

The background of the slide features the coat of arms of the Government of Nunavut. It is a shield divided into four quadrants. The top-left quadrant shows a sailing ship on wavy lines representing water. The top-right quadrant depicts a caribou head with large antlers. The bottom-left quadrant shows a stylized sun or star. The bottom-right quadrant features a beaver. Above the shield is a crown with four points, each topped with a flower. Below the shield is a banner with the text "ANNE FOR A'".

**AGENDA ITEM**

**4**

**NEW ASN SECONDARY  
SCHOOL**

**FALKIRK COUNCIL**

**SUBJECT: NEW ASN SECONDARY SCHOOL**  
**MEETING: EDUCATION EXECUTIVE**  
**DATE: 29 MARCH 2016**  
**AUTHOR: DIRECTOR OF CHILDREN'S SERVICES**

**1.0 INTRODUCTION**

1.1 The purpose of this report is to:

- provide Education Executive with an update on the project for the new ASN secondary school;
- provide details of the Hubco Stage 2 Report; and
- seek approval for the Stage 2 Report and to proceed to Financial Close.

**2.0 BACKGROUND**

2.1 A progress report was brought to a meeting of Falkirk Council on 7 October 2015 with details of the Hub East Central Scotland (Hubco) Stage 1 Report that provided:

- a detailed pricing report;
- a technical design submission; and
- a programme for delivery.

2.2 It was agreed to proceed through to “Stage 2” on the basis of this Stage 1 report and prepare a revised Capital Programme Bid for submission in February 2016 in line with the Stage 1 Cost Report.

2.3 A further report was brought to Education Executive on 2 February 2016 which provided an update on Stage 2 progress. Approval was given for the initiation of on-site advance and preparatory works having regard to the financial and budgetary position overall.

2.4 Following this approval, the early works contract was signed and the Tier 1 Contractor (Ogilvie Construction Ltd) started on site on 29 February 2016.

2.5 The revised budget for the project was approved as part of the 3-year Capital Programme at a meeting of Falkirk Council on 17 February 2016.

### 3.0 INFORMATION CONTAINED WITHIN THE STAGE 2 REPORT

3.1 On 29 February 2016, Hubco submitted the Stage 2 Report which forms the Contractor's final proposals for the new school (including detailed costs). This will form the basis for the Design and Build Development Agreement (DBDA) between Falkirk Council and Hubco, to be signed at Contract Financial Close before the main construction phase can begin.

3.2 Volume 1 of the Stage 2 Report contains the Executive Summary and this is attached as Appendix 1. It includes summary details of:

- project costs
- building design
- health and safety
- risk management strategy
- legal and commercial matters
- project programme
- furniture, fixtures and equipment;
- site waste management plan

3.3 The other lengthy and more detailed sections of the Stage 2 Report can be viewed on request and contain the following information:

- i. Volume 2: Design & Construction Technical Proposals (2,195 pages)
- ii. Volume 3: Pricing Report (16 pages)
- iii. Volume 4: Supporting Documentation (186 pages)

3.4 Project Costs:

The Stage 2 Report confirms that the Final Maximum cost to the Council is **£17,554,357**.

This cost is **£13,643** below the agreed budget of **£17.568m** for construction costs and is within the "affordability cap" set by the Scottish Future's Trust.

A summary of the agreed project budget (agreed by Council at budget meeting in February 2016) is:-

Falkirk Council Capital Budget 2016-19	<b>£M</b>
Overall Construction Cost	£17.568
Advanced Onsite Enabling Works	0.166
<b>Total Agreed Capital Budget</b>	<b>£17.734</b>

All work packages required for delivery of the project were market tested by Ogilvie Construction Ltd during the Stage 2 process. Hubco conclude that the project meets the necessary Value for Money assessment within the terms of the Territory Partnership Agreement between Hubco and Falkirk Council, and that the project should now progress to Contract Financial Close.

3.5 Confirmed Project Programme:

The Stage 2 Report also confirms that the new school will be completed in mid-July 2017, which will allow the school to open in time for the start of School Session 2017/18, as agreed in the Stage 1 Report. The key project dates outlined in the Stage 2 Report are as follows:

<b>Key Stage</b>	<b>Target Date</b>
Stage 2 Report Submission	29 February 2016
Commencement of Early Works	29 February 2016
Approval of Stage 2 Report by Falkirk Council	29 March 2016
Contract Financial Close	11 April 2016
Completion of Early Works	6 May 2016
Commencement of main construction phase	9 May 2016
Construction completion	17 <sup>th</sup> July 2017

3.6 Risk Contingency:

All of the major risks identified in the Stage 1 Report have now been addressed and the Stage 2 Pricing Report now includes a risk contingency of £152,796 which amounts to 1% of the total construction costs (excluding fees).

The remaining risks that will be covered (if required) by this contingency amount are listed in Appendix 1 (Stage 2 Report Executive Summary).

**4.0 RECOMMENDATIONS**

**Members of Education Executive are requested to:**

- 4.1 approve the Hubco Stage 2 Report as outlined in this report;**
- 4.2 authorise the Chief Executive or her nominee to conclude final discussions and negotiations with Hubco and take all decisions required to take the project forward to Financial Close; and**
- 4.3 authorise the Chief Executive or the Chief Governance Officer to sign the contractual documentation with Hubco including the Design and Build Development Agreement.**

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**Director of Children's Services**

Date: 16 March 2016

Contact Officer: Richard Teed, ext 6621.

**LIST OF BACKGROUND PAPERS**

**Hub East Central Scotland  
New ASN Secondary School, Grangemouth  
STAGE 2 REPORT**

**Volume 1: Executive Summary**

This Stage 2 Report has been produced following Stage One Approval issued by Falkirk Council on the 9th October 2016 to proceed with project delivery using a Design and Build procurement route under the Scottish Futures Trust's hub initiative, within the East Central Hub territory.

This Stage 2 report has been prepared in accordance with the requirements of the Territory Partnering Agreement (TPA) Schedule Part 5, Part 4 – Stage 2 Approval Process for New Projects.

The Tier 1 Contractor and the Design Team have developed the design to RIBA Work stage 4 (previously Stage E).

**1.1 Introduction/Project Background**

Falkirk Council identified that the present Carronrange School would need to be relocated to allow future development of the adjoining Larbert High School. Following a successful application for SFT funding, the Participant selected a site for a new Carronrange ASN Secondary School. The new site is located circa 7 miles east from the existing school next to Moray Primary School in Grangemouth. The general immediate vicinity consists of mainly low rise residential dwellings, located close to the M9 Motorway.

The New Carronrange ASN Secondary School project is being procured via a Design and Build Development Agreement (DBDA) contract.

Following a selection process in accordance with the TPA, Ogilvie Construction Limited (OCL) were selected as the Tier 1 Building Contractor for the project. Tier 2 Design Consultants were also appointed following the TPA Supply Chain Selection Process.

During Stage 2, Morgan Sindall Professional Services were appointed to undertake the roles of Architect and Principal Designer replacing the Authority and Hardies respectively. This was instructed by the Authority to assist with the coordination of the design and improve programme timescales.

**Project team** – The table below identifies hub supply chain.

<b>Carronrange ASN Secondary School Project Team</b>	
Tier 1 Contractor	Ogilvie Construction Limited
Architect	Morgan Sindall Professional Services
Civil and Structural Engineer	Morgan Sindall Professional Services
Mechanical and Electrical Engineer	Hawthorne Boyle
Principle Designer	Morgan Sindall Professional Services

### Early Works

A programme of Early Works were proposed and approved by Falkirk Council in February 2016. The Early Works were scheduled to recover delays to the programme and remain on target for construction completion in July 2017 in time for the new academic year. In addition it was felt prudent to take the opportunity to redirect the live water culvert found in Stage 1 as part of the these Early Works. A Letter of Intent was signed between the parties on the 18th February. Works are due to commence on the 29th February 2016 with a duration of 10 weeks. The main DBDA contract will follow on. The scope of the Early Works is as follows.

1. Establish Site welfare and hoardings
2. Remove street lighting column
3. Formation of two site access openings through boundary wall
4. Sewer connection
5. Strip top soil from culvert lines and piling mat
6. Form hardcore temporary road and hardcore base for piling mat
7. Culvert diversion

The Value of the Early Works Letter of Intent is £602,150.55

### **1.2 Cost Summary**

Ogilvie Construction have competitively tendered over 80% of the work packages during Stage 2 in a transparent, open book manner in accordance with the TPA Part 3 Section 5B. Further details are included within Volume 3.

The Stage 2 Affordability Cap has been confirmed by the Authority as £17,568,000 excluding the Culvert Works. The Stage 2 Affordability Cap has been increased from the original NPR figure as a consequence of an increased value of FF&E, additional Architectural support and inflation moving to Q1 2016. The below table provides a summary of the key costs which are further detailed within Volume 3 of this report.

Financial Close is targeted in Q1 2016.

<b>Cost Summary</b>	
NPR Affordability Cap	£16,800,722
Stage 1 Affordability Cap	£17,568,000
Stage 1 Pricing Report	£17,567,998
Stage 2 Affordability Cap	£17,568,000
Stage 2 Final Maximum Cost (BICS)	£17,554,357

### Value for Money (VfM)

Value for money is delivered via the sharing of best practice, economies of scale, competitive pricing arrangements and analysis against suitable benchmark projects.

Measured under KPI 4.2, and referred to in QOP 04 and Part 3 of the TPA. VfM has also been demonstrated by Market Testing work packages through Stage 2.

A score of 83.5 has been achieved in the Hubco VFM Assessment table (See Volume 3 Appendix B) criteria are measured and weighted accordingly to provide a score which determines whether value for money is being met.

In accordance with Section 7.3 of Section 5A of Part 3 of the TPA, a minimum score of 75% must be achieved by the value for money assessment for a project to progress from Stage 2 to Contract Close.

On the evidence of this Pricing Report, it is hubco's opinion that the project is delivering Value for Money at Stage 2, and that the project should progress to Contract Financial Close

### Benchmarking

Benchmarked costs have been adjusted using BCIS Indices to allow for inflation during the periods from financial close to the present. The comparator costs used to generate the Stage 2 Cost have been based on benchmarked costs against Livity ASN School. The Pricing Report has been developed based on the tender and market testing pricing information in accordance with the requirements of the TPA. Procedures have been developed on the basis of the SFT paper 'Achieving Stage 2 Submissions which Robustly Demonstrate Value for Money Prime Cost Price'. The 4 main ways identified in order to demonstrate VFM at Stage 2 are as follows:

1. By an analysis against suitable benchmark projects;
2. By an analysis against comparator prices on an elemental basis;
3. By a transparent approach to Risk Management;
4. By securing at least 3nr competitive tenders for a minimum of 80% of packages.

Full details are contained within Volume 3 as to how this has been achieved and can be demonstrated.

### Community Benefits

Joint workshops have taken place with the representatives from Falkirk Council, East Central Hub and Ogilvie to agree the Targets for the project. Targets are agreed in line with KPI requirements in QOP 05 (TPA Part 3 Section 3).

## **1.3 Design Statement**

### Summary of design

Falkirk Council issued a Strategic Design Brief in January 2015, this outlined the Participants Vision, Values and Aims, and also Design Philosophy and Objectives they wished to achieve.

Other key project design principles include:

- A strong visual presence including a prominent easily accessible main entrance clearly visible from the main road.
- Provide a bright welcoming environment and clear understanding of the entrance and layout of the school.
- The facility should be as 'future – proof' as possible to take account of curricular changes and allowing flexibility in the future.

- To include specialist classrooms equipment and facilities to ensure that pupils' personal care needs are met in a safe and dignified manner.

The proposed new ASN School will accommodate 185 pupils, in a two storey building which includes 16 Core Classrooms, a Severe and Complex Learning Difficulties Wing, Swimming Pool, Hydro therapy Pool and outdoor courtyard accommodating a sensory garden.

GIFA has been adjusted throughout development in collaboration with all parties to ensure the project cost did not exceed the Affordability Cap. The final GIFA at Stage 2 is 6050m<sup>2</sup>.

Accessibility - one way vehicle access from Oxbang Road leading to car parking and setting down zones at the front of the school and a further setting down zone at the Severe and Complex Learning Difficulties Wing. A separate vehicle exit will also be formed through the boundary wall on Oxbang Road. An individual pedestrian access is gained to level access entries into the school. A clear visible main entrance will be signposted from the public highway.

Flexibility – the school facilities will be 'future – proofed' anticipating the future and developing curricular changes, allowing flexibility in the future.

Secured by Design It is the intention of the design team to achieve a Secure by Design accreditation by incorporating an approved CCTV installation, perimeter fencing, anti-vandal materials and an automatic sprinkler system.

#### Ground investigations

A number of surveys were carried out in recognition of the previous locality of the RAF base around 1940, and the weak ground conditions discovered on investigation. These included, California Bearing Ratio, Asbestos Survey, Unexploded Ordnance and gas analysis provided no evidence to discontinue with the project.

The Coal Authority have stated there is no known mines within 20m of the site.

#### Civil Engineering

The topography of the site shows the existing levels across the proposed development site have an approximate fall of 0.7m from west to east. It was agreed with the Participant a FFL of +4.62m AOD (Above Ordnance Datum) will be adopted. The intention was to minimise the amount of cut by setting a floor level as high as possible. The Cut and Fill Earthworks model states a Total net cut of – 941m<sup>3</sup> assuming this cannot be reused as fill in other areas and excavated material is used as landscaping across site as illustrated in the Earth Works Diagram.

#### Foundations

Geo- Environmental Consultants, Mason Evans produced a report on Site investigations September 2014. This evidenced weak sub soils and a shallow water table which therefore recommends for deep concrete piling foundations up to 38m below ground level.

The external perimeter walls are supported on a series of ground beams, which span between the pile caps. Since then the relationship of the walls to structural grids has been established and this has presented an opportunity for a reduction in the width of the ground beams from 800mm to 600mm in width. In addition, the development of the design has also presented an opportunity to reduce the amount of ground beams required in the design, which should present a nominal saving in the concrete quantities. Ground floor slab will be a 200mm thick floor slab supported on an engineered compacted granular platform.

The pool foundations have also reduced in stage two following consultations with piling contractors. The pool slab depth has reduced from 800mm to 450mm deep which represents

another saving to the project.

### Superstructure

A steel frame superstructure has been selected which will be fire protected. With reinforced concrete ground floor slabs and steel and concrete beams upper floor composition

### Layout

As pupils, visitors and staff pass through the main entrance, they arrive into a large open Social space containing the Library, which is well lit by a large skylight. From this main communal area, following the corridor left (South,) will lead to the Gym, the Severe and Complex Learning Difficulties Wing, and both pools. Alternatively, following the corridor to the right (North) leads to the Assembly and Dining Hall, Kitchens, Core Classrooms and Specialist Class rooms.

Continuing directly across the Social Space from the main entrance, external doors lead to the rear playground and outdoor Amphitheatre.

The first floor level consists of further Core Classrooms sited above the Specialist Classrooms, and Staff circulation.

### Envelope

Generally, walls to be cavity construction with cavity thermal insulation to achieve u-values as required by the Building (Scotland) Regulations. The outer leaf will consist of either ventilated rainscreen metal cladding, Insulated Render panels, timber cladding or blockwork. The inner leaf will consist of either blockwork or Duraline plasterboard. A glazed curtain wall will surround the Sensory Growing Garden.

### Internal Walls

Metal stud internal wall system to all internal partition walls with one or two layers of impact resistant boarding and insulation. Moisture resistant board to all WC's, showers and hygiene suites. Blockwork to Plantrooms, staircores and fairfaced blockwork to internal face of external gym wall. Acoustic wall panels will be installed in various locations, see Internal Wall Types Drawings for locations.

Altro Whiterock to Catering Kitchen, Home Economics, Food Store and Personal Care Rooms.

### Roof systems

A review of the Daylight Analysis Report on the current design indicated the ground floor core classrooms would have inadequate daylight levels. It has therefore been proposed that the external roof canopies over these class room windows are removed to allow additional daylighting, and roof sails to provide external covered teaching areas, the proposals for these are currently being finalised.

A consortium of roof designs will be provided to achieve required U-values as required by the Building (Scotland) Regulations. An aluminium covered pitched standing seam roof will be installed over the gym. Flat roofs will comprise of mechanically fixed single ply roofing membrane on rigid insulation, on vapour control layer, on structural liner tray.

Finished roof membrane to be fitted with a reinforced walkway to facilitate roof maintenance. Layout of roof access walkways to be developed.

Roof lights will be incorporated into roofs to provide additional natural light, and safe access systems will be fixed to allow maintenance of roof lights and access to mechanical plant

#### Boundary walls

A dilapidation survey was carried by MSPS of boundary wall's and the adjacent Moray School on the 19th January 2016. It noted a number of minor defects to the school external facades and hardstanding's, however most notably, the boundary walls were identified as needing extensive remediation works and are designed to a standard not compliant with current standards.

#### Roof garden

A roof garden was removed from the scope of works at stage 1 to achieve an affordable project. However it remained an aspiration of the participant to include the roof garden. Currently external funding is being pursued by the Authority to fund it. The structural design has been future proofed to accommodate the roof garden at a later date.

#### Landscaping Design.

TGP in collaboration with the school have produced a proposed layout plan which includes a bicycle track, an Amphitheatre outdoor gathering space, Playground with seating areas, and an enclosed Sensory growing garden with raised planters to stimulate pupils touch, smell, sound and vision throughout the year. A joint Eco garden with the adjoining Moray Primary School is also planned for future development.

#### Heating and Ventilation

A 200Kw Biomass Boiler supplies 70% of heating requirements via underfloor heating primarily and supplementary radiant heating. Four gas fuelled boilers will serve as back up to the Biomass Boiler. The pool environment will also have controlled heated ventilation.

Natural ventilation will be provided through opening window's, though additional extract ventilation will be utilised in selected Specialist Class Rooms, Kitchen, and the Assembly/Dining Room.

Cooling will be installed in the IT server room, the home economics classroom and the DET ICT room.

#### Sprinkler System

The automatic sprinkler system has been designed for life protection in accordance with BS EN 12845:2004 and the requirements of the Fire Engineer and Falkirk Council.

The Sprinkler Tank and Pump will be located with the electrical substation within a fenced area in the site boundary but outside the school building.

#### Utilities

New gas, cold water, electricity and communications services will all be required onto site. Applications for connection to water, gas, and electricity have been applied for. Scotia Gas Networks have yet to confirm the capacity is available within the local gas network. The new electrical supply will come through a new proposed transformer substation on site, and Scottish Water have yet to confirm if the existing water supply has sufficient capacity.

The following dates have been provided as part of the Construction Programme. ICT requirements are yet to be confirmed with the Participant.

Water on	27/02/2017
Wayleave agreement in place between participant and Scottish Power (Participant Action)	19/12/2016
Power on	27/02/2017
Gas on	27/02/2017
Comms on	17/04/2017

### Small Power

During Stage 2 the scope of small power increased beyond the allowed elemental cost. This was addressed by value engineering and workshops with the participant and sub-contractors, achieving a reduction in the number of electrical outlets, and adjusting the design of trunking and conduits throughout the school.

### Lighting

Lighting shall be provided around the external areas of the school in order to enable the staff and pupils to circulate safely and to guide them to and from the main entrances. The lighting will also ensure the CCTV system throughout the site operates within its limits. Control of external lighting shall be via time clocks.

Where required illumination levels cannot be achieved, artificial lighting will act as a supplement to suit the usage of the respective space. Integrated room lighting will be achieved by utilising photocell detectors in certain spaces that will control illumination levels in accordance with the level of daylight within the space.

Luminaires shall be a mixture of LED Lamp sources and compact fluorescent light sources of the energy efficient type with low loss control gear. LED lighting sources shall be the main lighting medium within the development.

A mixture of lighting controls will be utilised from the following

- Manual switching
- Manual dimming
- Daylight dimming
- Daylight switching
- Automatic control on Occupancy
- Automatic control on Presence
- Or a combination of the above

Emergency lighting shall be provided to serve all areas of the school and meet the requirements of BS5266.

### Fire Detection and Alarm

An analogue fully addressable fire alarm system shall be provided to give complete coverage for the school using control panels, manual call points, infrared beam detectors, smoke sampling system, automatic smoke and heat detectors and electronic sounders.

The level of system coverage shall be confirmed by the fire engineer but it is anticipated to meet the requirements of category L1 as defined in BS 5839.

The fire alarm system shall be connected to a central 24hour manned facility via dedicated

telephone line.

#### Authority Construction Requirements (ACR's)

The Authority Construction Requirements were developed late during Stage 2, they have been aligned with the design as it has developed in Stage 2. At time of writing this report the ACR's have not been fully concluded, it is important that these are drawn to early conclusion as the project heads towards Financial Close, in order to ensure that any derogations are agreed with the Authority as early as possible.

In addition to the ACR's Falkirk Council has identified the following standards to comply with:

- BB102: "Designing for Disabled Children and Children with Special Educational Needs"
- BB93: Acoustic Design of Schools Performance Standards.
- BS8300 : 2009 and A1 2010 – Design of Buildings and their approaches to meet the needs of Disabled People

#### Sustainability

ECHub looks at Sustainability from a social, economic and environmental perspective, with the objective of utilising local companies wherever possible. ECHub encourage the use of locally sourced labour and materials. The use of local labour is a requirement of the KPI's and at least 85% of the tendered work packages must be by local SME's.

From an environmental perspective a Biomass boiler will produce a fraction of the Carbon emissions of fossil fuels, and sourcing fuel locally can also help local businesses. The CO<sub>2</sub> that is created through the combustion process is equal to that consumed by the tree / plant matter or that would be released by the rotting matter after its natural expiration.

From an economic viewpoint, Government grants for the Biomass Boiler under Renewable Heat Incentive scheme and low cost fuel pellets provide economic benefits for the school and council.

The Authority's NPR requires that the project achieve an Energy Performance (EPC) rating of B before renewables. The building has been designed in accordance with these requirements and the M&E Consultant has confirmed that the design is currently anticipated to achieve B+, see Appendix F. There is no requirement for the building to achieve a BREEAM rating. A more detailed summary of the sustainable approach to design can be found in Volume 2 of this report.

#### Planning

Full planning was submitted on 7th August 2015 and approval was granted on the 26th November 2015 with 7 conditions to be purified, as follows.

1. The development is carried out in accordance with the plan unless a non-material variation is required which has to be agreed first by Falkirk Council Planning Authority.
2. A 7 a-side football pitch and MUGA (Multi Use Games Area) must be formed within a year of the school opening.

3. Protect trees prior to and during construction, and advise the Planning Authority prior to the removing of any trees.
4. Any trees or vegetation are not removed between the months of March and September.
5. Before any trees or vegetation are removed details of any bat roosting's and bird nesting resettling to be submitted to Falkirk Council for approval.
6. Landscaping is completed with a year of the school opening and maintained in accordance with the schedule.
7. Samples of finishing materials to be presented to Falkirk Planning Authority prior to any structural work commencing.

#### Building Warrants

The Building warrant applications have been submitted in 4Nr stages as follows.

Stage 1 – Drainage and Substructure – Granted 6th Jan 2016, amendment Feb 1st 2016.

Stage 2 – Fire Safety Strategy; queries to respond to from Building Standards

Stage 3 – Structure, Envelope and Fit out; queries to respond to from Building Standards

Stage 4 – Mechanical and Electrical; queries to respond to from Building Standards

Culvert Diversion and alterations to underground service- Granted 25th September 2015

### **1.4 Health & Safety Statement**

Hardies Construction Consultants produced the Pre-construction Information and The Principal Designer (MSPS,) have produced the residual design risk register. No high risk outstanding items remain.

Ogilvie have developed the Construction Phase Plan which the Principal Designer is currently reviewing. The Construction Phase Plan will be a continually developed document along with Risk Assessments and Method Statements.

### **1.5 Risk Management Strategy**

A fully costed Risk Register is included within the Pricing Report. Risks have been mitigated and closed out during the Stage 1 and Stage 2 design development process in accordance with the hubco risk management strategy to achieve a risk allowance within 1% of total construction cost and prelims. Though none of the remaining risks are deemed high, they include:

- Delay impact on programme from Scottish Water connection to cold water service.
- Boundary Wall condition and design compromised requiring extensive remedial/rebuilding work impinging on adjoining residential properties, causing additional costs.

- Ground conditions; A flood risk analysis carried out on in March 2015 advised the site was at low risk of flooding, with localised areas having a moderate risk. SUDS drainage with attenuation will provide additional capacity.
- Obstructions below ground preventing driving pile foundations into ground.
- Stage 2 Approval
- Achievement of Financial Close

Stage 2 Total No. of Risks	
High RED Rated Risks Prior to Mitigation	21
High RED Rated Risks Post Mitigation	0
Medium Yellow Rated Risks Prior to Mitigation	16
Medium Yellow Rated Risks Post Mitigation	18
Low Green Rated Risks Prior to Mitigation	3
Low Green Rated Risks Post Mitigation	22

## 1.6 Legal & Commercial Summary

Falkirk Council have employed Burness Paul as Legal Advisors for the closure of the DBDA contract and Early Works. Consequently Falkirk Council East Central Hub and Burness Paul have been working closely to progress the legal requirements of the project.

As stated in Stage 1 the following omissions were confirmed as not applicable to the project.

- There are no Property Transfer Requirements
- No TUPE transfers
- No tenancy agreements

As previously stated in the Stage 1 report the land on the site is wholly owned by Falkirk Council, however an investigation is currently being carried out to ascertain the ownership of the dilapidated perimeter walls.

### DBDA Land requirements

Schedule Part 5 contains the following which the Participants legal advisors are currently researching.

- Title Conditions: This should include any restrictions on the use of any part of the Site.
- Reserved Rights: This should include any rights over any part of the Site which have been, or are being reserved for the Authority and /or any third party (e.g. right of access, wayleaves).

Ogilvie Construction information required.

- Ancillary Rights: this should include any areas and periods within which the Contractor should have exclusive possession to parts of the Site together with any other rights over or pertaining to the Site or part of it required by the Contractor for delivery of the Project

Legal Conference calls continue between Falkirk Council, Burness Paul and ECHub to agree the main body of this document and any derogations required. A final meeting for Financial Close is arranged for 21st March 2016.

## 1.7 Programme

An updated construction programme has been provided by Ogilvie Construction following agreement of the LoI. Contract close is now forecast to be achieved by the 11th April with site works commencing on the 9th May. Practical completion is scheduled to be achieved on the 17th July in time for the new 2017/18 academic year.

The table below provides a summary of the key dates following submission of this Stage 2 Report and Practical Completion.

Stage	Activity	Date
Early Works LOI	Signed	18 Feb 2016
Stage 2	Report Submission	29th Feb 2016
Early Works	Commence	29th Feb 2016
Stage 2	Participant Approval	29th March 2016
Financial Close	Conclude Financial Close	11th April 2016
Mobilisation	Mobilise Works	29th Feb 2016
Early Works	Complete	6th May 2016
Construction	Commencement on site	9th May 2016
Construction	Completion	17th July 2017

### Approach to Financial Close

In accordance with SfT guidelines, hubco East Central Scotland's approach is to extensively adhere to the Standard Form agreement. Any proposed amendments will be project specific or offer better value for money.

At the time of this Stage 2 Submission, draft DBDA Project Agreement documentation is being reviewed and fed back between the parties.

Project Agreement Counterparties:

- Head Contract: The Falkirk Council and hubco East Central Scotland Limited
- Sub Contract: hubco East Central Scotland Limited and Ogilvie Construction Limited

### **1.8 FF&E/Equipment Strategy**

The FF&E requirements have been defined by the School and Falkirk Council in collaboration with ESA Mackintosh. The majority of the equipment and furniture is required to be new, and therefore a detailed review of all the room requirements was undertaken to ensure the budget allowance for this package was not exceeded.

It is envisaged a small number of items will be transferred from the old school, however Falkirk Council will arrange transfer of this equipment internally. Grouping of the FF&E is still to be finalised.

### **1.9 Site Waste Management Statement**

In accordance with hubco procedures, Ogilvie Construction have prepared a draft Site Waste Management Plan. This plan identifies how the targets as outlined within the hub KPI's will be achieved.

During the construction stage, the plan will be reviewed periodically and a final assessment will be carried out at the end of the construction to determine whether targets have been achieved. Please refer to Appendix F of this report for the Contractor's Indicative Site Waste Management Plan.

### **1.10 Project Delivery Statement**

The Project Execution Plan has been updated for Stage 2 and is held on BIW.