

THE VALE OF GLAMORGAN COUNCIL

COUNCIL: 4<sup>TH</sup> DECEMBER, 2023

REFERENCE FROM CABINET: 5<sup>TH</sup> OCTOBER, 2023

**“C115        AGREEMENT TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE DEVELOPER FOR THE CONSTRUCTION OF NEW COUNCIL APARTMENTS AT CADOXTON, BARRY (EL/PR) (SCRUTINY – HOMES AND SAFE COMMUNITIES) (EXEMPT INFORMATION – PARAGRAPHS 13 AND 14) – (Urgent in order to ensure that Council can enter into a contractual relationship with the nominated Construction Management Company to ensure a seamless transition and avoid any unnecessary delay to the Scheme)**

The Leader presented the report, the purpose of which was to inform Cabinet of proposals to enter into a Supplemental Agreement with Pegasus Developments (Barry) Ltd for the construction of new Council apartments at Coldbrook Road East, Cadoxton, Barry and appoint Synergy Construction Management Ltd to continue the construction at the same scheme with the Council acting as Principal Contractor.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1)     T H A T delegated authority be granted to the Monitoring Officer / Head of Legal and Democratic Services, in consultation with the Director of Environment and Housing, to formalise the terms and conditions of a Supplemental Agreement to the JCT Design and Build 2016 edition contract (“Works Building Contract”) between the Council and Pegasus Developments (Barry) Ltd (“the parties”).
- (2)     T H A T delegated authority be granted to the Director of Environment and Housing, in consultation with the Executive Leader and Cabinet Member for Performance and Resources and the Head of Finance / Section 151 Officer, to agree and manage all matters relating to the appointment of Synergy Construction Management Ltd and Sub-contractors, to recommence construction works at Coldbrook Road East, Barry.
- (3)     T H A T delegated authority be granted to the Monitoring Officer / Head of Legal and Democratic Services to agree, prepare, execute and complete as necessary all agreements and contract documentation, relating to the appointment of Synergy Construction Management Ltd and Sub-contractors required to complete the construction works at Coldbrook Road East, Barry.

**(4) T H A T use of the urgency procedure set out at Section 15.14 of the Council's Constitution be authorised in respect of recommendations contained within the Part II report.**

Reasons for decisions

(1) To agree to cease the design and construction of the Works and to record the terms of the agreement within a Supplemental Agreement which will form a supplemental and collateral agreement to the Building Contract, the terms of which are varied as agreed between the parties.

(2) To address all matters relating to the appointment of resources to complete the construction of works at Coldbrook Road East, Barry.

(3) To permit the appointment of Synergy Construction Management Ltd and Sub-contractors to complete the construction works at Coldbrook Road East, Barry.

**(4) To ensure that the Council could continue to deliver the Scheme at Cadoxton, Barry."**