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Contract

## **CP1629-18 North Devon Link Road**

Devon County Council

F03: Contract award notice

Notice identifier: 2023/S 000-001956

Procurement identifier (OCID): ocids-h6vhtk-039998

Published 23 January 2023, 10:02am

### **Section I: Contracting authority**

#### **I.1) Name and addresses**

Devon County Council

County Hall, Topsham Road

Exeter

EX2 4QD

#### **Contact**

Miss Chloe Staddon

#### **Email**

[chloe.staddon@devon.gov.uk](mailto:chloe.staddon@devon.gov.uk)

#### **Telephone**

+44 1392383000

#### **Country**

United Kingdom

**Region code**

UKK43 - Devon CC

**Internet address(es)**

Main address

<http://www.devon.gov.uk>

Buyer's address

<http://www.devon.gov.uk>

**I.4) Type of the contracting authority**

Regional or local authority

**I.5) Main activity**

General public services

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

CP1629-18 North Devon Link Road

Reference number

DN370137

#### **II.1.2) Main CPV code**

- 45000000 - Construction work

#### **II.1.3) Type of contract**

Works

#### **II.1.4) Short description**

Devon County Council entered into a contract for the design and build of a road scheme on the A361 North Devon Link Road ("the Contract"). The scheme extends between Portmore Roundabout (outskirts of Barnstaple) and Filleigh Cutting (approximately 3 miles north of South Molton), also incorporating Hacche Lane and Borner's Bridge junctions.

The opportunity was advertised under OJEU Notice reference 2019/S 086-204985 and the contract entered into on 30/11/2020. Further details of the original contract are set out in that OJEU Notice.

The Contract has been modified as described in section VI.3 below.

#### **II.1.6) Information about lots**

This contract is divided into lots: No

#### **II.1.7) Total value of the procurement (excluding VAT)**

Value excluding VAT: £50,858,323

### **II.2) Description**

#### **II.2.3) Place of performance**

NUTS codes

- UKK43 - Devon CC

#### **II.2.4) Description of the procurement**

Devon County Council entered into a contract for the design and build of a road scheme on the A361 North Devon Link Road (“the Contract”). The scheme extends between Portmore Roundabout (outskirts of Barnstaple) and Filleigh Cutting (approximately 3 miles north of South Molton), also incorporating Hacche Lane and Borner’s Bridge junctions.

The opportunity was advertised under OJEU Notice reference 2019/S 086-204985 and the contract entered into on 30/11/2020. Further details of the original contract are set out in that OJEU Notice.

The Contract has been modified as described in section VI.3 below.

#### **II.2.5) Award criteria**

Quality criterion - Name: Quality / Weighting: 30

Price - Weighting: 70

#### **II.2.11) Information about options**

Options: No

#### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Award of a contract without prior publication of a call for competition in the cases listed below

- The procurement falls outside the scope of application of the regulations

Explanation:

The Council considers that these modifications to the Contract are permitted by Regulation 72(1)(c) of the Public Contracts Regulations 2015 (as amended) ("PCR"). Tenders (including prices) were submitted in November 2020. Since then, inflation has increased dramatically, caused in part by the war in Ukraine whose extent and duration was unforeseeable. In relation to many aspects of the works, inflation has hit 25%. This analysis is supported by data from the Building Cost Information Service and the forecasts of the Bank of England's Monetary Policy Committee. The extent of these inflationary rises could not have been foreseen. In response to them the Council has agreed to a relatively modest reduction in the scope of the works (as detailed above) which will result in savings to the contractor of around £4.7M. The Council has also agreed to a 13% overall increase in the price paid to the contractor. Increases have been agreed in relation to some of the activities set out in the contractor's Activity Schedule. The increases have been limited to evidenced increases in the cost of works caused by inflation, agreed on an open book basis. These modifications do not alter the overall nature of the Contract, and the increase in price is well below 50% of the original contract value (Regulation 72(1)(c)(ii) and (iii) of the PCR).

The Council also considers that these modifications to the Contract are permitted by Regulation 72(1)(e) of the PCR. They do not render the Contract materially different from the one initially concluded. The reduction in scope is relatively modest in the context of the works as a whole. Because the increase in price is limited to addressing the increase in the cost of works caused by inflation, it would not have resulted in a different outcome to the original procurement. Furthermore, because the increase in price is limited to addressing increased cost, it does not affect the economic balance of the Contract. The scope of the Contract has not been extended. For these reasons, the modification is not substantial within the meaning of Regulation 72(8) of the PCR.

#### **IV.1.8) Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: Yes

### **IV.2) Administrative information**

#### **IV.2.1) Previous publication concerning this procedure**

Notice number: [2019/S 086-204985](#)

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## **Section V. Award of contract**

### **Contract No**

CP1629-18

### **Title**

CP1629-18 North Devon Link Road

A contract/lot is awarded: Yes

### **V.2) Award of contract**

#### **V.2.1) Date of conclusion of the contract**

21 December 2022

#### **V.2.2) Information about tenders**

Number of tenders received: 1

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 0

Number of tenders received by electronic means: 1

The contract has been awarded to a group of economic operators: No

#### **V.2.3) Name and address of the contractor**

Alun Griffiths (Contractors) Ltd

Abergavenny

Country

United Kingdom

NUTS code

- UKK43 - Devon CC

The contractor is an SME

No

#### **V.2.4) Information on value of contract/lot (excluding VAT)**

Total value of the contract/lot: £50,858,323

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## **Section VI. Complementary information**

### **VI.3) Additional information**

By a Deed of Variation entered into on 21 December 2022 the Contract has been modified to extend the Completion Dates for:

- Landkey Junction from 30 September 2021 to 31 March 2022; and
- Remainder of Works, Landscape and Ecological Works, and Average Speed Camera from 22 December 2023 to 31 March 2024.

The Deed of Variation also provides for an increase in the agreed total of the prices from the activity schedule from £40,802,126 to £46,158,323 (an increase of £5,356,197, or 13%).

The scope of the works has also been amended as follows:

- Removal of approx. 1.5km overtaking section between Portmore and Landkey junctions;
- Removal of the requirement to improve the Bishop Tawton roundabout (including creation of a subway) and replace with signalised junction with a toucan crossing facility; and
- Removal of the requirement to replace permanent fencing on site.

The Council estimates that the above amendments to the scope of works will result in savings to the contractor of approx. £4.7M.

### **VI.4) Procedures for review**

#### **VI.4.1) Review body**

The High Court of Justice

The Royal Court of Justice, The Strand

London

WC2A 2LL

Country

United Kingdom

#### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

In accordance with Part 3 of the Public Contracts Regulations 2015 (as amended).