Report To:	STRATEGIC PLANNING AND CAPITAL MONITORING PANEL
Date :	12 March 2018
Reporting Officers:	Robin Monk – Director of Place
Subject:	VISION TAMESIDE PHASE 2 PROGRESS UPDATE
Report Summary:	This report provides an update on progress made by the LEP to secure an Early Works Agreement with Robertson Construction Group Limited, which will enable the prompt commencement of necessary protection works to arrest deterioration of already completed works on the project. It will also allow for an 8-week period for Robertson Construction Group Limited to carry out its due diligence on the project and enter into contract with the LEP to secure a prompt remobilisation for completing the project.
	In addition this report provides an update on the status of the construction project prior to Carillion Construction Limited entering into liquidation on the 15 January 2018.
Recommendations:	That the Panel consider the contents of the report and NOTE:
	 the progress made to secure an Early Works Agreement with Robertson Construction Group Limited.
	 the status of the construction project prior to Carillion Construction Limited entering into liquidation on the 15 January 2018.
	3. the financial position of the Vision Tameside Phase 2 project, which is set out in Tables 3 of Section 9 of this report and recommends approval of the virements requested in Table 2 of Section 9 of the report.
	 the excellent progress being made to drawdown the £4 million Skills Funding Agency Capital Funding which is illustrated in Section 9 of this report.
	5. the potential increase in costs of this project and identifies funding.
Links To Community Strategy:	Prosperous Tameside
Policy Implications	In line with approved policy
Financial Implications: (Authorised By The Section 151 Officer)	The overall costs of the Vision Tameside programme include the development of the Shared Service Centre and the Streetscape Improvement project. It was intended for the Project to be delivered within the approved funding envelope. However, it must be recognised that following the liquidation of Carillion and the subsequent termination of the contract with them, costs are likely to increase. These costs will be crystalised following the conclusion of the early works agreement by Robertsons Construction Group. Additional funding will need to be identified if the Budget exceeds the current funding envelope. It is important that regular monitoring of all expenditure budgets,

value for money and inflation projections are maintained throughout the programme. It is also important that leases with all potential occupants are completed as soon as possible so that the capital and revenue implications of the programme can be confirmed.

Streetscape Investment Project

The current estimated costs of Streetscape Improvement project are identified in section 6. Within the Shared Service Centre funding envelope, £2,631,000 has been allocated to Streetscape. The revised capital programme includes an element for Ashton Gateway of £1,500,000 it is proposed that this is included within the funding for the Streetscape investment project and the funding has been updated at paragraph 6.7. There is still a considerable shortfall as identified within the report. The project will need to be scaled back to keep within the existing funding envelope.

The key purpose of the report is to provide an update on progress.

The Council must be mindful that the key purpose of the report of 7 February 2018 was to enable sufficient information to be obtained over the following 8 weeks to enable the Council to determine the best way to proceed whilst protecting the valuable asset it already has part constructed in the ground in far from ideal circumstances. We have a construction project which is essentially 60% completed what we want to achieve is to get a new Construction company to take on the contract on the same basis. PWC, the Liquidator were not in a position to support the project further given the complexity of the project.

Whilst it is a matter for the LEP to fulfil its contractual obligations and it is not for the Council to agree who with per se, nonetheless the Council would not want the LEP to contract with a building contractor who was unable to fulfil the obligations expected under the contract of Carillion. It is therefore for the LEP to make the decision to change contractors, but for the Council to agree this should only happen on the basis that the incoming contractor contracts on the same basis Carillion had previously been contracted to do so. From a legal perspective, it is not clear what variations will be sought to the contract as a consequence and whether this is contractually a sensible option for the Council to follow, although what does appear to be very clear is that urgent works need to be carried out to make the building wind and watertight as a matter of urgency so the due diligence and early works proposed are sensible and an important way to mitigate any potential losses for both the Council and LEP and it will be necessary to agree to pay for these from the existing budget for the work.

An early works order is an issue for the LEP and the risks are ones for the LEP. The master contract is between the Council and the LEP. It is the LEP who contracted Carillion. The LEP can replace Carillion but the LEP has no option but to require a new contractor to comply with the terms of the master contract, unless the Council agrees to vary the master contract to accommodate requests from a new building contractor. However, there is a risk of there being no or limited warranties available

Legal Implications:

(Authorised by the Borough Solicitor)

to the Council, Wilkos, Tameside College - the Council is under contract with Tameside College and Wilkos. Any change to the contractor is likely to affect these contracts, with the position on warranties being critical. It might be that insurance could be put in place to cover this and this will need to be a consideration during the next phase and report.

It is critical that the Council agrees a recant plan as a matter of urgency.

The key risks and mitigation actions are included in this report at Section 10.

The background papers relating to this report can be inspected by contacting the report writer Ade Alao, Head of Investment and Development by:

Telephone: 0161 342 2795

Server and the server

Risk Management:

Access To Information:

1. INTRODUCTION

- 1.1 On 15 January 2018, the High Court appointed the Official Receiver as liquidator of Carillion Plc and some associated companies on the petition of the company's directors, one of which being the company contracted by the LEP to deliver Vision Tameside Phase 2.
- 1.2 The Court also appointed PwC as special managers to support the Official Receiver in managing the affairs, business and property of the companies.
- 1.3 This report provides an update on the:
 - a) LEP proposal to replace the building sub-contractor for the Vision Tameside Phase 2 construction project, following the compulsory liquidation of Carillion Construction Limited.
 - b) Status of the project prior to the announcement of the liquidation of Carillion on the 15 January 2018.

2. LEP PROPOSAL

- 2.1 All construction work on the site of the Vision Tameside Phase 2 project stopped following the announcement of the liquidation of Carillion on 15 January. The immediate uncertainty meant that all the sub-contractors chose to suspend work until further clarification of the situation.
- 2.2 PwC originally advised the LEP that they would see through the project to completion however they later confirmed that they were unable to support the project further and that the LEP should appoint an alternative contractor to complete the works.
- 2.3 Most of the Carillion site staff were made redundant by PwC on 5 February 2018.
- 2.4 The LEP terminated the building sub contract with Carillion Construction on 6 February 2018, on the basis that being placed in compulsory liquidation, constitutes a Contractor Default under the terms of the building sub-contract. Primarily this was to secure the site and retain key documentation.
- 2.5 On 7 February 2018, the Council's Executive Cabinet approved a proposal from the LEP, to secure a prompt remobilisation of the Vision Tameside Phase 2 construction project.
- 2.6 The approval gave the LEP authority to engage Robertson Group Limited under an Early Works contract to undertake urgent protection works on the project, remobilise the site, reengage a core team and sub-contractors, whilst at the same time undertake due diligence to agree a contract, programme and estimated cost of completing the project.
- 2.7 The Executive Cabinet report also approved changes being made to the existing head contract once a further report with clear recommendations, based on an assessment of the latest position at the time, is received once due diligence under the Early Works Agreement has been undertaken.

3. FINANCIAL IMPLICATIONS OF THE LEP PROPOSAL

3.1 It is too early to fully assess the likely financial implications of the current situation on the project. The protection that the Council has under the design and build contract with the LEP, includes step-in rights, collateral warranties, and a parent company guarantee provided by the building contractor. As the parent company is in compulsory liquidation,

this will not provide protection against any financial loss. Estimates of the potential financial implications, based on the current possible scenarios, range from moderate to substantial.

- 3.2 The main construction contract for the Vision Tameside project, with the LEP, was £37.575m, and paid invoices to 15 January amount to £32.006m, excluding a 2% retention (£0.653m). This leaves an available budget of £4.916m to complete the construction part of the project.
- 3.3 At the end of the early works contract, a due diligence process will have been carried out. A detailed costing exercise will be completed, which will identify any additional costs which will be required following the termination of the contract with Carillion. Additional funding will need to be identified if the Budget exceeds the current funding envelope.
- 3.4 **Appendix 1** illustrates details of the Construction Milestone Schedule.

4. VISION TAMESIDE PHASE 2 – CONSTRUCTION UPDATE AS AT JANUARY 2018

- 4.1 This section of the report provides an update on the status of the construction project prior to the announcement of the liquidation of Carillion Construction Limited on 15 January 2018.
- 4.2 The last contractual Progress Meeting was held on 9 January 2018. At this meeting Carillion Construction Limited reported that the project had slipped by one week behind the contract programme. A mitigation plan was in place to recover the programme position.
- 4.3 Carillion reported that the objective of ensuring the building was fully watertight by Christmas was largely achieved.
- 4.4 It was reported that the library roof was, at this time, substantially watertight. With the exception of the ground floor area beneath the library roof the fit out of the building had continued to make good progress in line with the contract dates.
- 4.5 A summary of works in progress in early January 2018 were as follows:
 - Roofing
 - Windows
 - Curtain walling and rain screen cladding
 - Brickwork
 - Partitions
 - Mechanical and Electrical 1st and 2nd fix
 - Decoration
 - IPS paneling
 - Suspended ceilings
 - Raised access floors
 - 1st fix joinery
 - Roof top plant installations
 - Bespoke joinery
- 4.6 No dark ground has been identified to date and the building has nearly been constructed so it is highly improbable and unlikely that there would be any dark ground and this has been reflected in the budget.
- 4.7 Following the tragedy at Grenfell Tower on the 14 June 2017, assurance had been sought from the LEP and Carillion that the specifications and method of installation of the proposed cladding material for the building do not pose unacceptable levels of fire risk.

- 4.8 The Council had received confirmation from the designers and constructors that no ACM cladding material will be used in the building. As a third level of assurance, the Council had commissioned an independent technical review to confirm that the specifications, method of construction and overall fire strategy proposed for the building do not pose unacceptable levels of fire risk. This report is expected to be received in the next few weeks.
- 4.9 There have been no health and safety accidents or incidents since the last report to the Panel.

5. PROGRAMME MANAGEMENT

Vision Tameside Working Group

5.1 This group will now be Chaired by Councillor Fairfoull and will continue to meet on a monthly basis to oversee the delivery of the project.

Communications

5.2 Weekly communication has taken place since the 15 January 2018 to keep key partners updated on the emerging plans to identify a delivery route that ensures the project is completed as promptly as possible. This communication has been critical in helping partners to start developing their contingency plans on the basis that there will inevitably be a delay to the building being completed.

Building Design and Scope

5.3 The overall scope and external fabric of the building has not changed since the last report.

Reviewable Design Data (RDD) Process

- 5.4 The Design & Build contract for the project allows the Council to review some detailed design data against an agreed timetable. The review process is based on the designs and costs which were approved by the Council's Executive Cabinet on 16 December 2015.
- 5.5 Any changes requested during this process could have an impact on cost and programme and a robust management regime was therefore implemented at the outset to minimise risks. Relevant officers and specialist advisers are engaged to ensure an intelligent client input and that future buildings facility and asset management arrangements are included in any considerations.
- 5.6 There were 34 RDD items to be reviewed for both the Council and College the majority of which are now complete.
- 5.7 Outstanding RDD's, which are now being concluded as a priority, are associated with CCTV, external lighting, public realm and fixed furniture and equipment.

Lease Negotiations

- 5.8 The Council's Legal Services, Estates and Finance teams are coordinating negotiations on leases required with Tameside College, Wilkinson's and Department of Works & Pensions for their occupation of the new building.
- 5.9 The current status of the negotiations is shown in **Table 1** below: **Table 1**

	Lease Negotiations Status – February 2018				
Organisation	Heads of Terms Agreed	Agreement for Lease completed	Lease Agreement completed		
Tameside	N/A	08/12/2016	tbc		

College				
Wilkinson's	N/A		09/02/2015	tbc
DWP	Issued 2017.	September	The legal documentation is being negotiated.	tbc

Programme

- 5.10 The construction works were originally due to be completed on 15 June 2018. It was envisaged that staff would move into the new Shared Service Centre between June and December 2018.
- 5.11 Following the liquidation of Carillion the project will now be delayed. The full impact of recent events will not be fully understood until Robertson Group Limited have remobilised the site and completed their due diligence. Details of the revised programme will be presented at a future report.

6. STREETSCAPE IMPROVEMENT PROJECT

- 6.1 Following previous Council approvals, a Streetscape Improvement (previously described as public realm) project has been included within the scope and funding for the Vision Tameside Phase 2 programme.
- 6.2 Concept designs were approved in October 2016 subject to detailed proposals and funding being available.
- 6.3 It was reported to the Panel, on 27 November 2017, that the Council had been unsuccessful in securing the National Productivity Investment Fund bid and so the decision was taken to progress the project in line with the confirmed funds and to continue to bid for additional funds as and when available.
- 6.4 The phased delivery of the wider public realm works does not affect the programme to deliver works within the boundary of the new Shared Service Centre.
- 6.5 Previous reports have highlighted that most of the new public realm, around the new Shared Service Centre, will not be fully complete when the building opens due to logistical constraints with the build programme.
- 6.6 A clear plan has been developed to ensure that the new building is fully operational and accessible when it opens. This is currently under review due to the recent delay in the Shared Service Centre's construction programme. An updated programme, including a visual plan, will be presented at a future meeting.
- 6.7 The current status of the overall funding package which is required in order to deliver the extended public realm scheme is as follows:

Estimated Costs	£
Proposed works Wellington Road (based on extended scope)	8,109,286
TMBC confirmed budget held within Vision Tameside	(2,631,000)
TMBC confirmed capital programme for Ashton Gateway	(1,500,000)
Shortfall	3,978,286
TfGM approved in principle (subject to final business case submission)	(1,372,707)
Total Gap in Funding	2,605,579

7. RECANT PLAN

- 7.1 A detailed Vision Tameside Recant Plan is being developed to form part of a wider Council Office Accommodation Strategy, which will be implemented when the new Shared Service Centre is completed.
- 7.2 The following work has been completed to date to help develop an appropriate plan:
 - a) Detailed review of the new building's design
 - b) Reconciliation of staffing numbers
 - c) Development of a set of principles to help inform the Council Office Accommodation Strategy and Vision Tameside Recant Plan
 - d) Development of an initial high-level Recant Plan and consequential requirements for staff accommodation in retained buildings
- 7.3 A draft Recant Plan is being developed for detailed analysis will need to take place with regard to the additional buildings to ensure that best fit and efficient utilisation is achieved.
- 7.4 The anticipated delay to the construction programme will have an impact on the recant timeline and may also affect the availability of some of the planned recant sites. This may require an extension of tenure across our leased estate.
- 7.5 Once a revised programme is available then logistical planning will start with key stakeholders, in order to develop a phased recant plan for the building as a whole.
- 7.6 A comprehensive communication plan for staff will also be implemented from May 2018.
- 7.7 The ground floor library has provision for a small café and work is ongoing to secure a café operator in line with procurement standing orders.

8. EMPLOYMENT AND SKILLS

- 8.1 Partnership work, between Carillion and the Council's Employment and Skills team, was working well and some good employment opportunities had been achieved.
- 8.2 A summary of the outputs achieved to date is show in the table below:

Employment and Skills Outputs – January 2018				
Activity	Target	Total Achieved	TMBC residents	
Apprenticeships – new /existing	30	24	18	
Ready for work placements	50	26	23	
New entrants	25	25 / 19 sustained	24	
Schools / young people engagement sessions	12	15	15	
Site tours / stakeholders	0	32	281 (incl. 221 Tameside College Level 1 construction students)	

9. FINANCIAL IMPLICATIONS

Fixture, Fittings and Equipment (FF&E)

- 9.1 An analysis of furniture, fittings and equipment, for all elements of the scheme, was completed as part of the Stage 2 submission. The original £1.5 million budget for the Council and partners had been confirmed to be sufficient at Stage 2.
- 9.2 The last report to SPCMP, on 27 November 2017, highlighted that the projected FF&E contribution from the DWP and CCG was anticipated to be £432,000. This figure is currently under review due to design changes which have been requested by DWP and changes agreed to the recant plan. These discussions and financial review are nearing completion and an update will be provided at a future meeting.
- 9.3 Work to value engineer costs is now complete and the conclusion of this process will be reported at a future meeting.

Variation Notices and Impact on Contingency Budget

- 9.4 The programme currently has a contingency allowance of £619,711.
- 9.5 The report to SPCMP on the 4 September 2017 provided details of all approved change orders between March and September 2017.
- 9.6 **Table 2** below provides a summary of all change orders which have been instructed from September 2017 to January 2018.
- 9.7 In addition the table also provides a summary of "other" costs which exceed the previously approved budget allowance. Additional virements are therefore requested which will increase the contingency budget by a value of £74,667.
- 9.8 In summary, the proposed variations increase the Vision Tameside Programme contingency budget from £619,711 to £694,378. The saving of £74,667 to the contingency budget has been achieved due to some non-essential works being removed from the contract.

Variation Notices and Proposed Virements September 2017 to January 2018			
Variation	Variation Amount (£) Details		
Notice			
COR 031A	-£94,108	Layout changes	
COR 031final	£87,028	Supercedes COR 031A above	
COR 032A	-£40,481	Layout changes to level 01	
COR 032final	£32,548	Supercedes COR 032A above	
COR 047	-£48,554	FF&E and bespoke joinery in the Council demise	
COR 051	-£18,241	Omit all bird control measures	
COR 058	-£8,005	Omit all bird control measures to the Water Board façade	
COR 039	-£1,919	General changes to specifications	
LEP 093	£6,002	External Cladding – CBRE	
LEP 637	£3,542	CCTV review - RJH Consultancy Ltd	
COR 062revised	-£15,479	Omit the level 00 servery to allow third party fit	
COR 066	£2,584	Addition and omission of access control on level 04	
COR 059	£15,739	Addition of demountable wall - committee rooms level 02	
COR 043	-£1,811	Changes to first floor layout	

Table 2

COR 043 -£1	,840	Changes to first floor layout
LEP CO £	2180	Change to rear elevation
Total required -£82	,814	
Current £619	,711	
Contingency		
Less Additional Virement		
Requests		
Variations as above		£82,814
Legal costs		£0.00
Estates Recharge		-£8,148.00
Total Variations		£74,667
Remaining Contingency		£694,378

Financial Position The current financial position for the Vision Tameside Phase 2 project is shown in Table 3 9.10 below.

Table 3

Budget Heading	Approved Budget	Projected Budget	Requested Virements	Actual Costs to Date
	Nov-17	Mar-18	Mar-18	Mar-18
	(£)	(£)	(£)	(£)
Total Demolition	2,618,475	2,618,475	0	2,569,093
Total Construction costs (including revised commercial offer and inflation contingency)	36,074,805	36,074,804		32,006,000
TMBC Furniture Budget	1,500,000	1,500,000	0	0
Approved Change Orders To Date	189,727	106,912	-82,815	119,463
Additional Asbestos Costs (now included in total demolition / construction cost)	680,000	680,000	0	680,000
Total Demolition / Construction Costs	41,063,007	40,980,191	-82,815	35,374,556
Less SFA grant	-4,000,000	-4,000,000	0	-3,535,697
Cost paid by partners for furniture	-432,000	-432,000	0	0
2014/2015 Ryder Invoices	23,895	23,895	0	23,895
TMBC Construction Contingency (for dark ground)	50,000	50,000	0	0
Net Construction Costs	36,704,902	36,622,086	-82,815	31,862,754
Decant / condition works	2,797,320	2,797,320	0	2,797,320
Co-op bank termination of lease	95,408	95,408	0	95,408
Programme Management	138,689	138,689	0	125,510
Fit out costs of temporary store re Early Lease termination – Wilkos	832,978	832,978	0	0

College Fixed Furniture and Equipment	850,000	850,000	0	0
Fit Out Costs - Early Wilko's Lease Termination	859,900	859,900	0	0
Public Realm Works	2,631,000	2,631,000	0	325,690
Document Scanning	250,000	250,000	0	91,973
Potential Loss of profits Wilko's	550,000	550,000	0	0
Other costs including recant	22,588	30,736	8,148	28,132
Legal Costs	127,299	127,299	0	122,832
IT Enablement	2,194,000	2,194,000	0	956,213
Programme Contingency	619,711	694,378	74,667	0
Total (corporate funding)	48,673,794	48,673,794	0	36,405,832
Additional funding for street scape improvement project				
AshtonGatewayProject(corporate funding)	1,500,000	1,500,000		0
TfGM funding (approved in principle subject to final business case)	1,149,345	1,149,345		0
Total funding available	51,323,139	51,323,139		36,405,832

Funding

- 9.11 A Council Key Decision in October 2014 authorised the submission of a funding bid to the Local Growth Fund for a capital contribution towards the costs of the College's move into the new building.
- 9.12 The Council received a formal funding agreement from the Greater Manchester Combined Authority (GMCA), dated 13 September 2016, for £4,060,000.
- 9.13 The Council has now claimed the full £4,000,000 towards the construction costs but will continue to submit quarterly claims to the GMCA until the project is complete. These quarterly claims will claim the fees of the independent Project Monitor.
- 9.14 Details of the grant claims submitted to date are shown in the table below.

Skill Funding Agency - Claims as at March 2018					
Claim Number	Amount of Claim	Status of Claim			
1 (September 2016)	£850,565	Paid to the Council			
2 (December 2016)	£1,060,661	Paid to the Council			
3 (March 2017)	£221,976	Paid to the Council			
4 (June 2017)	£1,011,451	Paid to the Council			
5 (September 2017)	£411,768	Paid to the Council			
6 (December 2017)	£467,477	Claim submitted to the GMCA			
Total claim to date	£4,023,898				

9.15 A condition of the funding agreement was the appointment of an independent Project Monitor whose role would be to verify that good progress is being maintained with project delivery, all financial claims are accurate and that appropriate project management arrangements are in place to effectively manage a project of this scale. The feedback from the independent Project Monitor, to date, has been extremely positive with no issues to report in terms of the management of the project. 9.16 The GMCA have been notified of the current contractual position.

10. RISK MANAGEMENT

- 10.1 The Vision Tameside Phase 2 programme has a comprehensive risk register and issues log which is pro-actively managed by the Project team on a monthly basis.
- 10.2 The primary risks associated with the Stage 2 proposals outlined in this report, prior to Carillion entering into liquidation on the 15 January 2018, are shown in **Table 4** below.

Table 4

Risk	Mitigation	Status
Financial	 Affordability confirmed against the Council's financial position Original costs within affordable financial envelope Value for Money assurance from Stage 2 review Rigorous change control procedure implemented Income from subletting space 	Green
Stakeholder	Comprehensive communication strategy consistently delivers key messages regarding benefits and potential delivery timescales	Green
Economic	Economic benefits confirmed in stage 2 business case	Green
Service Delivery	 Flexible, fit for purpose accommodation for Council and partners Working Better Together to ensure office systems, technologies and recant strategy delivers exceptional service delivery 	Green

10.3 The emerging primary risks and impact on the project associated with Carillion entering into liquidation on the 15 January 2018 are shown in **Table 5** below:

Table 5

Risk	Impact	Status
Financial	Moderate to substantial additional costs to complete the project.	Red
Community and Stakeholder	Inability to deliver the project in a timely manner leads to reputational damage with the local community and stakeholders.	Red
Economic	Inability to deliver the project in a timely manner leads to the non-realisation of the anticipated economic benefits from the development.	Red
Education	Inability to deliver the project in a timely manner leads to a major disruption to Tameside College's operations and its ability to open for the 2018/19 academic year.	Amber

11. CONCLUSION

11.1 The Early Works Agreement with Robertson Construction Group, approved at the Council's Executive Cabinet on 7 February 2018, is intended to enable for the prompt

commencement of necessary protection works to arrest deterioration of already completed works on the project.

- 11.2 The Early Works Agreement is intended to allow for Robertsons Construction Group Limited, to carry out its due diligence on the project over an 8-week period and enter into contract with the LEP to secure a prompt remobilisation in order to minimise the delay in completing the project.
- 11.3 Even though prompt action has been taken to secure an alternative Main Contractor it is unlikely that the project will now be completed on time and to budget. A detailed analysis of the full financial and programme implications for the overall project will be required to enable the advancement to a new contract to complete the project. This subsequent report will provide the Council will full clarity and seek approval to set a new fully costs budget to allow the completion of the project.
- 11.4 It is essential that all Reviewable Design Data are concluded as priority by the Council's Project Team and no further changes, unless absolutely critical, are agreed.
- 11.5 Following approval of the Recant Plan it is essential that a robust workforce communication plan is launched from May 2018.
- 11.6 Delivery of the Vision Tameside Phase 2 programme remains key to the achievement of the Council's overall strategic priorities and a new exciting future for Tameside attracting new businesses, creating new jobs and future opportunities for Tameside residents.

12. **RECOMMENDATIONS**

12.1 As stated on the report cover.