

# Pecyn Dogfennau Cyhoeddus

## Aelod Portffolio – Dysgu a'r Gymraeg

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Man Cyfarfod

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Dyddiad y Cyfarfod  
**Dydd Gwener, 20 Medi 2019**

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Amser y Cyfarfod  
**Heb nodi'r amser**

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I gael rhagor o wybodaeth cysylltwch â



Neuadd Y Sir  
Llandrindod  
Powys  
LD1 5LG

Dyddiad Cyhoeddi

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Mae croeso i'r rhai sy'n cymryd rhan ddefnyddio'r Gymraeg. Os hoffech chi siarad Cymraeg yn y cyfarfod, gofynnwn i chi roi gwybod i ni erbyn hanner dydd ddau ddiwrnod cyn y cyfarfod

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### AGENDA

1.	<b>RHAGLEN YSGOLION YR 21AIN GANRIF, YSGOL GYNRADD YR EGLWYS YNG NGHYMRU Y TRALLWNG - DYFARNU CONTRACT DYLUNIO A MECANYDDOL / CONTRACTWYR TRYDANOL</b>
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(Tudalennau 1 - 6)

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

**CYNGOR SIR POWYS COUNTY COUNCIL**  
**PORTFOLIO HOLDER DELEGATED DECISION**  
**by**  
**COUNTY COUNCILLOR MYFANWY ALEXANDER**  
**(PORTFOLIO HOLDER FOR EDUCATION)**  
**September 2019**

**REPORT AUTHOR: Senior Manager Education Services**

**SUBJECT: 21<sup>st</sup> C Schools Programme**  
**Welshpool CiW Primary School – award of contract for design and mechanical/electrical contractors**

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**REPORT FOR: Decision**

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**1. Summary**

- 1.1 As part of its 21<sup>st</sup> C Schools Programme, the authority has three projects which have been affected by the collapse of Dawnus Construction Ltd. (Dawnus) - Welshpool CiW Primary School, Ysgol Gymraeg y Trallwng and Ysgol Bro Hyddgen. Dawnus had been appointed as the main contractor for these three projects.
- 1.2 Dawnus was placed into administration in March 2019 with the immediate impact being on Welshpool CiW Primary School, which was approximately 50% complete at the time, with an intended opening date of September 2019. The other two projects were at RIBA Stage 4 and construction had not yet started.
- 1.3 The purpose of this report is to gain approval for the Council to secure the continued service of the main architectural design consultants and main mechanical and engineering consultants that were originally commissioned by Dawnus in order to provide continued design consultancy support for the completion of Welshpool CiW Primary School. ***This report relates only to Welshpool CiW Primary School – any decisions required for Ysgol Gynradd y Trallwng and Ysgol Bro Hyddgen projects will be subject to separate reports at the appropriate time.***

**2. Proposal**

- 2.1 The Welshpool CiW Primary School project is funded as part of Band A of the 21<sup>st</sup> C Schools Programme. The Programme is split into two funding rounds - Band A runs from 2014 to 2019, and Band B from 2019 – 2024/5. The approved funding envelope for Band A is £79m and Band B is £113m. The programme is funded in partnership between the Council and Welsh Government.

- 2.2 The budget for the Welshpool CiW Primary School project is £11.5m, with 50% of the funding being provided by the Council and the remainder from the Welsh Government. The design is for a 240 place timber-framed 'PassivHaus' accredited school – 'PassivHaus' is a quality assurance system backed by a rigorous accreditation process, based on a number of benefits which include minimised energy consumption and bills, and optimised lifecycle costs.
- 2.3 The Council is in the process of re-tendering for a new main contractor to complete the construction of Welshpool CiW Primary School. In addition, there is need to secure the continued service of the main architectural and mechanical/engineering design consultants that were originally commissioned by Dawnus.
- 2.4 Architype were commissioned by Dawnus to provide an architectural design service – Architype has strong expertise in designing 'PassivHaus' buildings, including schools. WSP were commissioned by Dawnus to provide mechanical/engineering design service. An integrated approach between both services is required to deliver 'PassivHaus'- accredited schemes.
- 2.5 Officers have engaged with both companies and discussions have been positive. Fee proposals have been received from both to provide design support for the completion of the project:

The fee proposal from WSP for outstanding work up to completion of the project is for £51,319 and includes the following:

- Fees for Costs Associated with Re-Establishing the Contract / Direct appointment with Powys CC and Mobilising the Delivery Team.
- Fees that were remaining to be undertaken under the original Dawnus commission.
- Condition surveys and report on works that have been completed to date.
- Additional fees required to Complete Services / additional site visits / liaison and coordination during remaining project stages.
- Transfer of IPR (Intellectual Property Rights) to Powys County Council - all design information, held previously under license by Dawnus Construction Ltd.

The fee proposal from Architype is for £70,984.31 and includes the following:

- Fees for Costs Associated with Re-Establishing the Contract / Direct Appointment with Powys CC and Mobilising the Delivery Team.
- Fees that were remaining to be undertaken under the original Dawnus commission.

- Additional fees required to Completed Services inclusive of Principal Designer / additional site visits / liaison and coordination during remaining project stages
- Transfer of IPR (Intellectual Property Rights) to Powys County Council, all design information, held previously under license by Dawnus Construction Ltd.

2.6 It is proposed that the Council enters into contract directly with both companies via existing Framework Contracts for the amounts stated in paragraph 2.5. The nature of the contract will be as follows:

WSP – South West and Mid Wales Regional Engineering Consultancy Framework National Procurement Service Framework – Direct Call off on NPS-PS-0067-16.

- Architype – NEC 3 Professional Services Contract.

### 2.7 **Financial implications**

Alongside the proposal to enter into direct contract with Architype and WSP for design services, the authority will be re-tendering for a main contractor to complete the construction. The final implications on the overall project budget will not be known until the project has been successfully re-tendered. There is enough flexibility in Band A of the 21<sup>st</sup> C Schools Programme to fund any potential increase in costs for this project.

## 3. **Options Considered / Available**

3.1 It is proposed that the Council enters into contract directly with WSP for the sum of £51,319 and Architype for the sum of £70,984.31 for design services to complete the construction of Welshpool CiW Primary School:

- WSP to provide remaining mechanical / electrical, civil & structural engineering design service.
- Architype to provide architectural design service supporting the 'PassivHaus' design / delivery.

## 4. **Preferred Choice and Reasons**

4.1 The preferred option is to enter into contract directly with WSP and Architype, as outlined in 3.1.

This will:

- enable the Council to progress with the completion of the construction on the Welshpool CiW Primary School project with an intended opening date of September 2020;

- ensure that the final product is of a high standard and supported by the appropriate design warranties for both the proposed on-going service and design work already undertaken for Dawnus to date;
- ensure that the school can continue to be designed as a fully-certified 'PassivHaus' school, leading to optimised lifecycle costs and energy efficiency.

## 5. **Impact Assessment**

5.1 Is an impact assessment required? No

5.2 If yes is it attached? N/A

## 6. **Corporate Improvement Plan**

6.1 Learning and Skills is one of the priorities outlined within Vision 2025 and the Corporate Improvement Plan.

## 7. **Local Member(s)**

7.1 Cllr Graham Breeze: 'I am delighted to see that progress is now being made and fully support this proposal. I am particularly pleased that Welsh Government has seen fit to allow the funding switch between Band A & B. I look forward to seeing the building programme re-started.'

## 8. **Other Front Line Services**

Does the recommendation impact on other services run by the Council or on behalf of the Council? No

If so please provide their comments

## 9. **Communications**

Have Communications seen a copy of this report? Yes

Comment: 'The report is of public interest and requires use of news release and appropriate social media to publicise the recommendation/decision.'

## 10. **Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

10.1 Legal : The recommendations can be supported from a legal point of view.

- 10.2 Finance: “The Capital and Financial Planning Accountant confirms that the remaining budget for the Welshpool CiW Primary School, following the collapse of Dawnus, is £5.2m. Discussions have taken place with Welsh Government on the possible need to do an amendment to the budget and this will be confirmed following receipt of the tenders. The appointment of the two companies is within the current funding envelope.”

The Commercial Services Lead comments that “both Architype and WSP are proposed for direct award due to the extensive design work already undertaken for the schools and to avoid having to rework and redesign all elements. WSP will be appointed under the NPS framework for professional services and similar contracting arrangements put in place with Architype. Commercial Services are satisfied that this will provide the best overall value for money solution for the Council in the circumstances”

- 10.3 Corporate Property:

- 10.4 HR:

- 10.5 ICT:

**11. Scrutiny**

Has this report been scrutinised? No

**12. Data Protection**

N/A

**13. Statutory Officers**

- 13.1 The Head of Legal and Democratic Services (Monitoring Officer) commented as follows: “ I note the legal comments and have nothing to add to the report.”

- 13.2 The Head of Finance (Section 151 Officer) notes the comments by both the Capital and Financial Planning Accountant and the commercial Services Lead.

**14. Members’ Interests**

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If the Portfolio Holder has an interest, he/ she should declare it, complete the relevant notification for and refer the matter to Cabinet for decision.

Recommendation:	Reason for Recommendation:
It is recommended that the Council enters into contract directly with WSP for the sum of £51,319.00 and	To enable the completion of the construction of Welshpool CiW Primary School

<b>Architype for the sum of £70,984.31 for consultancy services to complete the construction of Welshpool CiW Primary School.</b>	
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<b>Relevant Policy (ies):</b>	N/A
<b>Within Policy:</b>	<b>Y</b>
<b>Within Budget:</b>	<b>Y</b>

<b>Relevant Local Member(s):</b>	Cllr Francesca Jump, Cllr Graham Breeze, Cllr Phil Pritchard
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<b>Person(s) To Implement Decision:</b>	Marianne Evans
<b>Date By When Decision To Be Implemented:</b>	Immediately

<b>Is a review of the impact of the decision required?</b>	<b>N</b>
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**Background Papers used to prepare Report:**