

# **SOCIETY OF CONSTRUCTION & QUANTITY SURVEYORS**

## **MINUTES OF MEETING NO.81 OF THE SCOTTISH REGION HELD VIRTUALLY USING TEAMS ON FRIDAY 7th OCTOBER 2022**

### **In attendance:**

|               |                            |
|---------------|----------------------------|
| B Minnis      | North Lanarkshire Council  |
| L Cameron     | West Lothian Council       |
| A Sloan       | West Lothian Council       |
| S McKenzie    | Aberdeen City Council      |
| Y Bell        | Fife Council               |
| G Evans       | Orkney Islands Council     |
| I Rushbrook   | Orkney Islands Council     |
| R McBurney    | West Lothian Council       |
| Moray MacLeod | Moray Council              |
| Ross Campbell | Moray Council              |
| W Gwynne      | Past Chair Scottish Region |
| A Forsyth     | Chief Executive            |

Brian Minnis welcomed SCQS President Kathryn Ladley to the Meeting.

### **1. APPROVAL OF NOTICE OF MEETING**

The notice calling the meeting was approved.

### **2. APOLOGIES FOR ABSENCE**

R Bell, A Sansom, R Johnston, A Kidd, G Nelson

### **3. APPROVAL OF MINUTES**

The Minutes of the 80th Meeting held virtually using Teams on the 10 June 2022 were approved.

### **4. MATTERS ARISING**

It was agreed that any Matters Arising would be covered by the Agenda.

### **5. CHAIRMAN'S REPORT**

Brian Minnis advised that the SCQS Scottish Region had been invited to participate in a Review regarding Retention.

## 6. SCQS EXECUTIVE REPORT

The last Council Meeting was held virtually using Teams on 13 September 2022 (a copy of the Minutes of this Meeting is attached for information). The next Council Meeting will be held virtually using Teams on 6 December 2022.

## 7. SBCC/JCT UPDATE

Brian Minnis and Laura Cameron had attended the last SBCC virtual Meeting and the following key issues were discussed:

Possible change to the current Fluctuation Clauses (a), (b) and (c). JCT had appointed a consultant to review the current Fluctuation Clauses due to the current difficulty in retaining prices in the fixed price Clause (a) which was the default position for up to 2 years. The consultant's view was that if (b) was used then contractors could lose out and therefore (c) should be used as the default clause. This view has been issued by JCT for comment and SBCC have been for their comments.

It is the intention to have an updated version of JCT in 2024

## 8. CORRESPONDENCE

The SCQS Scottish Region have been invited to participate in a Review regarding Retention. The draft Review has been issued to all Scottish Region Members who have been asked for their comments which can be sent directly to the Scottish Government. **The closing date for comments is 17 October 2022.**

## 9. THEME FOR THIS MEETING

The Theme for the Meeting was a presentation by Faithful and Gould on **Current Market Conditions**. This was an excellent and thought-provoking presentation, if not slightly worrying from a cost estimating viewpoint. The presentation will be available on the Members only section of the SCQS website. Faithful and Gould have requested that the information in the presentation be kept within the SCQS group as it contains data which is specific to Faithful and Gould.

The Theme for the next Meeting in February 2023 is under consideration and any proposals/thoughts should be e-mailed to Alan Forsyth.

## 10. OPEN FORUM/ANY OTHER COMPETENT BUSINESS

The Retention issue, what are the alternatives if any? The onus on having projects satisfactorily completed seems to fall directly on the employer, which seems unfair. There are currently problems in closing out issues during the snagging period. Could the employer revert to making satisfactory completions part of the procurement process where dealing with defects is part of the scoring matrix? The problem could be partly addressed if main contractors paid sub-contractors timeously.

Co-vid, special clauses introduced e.g., 'Social Distancing, etc,' should these clauses still be included in Contract Documents? The consensus appears to be that these clauses should remain in the event of future similar events. In some cases, additional time was awarded, but with no monetary impact. Supply chain problems, no real problems are currently being reported. Experience of projects being shelved due to the impact of increased costs. Some external QS's are producing cost estimates using the BCIS inflation rate plus an extra allowance. However, delayed projects are suffering from increased costs. In some instances, contractors are reluctant to submit tenders. Informed clients/designers are selecting cheaper but suitable materials which are readily available and the labour is in place to carry out the work.

## **11. CLOSE OF MEETING AND DATES OF FUTURE MEETINGS IN 2023**

**Friday 10 February, 9 June and 13 October 2023.**

All the Meetings will be held virtually using Teams and start at 10.30am.

Alan Forsyth FRICS  
Chief Executive  
SCQS

12 October 2022