

RECORD OF EXECUTIVE DECISION

Monday, 15 March 2010

Decision No: (CAB 09/10 3055)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	Cabinet Member for Children's Services and Learning
SUBJECT:	Academies Capital Project - Preferred Bidder Appointment
AUTHOR:	Karl Limbert

THE DECISION

Having complied with the requirements of Paragraph 15 (General Exception) of the Access to Information Procedure Rules and subject to costs being within agreed resources, it is recommended:

- (i) To delegate authority to the Executive Director for Children's Services and Learning, following consultation with the Executive Director of Resources, the Solicitor to the Council and the Cabinet Member for Children's Services & Learning, to appoint a preferred bidder for the schemes in accordance with the published evaluation criteria after completion of the design competition.
- (ii) To delegate authority to the Executive Director of Resources following consultation with the Cabinet Member for Resources to agree the final affordability position and to take any action necessary to complete financial close of the project or as otherwise required by Partnerships for Schools in this regard.
- (iii) To delegate authority to the Executive Director of Children's Services and Learning, following consultation with the Executive Director of Resources, Solicitor to the Council and Cabinet Member for Children's Services & Learning, to submit a Final Business Case (FBC) for the Mayfield Academy project.
- (iv) To delegate authority to the Solicitor to the Council, following consultation with the Executive Director of Resources, and the Executive Director of Children's Services, to complete commercial and contractual close and to enter into all necessary contracts / Agreements and other legal documentation including but not limited to the Development Agreement and Design and Build contract to construct the Mayfield Academy and develop pre-contract proposals for the Lordshill Academy.
- (v) To add in accordance with Financial Procedure Rules an additional sum of £15,372,400 to the Children's Services Capital Programme to carry out works at the Mayfield Academy.
- (vi) To approve in accordance with Financial Procedure Rules capital expenditure in the sum of £16,397,400 including fees from the Children's Services Capital Programme to carry out works at the Mayfield Academy.

REASONS FOR THE DECISION

This report is submitted for consideration as a General Exception under paragraph 15 of the Access to Information Procedure Rules in Part 4 of the Council's Constitution, notice having been given to the Chair and Vice Chair of the Overview and Scrutiny Management Committee and the Public. The matter requires a decision because the procurement of the project has reached the stage at which it is required to select preferred bidders ahead of schedule and the opportunity therefore exists to enhance / speed progress towards the completion of the project to enable the construction of the facilities in a timely manner and reduce the risk to the construction periods allowed for the projects. The recommendations are necessary to implement previous Cabinet and Council decisions to support and enable the construction of two new Academies using the National Framework for Academies Procurement.

DETAILS OF ANY ALTERNATIVE OPTIONS

The option of not taking the decision to appoint a preferred bidder or agree the affordability position would mean extensive delay to the programme and potential loss of circa £35m inward funding to the City's Academy programme. This option has therefore been rejected.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None.

CONFLICTS OF INTEREST

None.

CONFIRMED AS A TRUE RECORD

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date: 15th March 2010

Decision Maker:
The Cabinet

Proper Officer:
Judy Cordell

SCRUTINY

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period expires on

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*