

**APPENDIX
THE INVERCLYDE COUNCIL - 21 AUGUST 2008**

521 Inverclyde Council Education PPP Project - Administrative Arrangements

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At the Inverclyde Council meeting duly convened and held on 21 August 2008 the Council considered a report by the Chief Executive (1) outlining the particular administrative arrangements pertaining to the finalisation of the Inverclyde Council Education PPP Project and (2) seeking appropriate delegations to finalise and execute various contract documents.

Decided:

- (1) that the content of the report be noted;
- (2) that it be agreed that the minute of the meeting of the Council be in the style of the draft circulated to members;
- (3) that delegated authority be granted to the Corporate Director Education & Social Care, the Chief Financial Officer and the Head of Legal & Administration to negotiate, agree and enter into the various project documents;
- (4) that any of the Chief Executive, Corporate Director Education & Social Care and Head of Legal & Administration be authorised to issue certificates under the Local Government (Contracts) Act 1997; and
- (5) that delegated authority be granted to any of the Chief Executive, Corporate Director Education & Social Care and Head of Legal & Administration to formally sign all contractual documentation relative to the project.

522 Inverclyde Council Education PPP Project - Financial Close and Contract Award

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At the Inverclyde Council meeting duly convened and held on 21 August 2008, the Council considered (1) appendix to the minute of the Education & Lifelong Learning Committee (Special) of 21 August 2008, (2) the recommendations contained therein and (3) the report by the Corporate Director Education & Social Care presented to the aforesaid Committee. The Chief Financial Officer reported that the Auditors' view of the Balance Sheet Treatment for the Project was awaited.

Decided:

- (1) that the appendix to the minute of the Education & Lifelong Learning Committee (Special) of 21 August 2008 be approved;
- (2) that subject to receipt of the revenue support letter from the Scottish Government confirming support for the Project and a letter from Audit Scotland in relation to the accounting treatment of the Project, the Council formally resolved as follows:-
 - a. To award the Inverclyde Council Education PPP Contract to e4i Schools Limited.
 - b. That the Council notes the foregoing report relative to the design, build, financing and operation of 2 secondary and 2 primary schools and associated services under the UK Government Public Private Partnership Policies.
 - c. That in pursuance of the Project (as defined in the foregoing report) the Council authorises the Corporate Director Education & Social Care, the Chief Financial Officer and the Head of Legal & Administration to negotiate and agree on behalf of the Council, inter alia, the Project Agreement (the "Contract") between the Council and e4i Schools Limited (the "Contractor"), the funders direct agreement between the Council, the Contractor and The Co-operative Bank plc in its role as Agent and Security Trustee to be provided in connection with the Project (the "Direct Agreement"), all other agreements and documents to which the Council is a party and which the Council may require to enter into in relation to the Project (the "Project Documents").
 - d. That the entering into, execution of and delivery of the Project Agreement, the Direct Agreement and the Project Documents by the Council, and the performance of

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the Council's obligations therein, is duly authorised by the Council.

e. That the Council has the power to enter into the Contract, the Direct Agreement and the Project Documents in terms of Section 1, Section 6, Section 17, Section 20 and Section 53 of the Education (Scotland) Act 1980; Section 14 and Section 15 of the Local Government and Planning (Scotland) Act 1982; Section 69, Section 123 and Section 163 of the Local Government (Scotland) Act 1973; and Section 20 of the Local Government in Scotland Act 2003.

f. That any of the Chief Executive, the Corporate Director Education & Social Care and the Head of Legal & Administration (whose specimen signatures are set out below) are each duly authorised to sign and deliver on behalf of the Council, the Contract, the Direct Agreement and the Project Documents.

g. That the Contract, the Direct Agreement and other Project Documents shall be certified contracts within the meaning of Section 2 of the Local Government (Contracts) Act 1997 (the "1997 Act") and shall meet the certification requirements within Section 3 of the 1997 Act and that any of the said Chief Executive, Corporate Director Education & Social Care and Head of Legal & Administration are duly authorised to sign and issue the certificates in terms of the 1997 Act.

Signature

Sample Signatures

Chief Executive
Corporate Director Education & Social
Care
Head of Legal & Administration