

APPENDIX B – PROCUREMENT AND LAND ISSUES

Procurement

The Council will be responsible for the procurement of the contractor for the delivery of the additional facilities required for the school expansion. The school will be involved in the design development process.

Cabinet agreed in October 2013 that officers would use the Council's Major Works, Maintenance and Repairs Framework contract with Keepmoat together with existing major works frameworks established by other public sector organisations to deliver school projects.

Cabinet was informed that discussions were being held between officers and the Education Funding Agency (EFA) about the possibility of using the EFA framework for the Whitefriars/Teachers' Centre project.

The Council is in the process of calling off from the EFA framework for the appointment of the building contractor. An indicative timeline indicates the planning application will be submitted mid-July for a planning committee in October. Construction is projected to be completed in Spring 2016. The school will be involved in the design and development of the site and during this process the timeline will be refined and agreed.

The Council will enter into the Design & Build contract with the contractor and there will be a separate Development Agreement with the School. Ultimately the building contract will be novated to the new Academy and the new building will be handed over to the new Academy.

We must use the Design & Build Contract under the EFA Framework Agreement. It is suitable to use although, in consultation with the EFA, we will need to agree all of the optional clauses and complete missing information, in particular populating the Schedules with our Requirements and the Contractor's Proposals, the Construction Programme, Site Plans, Payment Provisions, Collateral Warranties etc.

Land

The academy conversion will take place before planning permission is granted for the development of the site. Accordingly, the Council proposes to enter into an agreement for lease conditional on (i) planning permission; and (ii) completion of the building works.

When the development is completed, a 125-year lease will be granted to the Academy. The land demised by the lease will include what is now the Teachers' Centre and also the existing Whitefriars' school land. The Council will take back a sub-lease of the Whitefriars children's centre. The lease will exclude the public open space. The red-line plan is attached to this Appendix.

The Academy will have no interest in the land until the completion of the building works. The 125-year lease for the academy will be granted upon practical completion, as certified by the architect under the building contract.

The Council will take a sub-lease back of the Children's Centre space at completion. This would be a sub-lease for a term of 125 years (less 1 day) with termination provisions allowing the Council to give back the premises for educational use. (This is the position adopted in academy conversions to date.)

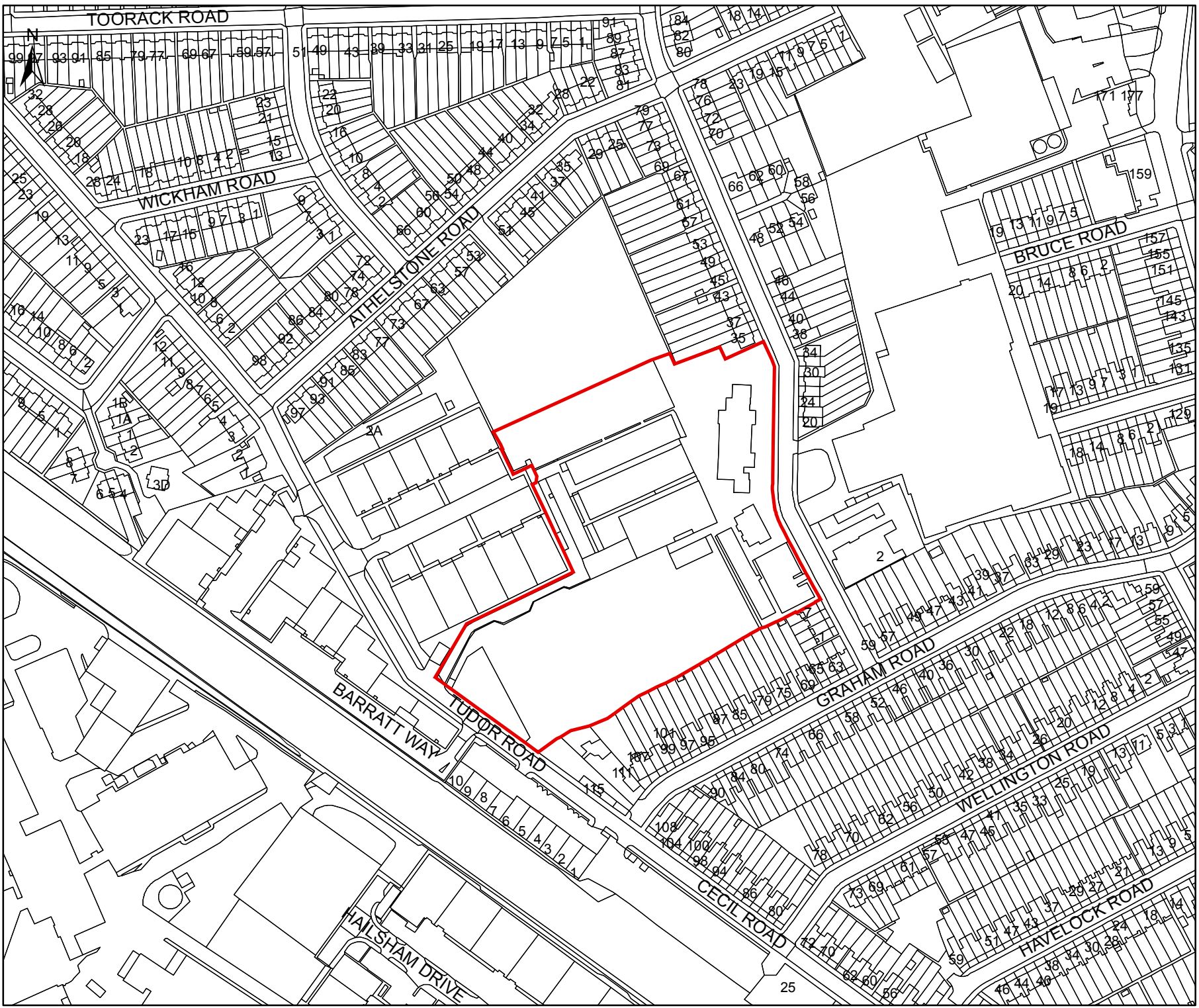
Whitefriars School will continue in operation on the current site during construction. Accordingly, appropriate accommodation will have to be provided for the school as works progress and different parts of the site are required for demolition and reconstruction.

The Council will grant a licence to occupy to the Academy at the point of conversion. This will enable the existing use of the site by the school to continue.

As construction advances, there will be licences to occupy other spaces on the site to ensure continued school operation. Details will be worked out through design development.

Building maintenance responsibilities will remain with the school for their current buildings while they remain in occupation. Utilities will continue as now until completion of the development.

The Council aspires for the Whitefriars public open space to be improved as part of this development. However, the open space is not included in the learning campus development.



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 London Borough of Harrow
 LA.100019206. 2010.



PO Box 39, Civic Centre
 Station Road
 Harrow HA1 2XA
 Telephone: 020 8424 1251

TITLE
Teachers Centre
Tudor Road
Wealdstone
HA3 5PQ

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