



## MINUTES OF BRIDGEND TOWN COUNCIL MEETING

### Meeting Details:

Date: Monday 30<sup>th</sup> May 2022

Time: 7.00 pm

The meeting was held as a hybrid meeting both at Carnegie House and remotely via Microsoft Teams for Business under the Local Government and Elections Act (Wales) 2021.

Chairperson: The Mayor, Cllr Tim Wood

Staff: Mrs L Edwards (Town Clerk) & Mrs D Jones (Deputy Town Clerk & RFO)

### In Attendance:

Cllr Freya Bletsoe (Deputy Mayor) - In Person

Cllr Steven Bletsoe - In Person

Cllr Michelle Blundell-Humphreys - In Person

Cllr Nathan Deere – Remote

Cllr Steven Easterbrook – In Person

Cllr Dominic Evans – In Person

Cllr Allison Felton – Remote

Cllr Chris Harding – Remote

Cllr Barry Johnston – Remote

Cllr Ann Lloyd – In person

Cllr Ian Spiller – Remote

Cllr Fran Sullivan – In Person

Cllr David Unwin – In Person

Cllr Alan Wathan – In Person

Cllr Tim Wood (Mayor) – In Person

### 1. To Receive Apologies for Absence

- Cllr C Webster, Cllr I Williams & Cllr A Morelli

### 2. To Receive Declarations of Interests (if any) of Members in respect of the business to be transacted

- Cllr T Wood declared a personal interest in relation to agenda item

### 3. Town Hall Refurbishment Project

#### 1. To receive an update from the Town Clerk regarding the tender process and timescales for appointing a contractor

- The Mayor invited the Town Clerk to provide an update to Council.
- The Town Clerk provided an overview of the tender process to seek a contractor to undertake Phase 1 of the Bridgend Town Hall Refurbishment Project. She explained that in the previous term of office, the Town Council had appointed an architect and quantity surveyor to support the Council to develop a comprehensive brief for the tender process and that as part of this work, the services of a surveyor and a mechanical and electrical consultant had been employed.
- The Town Clerk explained that an Expression of Interest had been advertised on the Sell2Wales website and eighteen companies had initially expressed an interest in responding to the tender.

- At the request of Council, the Town Clerk had carried out checks on each company to find out their credit score and check for HSE Enforcement Notices, HSE Convictions and CCJ's. Each company was also asked to confirm if it could meet the deadlines for the project. The information was presented to Council and a short list of 7 companies was agreed.
- The full tender document and technical specifications was issued to all 7 companies and only 4 companies responded to the tender by the deadline.
- All 4 hard copies of the tender responses were passed to the architect to evaluate the quality of the responses against the technical specifications. The tender responses were then given to the Quantity Surveyor to assess the costings against the Bill of Quantities. Out of the 4 companies that responded, only 3 companies fully met the requirements of the tender brief.
- The Town Clerk explained that the architect has advised that tender responses and quotes are only valid for a short period (usually between 21-28 days) due to price fluctuations in material costs. This is particularly relevant in the current climate. The Council therefore only has a short window to review and make a decision on the quotes received before they will be invalid.

**2. To consider the scoring matrix and scores allocated by the tender reviewers consisting of Two Members of the Town Hall Working Group, the Architect & Quantity Surveyor.**

- The Mayor invited the Town Clerk to explain this process.
- The Town Clerk explained that the responses need to be reviewed by at least 4 individuals and scored in-line with the scoring matrix agreed previously. The architect, quantity surveyor and two members of the Town Hall Working Group; Cllr D Unwin and Cllr A Wathan were the assessors for the scoring.
- It was noted that each assessor reviewed the tender documents and completed their scoring sheet independently.
- The Town Clerk asked Council to consider the Tender Evaluation Report and scoring sheets that had been circulated to all Councillors.
- It was clarified that scores had been given to each company by each assessor and the scores had been combined and averaged for the purpose of the Tender Assessment Document.
- It was noted that one of the tender responses did not meet the criteria of the brief and was marked on the Tendering Conclusion as 'FAIL'.
- The remaining 3 tender responses had met the criteria of the brief and had been allocated a number from 1-3 which could be referred to instead of the company name.
- The Mayor invited questions from the Councillors.
- Cllr A Felton enquired if there would be any penalties imposed if the contractors failed to meet the timescales set out for the project.
- Cllr D Unwin responded that the project is scheduled to take between 12-14 weeks and no penalty clauses have been discussed.
- Cllr F Bletsoe noted that she had looked on Companies House and notice that one of the companies only has one staff member listed, whilst the other companies have more staff.
- Members discussed the size of the companies. It was highlighted that larger companies may run multiple projects at the same time and if projects run concurrently, the contractor may not be able to name the project manager until they win a contract.
- Members queried if it would be likely that unforeseen costs will be added to the total costs provided by the contractors. It was noted that the architect and quantity surveyor had been very thorough with the brief and were appointed to look after the Town Council's interests.

**3. To consider the budget available for the Town Hall Refurbishment Project**

- The Mayor invited the Town Clerk and Deputy Town Clerk/RFO to explain the financial situation.

- The Town Clerk explained that the Town Council has set a budget for the project for financial years 2021-22 and 2022-23. She reminded Council that the quotes provided are commercially sensitive and suggested that if Council needed to discuss the financial details of each quote, this would need to be discussed in confidence.
- The Deputy Town Clerk/RFO explained that the budget set for the Town Hall Refurbishment Project for 2022-23 is £100,000. She added that in addition to this, unspent budget for 2021-22 had been put back into general reserves.
- It was noted that the budget of £100,000 plus an allocation of budget from general reserves could be used. The Deputy Town Clerk/RFO explained that if the Council appointed contractor number 2, it would leave the Council with approximately 4 months general reserves and if contractor number 3 was appointed it would leave the Council with 3 and a half months general reserves. The Council was provided with the exact figures. The Council would not have enough budget to appoint contractor number 3 and leave a satisfactory amount in general reserves.
- Council was advised that there is no specified amount that the Council must keep in general reserves, the audit office recommend that good practice is between 3-6 months of monthly expenditure.
- Cllr D Unwin highlighted that the tender brief had been scrutinised by the Working Group and requirements had been scaled down to the absolute minimum. He therefore did not believe that the Council could reduce costs by removing any work from the project and encouraged the Council to appoint a contractor from the tender responses provided.
- Cllr S Bletsoe explained to new Members that a huge amount of work had been undertaken by Councillors both past and present and Town Council staff to get to this point.
- It was acknowledged that the high cost of the work should be linked to escalating costs worldwide.
- Cllr F Bletsoe noted that although the Council is considering spending a large sum of public funds on this project, it is for a public asset which has and will continue to increase in value.

**RESOLVED:** That Council is satisfied that it has sufficient funds to proceed with this project and appoint a contractor from the tender responses received.

**4. To consider the tender responses and make a decision on the appointment of a contractor for Phase 1 of the Town Hall Refurbishment Project.**

- Cllr S Bletsoe proposed that Council formally discount contractor number 0 and contractor number 3 from the tender process for the reasons previously discussed. This was seconded by Cllr D Unwin and agreed by Members.
- Cllr A Wathan highlighted that the combined scores for quality and price were close for contractor number 1 and 2. He proposed that Council appoint contractor number 2 as they are a company based in Bridgend County Borough and there the money would remain in the local economy. Cllr M Blundell-Humphreys seconded this proposal.
- The Town Clerk was invited to speak. She explained that she had sought advice from One Voice Wales regarding this situation and provided the advice as follows:  
*'Although the Council is not obliged to accept the lowest tender there would have to be strong grounds for not doing so. Having looked at the tender assessment it is clear that contractor number 1 has been assessed as the most preferential bid based on both cost and quality. On this basis it would not be appropriate to select the Bridgend County based tenderer. This might be viewed as anti-competitive practice and it would be extremely difficult to defend any legal challenge if one was submitted.'*
- Cllr F Bletsoe explained that she had looked at the contractors details on the Companies House website and there appears to be a significant difference in the way the companies are run and in

their financial situations. She noted that the Council must also consider what is best for the Council and public funds.

- Members discussed the importance of ensuring that they take into account the stability of the company when they spend public funds.
- Cllr A Lloyds suggested that Council need to consider the assets, debtors and creditor of the company to assess their financial situation. On this basis she advised that contractor number 2 appears to be the strongest and safest company.
- Cllr I Spiller spoke about assets, liabilities and net worth and supported appointing contract number 2. He added that with approximately 10% difference in the quotes, the Council is justified in selecting the most financially secure company and endeavouring to spend the money in Bridgend County.
- Members noted that the contractor appointed for the development next to the Town Hall had gone into administration and Council must be very confident about the solvency of the company appointed to the Town Hall Refurbishment Project.
- Cllr I Spiller noted that the financial viability of both contractors should be a priority as opposed to the location of the company. He added that one is substantially bigger and more solvent than the other.
- Cllr F Bletsoe noted that her research on Companies House website had shown that contractor number 1 is very junior to contractor number 2, having only been set up in the last several years.
- Members noted that the project needs to go ahead on time and Council must take into account all the information available not just the scoring.
- Cllr S Bletsoe enquired about contingency funds for increasing costs. The Town Clerk explained that the Council had done all it could to prepare a very detailed tender specification to avoid additional costs, however she could not guarantee that unforeseen issues, such as asbestos etc. would not be uncovered.
- Cllr F Bletsoe suggested that the Council could consider taking out indemnity insurance for this. After discussion it was agreed that Council would not proceed with indemnity insurance.
- The Mayor asked Council to consider and take a vote on the proposal from Cllr A Wathan and asked the Town Clerk to facilitate the vote.
- Cllr A Wathan proposed an amended motion to select contractor number 2 in relation to meeting all the criteria of the brief and for liquidity reasons regarding a major spend of public money for a building contractor on the Town Hall Refurbishment Project.
- The Town Clerk asked Members to answer 'IN FAVOUR' or NOT IN FAVOUR of the proposal. The Vote was recorded as follows:

<b>NAME OF COUNCILLOR</b>	<b>In Favour</b>	<b>Not In Favour</b>	<b>Abstain</b>
Cllr A Wathan	X		
Cllr F Sullivan		X	
Cllr D Unwin	X		
Cllr M Blundell-Humphreys	X		
Cllr T Wood (Mayor)			X
Cllr S Bletsoe	X		
Cllr A Lloyd	X		
Cllr D Evans	X		
Cllr S Easterbrook	X		
Cllr F Bletsoe	X		
Cllr I Spiller	X		

Clr A Felton			X
Clr B Johnston	X		
Clr C Harding		X	
Clr N Deere	X		

The Mayor declare the result of the vote as:

- 11 Members In Favour of the motion
- 2 Members Not In Favour of the motion.
- 2 Members abstained

**RESOLVED:** That contractor number 2, Manning Construction, is appointed as the contractor to undertake the Town Hall Refurbishment Project - Phase 1.

**Meeting closed: 7.53pm**

Signed .....

Date .....

Mayor