

BARNSELEY ACADEMY - VARIATION OF SUPPLEMENTAL AGREEMENT

The parties to this agreement are the Secretary of State for Education and Skills ("the Secretary of State") and United Learning Trust.

INTRODUCTION

- A. The Secretary of State and United Learning Trust entered into a Supplemental Agreement dated 19 October 2005 ("the Supplemental Agreement") relating to the establishment, maintenance and funding of an independent school known as the **Barnsley Academy**.
- B. The Secretary of State and United Learning Trust have agreed to vary clause 3.1, Annex 2 and Annex 3B of the Supplemental Agreement in accordance with this agreement.

LEGAL AGREEMENT

- 1. Any word or phrase used in this Variation Contract shall, if that word or phrase is defined in the Supplemental Agreement, bear the meaning given to it in the Supplemental Agreement.
- 2. The Secretary of State and United Learning Trust agree that with effect from the date of this agreement the following:
 - a) Clause 3.1 in the Supplemental Agreement shall be replaced by the following:
3.1 The Cash Limit will be £28,369,576;
 - b) Annex 2 to the Supplemental Agreement shall be replaced by the new Annex 2 attached to this Agreement; and
 - c) Annex 3B of the Supplemental Agreement shall be replaced by the new Annex 3B attached to this Agreement.
- 3. Except as varied by this agreement, the Master agreement between the parties dated 19 October 2005 and the Supplemental Agreement shall remain in full force and effect.

EXECUTED AND DELIVERED by the parties on *7 January* 2007⁸

SIGNED by
On behalf of UNITED
LEARNING TRUST

)

)

) Governor

SIGNED by
On behalf of THE SECRETARY OF STATE
FOR EDUCATION AND SKILLS

)

)

) Duly authorised

ACADEMY NAME		BARNSELEY ACADEMY FUNDING AGREEMENT COST PLAN			
ACADEMY CAPITAL CASH LIMIT (NEW BUILD) FOR		1,150	PUPILS	AGES	11 - 18
Date Generated	09 July 2007	TPI - Benchmark		3Q 2002	137
Issue Number	1	TPI - At Present Day Value		3Q 2007	178
NB: All figures in this Cash Limit sheet include a minimum of 3% Design Contingencies and 3% Site Contingencies.		TPI - At Anticipated Tender Return Values		3Q07	178
NOR Ages 16-18	250	Basic Fee Level		13.00%	
NOR Ages 11-16	900	Design Team Fee Level		12.00%	
NOR Ages 5-11		BCIS Location Factor		0.90	
NOR Ages 3-5		Base rate per m ² for New Build Only		£1,065	
BB 98 (JUN 04) GIA for Ages 11-18	10,338	m ²	FF&E: Ages 11-18 (Per Pupil)	£1,400	
BB 98 (JUN 04) GIA for Ages 5-11	0	m ²	FF&E: Ages 5-11 (Per Pupil)	£0	
BB 98 (JUN 04) GIA for Ages 3-5	0	m ²	FF&E: Ages 3-5 (Per Pupil)	£0	
Additional Area - Only If Agreed by AD		m ²	ICT: Ages 16-18 (Lump Sum Total Addition)	£350,000	
Average Area per Pupil (Ages 11-18)	8.99		ICT: Ages 11-16 (Per Pupil Av.)	£1,289	
Average Area per Pupil (Ages 5-11)	0		ICT: Ages 5-11 (Per pupil Av.)	£0	
BASE BUILD ELEMENT		m ²	COST	FEES	VAT
1	New Build at Benchmark Rate	GEFA 10,386	£1,370	14,230,827	
2	ICT Infrastructure Ages 16-18		INCLUDED		
3	ICT Infrastructure Ages 11-16		INCLUDED		
4	ICT Infrastructure Ages 5-11			0	
5	External Works BB98 cost limit	11.00%		1,526,391	
6	Sub Total of Building Cost Including External Works			15,757,218	
7	Adjust for Location Factor	0.90		INCLUDED	
8	Adjust for TPI at Present Day Value	1.17		INCLUDED	
9	Professional fees (on 8) above	12.00%		2,230,478	108,067
10	Sub Totals of 8) and 9) Above			15,757,218	2,230,478
11A	Fixed Educational FF&E				
11B	Adjust for TPI at Present Day Value (on 11A) above			732,139	
12	Professional Fees (on 11B) above	12.00%		80,453	
13A	Loose Educational FF&E				
13B	Adjust for TPI at Present Day Value (on 13A) above			1,359,886	237,945
14	Procurement Fee (on 13B) above			30,000	
15	ICT Equipment			1,510,500	264,338
16	Design / Procurement Fee (on 2), 3), 4) and 15) above			75,000	
17	Base Build Sub Total (of 10) to 16) above			19,359,543	2,415,931
BASE BUILD CAPITAL CASH LIMIT AT PRESENT DAY VALUE					
18	Building (Includes ICT infrastructure)		18,095,763	Includes fees & VAT	
19	Educational F&E		2,440,223	Includes fees & VAT	
20	ICT equipment		1,849,838	Includes fees & VAT	
21	TOTAL OF BASE BUILD AT PRESENT DAY VALUE Inc INFLATION ADJUSTMENT		£22,385,823	Includes fees & VAT	
ESTIMATED PROJECTION FOR FUTURE INFLATION ON BASE BUILD					
22	Building (Includes ICT infrastructure)		INCLUDED	Includes fees & VAT	
23	Educational F&E		INCLUDED	Includes fees & VAT	
24	ICT equipment		INCLUDED	Includes fees & VAT	
25	TOTAL OF INFLATION PROJECTION ON BASE BUILD		INCLUDED	Includes fees & VAT	
ADDITION FOR ABNORMAL COSTS AT PRESENT DAY VALUE (Excl additional area - if granted)			COST	FEES	VAT
26	Demolitions		484,593	58,151	0
27	Abnormal costs arising from site conditions		4,225,181	507,022	0
28	Temporary accommodation		244,053	0	42,709
29	Surveys and Investigations		284,386	N/A	49,788
30	Statutory fees		68,300	N/A	10,203
31	Other		0	0	0
32	Legal costs		16,500	N/A	2,868
33	Sub Total at Present Day Value		5,313,013	565,173	105,567
TOTAL OF ABNORMAL ADDITIONAL COSTS AT PRESENT DAY VALUE			£5,983,752	Includes Fees & VAT	
ESTIMATED PROJECTION FOR FUTURE INFLATION ON ABNORMAL COSTS					
34	TOTAL OF INFLATION PROJECTION ON ABNORMAL COSTS		INCLUDED	Includes Fees & VAT	
GRAND SUMMARY					
COMBINED TOTAL OF BASE BUILD AND ABNORMALS AT PRESENT DAY VALUE			£28,369,576		
ADDITION FOR INFLATION PROJECTION ON BASE BUILD AND ABNORMALS			INCLUDED		
35	PROJECTED FUNDING AGREEMENT TOTAL INCLUDING INFLATION PREDICTION			£28,369,576	
36	Overall Cost of Base Build Total per m ² [Includes External Works, FF&E, ICT, Fees and VAT]		£2,732	Includes Fees & VAT	

The above figures exclude:

- 1) Abnormals [Lines 26 to 33 inclusive above] until identified and agreed.
- 2) Inflation to any extended project completion date beyond standard limits for fixed price tendering.

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VAT on 100% (Pre Funding VAT)
+ 2 x £15k for ULT VAT Admin

VAT on 100%

VAT on 100%

VAT on 100%

PDV

#REF!

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INFLATION

PDV

21.09%

INFLATION

		2007						2008						2009						2010															
ELEMENT	FROM ANNEX 6A	PROJECT TOTALS	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	AUG	SEP	OCT	NOV	DEC	J/F/M	A/M/J	J/A/S	O/N/D	J/F/M	A/M/J	J/A/S	O/N/D	2011	2012	2013	2014	2015	FA PROJECT TOTAL	SBDU COST PLAN		
		€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's								€000's	€000's
Building/external works		21,103,123	956,847	1,403,501	1,520,728	1,421,552	1,179,107	1,305,957	1,278,542	1,259,321	1,312,518	1,284,130	1,260,843	1,074,039	1,073,818	1,179,301	1,151,843	1,041,673	767,512	318,547				318,546	0	0	0	0	0	0	21,103,123	21,103,123	Building/external works		
Professional fees on 1		2,305,956	1,607,161	40,000	40,000	40,000	40,000	40,000	40,000	40,000	45,000	45,000	45,000	45,000	40,000	40,000	40,000	40,000	40,000	27,681	0	0	0	11,114	0	0	0	0	0	0	2,305,956	2,305,956	Professional fees on 1		
Fixed educational F&E		732,139	0	0	0	0	0	0	0	0	0	0	0	0	150,000	245,000	245,000	81,157	0	0	0	0	10,942	0	0	0	0	0	0	732,139	732,139	Fixed educational F&E			
Professional fees on 3		80,453	0	0	0	0	0	0	0	0	0	0	0	0	5,000	15,000	30,000	30,453	0	0	0	0	0	0	0	0	0	0	0	80,453	80,453	Professional fees on 3			
Loose educational F&E		1,597,631	0	0	0	0	0	0	0	0	0	0	0	0	0	100,000	300,000	1,173,667	0	0	0	0	23,984	0	0	0	0	0	0	1,597,631	1,597,631	Loose educational F&E			
Professional fees on 5		30,000	0	0	0	0	0	0	0	0	0	0	0	0	0	10,000	10,000	10,000	10,000	0	0	0	0	0	0	0	0	0	0	0	30,000	30,000	Professional fees on 5		
ICT equipment		1,774,838	283,512	0	0	0	0	0	0	0	0	0	0	0	0	100,000	1,368,957	0	0	0	0	22,369	0	0	0	0	0	0	1,774,838	1,774,838	ICT equipment				
Professional fees on 7		75,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	50,000	25,000	0	0	0	0	0	0	0	0	0	0	0	75,000	75,000	Professional fees on 7			
Surveys (incl Fees/Vat)	81,721	303,776	4,306	4,306	4,306	32,944	32,944	32,944	32,944	32,944	32,944	1,436	1,436	1,436	1,436	1,435	1,435	1,435	1,435												222,065.17	303,776	Surveys (incl Fees/Vat)		
Statutory fees (incl Fees/Vat)	62,275	62,275																														62,275	62,275	Statutory fees (incl Fees/Vat)	
Other (incl Fees/Vat)		0																														0	0	Other (incl Fees/Vat)	
Legal costs (incl Fees/Vat)		17,624	3,904			3,096				3,624									3,376												17,624	17,624	Legal costs (incl Fees/Vat)		
Temporary Science Labs		286,762	154,850	7,760	7,760	7,760	7,760	7,760	7,760	7,760	7,760	7,760	7,760	7,760	7,760	7,760	7,760	7,760	7762												286,762	286,762			
MONTHLY TOTALS			3,010,379	1,455,568	1,572,791	1,505,352	1,259,811	1,387,661	1,357,246	1,343,648	1,386,220	1,338,378	1,315,038	1,128,234	1,126,637	1,383,496	1,461,038	1,475,868	1,381,693	2,929,604	0	0	0	384,975	0	0	0	0	0	0	28,725,581	28,725,581	MONTHLY TOTALS		
CUMULATIVE TOTALS	143,996	28,369,577	3,010,379	4,485,945	6,038,738	7,544,088	8,803,899	10,191,559	11,546,805	12,892,454	14,290,674	15,629,000	16,944,037	18,072,271	19,195,908	20,367,404	22,043,442	23,519,309	24,611,002	27,840,606	27,840,606	27,840,606	28,225,581	28,225,581	28,225,581	28,225,581	28,225,581	28,225,581	28,225,581	28,369,577	28,369,577	CUMULATIVE TOTAL			
EXPENDITURE SPLIT																																	EXPENDITURE SPLIT		
CONTRIBUTION - TRUST		-1,500,000				0	0	0	0	0	0	0	0	0	0	0	0	0	0	-214,284				-214,284				-214,284	-214,284	-214,284	-214,284	-214,298	-1,500,000	-1,500,000	CONTRIBUTION - TRUST
CONTRIBUTION - OTHER		0																														0	0	CONTRIBUTION - OTHER	
CONTRIBUTION - OTHER		0																														0	0	CONTRIBUTION - OTHER	
CONTRIBUTION - OFES	143,996	26,869,577	3,010,379	120,822	120,823	252,581	337,629	287,906	294,874	706,554	949,365	1,254,483	2,375,343	2,095,974	2,014,256	2,278,387	1,774,253	1,717,703	471,888	1,300,382	-214,284	0	0	0	0	0	0	-214,284	-214,284	-214,284	-214,284	-214,298	26,869,577	26,869,577	CONTRIBUTION - OFES
MONTHLY TOTALS	143,996	26,869,577	3,010,379	120,822	120,823	252,581	337,629	287,906	294,874	706,554	949,365	1,254,483	2,375,343	2,095,974	2,014,256	2,278,387	1,774,253	1,717,703	471,888	1,300,382	-214,284	0	0	0	0	0	0	-214,284	-214,284	-214,284	-214,284	-214,298	26,869,577	26,869,577	