

# Property Maintenance & Construction Division

## Monitoring Officer and Section 151 Officer Exception Reports

March 2016

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## EXCEPTION REPORT 1

**This is a Request for an Exception and Waiver to the Requirement of Competition - Contract Procedure Rules/Quotation Procedure Rules – (Condition 5.3) in relation to:-**

**Extension of Mechanical & Electrical Maintenance Service Contract (Boilers and Alarms) for a period of 9 months from 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 to establish a compliant procurement exercise.**

### **Background**

The Property Maintenance and Construction Division, acting on behalf of the Authority, has a legal obligation under Health and Safety at Work Legislation and various industry Approved Codes Of Practice to undertake periodic servicing and remedial maintenance to fixed Mechanical and Electrical plant and equipment within its property portfolio which includes 9,300 domestic residential and over 450 non-domestic premises including schools, care homes and administrative buildings.

Some 18 months prior to the cessation of the original tender efforts were made to develop a Regional Framework Partnership for the provision Mechanical & Electrical Services (CCC, Pembrokeshire, Ceredigion, Neath & Port Talbot and Swansea).It became clear that the other Authorities were unwilling to engage in the process.

Following this exercise, the National Procurement Service was established with officers from the Property Maintenance & Construction Division invited to a working group. The provision of Mechanical & Electrical Services was identified as a potential tender opportunity but this is yet to materialise in both content and delivery.

This service is currently being delivered by 3 providers namely

- Lorne Stewart
- Westward Energy Services
- Protec

The existing arrangement ceases on 31<sup>st</sup> March 2016.

### **Description of Goods/Service**

Undertake periodic servicing and remedial maintenance to fixed Mechanical and Electrical plant and equipment within Authority owned premises as outlined above. This equipment will include:

- All fuel commercial boiler plant & ancillary equipment
- All fuel domestic boilers/installations
- Fire and Intruder Alarms including firefighting equipment

The periodic servicing of these appliances is a Legislative Requirement under Health and Safety Legislation/Approved Codes of Practice and compliance with our

insurers' requirements to ensure the safety and wellbeing of our residents, service users, pupils and staff.

This service has been delivered via a Tender exercise undertaken by the Authority's Procurement section in 2011 for 3 years, with an optional 2 year extension which was taken up in 2014.

### Aims of Goods/Service

To meet the requirements of current legislation as outlined above and to preserve and extend the life of the asset and usage of same.

### Reasons

To comply with current UK Legislation and Industry Approved Codes of Practice and insurers' requirement.

### Alternative Contract/Frameworks

There are no existing alternative contracts/frameworks which deliver this service. Having consulted with the authority's Procurement section the National Procurement Service (NPS) approach is unclear in relation to this type of service.

### Legal Requirements

This is a statutory requirement as landlords/owners of premises under the Health & Safety at Work Act 1974 and Health & Safety Executive Approved Codes of Practice which have the consent of the Secretary of State

### Costs

Based on this financial year's spend to date projected for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 anticipated spend is estimated at £1,800,000.

Based on this estimate the total spend during the life of the contract, including the 9 month extension, has been approximately £13.8 million.

### Efficiencies

Efficiencies have not yet been identified but will be tested during the procurement exercise together with the introduction of e-commerce.

### TUPE

The Transfer of Undertakings (Protection of Employment) Regulations 2006 will be considered under the new tender arrangements.

### Request to Proceed

**I therefore seek approval to extend the current contract arrangements for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 and request an Exception and**

**Waiver to the Requirements of Competition – Contract Procedure Rules 5.3 as follows:-**

Any other exceptions to these Contract Procedure Rules shall only be given in exceptional circumstances and will be authorised by the relevant Executive Board Member following consideration of a report from the Lead Officer which details the reasons for the exception and which is supported by the Section 151 Officer and the Monitoring Officer.

Conclusion

This servicing of mechanical & electrical plant and equipment is a statutory requirement and the Authority would render itself open to prosecution by the Health & Safety Executive if it failed in its duties.

Name

Mark Davies

Position

Interim Head of Property Maintenance and Construction

## **EXCEPTION REPORT 2**

**This is a Request for an Exception and Waiver to the Requirement of Competition - Contract Procedure Rules/Quotation Procedure Rules – (Condition 5.3) in relation to:-**

**An extension of the existing Mechanical & Electrical Maintenance Service (Miscellaneous Plant & Equipment) Agreement for a period of 9 months from 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 to establish a compliant procurement exercise**

### **Background**

The Property Maintenance and Construction Division, acting on behalf of the Authority, has a legal obligation under Health and Safety at Work Legislation and various industry Approved Codes Of Practice to undertake periodic servicing and remedial maintenance to fixed Mechanical and Electrical plant and equipment within its property portfolio which includes 9,300 domestic residential and over 450 non-domestic premises including schools, care homes and administrative buildings.

Some 18 months prior to the cessation of the original arrangement efforts were made to develop a Regional Framework Partnership for the provision Mechanical & Electrical Services (CCC, Pembrokeshire, Ceredigion, Neath & Port Talbot and Swansea). It became clear that the other Authorities were unwilling to engage in the process.

Following this exercise, the National Procurement Service was established with officers from the Property Maintenance & Construction Division invited to a working group. The provision of Mechanical & Electrical Services was identified as a potential tender opportunity but this is yet to materialise in both content and delivery.

This service is currently being delivered by several providers (see attached Appendix 1)

As far as can be determined the existing arrangements ceased on 30<sup>th</sup> September 2015.

### **Description of Goods/Service**

Undertake periodic servicing and remedial maintenance to fixed Mechanical and Electrical plant and equipment within Authority owned premises as outlined in Appendix 1

The periodic servicing of these appliances is a Legislative Requirement under Health and Safety Legislation/Approved Codes of Practice and compliance with our insurers' requirements to ensure the safety and wellbeing of our residents, service users, pupils and staff.

This service has been delivered via a value for money exercise undertaken by Property Services officers in October 2010 for 3 years, with an optional 2 year extension which was taken up in 2013. Property Services have electronic evidence

to support the existence of the Tender exercise, albeit without the support of the Corporate Procurement Unit.

### Aims of Goods/Service

To meet the requirements of current legislation as outlined above and to preserve and extend the life of the asset and usage of same.

### Reasons

To comply with current UK Legislation and Industry Approved Codes of Practice and insurers' requirement.

### Alternative Contract/Frameworks

Whilst recognising that some of these services will not be delivered by in-house provision, we will be exploring opportunities for insourcing elements of the work e.g. fixed electrical testing (domestic premises) and Portable Appliance Testing.

A business case is currently being prepared.

There are no existing alternative contracts/frameworks which deliver this service.

Having consulted with the authority's Procurement section the National Procurement Service (NPS) approach is unclear in relation to this type of service.

### Legal Requirements

This is a statutory requirement as landlords/owners of premises under the Health & Safety at Work Act 1974 and Health & Safety Executive Approved Codes of Practice which have the consent of the Secretary of State

### Costs

Based on this financial year's spend to date projected for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 anticipated spend is estimated at £640,000.

Based on this estimate the total spend during the life of the contract, including the 9 month extension, has been approximately £4.9 million.

### Efficiencies

Efficiencies have not yet been identified but will be tested during the procurement exercise. Potential for future efficiency savings with the introduction of e-commerce and opportunities for insourcing

### TUPE

The Transfer of Undertakings (Protection of Employment) Regulations 2006 will be considered under the new tender arrangements.

### **Request to Proceed**

**I therefore seek approval to extend the current arrangements for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 and request an Exception and Waiver to the Requirements of Competition – Contract Procedure Rules 5.3 as follows:-**

Any other exceptions to these Contract Procedure Rules shall only be given in exceptional circumstances and will be authorised by the relevant Executive Board Member following consideration of a report from the Lead Officer which details the reasons for the exception and which is supported by the Section 151 Officer and the Monitoring Officer.

### Conclusion

This servicing of mechanical & electrical plant and equipment is a statutory requirement and the Authority would render itself open to prosecution by the Health & Safety Executive if it failed in its duties.

### Name

Mark Davies

### Position

Interim Head of Property Maintenance and Construction

## EXCEPTION REPORT 3

**This is a Request for an Exception and Waiver to the Requirement of Competition - Contract Procedure Rules/Quotation Procedure Rules – (Condition 5.3) in relation to:-**

**An extension of the existing Mechanical & Electrical Repair, Maintenance & Installation Upgrade (Commercial) arrangements for a period of 9 months from 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 to establish a compliant procurement exercise**

### **Background**

The Property Maintenance and Construction Division, acting on behalf of the Authority, undertakes repair, maintenance and improvement works to fixed mechanical and electrical installations, plant, equipment and components within its property portfolio which includes 9,300 domestic residential and over 450 non-domestic premises including schools, care homes and administrative buildings.

The current arrangement with our providers is procured by various means in order to achieve best value:

- Schedule of Rates based on the Residential Contractor Framework commenced in May 2012
- Agreed hourly rates
- Competitive quotation exercises
- Limited National provision

Some 18 months prior to the cessation of the original arrangement efforts were made to develop a Regional Framework Partnership for the provision Mechanical & Electrical Services (CCC, Pembrokeshire, Ceredigion, Neath & Port Talbot and Swansea). It became clear that the other Authorities were unwilling to engage in the process.

Following this exercise, the National Procurement Service was established with officers from the Property Maintenance & Construction Division invited to a working group. The provision of Mechanical & Electrical Services was identified as a potential tender opportunity but this is yet to materialise in both content and delivery.

This service is currently being delivered by several providers (see Appendix 2)

### **Description of Goods/Service**

Undertake repair, maintenance and improvement works to fixed mechanical and electrical installations, plant, equipment and components within Authority owned premises as outlined in Appendix 2

The repair, maintenance and improvement works of these appliances is a Legislative Requirement under Health and Safety Legislation/Approved Codes of Practice and compliance with our insurers' requirements to ensure the safety and wellbeing of our residents, service users, pupils and staff.

Examples of work types governed by legislation include upgrading of Fire Alarms, Electrical Upgrades, RADON and Water Management Remedial Work.

### Aims of Goods/Service

To meet the requirements of current legislation as outlined above and to preserve and extend the life of the asset and usage of same.

### Reasons

To comply with current UK Legislation and Industry Approved Codes of Practice and insurers' requirement.

### Alternative Contract/Frameworks

The existing Responsive, Minor Works and Disabled Adaptations Contractors Framework which commenced in September 2014 does not allow for this type of commercial work to be procured through that Framework.

There are no existing alternative contracts/frameworks which deliver this service. Having consulted with the authority's Procurement section the National Procurement Service (NPS) approach is unclear in relation to this type of service.

Whilst recognising that some of these services will not be delivered by in-house provision, we will be exploring opportunities for insourcing elements of the work

### Legal Requirements

Elements of the work is a statutory requirement as landlords/owners of premises under the Health & Safety at Work Act 1974 and Health & Safety Executive Approved Codes of Practice which have the consent of the Secretary of State

### Costs

Based on this financial year's spend to date projected for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 anticipated spend is estimated at £1,200,000.

Based on this estimate the total spend during the life of the contract, including the 9 month extension, has been £8.8 million.

## Efficiencies

Efficiencies have not yet been identified but will be tested during the procurement exercise. Potential for future efficiency savings with the introduction of e-commerce and opportunities for insourcing

## TUPE

The Transfer of Undertakings (Protection of Employment) Regulations 2006 will be considered under the new tender arrangements.

## Request to Proceed

**I therefore seek approval to extend the current arrangements for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 and request an Exception and Waiver to the Requirements of Competition – Contract Procedure Rules 5.3 as follows:-**

Any other exceptions to these Contract Procedure Rules shall only be given in exceptional circumstances and will be authorised by the relevant Executive Board Member following consideration of a report from the Lead Officer which details the reasons for the exception and which is supported by the Section 151 Officer and the Monitoring Officer.

## Conclusion

The repair, maintenance ,and installation upgrade of mechanical & electrical plant and equipment is a statutory requirement and the Authority would render itself open to prosecution by the Health & Safety Executive and other statutory bodies if it failed in its duties.

## Name

Mark Davies

## Position

Interim Head of Property Maintenance and Construction

## **EXCEPTION REPORT 4**

**This is a Request for an Exception and Waiver to the Requirement of Competition - Contract Procedure Rules/Quotation Procedure Rules – (Condition 5.3) in relation to:-**

**An extension of the existing Sewage Treatment Works, Pumping Stations Maintenance and Foul Drain Clearance arrangement for a period of 6 months from 1<sup>st</sup> April 2016 to 30<sup>th</sup> September 2016 to establish a compliant procurement exercise**

### **Background**

The function to maintain various Housing Sewage Treatment Works, Pumping Stations Tankering Services and undertake emergency Foul Drain Clearance was, up until October 2014, undertaken by the Authority's Hydrology Section. In October 2014 all staff employed within Hydrology were subject to a TUPE transfer to Welsh Water and the function became the responsibility of Property Services (now the Property Maintenance and Construction Division). The Division now maintains and undertakes tankering services to 15 treatment works, 13 commercial septic tanks and 29 pumping stations as well as providing a reactive foul drainage clearance service to 9,300 domestic residential and over 450 non-domestic premises including schools, care homes and administrative buildings.

This service is currently being delivered by 2 providers:

- Siddell Environmental Services (Tankering/Foul Drain Clearance/Camera Surveys)
- IWEC International (Maintenance of Electrically Operated Equipment)

The work is currently procured by means of agreed hourly rates for labour, materials plant & equipment.

### **Description of Goods/Service**

Undertake repair, maintenance and improvement works to various treatment works, commercial septic tanks and pumping stations including tankering services and the provision of a reactive foul drainage clearance service to properties as previously described. Undertake drain camera surveys when required and carry out any necessary remedial work to collapsed drains.

This service is provided on a 24/7 basis with both providers on standby to react to any incidents.

Failure to maintain these assets and react to any incident in a timely manner could ultimately lead to prosecution by Natural Resources Wales if it is found that we have negligently contaminated water courses, streams, rivers or land with sewage. Failure to provide a reactive foul drainage clearance service in a timely manner could prejudice the safety and wellbeing of our residents, service users, pupils and staff.

#### Aims of Goods/Service

To meet the requirements of current legislation as outlined above and to preserve and extend the life of the asset and usage of same.

#### Reasons

To comply with current UK Legislation and indemnify the Authority against potential prosecution through negligence by Natural Resources Wales. The risk is retained by the Authority due to delays in Asset Transfer of Pumping Stations to Welsh Water.

#### Alternative Contract/Frameworks

There are no existing alternative contracts/frameworks which deliver this service. Having consulted with the Corporate Procurement section this service will be incorporated into the new Environment Department Framework for Gulley Emptying and Hire of Road Sweepers (with Drivers) .The Corporate Procurement Unit is actively preparing tender documents.

#### Legal Requirements

Elements of the work is a statutory requirement as landlords/owners of premises under the Health & Safety at Work Act 1974 .

#### Costs

Based on this financial year's spend to date projected for the period 1<sup>st</sup> April 2016 to 30<sup>th</sup> September 2016 anticipated spend is estimated at £150,000.

#### Efficiencies

Efficiencies have not yet been identified but will be tested during the procurement exercise.

#### TUPE

The Transfer of Undertakings (Protection of Employment) Regulations 2006 will be considered under the new tender arrangements.

#### Request to Proceed

**I therefore seek approval to extend the current arrangements for the period 1<sup>st</sup> April 2016 to 30<sup>th</sup> September 2016 and request an Exception and Waiver to the Requirements of Competition – Contract Procedure Rules 5.3 as follows:-**

Any other exceptions to these Contract Procedure Rules shall only be given in exceptional circumstances and will be authorised by the relevant Executive Board Member following consideration of a report from the Lead Officer which details the reasons for the exception and which is supported by the Section 151 Officer and the Monitoring Officer.

### Conclusion

Whilst this service has continued to be delivered successfully under the current arrangement, the Authority remains at risk from prosecution should the service fail. Whilst Welsh Water have made a commitment to adopt specific elements (Heol Stanllyd Cross Hands pumping station being one) the Authority will retain responsibility for others until the end of 2016. However not all the pumping stations will be adopted and the remaining assets and risks will remain with the Authority.

### Name

Mark Davies

### Position

Interim Head of Property Maintenance and Construction

## EXCEPTION REPORT 5

**This is a Request for an Exception and Waiver to the Requirement of Competition - Contract Procedure Rules/Quotation Procedure Rules – (Condition 5.3) in relation to:-**

**An extension of the existing Arboricultural Works Framework for a period of 12 months from 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017 to establish an in-house solution**

### **Background**

The Grounds Maintenance function is located within the Property Maintenance and Construction Division of Environment Department. The Service is provided to a variety of clients within the authority which include parks and open spaces, countryside division, cultural services, schools, housing and social care. The Grounds Maintenance section undertakes grass cutting to open areas and highway verges, sports pitches, maintenance of bowling greens & cricket squares in addition to arboricultural works which includes tree felling and pruning.

This service is currently being delivered by the following providers on a rota call-off basis:

- Topper Wales Ltd.
- Arb Wales
- Spencer Environmental Care and Construction
- WT Rees Landscaping.

The current arrangement with our providers is procured by various means of a Schedule of Rates based on the Arboricultural and Associated Works Tender which commenced in April 1<sup>st</sup> 2015, and includes full day and half day rates for day works.

The National Procurement Service has established the requirement for a Soft Facility Maintenance Services Tender, with officers from the Property Maintenance & Construction Division (Grounds) invited to a working group. The provision of Arboricultural Services was identified as a potential tender opportunity but this is yet to materialise in both content and delivery.

### **Description of Goods/Service**

Undertake tree felling and associated works on all Authority owned land in Carmarthenshire.

The requirement to undertake risk assessments and subsequent felling/pruning Legislative Requirement under Health and Safety Legislation and compliance with our insurers' requirements to ensure the safety and wellbeing of our residents, service users, pupils and staff.

### **Aims of Goods/Service**

To meet the requirements of existing current legislation as outlined above and to ensure the safety and wellbeing of our residents, service users, visitors, pupils and staff.

## Reasons

To comply with current UK Legislation and insurers' requirements .The Authority has a duty of care to ensure the safety and wellbeing of our residents, service users, visitors, pupils and staff.

## Alternative Contract/Frameworks

The existing Arboricultural Works Framework will cease on March 31<sup>st</sup> 2016. There are no existing alternative contracts/frameworks which deliver this service. Having consulted with the authority's Procurement section the National Procurement Service (NPS) approach is unclear in relation to this type of service. Whilst recognising that some of these services will not be delivered by in-house provision initially, we will be exploring opportunities for in-sourcing through re-training our own operatives.

## Legal Requirements

Elements of the work are a statutory requirement as landlords/owners of premises under the Health & Safety at Work Act 1974 and the Occupiers Liability Act 1984.

## Costs

Based on this financial year's spend to date projected for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017 anticipated spend is estimated at £80,000.

## Efficiencies

There are potential efficiencies through in-sourcing of service

## TUPE

The Transfer of Undertakings (Protection of Employment) Regulations 2006 will be considered under the new tender arrangements.

## **Request to Proceed**

**I therefore seek approval to extend the current arrangements for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017 and request an Exception and Waiver to the Requirements of Competition – Contract Procedure Rules 5.3 as follows:-**

Any other exceptions to these Contract Procedure Rules shall only be given in exceptional circumstances and will be authorised by the relevant Executive Board Member following consideration of a report from the Lead Officer which details the reasons for the exception and which is supported by the Section 151 Officer and the Monitoring Officer.

## Conclusion

The arboricultural and associated works to trees and is a statutory requirement and the Authority would render itself open to prosecution by the Health & Safety Executive and potential future insurance claims if it failed in its duty of care.

## Name

Mark Davies

## Position

Interim Head of Property Maintenance and Construction

## Appendix 1

Work Category	Service Provided - Service/Maintenance	Current Provider	£ Estimated Spend 1 <sup>st</sup> April to 30 <sup>th</sup> September 2016
Catering	Kitchen Equipment	JLA	60,000
Hygiene	Integral Washroom Equipment	Wallgate	7,500
Hygiene	Thermostatic Mixing Valves	Lorne Stewart	25,000
Hygiene	Clos-o-mat Units	Total Hygiene	1,250
Hygiene	Bedpan Washers	Stanbridge	1,250
Hygiene	Disinfectors	Arjo	5,000
Hygiene	Cisternmisers	D&C Controls	850
Hygiene	Sterilisers	Newsmith	500
Building Protection	Fall Arrest Systems	Access Testing	4,000
Lifts & Access	Passenger Lifts	Cardiff Lifts	50,000
Lifts & Access	Stair Lifts/Domestic Floor Lifts	TJ Services	3,250
Lifts & Access	Fixed Track Ceiling Hoists	TJ Services	300
Lifts & Access	Automatic Entrance Doors	Thomas Stained Glass	15,000
Lifts & Access	Medic Baths/Hoists	Arjo	5,000
Lifts & Access	Car Park Barriers	Frontier Pitts	7,500
Lifts & Access	Stage Lifts	Chase	650
Lifts & Access	Lifting Block Tackle	Lloyds British	400
Electrical Services	Fixed Electrical Testing/Remedials	Phillips Services	130,000
Electrical Services	PAT (Portable Appliance Testing)	Phillips Services	20,000
Electrical Services	Economy 7	Phillips Services	2,000
Electrical Services	Standby Generators	AM Power Solutions	4,250
HVAC*	LPG Testing (Commercial)	Lorne Stewart	5,000
HVAC	Oil Tank Risk Assessments (Commercial)	Lorne Stewart	5,000
HVAC	Gas Alarms	Lorne Stewart	350
HVAC	Overhead Heaters	Lorne Stewart	1,200
HVAC	Energy Controls	Lorne Stewart	10,000
HVAC	General Ventilation	Lorne Stewart	5,500
HVAC	Air Conditioning Systems	Lorne Stewart	9,000
HVAC	Pressure Systems	Lorne Stewart	4,000
HVAC	Fume Cupboards	Lorne Stewart	800
HVAC	Air Handling Units	Lorne Stewart	9,500
HVAC	Gas Tumble Driers	Lorne Stewart	500
Combined Heat & Power	CHP Ground Source	WDS Energy	300
Combined Heat & Power	CHP Carmarthen Leisure Centre	Ener-G	7,000
Sewerage	Bio Treatment Plant (Dylan Thomas Boathouse)	Pims Services	1,000
Fire Services	Fire Suppression Systems	Tyco	6,000
Fire Services	Water Sprinkler Systems	Tyco	15,000
Fire Services	Smoke Ventilation	Air Vent Systems	2,400
			<b>425,000</b>

\*HVAC = Heating, Ventilation, Air Conditioning

## Appendix 2

Work Category	Service Provided - Repair/Maintenance/Upgrades/Installation	Current Provider	£ Estimated Spend 1 <sup>st</sup> April to 30 <sup>th</sup> September 2016
Electrical	Electrical Installations	Charles Sams	60,000
Electrical	Electrical Installations	Iwec International	180,000
Electrical	Electrical Installations	RT Electrics	36,000
Electrical	Fire & Security	FAS	17,000
Electrical	Fire & Security	Security Centre	7,000
Electrical	Door Entry Systems/Maglocks/Roller Shutter Doors	Thomas Stained Glass	75,000
Mechanical	Mechanical Installations	FP Hurley	20,000
Mechanical	Mechanical Installations	JW & E Morris	20,000
Mechanical	Mechanical Installations	Lorne Stewart	250,000
Mechanical	Mechanical Installations	GD Thomas	30,000
Mechanical	Mechanical Installations	Hertel	30,000
Mechanical	Mechanical Installations	J&D Water Management	30,000
Mechanical	Refrigeration	Coldpoint	14,000
Mechanical	Ventilation	Pontardawe Air Movements	23,000
Radon	Monitoring/Remedial Work	RPW Radon Wales	8,000
			<b>800,000</b>