

Cabinet

26 March 2009

Building Schools for the Future: Completion of BSF Project Documentation



Report of Building Schools for the Future Project Board

Cabinet Portfolio Member for CYPS/BSF, Councillor Vasey

Purpose of the Report

- 1 To authorise the BSF Project Board to enter into the Council's BSF Programme (the Project).
- 2 To authorise the Acting Director of Corporate Resources to enter into and execute the BSF Project agreements as set out or referred to in this report (the Project Documents).
- 3 To authorise the relevant statutory officer to enter into and execute any necessary certificates under the Local Government (Contracts) Act 1997 in relation to the Project (the Vires Certificates).

Background

- 4 Cabinet, in its report of 19 February 2009, authorised the BSF Project Board to proceed to Financial Close and finalise and award the Project Documents.
- 5 This report is required to provide evidence that Cabinet has authorised the BSF Project Board to enter into the Project, the Acting Director of Corporate Services to enter into and execute the Project Documents and the relevant statutory officer to enter into and execute the Vires Certificates.
- 6 The Acting Director of Corporate Resources, under the schemes of delegations set in the Council's Constitution, has delegated power to enter into and execute all formal contract documentation for the provision of services and the execution of any work to which the Council is a contracting party, which includes all the Project Documents.

Recommendations

7 Cabinet is requested to consider the contents of this report and resolve to note:

7.1 the power of the Council to enter into the Project Documents;

and to authorise:

7.2 that approval be given to the financial implications for the Council of entering into the Project Documents;

7.3 that approval be given to the award of the Project Documents for the implementation of the Project to inspiredspaces (the Consortium);

7.4 that the Acting Director of Corporate Services be authorised to enter into and execute the Project Documents;

7.5 that the relevant statutory officer be authorised to enter into and execute the Vires Certificates;

7.6 that approval be given to the execution of any of the Project Documents by affixing the Council's common seal in accordance with [] of the Council's constitution and to approve that the Acting Director of Corporate Services and Corporate Director may take any necessary action and execute any further documents to complete the Project including any final amendments to the Project Documents and give effect to members' resolutions and authorised/delegated decisions referred to in this report;

7.7 that the Council participate as a shareholder in the LEP and invest 10% of the pure equity in the LEP, which at the date of this report is £1,000.

Project Documents

The project documents mean the following documents

- Strategic Partnering Agreement to be entered into between the Council and inspiredspaces Durham Limited (the LEP)
- Managed Services Agreement to be entered into between the Council and the LEP
- Project Agreement (including the Payment Mechanism appended at Schedule 6) to be entered into between the Council and inspiredspaces Durham (ProjectCo1) Limited (ProjectCo)
- Design and Build (Lump Sum) Contract to be entered into between the Council and the LEP
- ICT Implementation Contract (Central ICT Services) to be entered into between the Council and the LEP
- ICT Implementation Contract (School Implementation Contract) to be entered into between the Council and the LEP
- FM Contract to be entered into between the Council and the LEP

- Independent Certifier's Deed of Appointment to be entered into between the Council, the LEP and an independent certifier (to be appointed)
- Independent Certifier's Deed of Appointment to be entered into between the Council, ProjectCo, the senior lenders agent and an independent certifier (to be appointed)
- Funders Direct Agreement to be entered into between the Council, the senior lenders agent, the senior lenders security trustee and ProjectCo
- Shareholders Agreement to be entered into between the Council, the LEP, Partnerships for Schools, Building Schools for the Future Investments LLP and inspiredspaces Durham (PSP1) Limited
- Local Government (Contracts) Act 1997 Certificates for the Project Agreement and the Funders Direct Agreement
- Various Collateral Warranties between the Council and Carillion Construction Limited, Carillion Services Limited, Carillion IT Services Limited and certain of their consultants and subcontractors
- Governing Body Agreements to be entered into between the Council and the respective Governing Bodies of Sedgefield Community College, Shotton Hall School, Shotton Hall Primary School and Easington Community Science College
- any other document designated as a BSF Project Document to which the Council is a contracting party.

Background Papers

None.

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DT/ALA/Building Schools for the Future
