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Contract

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

Transport Scotland

F03: Contract award notice

Notice identifier: 2024/S 000-028000

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

Published 2 September 2024, 4:31pm

### **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](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.4) Type of the contracting authority**

National or federal Agency/Office

**I.5) Main activity**

Other activity

Construction (Road Infrastructure)

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

This contract is divided into lots: No

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

Value excluding VAT: £184,702,662.60

### **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](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.

#### **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.2.11) 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.

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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: [2023/S 000-026229](#)

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

A contract/lot is awarded: Yes

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

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

30 July 2024

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

Number of tenders received: 3

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 1

Number of tenders received from tenderers from non-EU Member States: 2

Number of tenders received by electronic means: 3

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

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

Balfour Beatty

5 Churchill Place, Canary Wharf

London

E14 5HU

Telephone

+44 1698647587

Country

United Kingdom

NUTS code

- UKM84 - North Lanarkshire

The contractor is an SME

No

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

Total value of the contract/lot: £184,702,662.60



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## Section VI. Complementary information

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

(SC Ref:776917)

## **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