

G5. BENEFITS REGISTER

For major projects and programmes over £20m, this sets out in more detail the planned benefits. Benefits should be monetised where it is proportionate and possible to do so, to support the calculation of a BCR and NPSV (please adapt this template as appropriate)

Measure	Annual value	Start date	Impact
List at least one measure associated with each of the outcomes in B1 above			What the estimated impact of the project will be on the measure identified
(A) Monetised benefits:	£		
(B) Other quantified benefits:			
(C) Non-quantified benefits:	n/a		

Other Attachments	
provide as appropriate	
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