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Tender

Multi-supplier Framework Agreement for proposed utility diversions and/or protection audit and advice services

Transport Scotland

F02: Contract notice

Notice identifier: 2021/S 000-026488

Procurement identifier (OCID): ocds-h6vhtk-02eee5

Published 22 October 2021, 10:05am

The closing date and time has been changed to:

1 December 2021, 12:00pm

See the [change notice](#).

Section I: Contracting authority

I.1) Name and addresses

Transport Scotland

Buchanan House, 58 Port Dundas Road

Glasgow

G4 0HF

Contact

Katharine Kelly

Email

katharine.kelly@transport.gov.scot

Telephone

+44 7787220080

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

www.publiccontractsscotland.gov.uk

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

www.publiccontractsscotland.gov.uk

I.4) Type of the contracting authority

National or federal Agency/Office

I.5) Main activity

Other activity

Transport

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Multi-supplier Framework Agreement for proposed utility diversions and/or protection audit and advice services

Reference number

TS/MP/SER/2021/03

II.1.2) Main CPV code

- 71311300 - Infrastructure works consultancy services

II.1.3) Type of contract

Services

II.1.4) Short description

Transport Scotland, on behalf of the Scottish Ministers, has identified the need to appoint suitably experienced Consultants to provide the following services to Transport Scotland:

Review and coordinate utility works programmes associated with trunk road design and construction projects;

Review the correctness and completeness of processes undertaken in accordance with New Roads and Street Works Act 1991, the Town

and Country Planning (Scotland) Act 1997;

Technically review utility diversion/protection proposals;

Liaise with Statutory Undertakers/Engineer/ Designer/ Contractor;

Review risk management and mitigation; and

Provide specialist technical support and adhoc advice.

Further information on Transport Scotland can be accessed through our website at:

www.transport.gov.scot

II.1.5) Estimated total value

Value excluding VAT: £1,800,000

II.1.6) Information about lots

This contract is divided into lots: No

II.2) Description

II.2.2) Additional CPV code(s)

- 71311300 - Infrastructure works consultancy services
- 71311000 - Civil engineering consultancy services
- 71311210 - Highways consultancy services
- 71311100 - Civil engineering support services
- 71322000 - Engineering design services for the construction of civil engineering works
- 71330000 - Miscellaneous engineering services

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

Main site or place of performance

Scotland wide

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 a requirement to appoint suitably experienced Economic Operators (“Consultants”) to provide the following specialist services to support the delivery of trunk road projects across Scotland:

It is intended that the Framework Agreement will be in place for a period of 4 years.

i) Review and coordination of the overall utility works programme to ensure that the strategy for utility diversions is appropriate and provides the most effective option to support the delivery of the works on time and to budget.

ii) Correctness and completeness review of the process undertaken to ensure application of the appropriate Legislation; the Town and Country Planning (Scotland) Act 1997 and New Roads and Street Works Act 1991, the Conditions of Contract, including the Employer's Requirements and relevant codes of practice including, but not limited to: Measures necessary where apparatus is affected by major works (diversionary works). Any conflicts in these requirements should be identified together with recommendations for further review and/ or action.

(iii) Technical review of utility diversion proposals to identify appropriateness and completeness of any proposals, ensure designs can practically be achieved and are compliant with relevant regulations.

(iv) Liaise with Statutory Undertakers and the contractor as necessary to ensure compliance with the proposed design and verification of the costs for the diversionary routes/or protection works and provide recommendations.

v) Risk Management and Mitigation Review. Appraisal of undertakers designs and programme to identify key risks to programme delivery and the measures taken to identify and mitigate these by Undertakers and relevant parties (i.e. Designer, Contractor etc.).

vi) Specialist technical support to respond to utility related requests, queries, dispute resolutions which may involve, but not be limited to: attendance at meetings, preparation of draft correspondence, providing adhoc advice and recommendations.

Further, the Consultants may also be required to attend offices, construction sites or other locations within the UK at which the statutory utility owners and contractors are based.

The appointed Consultants will be required to have personnel with specialist experience of reviewing utility diversion/protection proposals, with an in depth understanding of the Town and Country Planning (Scotland) Act 1997 and New Roads and Street Works Act 1991, as well as Transport Scotland's and Statutory Undertakers contract requirements.

Transport Scotland ultimately wish to ensure a sufficiently robust and rigorous process has been undertaken to ensure prospective tenderers/ contractors/consultants have sufficient information to accurately price and undertake construction works and programme activities within a specified timeline.

The contract will be procured through a competitive tender procedure, in accordance with

the restricted procedure as stated in the Public Contracts (Scotland) Regulations 2015. This is a two-stage procedure, comprising a prequalification stage and a tender stage. Section II.2.9 of this Contract Notice describes the criteria for choosing the limited number of candidates. In order to be considered for the prequalification stage, Economic Operators are required to complete and submit an SPD, which can be downloaded via the Public Contracts Scotland portal (www.publiccontractsscotland.gov.uk). It is anticipated that a total of five operators will be invited to tender stage.

Contracts called off from the framework will be of varying length depending on individual project requirements. This contract will not be divided into lots as the service will generally be used on complex projects and will typically be interrelated therefore it would make it unreasonably complex to administer the contract in this manner.

II.2.5) Award criteria

Quality criterion - Name: The tenderers approach to execution of the Services; company management and quality systems, risk management, comprehension of risks associated with the services being provided, personnel. / Weighting: 40

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: 60

II.2.6) Estimated value

Value excluding VAT: £1,800,000

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

Envisaged number of candidates: 5

Objective criteria for choosing the limited number of candidates:

It is intended that 5 Consultants be taken forward to tender stage. These shall be who have:

- (i) submitted a compliant submission, comprising the completed SPD
- (ii) satisfied the relevant selection criteria under the exclusion grounds;
- (iii) (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
(c) Human Resources – possess the necessary human resources, qualified appropriately to perform the requirement.
- (iv) Quality, Environmental and Health and Safety management systems and appropriate sustainability measures attributing significantly to the requirement;

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

(vi) achieved the first, second, third, fourth or fifth highest combined scores in respect of technical or professional ability calculated in accordance with the responses to Statements (c), (d), (e), and (f) (refer to Section III.1.3);

(vii) experience of applying the Town and Country Planning (Scotland) Act 1997 and the and New Roads and Street Works Act 1991 in relation to utility diversions and/or protection;

However, if an 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 of scores described in (vi) 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.

Economic operators shall be required to self-certify their adherence to the above selection criteria via the SPD (Question Ref. 5.1). Suppliers shall be required to submit appropriate means of proof at a later stage as stated in Regulation 60 of the Public Contracts (Scotland) Regulations 2015.

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.

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.

Economic Operators should provide details of their certifications/accreditations/registrations under Question Ref. 4C.6. Subsequently, under SPD, Question Ref 4D.1 Economic Operators are required to confirm their compliance and be able to provide the appropriate certification.

Accreditation / Registration & Staff

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 Consultant shall have staff who are Chartered professionals (or equivalent) who will review and technically appraise designs (and processes applied) to ensure compliance with Employers requirements, appropriate standards, Statutory Undertakers requirements, Town and Country Planning (Scotland) Act 1997 and the New Roads and Street Works Act 1991. This should be coupled with relevant experience of Design and Build contract types and Design Build Finance Operate contract types and trunk road/ highway construction projects.

It is not envisaged that the successful tenderer shall fulfil any named duties under Construction (Design and Management) Regulations 2015.

Sub-Contractors

SPD Question Ref. 2D.1.1 requires Economic Operators to specify in so far as known, any subcontractors that may be used for any share of the Contract to deliver the services, due to the specialist nature of the services. This question is not scored.

Management Systems

Under SPD, Question Ref. 4D.1 and 4D.2 economic operators shall be required to demonstrate that they have in place appropriate quality and environmental management systems.

Quality Management System. This may be European Foundation Quality Model (EFQM) or equivalent; BS EN ISO 9001:2015 (Quality Management Systems); other accredited management system; or own non-accredited management system.

Environmental Management System. This may be BS EN ISO 14001:2015 (Environmental Management Systems); other accredited management systems; or own non-accredited management system.

Economic operators should specify their recognised accredited system or own non-accredited system, which shall ultimately be adopted under the Framework Agreement. Economic operators who are unable to demonstrate that they in place an appropriate quality or environmental management system shall be assessed as a FAIL and shall be excluded from this procurement competition.

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.a 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 4B6 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 for 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). 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.

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 fewer 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, a, b and c economic operators must confirm they already have or can commit to obtain, prior to the commencement of the framework agreement, the following levels of insurance:

Professional Indemnity Insurance = 1 million GBP

Public Liability Insurance = 5 million GBP

Employer's (Compulsory) Liability Insurance = 5 million GBP

In responding to Question Ref 4B.5, a, b and c, 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 4C1.2 economic operators shall be required to insert suitable responses to Statements (a) to (h) set out below, 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).

Response to (a), (g) and (h) shall be assessed on the basis of PASS or FAIL. Economic operators who fail to satisfy this minimum standard (either they answer 'No' or fail to provide an acceptable answer) shall be excluded from the procurement competition.

Statement (b) is not scored but is required to be completed.

The responses to (c), (d), (e) and (f) shall be assessed on the basis of a score from 0 – 5, with a minimum threshold. The scoring criteria can be downloaded via the Additional Documents, located within the Additional Notice Options of the Public Contracts Scotland portal (www.publiccontractsscotland.gov.uk).

A submission shall be marked as 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 (c) = 40%; Statement (d) = 30%; Statement (e) = 15%; Statement (f) = 15%. The weighted scores shall be aggregated to calculate a score out of 100 for the 4 statements. Words in excess of the maximum word limit for each statement will neither be considered nor scored.

Economic Operators shall be required to insert suitable responses to Statement (g) demonstrating that they have in place an appropriate health and safety management systems. Economic Operators should specify their recognised accredited system or own non-accredited system, which shall ultimately be adopted under the Framework Agreement.

Minimum level(s) of standards possibly required

(a) Within the last 3 years have you provided a review and/or audit/advice services for utility diversion/protection proposals to a client where the total construction cost of the project was at least 20 million GBP or your fee was at least 100,000 GBP sterling per annum? If yes, please provide details. Max 500 words.

(b) Please provide information on up to 5 "Reference Projects" undertaken in the last 3 years where you provided services which reflect your previous experience in delivering advisory services in relation to the diversion of utilities on a trunk road / highways related construction project and dealing with the Town and Country Planning (Scotland) Act 1997 / new Roads and Street Works Act 1991. Reference Projects should have a total construction cost of at least 20 million GBP or a fee value of at least 100k GBP per annum in 2020 prices, exclusive of VAT. Include your role, scope of services, including size and complexity of the relevant services performed on each of the reference projects.

(c) Project Delivery (max 750 words, weighting 40%) In relation to the Reference Projects, provide details of how you have successfully managed and completed project deliverables. Describe your approach to working, co-ordinating, managing and interfacing with key Statutory Undertakers, Designers, Project Managers and Contractors to ensure the rights and interests of all parties were delivered on time and to budget. Include details of added strengths, novel or innovative approaches that staff brought and how these contributed to successful deliverables. The response should provide evidence of approaches to consultation and liaison, evidence of the development of mutual value and benefits achieved as a result.

(d) Risk Management (max 750 words, weighting 30%) In relation to the Reference Projects provide details of how you managed key risks through the NRSWA guidance for diversionary works which may include but is not limited to design, stakeholder, statutory or delivery related risks.

(e) Community Benefits (max 300 words, weighting 15%) Provide details of your experience on the reference projects of delivering Community Benefits (including benefits which have improved the economic, social or environmental wellbeing of the community, education, training, employment, sub-contracting opportunities, supply chain benefits) during the project development process. Describe how you delivered and reported these benefits.

(f) Fair work and equality practices (max 500 words, weighting 15%) Describe your approach to equality and fair work practices for workers (including any agency or sub-contractor workers). Bidders should consider aspects such as:

- appropriate channels for effective voice, such as trade union recognition;

- investment in workforce development;
- no inappropriate use of zero hours contracts;
- action to tackle the gender pay gap and create a more diverse and inclusive workplace; and,
- providing fair pay for workers (for example, payment of the real Living Wage).

(g) Provide evidence of your Health and Safety Management Systems. This may be ISO 45001 (new international standard for Occupational Health and Safety Management Systems) and associated standards; other accredited management system; or own non-accredited management system.

(h) It is a requirement of the contract that the staff employed under the Framework Agreement shall have minimum levels of experience, education and professional qualifications. Economic Operators should provide no more than 5 CVs (max. length 1 side sheet each CV) to demonstrate staff with the requisite capability to deliver the Framework Agreement. The minimum educational and professional qualifications include: Professional staff – chartered status (or equivalent) of a relevant professional organisation; Graduate staff – Degree (or equivalent) in a relevant subject from a relevant degree-awarding body; and Technical Staff – Appropriately qualified to contribute to the provision of services.

III.2) Conditions related to the contract

III.2.1) Information about a particular profession

Execution of the service is reserved to a particular profession

Reference to the relevant law, regulation or administrative provision

Participation is reserved to a particular profession: Yes

Reference to the relevant law, regulation or administrative provision:

Subject to the other provisions of the framework agreement, the legislation, policy, standards and specifications with which the Consultant shall comply will include:

- Scottish Government policies and plans as they relate to the services
- Roads (Scotland) Act 1984
- The Town and Country Planning (Environmental Impact Assessment) (Scotland)

Regulations 2017

- 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)
- Eurocodes
- BS EN and BS EN ISO standards
- BS Codes of Practice
- Local Authority Design Standards and guidance

Furthermore, it is the intention that, if awarded a call-off contract under the framework agreement, the Consultant shall be required to undertake the role of principal designer under the Construction (Design and Management) Regulations 2015.

III.2.2) Contract performance conditions

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

In the event that the Consultant's performance falls below a satisfactory level, the Contractor will be invited to determine a means of rectifying the situation. Repeated or continual service 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

Restricted 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: 3

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

Originally published as:

Date

29 November 2021

Local time

12:00pm

Changed to:

Date

1 December 2021

Local time

12:00pm

See the [change notice](#).

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

22 December 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: 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

Additional information on this procurement process can be downloaded via the Additional Documents, located within the Additional Notice Options of the Public Contracts Scotland portal (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=653510.

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:

The Community Benefits Requirement will be detailed in tender documentation and may relate such benefits as training and recruitment, skills promotion, and knowledge sharing.

(SC Ref:653510)

Download the ESPD document here:

https://www.publiccontractsscotland.gov.uk/ESPD/ESPD_Download.aspx?id=653510

VI.4) Procedures for review

VI.4.1) Review body

Sheriff Clerk's Office

PO Box 23, 1 Carlton Place

Glasgow

G5 9DA

Email

Glasgow@scotcourts.gov.uk

Country

United Kingdom