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Tender

## **A9 Dualling: Tomatin to Moy**

Transport Scotland

F02: Contract notice

Notice identifier: 2021/S 000-020349

Procurement identifier (OCID): ocds-h6vhtk-0296b2

Published 19 August 2021, 3:15pm

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

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

Transport Scotland

Buchanan House, 58 Port Dundas Road

Glasgow

G4 0HF

#### **Email**

[PDC@transport.gov.scot](mailto:PDC@transport.gov.scot)

#### **Telephone**

+44 1412727100

#### **Country**

United Kingdom

## **NUTS code**

UKM82 - Glasgow City

## **Internet address(es)**

Main address

<http://www.transport.gov.scot>

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA00099](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA00099)

## **I.2) Information about joint procurement**

The contract is awarded by a central purchasing body

## **I.3) Communication**

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

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

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

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

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

National or federal Agency/Office

## **I.5) Main activity**

Other activity

Transport

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## **Section II: Object**

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

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

A9 Dualling: Tomatin to Moy

Reference number

TS/MP/WKS/2021/01

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

- 45233100 - Construction work for highways, roads

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

Works

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

Transport Scotland, on behalf of the Scottish Ministers, has identified the need to appoint a suitably experienced contractor for the design, construction, completion and maintenance of the proposed A9 Dualling: Tomatin to Moy project which includes the upgrade of approximately 9.6km of existing A9 single and overtaking wide single 2+1 (WS2+1) carriageway to dual carriageway standard, between the existing dual carriageway sections to the south of Tomatin and to the north of Moy.

The main element of work to be delivered is the construction of a Dual 2 Lane All Purpose (D2AP) Trunk Road as described in 'CD 127 Cross-sections and headrooms' within the UK Design Manual for Roads and Bridges.

The works will also incorporate a new bridge at Dalmagarry to carry the new A9 dual carriageway over the realignment of an approximately 670m long section of Dalmagarry Burn. This will replace an existing structure at this location. To the west of the Highland Main Line Railway, a new access track bridge will be required to be constructed to maintain access over Dalmagarry Burn for the local farm operations.

Other works will include, but not be limited to; construction of approximately 3.3km of single lane local link road with passing places, drainage (including sustainable drainage systems), one grade-separated junction, four left-in left-out junctions, upgrade of approximately 42 culverts, traffic management, earthworks, road restraint systems, accommodation works,

service diversions, fencing, signage, environmental mitigation and a 5 year maintenance period for landscaping and defect rectification following completion. The successful tenderer will not be required to carry out cyclic maintenance.

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

Value excluding VAT: £115,000,000

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

This contract is divided into lots: No

## **II.2) Description**

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

- 45221220 - Culverts
- 45221111 - Road bridge construction work
- 45221112 - Railway bridge construction work
- 45233120 - Road construction works
- 45233124 - Trunk road construction work
- 45233125 - Road junction construction work
- 45233126 - Grade-separated junction construction work
- 45233161 - Footpath construction work
- 45233162 - Cycle path construction work
- 45233222 - Paving and asphaltting works
- 45233224 - Dual carriageway construction work
- 45233226 - Access road construction work
- 45233227 - Slip road construction work
- 45262640 - Environmental improvement works

- 45233280 - Erection of road-barriers
- 45233290 - Installation of road signs

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

NUTS codes

- UKM62 - Inverness & Nairn and Moray, Badenoch & Strathspey

Main site or place of performance

Highlands – Tomatin / Moy in the north of Scotland

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

Transport Scotland is an agency of the Scottish Government and contracts in the name of and on behalf of the Scottish Ministers. Transport Scotland has identified the requirement to appoint a suitably experienced Contractor to design & build the A9 Dualling: Tomatin to Moy located between the village of Tomatin to the south and Moy to the north.

It is intended that the Contract will include the design and construction of the works which will last approximately 3 years followed by a 5-year period of maintenance for landscaping and defect rectification. The successful tenderer will not be required to carry out cyclic maintenance.

Transport Scotland will manage the proposed procurement process for the A9 Dualling: Tomatin to Moy contract on behalf of the Scottish Ministers. In the event of the contract award, the contract will be entered into between the Scottish Ministers and the successful tenderer.

The contract terms and conditions will be based upon Transport Scotland's bespoke design and build contract. Each selected economic operator shall be invited to submit a tender on the same contract terms and conditions.

The Contractor will be procured through a competitive tender procedure, in accordance with the competitive dialogue procedure as stated in the Public Contracts (Scotland) Regulations 2015. Due to the project complexity, the contract requires to be performed by a single contractor and as such shall not be divided into lots.

To be considered for the prequalification stage, economic operators are required to complete and submit a Single Procurement Document (SPD) in accordance with this Contract Notice, which can be downloaded via the Public Contracts Scotland portal ([www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk)).

Economic operators shall be evaluated in accordance with the Public Contracts (Scotland) Regulations 2015, on the basis of the information they have provided within the SPD.

The scope of works will include, but not be limited to:

- Design and construction of online widening to the existing A9 trunk road to upgrade to rural dual carriageway (D2AP) standard;
- Design and construction of associated structures including bridges, retaining walls, and culverts;
- Design and construction of new side roads and access roads associated with the widening of the existing A9 trunk road;
- Diversionary works for statutory undertakers and the like;
- Environmental and landscaping mitigation measures;
- Construction of a Sustainable Drainage System (SuDS) including retention basins and swales;
- Stopping up of existing direct accesses and alternative provision made with alternative new means of access;
- Traffic management;
- Accommodation works; and
- All other works associated with a trunk road improvement.

Further details can be found in the Supplementary Information Document which can be downloaded via the Additional Documents, located within the Additional Notice Options of the Public Contracts Scotland Portal ([www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk)).

#### Project Bank Account

It is the intention that the project will operate a mandatory Project Bank Account (PBA), a project specific account ring fenced with effective Trust status, for payment of the contractor and supply chain. The account shall be opened by the Scottish Ministers with The Royal Bank of Scotland (or similar bank operating PBA's) under the Banking Services Framework defined at

<http://www.gov.scot/Topics/Government/Procurement/directory/pscontractcentgovt/BankingServices>

and in addition it is intended that the PBA shall satisfy the minimum requirements for an effectively constituted Trust under Scots law.

The use of a PBA by the contractor and into the supply chain shall be a contractual requirement.

Where the Contract permits any of the supply chain for which it is agreed shall not be paid through the PBA, shall be entitled to payment according to the prompt payment provisions provided within the Contract.

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

Quality criterion - Name: Approach to managing trunk road and local traffic, stakeholder engagement, environmental management, community benefits, decarbonising construction and health & wellbeing. / Weighting: 30%

Cost criterion - Name: Final tenders will be assessed against evaluation criteria to determine the most economically advantageous submission. Further information will be included in the tender documents. / Weighting: 70%

### **II.2.6) Estimated value**

Value excluding VAT: £115,000,000

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

Duration in months

96

This contract is subject to renewal

No

### **II.2.9) Information about the limits on the number of candidates to be invited**

Maximum number: 4

Objective criteria for choosing the limited number of candidates:

It is intended that a maximum of 4 economic operators be taken forward to tender stage. These economic operators shall be those who have:

- (i) submitted a compliant submission, comprising the completed SPD;
- (ii) satisfied the relevant selection criteria under the exclusion grounds;
- (iii) met the following criteria:
  - a) Minimum Standards of Eligibility – provided evidence of working on specified types of projects over a specified value; and
  - b) Technical or Professional Ability – provided evidence demonstrating an acceptable level of technical or professional ability; and
- (iv) in place quality, environmental and health and safety management systems
- (v) in place appropriate sustainability measures attributing significantly to the requirement



(vi)satisfied minimum standards of economic and financial standing;

(vii)appropriate experience in acting as the ‘Principal Contractor’ and ‘Principal Designer’ under the Construction (Design and Management) Regulations 2015 or equivalent;

(viii)achieved the first, second, third or fourth highest combined weighted scores in respect of technical or professional ability calculated in accordance with the responses to Statements (g) to (l) inclusive (refer to Section III.1.3).

However, if any economic operator has not submitted a compliant submission as described in (i) above, failed in respect of either (ii), (iii), (iv), (v), (vi) or (vii) above, then that economic operator shall be excluded from the ranking scores described in (viii) as above.

In terms of the Public Contracts (Scotland) Regulations 2015, there will be a requirement on economic operators to provide proof of economic and financial standing and of technical and professional ability prior to proceeding to the next stage of the competition and contract award, and the tender documents will contain specific provisions requiring tenderers to inform Transport Scotland of any changes to their economic and financial standing or technical and professional ability during the procurement competition. Further, Transport Scotland reserves the right to undertake further verification to ensure continuing compliance with the selection criteria at any time prior to proceeding to the next stage of the competition and contract award, including during any standstill period. If means of proof does not satisfy Transport Scotland’s selection criteria and/or if an economic operator no longer meets the requirements set out in the tender documents, it shall be excluded from this procurement competition. If this follows tender evaluation, including during any standstill period, the next ranked most economically advantageous tenderer shall be requested to provide proof of economic and financial standing and technical and professional ability with a view to contract award.

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

Variants will be accepted: Yes

## **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**

For further information relating to additional information, please refer to Section 3.4 of the VI.3 Supplementary Information Document that can be downloaded via the Additional Documents, located within the Additional Notice Options of the Public Contracts Scotland portal ([www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk)).

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

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

#### **III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions

Economic operators must be enrolled in the relevant professional or trade registers kept in the Member state of its establishment (as described in Schedule 5 of the Public Contracts (Scotland) Regulations 2015) (i.e., registered under Companies House). Economic operators should provide details under Question Ref. 4A.1.

Accreditation

Economic operators or their appropriate subcontractors must be accredited under National Highway Sector Scheme (NHSS) including:

-NHSS 2B; NHSS 2c; NHSS 5A; NHSS 5B; NHSS 7; NHSS 8; NHSS 9A; NHSS 10A; NHSS 10B incorporating NHSS 2B & 5B; NHSS 12A/B; NHSS 12D; NHSS 13; NHSS 14; NHSS 15; NHSS 16; NHSS 17; NHSS 18; NHSS 20; NHSS 23.

Further information regarding NHSS can be found at: [www.gov.uk](http://www.gov.uk)

Economic operators who are not accredited shall not progress beyond the assessment selection stage. Economic operators must provide confirmation of the above required accreditations under Question Ref 4D.1, in accordance with the requirements of this Contract Notice.

Staff

The successful tenderer shall be required to adopt the CDM Regulations (2015) and to comply with all other relevant health and safety law. Additionally, all site staff are to be accredited under the Construction Skills Construction Safety Scheme (CSCS) or equivalent.

## Standards and Specification

Subject to the other provisions of the Contract, the standards and specifications which the Contractor shall comply with include:

- UK Department for Transport Standards for Highways, specifically:
- Design Manual for Roads and Bridges (DMRB)
- Manual of Contract Documents for Highway Works (MCHW)
- Transport Scotland Interim Amendments (TSIA)
- The Highland Council Roads and Transport Guidelines for New Developments
- Eurocodes; specifically:
- Eurocode 7 (including UK National Annex)
- Eurocode 8 to the extent applicable in the UK
- Other Eurocodes to the extent necessary for the understanding and implementation of Eurocodes 7 and 8
- BS EN and BS EN ISO standards relating to geotechnical investigation and execution of geotechnical works including earthworks as well as installation of environmental barriers.
- BS Codes of Practice relating to geotechnical investigation and the design and execution of geotechnical works including earthworks
- Other Non-Conflicting Complementary Information (NCCI) relating to geotechnical investigation and the design and execution of geotechnical works including earthworks.

It is the intention that the completed scheme shall be BIM Level 2 compliant at the handover of the built asset. The handover of the built asset shall include the Level 2 BIM output along with the requisite 'as constructed' information, the Health & Safety File and the Operation & Maintenance manuals.

The BIM Level 2 requirements at the handover of the built asset will be in compliance with ISO 19650 as prescribed in the Exchange Information Requirements (EIR) which will be provided upon commencement of the competitive dialogue process.

## Qualifications and Experience

It is a requirement of the Contract that staff employed under the Contract shall have minimum levels of experience, education and professional qualifications. In particular, the Designer and the Designer's Site Representative shall have staff who are Chartered professionals (or equivalent) who will perform the Design in accordance with the appropriate standards and specification and, coupled with the relevant experience of site supervision as a Designer's Site Representative, supervise the design, construction, completion and maintenance process.

#### Construction (Design and Management) Regulations 2015 (CDM 2015)

It is intended that, the successful tenderer shall fulfil the duties of Principal Contractor and Principal Designer under CDM 2015. Therefore, economic operators shall be required to satisfy the Scottish Ministers as to their competence, resources and willingness to be appointed as Principal Contractor and Principal Designer and fulfil those duties in accordance with CDM 2015 (refer to III.1.3).

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

List and brief description of selection criteria

Economic operators shall be required to satisfy minimum standards of economic and financial standing. To determine these standards, economic operators shall:

- a) in response to SPD, Question Ref. 4B.1.1 provide the specified annual turnover for the last two years of trading, or for the period which is available if trading for less than two years;
- b) in response to SPD, Question Ref. 4B.6 provide the name, range and score of nine financial criteria for each year for the last two years of trading, or for the period which is available if trading for less than two years; and
- c) in response to SPD, Question Ref. 4B.5 confirm they already have or can commit to obtain, prior to commencement of the contract the required levels of insurance.

In addition to the information requested under (a) to (c), economic operators must provide a link / copies of the associated annual accounts as filed at Companies House (or equivalent if not a UK registered company). For the avoidance of doubt, if an economic operator fails to provide accounts relating to its last two full years of trading that are due to have been filed, that economic operator will be excluded from this procurement competition.

Where economic operators have not yet been trading for a full two year period, such that filed accounts are not yet due and available, and limited only to that circumstance, the required information to support (a) to (c) above may take the form of appropriate third party / statements setting out turnover, profit and loss, cashflow (current and forecast) and the economic operator's credit facility position. Note there will, however, be a negative scoring

implication as noted below and in the Additional Documents.

This information has been requested to enable Transport Scotland to perform their own assessment and confirm the financial ratios submitted. Ultimately, ensuring the correct score is allocated, and to ensure no misinterpretation. Where there exist differences in ratios, between those provided and those calculated by Transport Scotland, clarification will be sought.

Minimum level(s) of standards possibly required

Economic operators shall be required to satisfy minimum standards of economic and financial standing. These are described below:

Evaluation Criteria Ratios (Question Ref. 4B.6)

The following nine evaluation criteria shall be scored, for each year of the last two years of trading, or for the period which is available if trading for less than two years:

1. Acid Test Ratio
2. Cash Interest Cover Ratio
3. Return on Capital Employed
4. Operating Profit Ratio
5. Net Worth
6. Gearing
7. Annual Contract Value to Turnover
8. Filed Accounts
9. Audit Report

The scoring mechanism can be downloaded via the Additional Documents, located within the Additional Notice Options of the Public Contracts Scotland portal ([www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk)).

For the purpose of calculating the Annual Contract Value to Turnover ratio the estimated value in II.2.6 of this Contract Notice shall be adopted. Similarly, the duration of the contract (construction phase) shall be 36 months. This equates to an estimated value of [37,183,333.GBP] per annum for the initial construction phase (36 months), followed by an

estimated value of [690,000GBP] per annum for the subsequent maintenance phase (60 months).

The nine evaluation criteria will be individually scored and given a total aggregated score, out of a possible 50 marks, for each year of trading. Subsequently, each year's score will be weighted, with the most recent ("Year 1") weighted at 2/3rds and the previous ("Year 2") weighted at 1/3rd, and then aggregated to form an overall score for the two years out of 50 marks.

If the economic operator is trading for less than 2 years, their financial ratios for the most recent full year of trading will be weighted at 2/3rds scored out of the total 50 marks. If the economic operator is trading for less than 1 year the information provided under III.1.2) b), will be prorated up to 1 year to calculate financial ratios for the full year and this will be weighted at 2/3rds and scored out of the total 50 marks.

A submission shall be marked as a FAIL and will not be considered further if the score achieved by an economic operator (either a single economic operator or a group of economic operators) is less than 25 marks, out of the potential total aggregated score of 50 marks.

A submission shall be marked as a FAIL and will not be considered further if the economic operator is unable to provide appropriate information to enable the calculation of the financial ratios.

Where the submission has been submitted by a group of economic operators, the information submitted by each group member will be evaluated in the proportion of the percentage shareholdings or percentage equity/interest of each group member and a score determined for such group of economic operators on that basis.

A "group of economic operators" is defined as an unincorporated consortium or joint venture.

Insurance (Question Ref. 4B.5)

In response to Question Ref. 4B.5.1a, 4B.5.1b, and 4B.5.2, economic operators must confirm they already have or can commit to obtain, prior to the commencement, the following levels of insurance:

Professional Indemnity Insurance = GBP 10 million

Public Liability Insurance = GBP 155 million

Employer's (Compulsory) Liability Insurance = GBP 10 million

In responding to Question Ref. 4B.5.a, 4B.5.b and 4B.5.2, where the economic operator

responds “No, and I cannot commit to obtain it” they shall be marked as FAIL and shall be excluded from this procurement competition.

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

List and brief description of selection criteria

List and brief description of selection criteria:

For 4C.1.2 economic operators shall be required to insert suitable responses to Statements (a) to (l) as summarised below and set out in full in the ‘Technical and professional ability questions’ document available in the Additional Documents, within the Additional Notice Options of the Public Contracts Scotland portal ([www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk)), demonstrating that they have the required minimum standards of eligibility and technical and professional ability. Answers to these statements shall be provided by single economic operators and by groups of economic operators (group members should not respond individually).

Responses to Statements (a) to (f) shall be assessed on the basis of PASS or FAIL. Economic operators who fail to satisfy these minimum standards (either they answer ‘No’ or fail to provide an acceptable answer) shall be excluded from the procurement competition.

Responses to Statements (g) to (l) inclusive shall be assessed on the basis of a score from 0-5, with a minimum threshold. The scoring criteria and full statements can be downloaded via the Additional Documents, located within the Additional Notice Options of the Public Contracts Scotland portal ([www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk)).

A response shall be marked as a FAIL and will not be considered further if the score achieved for any statement is less than 2. Where a response is 2 or greater it shall be weighted in accordance with the following weightings: Statement (g) = 20%; Statement (h) = 20%; Statement (i) = 15%; Statement (j) = 20%; Statement (k) = 15%; Statement (l) = 10%. The weighted scores shall be aggregated to calculate a score out of 100 for the 6 statements. Words or pages in excess of the maximum limit for each statement will neither be considered nor scored.

Responses to Statements (g) to (l) shall be marked as a FAIL if they include projects which are not contained as part of the "reference projects" provided within Statements (a) and (b).

Minimum level(s) of standards possibly required

Statements (a) to (l) as summarised below and set out in full in the ‘Technical and professional ability questions’ document available in the Additional Documents, within the Additional Notice Options of the Public Contracts Scotland portal ([www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk))

Statement (a) – Reference projects – Contractor

Statement (b) – Reference projects – Designer

Statement (c) – Quality Management System

Statement (d) – Environmental Management System

Statement (e) – Health and Safety Management System

Statement (f) – CDM Regulations 2015

Statement (g) – Scheme Management

Statement (h) – Stakeholder Engagement

Statement (i) – Community Benefits

Statement (j) – Environment

Statement (k) – Decarbonising Construction

Statement (l) – Health and Wellbeing

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

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

It is the Employer's policy to measure the performance of the Contractor on a regular basis.

In the event that the Contractor's performance falls below a satisfactory level, the Contractor will be invited to determine a means of rectifying the situation. Repeated or continual performance failures may result in suspension or termination of the contract.



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## **Section IV. Procedure**

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

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

Competitive dialogue

#### **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: [2021/S 000-003914](#)

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

Date

30 September 2021

Local time

12:00pm

#### **IV.2.3) Estimated date of dispatch of invitations to tender or to participate to selected candidates**

4 November 2021

#### **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)

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## Section VI. Complementary information

### VI.1) Information about recurrence

This is a recurrent procurement: No

### VI.2) Information about electronic workflows

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

### VI.3) Additional information

For full further information relating to additional information, please refer to Section 3.4 of the VI.3 Supplementary Information Document that can be downloaded via the Additional Documents, located within the Additional Notice Options of the Public Contracts Scotland portal ([www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.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=664485](https://www.publiccontractsscotland.gov.uk/Search/Search_Switch.aspx?ID=664485).

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:

For further information, please refer to the VI.3 Supplementary Information Document.

(SC Ref:664485)

Download the ESPD document here:

[https://www.publiccontractsscotland.gov.uk/ESPD/ESPD\\_Download.aspx?id=664485](https://www.publiccontractsscotland.gov.uk/ESPD/ESPD_Download.aspx?id=664485)

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

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

Sheriff Clerk's Office

PO Box 23, 1 Carlton Place

Glasgow

Email

[Glasgow@scotcourts.gov.uk](mailto:Glasgow@scotcourts.gov.uk)

Country

United Kingdom