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Tender

A9 Dualling: Tomatin to Moy project

Transport Scotland

F02: Contract notice

Notice identifier: 2023/S 000-026229

Procurement identifier (OCID): ocds-h6vhtk-03fa2d

Published 5 September 2023, 3:57pm

Section I: Contracting authority

I.1) Name and addresses

Transport Scotland

George House, 2nd Floor, 36 North Hanover Street

Glasgow

G1 2AD

Contact

Toby Millard

Email

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

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

Construction (Road Infrastructure)

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

A9 Dualling: Tomatin to Moy project

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 involves widening of approximately 9.6km of existing A9 single and overtaking wide single 2+1 (WS2+1) road carriageway to Dual 2 lane All-purpose roads Sub-category c (D2APc) standard, in accordance with 'CD 109 Highway Link Design' within the UK Design Manual for Roads and Bridges, between the existing dual carriageway sections to the south of Tomatin and to the north of Moy.

II.1.5) Estimated total value

Value excluding VAT: £150,000,000

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
- 45233290 - Installation of road signs
- 45262640 - Environmental improvement works
- 45233280 - Erection of road-barriers
- 45112000 - Excavating and earthmoving work
- 45454100 - Restoration work

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 a new dual carriageway between the village of Tomatin to the south and Moy to the north.

The Contractor will be procured through a Competitive Dialogue procedure, in accordance with the Public Contracts (Scotland) Regulations 2015. 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 a Contract award, the Contract will be entered into between the Scottish Ministers and the successful tenderer.

The procurement process leading to the award of the Contract will comprise the following:

1. Prequalification (SPD)
2. Competitive Dialogue (approx. 16 weeks)
3. Tender (approx. 4 weeks)
4. Award

Detailed information regarding the award process and award criteria for the tender phase will be supplied to economic operators who are invited to participate in dialogue.

Transport Scotland shall notify Participants when the Competitive Dialogue phase has concluded and invite the Participants who have presented an acceptable solution to submit a final tender.

Due to the project's complexity, the Contract requires to be performed by a single entity and as such shall not be divided into lots.

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 including defect correction and establishment of landscaping. The successful tenderer will not be required to carry out cyclic maintenance.

The intended form of contract is to be an NEC4 Engineering and Construction Contract (ECC) Option A: priced contract with activity schedule with amendments. Contract documentation will be provided at ITPD stage to shortlisted participants, however the DRAFT conditions of contract will be made available for all economic operators to review within the Information Pack. Refer to Section VI.3) for further information on how to access to the Information Pack.

Transport Scotland is providing a DRAFT of its conditions of contract to ensure prospective economic operators are informed as early as possible of the proposed contract. The DRAFT conditions of contract are subject to change and no obligation, liability, duty of care or responsibility to any party is created by or shall arise out of this.

Selected Participants, following the Competitive Dialogue stage, shall be invited to submit

a final tender on the same contract terms and conditions.

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 and the Supplementary Information Document (SID) which can be accessed via the Additional Documents located within the Additional Notice Options, this can be downloaded via the Public Contracts Scotland portal (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.

II.2.5) Award criteria

Quality criterion - Name: Criteria including approach to delivery&management, technical aspects, construction, commercial, risk and sustainability aspects of the project. Further detail will be issued to shortlisted bidders. / Weighting: 50

Cost criterion - Name: Final tenders will be assessed against evaluation criteria to determine the most economically advantageous submission. Further information will be issued to shortlisted bidders. / Weighting: 50

II.2.6) Estimated value

Value excluding VAT: £150,000,000

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

Duration in months

100

This contract is subject to renewal

No

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

Maximum number: 3

Objective criteria for choosing the limited number of candidates:

Objective criteria for choosing the limited number of candidates:

It is intended that 3 economic operators be taken forward to participate in dialogue. 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;

b) Technical or Professional Ability – provided evidence demonstrating an acceptable level of technical or professional ability; and

c) Human Resources – possess the necessary educational and professional qualifications, qualified appropriately to perform the requirement.

(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, or third highest combined weighted scores in respect of technical or professional ability calculated in accordance with the responses to Statements (d) to (h) 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.

Following evaluation of SPD responses in accordance with the evaluation criteria set out in (i) to (viii) above, it is intended that the three economic operators with the highest scoring compliant bids will be invited to participate in dialogue. The three economic operators with the highest scoring compliant bids will be required to confirm that they wish to participate in dialogue, prior to issue of the ITPD. Should one or more of such economic operators not provide such confirmation or no longer wish to participate in the process, then the next highest ranking economic operator may be invited to participate in dialogue.

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

Any economic operator who meets the selection criteria set out in the tender documents at the initial evaluation but subsequently, prior to contract award, fails to meet such criteria, shall be excluded from this procurement competition.

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). The relevant NHSS accreditations are included within the section VI.3 of the Supplementary Information Document.

Economic operators who are not accredited shall not progress beyond the assessment selection stage.

Economic operators must provide confirmation of the required accreditations under Question Ref. 4D.1, in accordance with the requirements of this Contract Notice.

Staff

The successful tenderer shall be required to comply with 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 Scope 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. 4B1a 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 located within the Supplementary Information Document and downloaded via the Additional Documents, located within the Additional Notice Options of the Public Contracts Scotland portal (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, for the purposes of this ratio, the duration of the contract (construction phase) shall be approximately 3 years . This equates to an estimated value of [48,520,000.GBP] per annum for the initial construction phase, followed by an estimated value of [888,000GBP] 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, 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, 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

For 4C.1.1 economic operators shall be required to insert suitable responses to Statements (a) to (h) as summarised below and set out in full in the ‘Technical and professional ability questions’ within the Supplementary Information Document, available

in the Additional Documents, within the Additional Notice Options of the Public Contracts Scotland portal (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 (c) 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 (d) to (h) 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).

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 (d) = 20%; Statement (e) = 25%; Statement (f) = 15%; Statement (g) = 25%; Statement (h) = 15%. The weighted scores shall be aggregated to calculate a score out of 100 for the 5 statements. Words or pages in excess of the maximum limit for each statement will neither be considered nor scored.

Responses to Statements (d) to (h) 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 (h) 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)

Minimum level(s) of standards required:

Statement (a) – Reference projects – Contractor

Statement (b) – Reference projects – Designer

Statement (c) – CDM Regulations 2015

Statement (d) – Programme Management

Statement (e) – Commercial Management

Statement (f) – Public Utilities

Statement (g) – Sustainability

Statement (h) – Traffic Management

Under SPD, Question Ref. 4C.7 economic operators shall be required to provide details of the environmental management measures which they will be able to use when performing the Contract. In addition, economic operators are also required to complete the "Priority Contract" Climate Change Plan Template which can be found in the additional documents section of the Contract Notice. The response shall be assessed on the basis of PASS or FAIL. Economic Operators will obtain a PASS where the production and submission of a Bidder Climate Change Plan that has been reviewed and signed off by the board of directors (or equivalent management body). Economic operators who fail to provide the information required shall be excluded from the procurement competition.

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.

III.2.3) Information about staff responsible for the performance of the contract

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract

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

Date

11 October 2023

Local time

12:00pm

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

7 November 2023

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: 3 (from the date stated for receipt of tender)

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 additional information, refer to the Supplementary Information Document available via the Additional Documents, located within the Additional Notice Options of the Public Contracts Scotland portal.

To be considered for this procurement competition, economic operators should complete an SPD through the Public Contract Scotland portal and submit the completed SPD by no later than 12 noon BST on 11 October 2023. The deadline to submit questions relating to the submission is 12 noon BST on 29 September 2023

Transport Scotland shall implement a Participation Costs reimbursement mechanism for Tenderers who submit a compliant Tender submission but are unsuccessful, up to a maximum cap of 200,000GBP. This capped reimbursement will be in respect of Participation Costs in the circumstances and on the terms set out in a dedicated Participation Agreement which will be issued to tenderers at Invitation to Participate in Dialogue stage.

For clarity, the term “Participation Costs” is anticipated to mean:

1. the Tenderer’s actual incurred external costs (including in relation to technical due diligence, geotechnical investigation, design, design check and road safety audit consultants);
2. the Tenderer’s disbursements (including travel and accommodation costs); and
3. the Tenderer’s direct internal costs such as staff time (as recorded in time sheets by those staff working in respect of the Procurement Process);

provided that all of the above (i) have arisen directly from and during the Tenderer's involvement in the Procurement Process before the occurrence of one of the events set out in the relevant clauses within the Participation Agreement in Clause 3 or Clause 4 and (ii) in the reasonable opinion of the Scottish Ministers, have been reasonably, properly and demonstrably incurred by the Tenderer or which, in the reasonable opinion of the Scottish Ministers, are reasonably, properly and demonstrably due to be paid by the Tenderer. Head office overheads and head office management costs of the Tenderer, Member and/or its or their Associates, financing charges and profit (including any uplift or other profit sharing arrangement) shall not be Participation Costs.

A project Information Pack will be made available to all prospective economic operators on 11 September 2023. Detail on the Information Pack will be in the Supplementary Information Document. This information is supplied without warranty and Transport Scotland shall be under no liability for any error, misstatement or omission of such information. To register to obtain access to this Information Pack on 11 September 2023, prospective economic operators are requested to contact PDC@transport.gov.scot.

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=743273.

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.

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: <https://www.gov.scot/policies/public-sector-procurement/community-benefits-in-procurement/>

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

Details of community benefit provisions are included within the Supplementary Information Document.

(SC Ref:743273)

Download the ESPD document here: https://www.publiccontractsscotland.gov.uk/ESPD/ESPD_Download.aspx?id=743273

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

Country

United Kingdom