

AGENDA ITEM NO:**UNIVERSITY HOSPITALS BIRMINGHAM NHS FOUNDATION TRUST****BOARD OF DIRECTORS****THURSDAY 23 FEBRUARY 2012**

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| Title: | THE SEALING OF A DEED OF NOVATION OF A CONTRACT FOR CAPITAL WORKS AT THE QUEEN ELIZABETH HOSPITAL |
| Responsible Director: | Morag Jackson, New Hospitals Project Director |
| Contact: | Lynne Darby, Land & Property Manager, Ext 8024 |
| Purpose: | To request approval from the Board of Directors to seal, in accordance with Standing Order 6.1, a Deed of Novation of a contract for works currently being undertaken at the Queen Elizabeth Hospital. |
| Confidentiality Level & Reason: | |
| Medium Term Plan Ref: | |
| Key Issues Summary: | <p>On 13 January 2012, the Trust awarded a contract to CDM Shopfitting Ltd (the Original Supplier) to undertake some refurbishment works on the ground floor of QEH. The Original Supplier has entered into administration and the Trust has agreed that Project Associates Ltd (the New Supplier) will complete the work. The contract will be novated in its entirety to the New Supplier, enabling the Trust to rely on all of the terms of the original contract.</p> <p>It is in the interests of all parties that the contract novation will be executed as a Deed under Seal.</p> <p>The value of the original contract is approximately £30,000.</p> <p>The Deed of Novation has been negotiated and agreed between the parties and their respective legal representatives.</p> |

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| <p>Recommendations:</p> | <p>The Board of Directors is requested to authorise:</p> <p>David Burbridge, Director of Corporate Affairs, and Lynne Darby, Land & Property Manager, severally to exercise the powers of the Trust in relation to negotiating, approving and amending the Lease and any associated documents, without limitation save that such authority may only be exercised to the extent that the Lease is materially as described in this Report, and to do all such acts and things as may be required in order to give effect to the Resolution(s) resulting from this Report and implement the Lease to include the finalising and delivery of all such notices, confirmations, applications, letters, transfers, appointments, certificates, powers of attorney, deeds, forms, notice of drawing, notice of withdrawal or notice of utilisation and any other documents as required: and</p> <p>Any one or more Directors of the Trust and, in the case of any documents that are Deeds, the Foundation Secretary, severally to sign, execute and deliver the Lease and any associated documents save that, where any such other documents are Deeds, execution will be by any two Directors or a Director and the Foundation Secretary.</p> <p>The Board of Directors is asked to:</p> <ol style="list-style-type: none"> 1. NOTE that the contract will be novated in its entirety to the New Supplier. 2. APPROVE the use of the Trust Seal, pursuant to Standing Order 6.1. 3. APPROVE the Recommendation above. |
| <p>Signed:</p> | <p>Date: 14 February 2012</p> |