



## AGENDA

### EXTRAORDINARY COMMUNITY COMMITTEE MEETING

Date: Wednesday, 10 August 2022

Time: 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT\*

Membership:

Councillors Cameron Beart, Lloyd Bowen, Steve Davey, Mike Dendor, Oliver Eakin, Tim Gibson, Alastair Gould, James Hall, Nicholas Hampshire, Elliott Jayes (Vice-Chair), Peter Macdonald, Lee McCall, Richard Palmer (Chair), Hannah Perkin and Ken Rowles.

Quorum = 5

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Pages

#### Information for the Public

\*Members of the press and public may follow the proceedings of this meeting live via a weblink which will be published on the Swale Borough Council website.

Link to meeting: To be added.

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#### 1. Emergency Evacuation Procedure

The Chair will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chair will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chair will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chair has informed them that it is safe to do so; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chair is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

#### 2. Apologies for Absence and Confirmation of Substitutes

#### 3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chair will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary Interests (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the meeting while that item is considered.

**Advice to Members:** If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

#### **Part B report for the Community Committee to decide**

4. St. Michael's Church Wall, Sittingbourne

5 - 10

#### **Issued on Friday, 29 July 2022**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Committee, please visit [www.swale.gov.uk](http://www.swale.gov.uk)

**Chief Executive, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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<b>Community Committee</b>	
<b>Meeting Date</b>	10 <sup>th</sup> August 2022
<b>Report Title</b>	Procurement of St Michael's Church Flint Wall Repair / Reconstruction works, Sittingbourne
<b>EMT Lead</b>	Emma Wiggins Director of Regeneration and Neighbourhoods
<b>Head of Service</b>	Joanne Johnson, Head of Regeneration, Economic Development and Property
<b>Lead Officer</b>	Eva Harris Business Support Officer Property Services
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. That the Committee <b>approves</b> the appointment of Company 'E' for the repair / partial reconstruction of St Michael's Church Wall at a value of £108,708 exc. VAT.</li> <li>2. That the Committee <b>supports</b> the additional costs of the project and that these be drawn from the existing High Streets Fund budget</li> <li>3. The committee agree to the waiver requested in relation to the works contract and that the Director of Resources be authorised to complete the necessary documentation</li> </ol>

## 1 Purpose of Report and Executive Summary

- 1.1 In May 2022, the Regeneration, Economic Development and Property service launched a one stage tender process for the repair / partial reconstruction of St Michael's Church Flint Wall in Sittingbourne. The process set out that quotes would be evaluated on 60% price and 40% quality.
- 1.2 This report summarises the procurement process and its results and seeks Committee approval to instruct the recommended contractor.

## 2 Background

- 2.1 The restoration of St Michael's Church Flint Wall in Sittingbourne High Street is an agreed High / Medium member priority project to repair / partially reconstruct a grade II listed church wall, including flint works and new iron railings using appropriate materials and restoration processes.
- 2.2 £80k budget was allocated for these works from the High Streets Fund, based on officer cost estimates. 10% contingency is included within the budget for all projects, meaning £88k is available.

- 2.3 Planning permission was secured in spring 2022. The full Specification was provided to the Diocese for consultation and approval prior to advertising request for quotes in May 2022.
- 2.4 The opportunity was advertised in accordance with current contract standing orders, with interested parties asked to complete a Request For Quotation, A823.
- 2.5 Nine quotes were received, all of which exceeded £100k, meaning a full tender process should have been undertaken. Officers in the Property team have completed a waiver request to allow the procurement process to be considered valid. This is on the basis that the procurement process enacted was believed to be the correct route at the point of commencement. In addition, a full tender process would have been very unlikely to change the outcome of the assessment process.
- 2.6 The recommended contractor scored the highest for quality and cost, and as such represents the most economically advantageous quotation. The quote is £108,708+VAT i.e. £20,708 above budget.
- 2.7 The High Streets Fund was originally fully allocated across staff and projects. Following the departure of the Capital Projects team however (the Project Officer in March 2022 and the Programme Manager in June 2022), there is c. £35k surplus budget available to accommodate the additional costs of the recommended contractor.
- 2.8 The tender assessment panel consisted of three senior Swale Borough Council officers, in line with procurement guidance). Each panel member scored independently. The scores were as follows:

<b>Company</b>	<b>Price Score</b>	<b>Quality Score</b>	<b>Total</b>
A	Failed Technical & Professional ability	Failed Technical & Professional ability	N/A
B	27.31916896	27.33333333	54.65250229
C	49.09251022	26	75.09251022
D	38.38740054	20	58.38740054
E	60	32.33333333	92.33333333
F	45.93090379	31.66666667	77.59757046
G	26.11415393	24.66666667	50.7808206
H	52.04502673	31.66666667	83.71169339
I	49.12773061	28.33333333	77.46106394

- 2.9 The Contractor E has the highest score for both quality and price.

- 2.10 By waiting until the next scheduled meeting of the Community Committee to award the contract would cause delay to the extent that the works may not be able to be undertaken until spring 2023 as the specialist nature of the works requires them to be completed during mild weather. Under Contract Standing Orders, this would mean the need to undertake a fresh tender process, which given current conditions, could very well lead to a significant price rise

### **3 Proposals**

- 3.1 The Committee is recommended to approve:
- 3.1.1 the appointment of Company 'E' for the repair / partial reconstruction of St Michael Church Wall at a value of £108,708 exc. VAT, and that the additional costs of the project be drawn from the existing High Streets Fund budget
- 3.1.2 the waiver in relation to the repair / partial reconstruction of St Michael's Church Wall works contract.

### **4 Alternative Options**

- 4.1 Not to award the contract (rejected as does not meet the member priority, and budget is available.
- 4.2 To undertake a full tender process (rejected as time and budget implications and unlikely to change the outcomes
- 4.3 To seek to reduce the works to within budget (rejected as complex, will not achieve the full desired outcome which is possible within the HSF budget)

### **5 Consultation Undertaken or Proposed**

- 5.1 Officers have consulted with the Procurement Department regarding the process to secure the waiver to allow the award of the contract.

### **6 Implications**

Issue	Implications
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Corporate Plan	<p>Corporate Plan: 2.4 Recognise and support our local heritage to give people pride in the place they live and boost the local tourism industry</p> <p>Appointing a contractor that meets a good quality standard and provides good value for money contributes towards all the corporate priorities as it assists with the key element within the Sittingbourne High Street Conservation Area order as part of a planned wider package of works to improve the public realm in the Sittingbourne town centre</p>
Financial, Resource and Property	<p>Anticipated spend on the repair / partial reconstruction of St Michael's Church Wall Contract is £108,708.00 +VAT. This is £20,708 above original budget</p>
Legal, Statutory and Procurement	<p>The contract will be drawn up using JCT D&amp;B along with the Council's supporting terms and conditions which have been approved by Mid Kent Legal Services and Finance.</p> <p>Because there is no requirement under RFQ threshold to include Social Value, no reference or weighting were placed against this element.</p>
Crime and Disorder	None identified at this stage
Environment and Climate/Ecological Emergency	None identified at this stage
Health and Wellbeing	None identified at this stage
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage
Risk Management and Health and Safety	<p>Part of the procurement process ensures that contractors are fully competent, particularly in the area of health and safety. The recommended contractor's competence is evidenced through their responses to quality questions.</p>
Equality and Diversity	None identified at this stage
Privacy and Data Protection	None identified at this stage



## **7 Appendices**

- 7.1 The following documents are to be published with this report and form part of the report:  
None

## **8 Background Documents**

None.

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