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Tender

## **Construction Framework**

East Lothian Council

F02: Contract notice

Notice identifier: 2021/S 000-003081

Procurement identifier (OCID): ocds-h6vhtk-029370

Published 16 February 2021, 10:16am

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

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

East Lothian Council

John Muir House

Haddington, East Lothian

EH41 3HA

#### **Email**

[procurement@eastlothian.gov.uk](mailto:procurement@eastlothian.gov.uk)

#### **Telephone**

+44 1620827827

#### **Country**

United Kingdom

#### **NUTS code**

UKM73 - East Lothian and Midlothian

**Internet address(es)**

Main address

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

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA00181](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA00181)

**I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at

<https://www.publiccontractsscotland.gov.uk>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.publiccontractsscotland.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**

Construction Framework

Reference number

ELC-20-2335

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

- 45000000 - Construction work

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

Works

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

East Lothian Council is seeking interest from suitable organisations for the renewal of our Construction Framework. We wish to establish a framework of works contractors for Traditional, and Design & Build projects, who will be invited to tender under mini competition, for works contained in the Council's programme of new buildings, extensions, and repair and refurbishment of its building assets.

Typical building types are as follows (but not limited to)

- Educational buildings
- Community buildings such as community centres and sports facilities
- Commercial buildings
- Offices and other buildings
- Infrastructure facilities

The framework will be for a maximum period of 4 years – (2 years initially with the option of 2 x 1 year extensions).

This is a multi-value framework with 9 value lots. Successful bidders will be appointed onto a maximum of 4 lots (2 traditional from lots 1-5) and (2 design and build from lots

6-9).

Bidders must indicate within their submission which lots they wish to be considered.

It is anticipated that each lot will have in the region of 5 bidders appointed.

### **II.1.5) Estimated total value**

Value excluding VAT: £18,000,000

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

This contract is divided into lots: Yes

Tenders may be submitted for maximum number of lots

4

Maximum number of lots that may be awarded to one tenderer: 4

The contracting authority reserves the right to award contracts combining the following lots or groups of lots:

This is a multi-value framework with 9 value lots.

lots 1-5 are Traditional

lots 6-9 are Design and Build

Successful bidders will be appointed onto a maximum of 4 lots (2 Traditional from lots 1-5) and (2 Design and Build from lots 6-9).

Bidders must indicate within their submission which lots they wish to be considered.

## **II.2) Description**

### **II.2.1) Title**

Traditional Project Value Band 1 (0-100,000 GBP)

Lot No

1

### **II.2.2) Additional CPV code(s)**

- 45000000 - Construction work

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

NUTS codes

- UKM73 - East Lothian and Midlothian

Main site or place of performance

East Lothian

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

Lot 1 covers the provision of traditional construction projects with a value of between 0-100,000 GBP.

Estimated start date June 2021.

More detail is contained within the tender documents.

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

Quality criterion - Name: quality / Weighting: 90

Price - Weighting: 10

### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

48

This contract is subject to renewal

No

### **II.2.10) Information about variants**

Variants will be accepted: No

### **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

#### **II.2.14) Additional information**

Economic operators may be excluded from this competition if they are in any of the situations referred to in regulation 58 of the Public Contracts (Scotland) Regulations 2015.

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

#### **II.2.1) Title**

Traditional Project Value Band 2 (100,001 to 500,000 GBP)

Lot No

2

#### **II.2.2) Additional CPV code(s)**

- 45000000 - Construction work

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

NUTS codes

- UKM73 - East Lothian and Midlothian

Main site or place of performance

East Lothian

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

Lot 2 covers the provision of traditional construction projects with a value of between 100,101 to 500,000 GBP.

Estimated start date June 2021.

More detail is contained within the tender documents.

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

Quality criterion - Name: Quality / Weighting: 90

Price - Weighting: 10

**II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

48

This contract is subject to renewal

No

**II.2.10) Information about variants**

Variants will be accepted: No

**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

**II.2.14) Additional information**

Economic operators may be excluded from this competition if they are in any of the situations referred to in regulation 58 of the Public Contracts (Scotland) Regulations 2015.

**II.2) Description**

**II.2.1) Title**

Traditional Project Value Band 3 (500,001 to 1,500,000 GBP)

Lot No

3

**II.2.2) Additional CPV code(s)**

- 45000000 - Construction work

**II.2.3) Place of performance**

NUTS codes

- UKM73 - East Lothian and Midlothian

Main site or place of performance

East Lothian

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

Lot 3 covers the provision of traditional construction projects with a value of between 500,001 to 1,500,000 GBP.

Estimated start date June 2021.

More detail is contained within the tender documents.

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

Quality criterion - Name: Quality / Weighting: 90

Price - Weighting: 10

#### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

48

This contract is subject to renewal

No

#### **II.2.10) Information about variants**

Variants will be accepted: No

#### **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

## **II.2.14) Additional information**

Economic operators may be excluded from this competition if they are in any of the situations referred to in regulation 58 of the Public Contracts (Scotland) Regulations 2015.

## **II.2) Description**

### **II.2.1) Title**

Traditional Project Value Band 5 (2,500,001 to c. 4,733,252 GBP (GPA/FTS))

Lot No

5

### **II.2.2) Additional CPV code(s)**

- 45000000 - Construction work

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

NUTS codes

- UKM73 - East Lothian and Midlothian

Main site or place of performance

East Lothian

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

Lot 5 covers the provision of traditional construction projects with a value of between Lot5 2,500,001 to c. 4,733,252 GBP (GPA/FTS)\*\*

Estimated start date June 2021.

More detail is contained within the tender documents.

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

Quality criterion - Name: Quality / Weighting: 90

Price - Weighting: 10

### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

48

This contract is subject to renewal

No

### **II.2.10) Information about variants**

Variants will be accepted: No

### **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

### **II.2.14) Additional information**

Economic operators may be excluded from this competition if they are in any of the situations referred to in regulation 58 of the Public Contracts (Scotland) Regulations 2015.

## **II.2) Description**

### **II.2.1) Title**

Design and Build Value Band 1 (100,001 to 500,000 GBP)

Lot No

6

### **II.2.2) Additional CPV code(s)**

- 45000000 - Construction work

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

NUTS codes

- UKM73 - East Lothian and Midlothian

Main site or place of performance

East Lothian

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

Lot 6 covers the provision of design and build construction projects with a value of between 100,001 to 500,000 GBP.

Estimated start date June 2021.

More detail is contained within the tender documents.

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

Quality criterion - Name: Quality / Weighting: 90

Price - Weighting: 10

#### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

48

This contract is subject to renewal

No

#### **II.2.10) Information about variants**

Variants will be accepted: No

#### **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

#### **II.2.14) Additional information**

Economic operators may be excluded from this competition if they are in any of the

situations referred to in regulation 58 of the Public Contracts (Scotland) Regulations 2015.

## **II.2) Description**

### **II.2.1) Title**

Design and Build Value Band 2 (500,001 to 1,500,000 GBP)

Lot No

7

### **II.2.2) Additional CPV code(s)**

- 45000000 - Construction work

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

NUTS codes

- UKM73 - East Lothian and Midlothian

Main site or place of performance

East Lothian

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

Lot 7 covers the provision of design and build construction projects with a value of between 500,001 to 1,500,000 GBP.

Estimated start date June 2021.

More detail is contained within the tender documents.

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

Quality criterion - Name: Quality / Weighting: 90

Price - Weighting: 10

### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

48

This contract is subject to renewal

No

### **II.2.10) Information about variants**

Variants will be accepted: No

### **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

### **II.2.14) Additional information**

Economic operators may be excluded from this competition if they are in any of the situations referred to in regulation 58 of the Public Contracts (Scotland) Regulations 2015.

## **II.2) Description**

### **II.2.1) Title**

Design and Build Value Band 3 (1,500,001 to 2,500,000 GBP)

Lot No

8

### **II.2.2) Additional CPV code(s)**

- 45000000 - Construction work

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

NUTS codes

- UKM73 - East Lothian and Midlothian

Main site or place of performance

East Lothian

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

Lot 8 covers the provision of design and build construction projects with a value of between 1,500,001 to 2,500,000 GBP.

Estimated start date June 2021.

More detail is contained within the tender documents.

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

Quality criterion - Name: Quality / Weighting: 90

Price - Weighting: 10

#### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

48

This contract is subject to renewal

No

#### **II.2.10) Information about variants**

Variants will be accepted: No

#### **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

#### **II.2.14) Additional information**

Economic operators may be excluded from this competition if they are in any of the situations referred to in regulation 58 of the Public Contracts (Scotland) Regulations 2015.

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

### **II.2.1) Title**

Design and Build values Band 4 (2,500,001 to c. 4,733,252 GBP (GPA/FTS))

Lot No

9

### **II.2.2) Additional CPV code(s)**

- 45000000 - Construction work

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

NUTS codes

- UKM73 - East Lothian and Midlothian

Main site or place of performance

East Lothian

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

Lot 9 covers the provision of design and build construction projects with a value of between 2,500,001 to c.4,733,252 GBP (GPA/FTS).

Estimated start date June 2021.

More detail is contained within the tender documents.

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

Quality criterion - Name: Quality / Weighting: 90

Price - Weighting: 10

### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

48

This contract is subject to renewal

No

### **II.2.10) Information about variants**

Variants will be accepted: No

### **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

### **II.2.14) Additional information**

Economic operators may be excluded from this competition if they are in any of the situations referred to in regulation 58 of the Public Contracts (Scotland) Regulations 2015.

## **II.2) Description**

### **II.2.1) Title**

Traditional Project Value Band 4 (1,500,001 to 2,500,000 GBP)

Lot No

4

### **II.2.2) Additional CPV code(s)**

- 45000000 - Construction work

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

NUTS codes

- UKM73 - East Lothian and Midlothian

Main site or place of performance

East Lothian

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

Lot 4 covers the provision of traditional construction projects with a value of between 1,500,001 to 2,500,000 GBP.

Estimated start date June 2021.

More detail is contained within the tender documents.

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

Quality criterion - Name: Quality / Weighting: 90

Price - Weighting: 10

#### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

48

This contract is subject to renewal

No

#### **II.2.10) Information about variants**

Variants will be accepted: No

#### **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

#### **II.2.14) Additional information**

Economic operators may be excluded from this competition if they are in any of the situations referred to in regulation 58 of the Public Contracts (Scotland) Regulations 2015.

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## **Section III. Legal, economic, financial and technical information**

### **III.1) Conditions for participation**

#### **III.1.2) Economic and financial standing**

List and brief description of selection criteria

The framework is value lotted, Bidders may only apply for lots where their organisation's turnover (average over the last 2-years) is at least DOUBLE the value band of the lot.

It is a requirement of this contract that bidders should be able to provide one of the following:

a. A copy of your audited accounts or equivalent for the most recent 2 years (2 sets of signed, audited accounts), along with details of any significant changes since the last year end.

or

b. A statement of your organisation's turnover; profit and cash flow for the most recent full year of trading or where a full year trading has not been completed the same information for the period applicable. NOTE if this information is not available in an audited format please provide an end of period balance sheet or make the response specified in option (c) below.

or

c. If you are unable to provide the information requested above, please provide additional information and documentation that will give the Authority the assurance that you are capable of carrying out any subsequent awarded contract. For example, a statement of your organisation's cash flow forecast for the current year and a letter from your bank outlining the current cash and credit position or other alternative means of demonstrating financial standing.

The financial information will be evaluated using the East Lothian Council financial health evaluation flowchart (available in the appendix VI attachments of the ITT on PCS). The financial information provided will require to meet the following criteria.

i) The ratio of total assets to total liabilities (net assets) should be positive in 2 out of 3 years.

ii) The accounts should not show a loss in 2 consecutive years.

iii) The accounts should not show a loss in 1 year and negative net current assets in any 1 year.

Where the information provided does not meet item (i) but there is an improving trend East Lothian Council may consider items (ii) and(iii).

Insurance Requirements: It is a requirement of this contract that bidders hold the levels of insurance indicated below:

Employer's (Compulsory) Liability Insurance\* = GDP 10m GBP

Public Liability Insurance = GDP 5m GBP

\*It is a legal requirement that all companies hold Employer's (Compulsory) Liability Insurance except in certain circumstances.

Bidders that do not already have, or cannot commit to obtain, the required levels of insurance may be excluded from further participation in this procurement exercise.

### **III.1.3) Technical and professional ability**

List and brief description of selection criteria

Stage One - Pass/Fail

- ITT received by deadline with requested attachments in place
- Satisfactory completion of the Single Procurement Document (SPD)
- Satisfactory Provision/ undertaking of Insurance requirements
- Satisfactory Equal Opportunities policy in place
- Satisfactory Financial Health compliance
- Satisfactory Health and Safety Policy and Record
- Satisfactory Asbestos Health & Safety Compliance
- Satisfactory information from Police Scotland following completion of ISP documentation by tenderer.

Bidders will be required to provide examples that demonstrate that they have the relevant experience to deliver the services. The qualification section will be assessed on a

PASS/FAIL basis. Where a response is deemed to have failed then grounds will exist for excluding that tender from further consideration if in the evaluators' reasonable opinion such a failure would result in the Contractor not meeting the Councils needs or expectations.

#### Stage Two - Scored Criteria Weighting

Quality 90% comprising

Sufficient Resources Capacity 15%

Defects Policy & Procedures 25%

Subcontractors & Supply Chain 15%

Waste Management 20%

Fair Working Practices 15%

Pricing comprising 10%

#### Scoring Criteria for Tender Questionnaire responses

0-No response, or response does not meet the minimum requirement.

1-Weak response and evidence. Does not fully demonstrate that the tenderer has the ability, knowledge, skills, resources or understanding required.

2-Average response and evidence. Satisfies the requirement.

3-Good response and evidence. Exceeds minimum requirements and has some additional features of value to the Council.

4-Excellent response and evidence. Exceeds requirement and demonstrates added value and/or innovation.

The tender will be awarded on Most Economically Advantageous Tender. East Lothian Council does not bind itself to accept any tender. It is envisaged that 5 contractors will be awarded onto each lot.

Lots 1-5 Traditional- Work Packages will be awarded as a result of Mini Competition based on lowest price only.

Lots 6-9 Design and Build- Work Packages will be awarded as a result of Mini

Competition based on quality and price. The weighting of quality / price criteria will vary between projects and will be specific to the individual project being tendered. It is envisaged the weightings will be in the region of; Quality 10% - 15% and Price 85% - 90%. ELC reserves the right to vary these ratios.

## **III.2) Conditions related to the contract**

### **III.2.2) Contract performance conditions**

Each call-off project procured through this Framework will be governed and managed by the relevant contract from the SBCC suite of standard contracts (2011 editions) and (2016 editions).

An exemplar scorecard is included in the Tender Documentation (appendix VII). The Council reserves the right to monitor the conduct and performance of the appointed Contractors over the course of the framework and to remove, temporarily or permanently, any Contractor from the framework.

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## **Section IV. Procedure**

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

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

Open procedure

#### **IV.1.3) Information about a framework agreement or a dynamic purchasing system**

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

Envisaged maximum number of participants to the framework agreement: 30

#### **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: [2020/S 247-615510](#)

#### **IV.2.2) Time limit for receipt of tenders or requests to participate**

Date

16 April 2021

Local time

12:00pm

#### **IV.2.4) Languages in which tenders or requests to participate may be submitted**

English

#### **IV.2.6) Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 6 (from the date stated for receipt of tender)

#### **IV.2.7) Conditions for opening of tenders**

Date

16 April 2021

Local time

12:00pm

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## **Section VI. Complementary information**

### **VI.1) Information about recurrence**

This is a recurrent procurement: Yes

Estimated timing for further notices to be published: It is envisaged that the 4th generation of this framework will be re-advertised in 48 months time.

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

Police Scotland and East Lothian Council recognise that there is an opportunity for unscrupulous, criminal or corrupt persons and criminal enterprises to be involved in criminality and to make criminal financial gains from the provision of services to public funded bodies.

Police Scotland and East Lothian Council recognise that the provision of information by Police Scotland may assist in determining whether any of the conditions for exclusion of an organisation from the opportunity to tender for a public contract specified in the Public Contracts (Scotland) Regulations 2015 have been met. As part of this tender process therefore, details provided in the tender (appendix V) by all bidders will be passed to Police Scotland to be verified.

East Lothian Council (ELC) understand the importance of a strong local economy and therefore require that main contractors awarded ELC contracts consider engaging local sub-contractors where possible. For any assistance with this requirement please contact Economic Development Department at [economicdevelopment@eastlothian.gov.uk](mailto:economicdevelopment@eastlothian.gov.uk).

NOTE: To register your interest in this notice and obtain any additional information please visit the Public Contracts Scotland Web Site at

[https://www.publiccontractsscotland.gov.uk/Search/Search\\_Switch.aspx?ID=643709](https://www.publiccontractsscotland.gov.uk/Search/Search_Switch.aspx?ID=643709).

The buyer has indicated that it will accept electronic responses to this notice via the Postbox facility. A user guide is available at

[https://www.publiccontractsscotland.gov.uk/sitehelp/help\\_guides.aspx](https://www.publiccontractsscotland.gov.uk/sitehelp/help_guides.aspx).

Suppliers are advised to allow adequate time for uploading documents and to dispatch the electronic response well in advance of the closing time to avoid any last minute problems.

A sub-contract clause has been included in this contract. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2363>

Community benefits are included in this requirement. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2361>

A summary of the expected community benefits has been provided as follows:

There is a contractual obligation for the delivery of Community Benefits once the aggregate spend with ELC reaches GBP-50k in any financial year.

As part of the Council's wider duties towards its citizens and the environment, the Council wishes to engage with suppliers, providers and contractors to deliver sustainable benefits, not only to our young people, through work experience opportunities, training opportunities or links with schools, but also to provide assistance with community projects, as well as engaging in supply chain initiatives.

During the term of the framework, the Council will request Management information to support the delivery of Community Benefits. This will be monitored and reported during the lifetime of the framework.

(SC Ref:643709)

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

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

Edinburgh Sheriff Court

27 Chambers Street

Edinburgh

EH1 1LB

Country

United Kingdom

### **VI.4.2) Body responsible for mediation procedures**

East Lothian Council

John Muir House

Haddington

EH41 3HA

Email

[procurement@eastlothian.gov.uk](mailto:procurement@eastlothian.gov.uk)

Country

United Kingdom