

**To: Finance, Resources and Customer Services Policy Board**

**On: 30 March 2022**

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**Report by: Chief Executive and the Director of Environment and Infrastructure**

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**Heading: Notification of Correction to Report - Framework Contract for Roads Related Maintenance Works (RC-CPU-20-172)**

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## **1. Summary**

- 1.1 The purpose of this report is to notify the Finance, Resources and Customer Services Policy Board of an evaluation error in the Framework Contract for Roads Related Maintenance Works recommended for award at the Finance, Resources and Customer Services Policy Board on 2 February 2022.
  - 1.2 This notification of correction to report is submitted in accordance with Standing Order 28 – Rescinding of Decisions of the Procedural Standing Orders.
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## **2. Recommendations**

- 2.1 The Finance, Resources and Customer Services Policy Board are asked to note that:
  - 2.1.1 Following recommendations to make awards at the Finance, Resources and Customer Services Policy Board on 2 February 2022, two evaluation errors were identified which formed part of the selection process meaning that those tender submissions should have been rejected rather than recommended for award. These errors had an impact on award of the following Lots:
    - Lot 6 – Pre-Patching in Advance of Surface Dressing; and
    - Lot 7 – Works to Roads Related Structures.

- 2.1.2 the Strategic Commercial and Procurement Manager agreed the modification to the recommendations approved to ensure compliance with the invitation to tender. As a result, once the errors were identified, two parties were excluded from award. One from Lot 6 (Hillhouse Quarry Group Limited t/a MacAsphalt) and one from Lot 7 (WI&A Gilbert Limited).
- 2.1.3 As only one supplier (Chemcem Scotland Limited) would remain on Lot 7, and in accordance with the invitation to tender, a decision has been taken not to award Lot 7 as the Strategic Commercial and Procurement Manager accepted this would fail to allow for the competition required under said Lot 7.
- 2.1.4 Framework Contracts have now been awarded to all other parties listed in Appendix 2 of the Contract Authorisation Report for a Framework Contract for Roads Related Maintenance Works (RC-CPU-20-172) to the Finance , Resources and Customer Services Policy Board on 2 February 2022.
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### **3. Background**

- 3.1 The Framework Contract for Roads Related Maintenance Works was approved at the Finance, Resources and Customer Services Policy Board on 2 February 2022. Under Procedural Standing Order clause 28 - Rescinding of Decisions, this report explains the material change in circumstances that has since occurred.
- 3.2 An evaluation error which formed part of the selection process has been found and this error impacted on the award of the following Lots:
- Lot 6 – Pre-Patching in Advance of Surface Dressing; and
  - Lot 7 – Works to Roads Related Structures.
- 3.3 The Invitation to Tender had a selection requirement which placed a limit on fee percentages Tenderers were to include within their Tender Submission. The Invitation to Tender stipulated that Tenderers who tendered a fee percentage in excess of this limit would have their bid rejected.
- 3.4 One Tenderer (Hillhouse Quarry Group Limited t/a MacAsphalt) who submitted a bid for Lot 6 – Pre-Patching in Advance of Surface Dressing tendered a fee percentage in excess of the limit. As a result, their bid has been rejected and Hillhouse Quarry Group Limited t/a MacAsphalt were not awarded a place on Lot 6.
- 3.5 One Tenderer (WI&A Gilbert Limited) who submitted a bid for Lot 7 – Works to Roads Related Structures tendered a fee percentage in excess of the limit. As a result, their bid has been rejected. Consequently, this left only one (1) Tenderer

in this Lot. As this Lot was to be ranked to ensure capacity and competition, it was not awarded as awarding to only one tenderer would not offer the required competition and so no longer demonstrated best value.

- 3.6 The revised scores achieved by each Tenderer in Lot 6 – Pre-Patching in Advance of Surface Dressing are as set out in Appendix 1 (attached to this report).
- 3.7 The revised list of Suppliers awarded a place on Lot 6 – Pre-Patching in Advance of Surface Dressing are as set out in Appendix 2 (attached to this report).

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## **Implications of the Report**

1. **Financial**  
The cost of all Package Orders (Call-Off Contracts) issued under this Framework Contract will be met by the individual Service budgets.
2. **HR & Organisational Development**  
Not applicable.
3. **Community/Council Planning**  
Reshaping our place, our economy and our future – the Framework Contract proposed will support the delivery of this outcome.
4. **Legal**  
The tendering procedure for this Works Framework Contract was conducted in accordance with the Public Contracts (Scotland) Regulations 2015, as amended under the Open Procedure and Renfrewshire Council's Standing Orders Relating to Contracts for over GPA threshold Works contracts.
5. **Property/Assets**  
The Council's roads infrastructure will be maintained to a high standard.
6. **Information Technology**  
No Information Technology implications have been identified or are anticipated.
7. **Equality & Human Rights**  
The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations

and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

**8. Health & Safety**

All Suppliers health and safety credentials were evaluated by Corporate Health and Safety and met the Council's requirements regarding health and safety.

**9. Procurement**

The procurement procedures outlined within this report shall ensure that the Council meets its statutory requirements in respect of procurement procedures, efficiency and modern Government.

**10. Risk**

All Suppliers insurances have been assessed and evaluated to confirm that they have met the minimum requirements regarding insurable risk.

**11. Privacy Impact**

No Privacy Impact implications have been identified or are anticipated.

**12. Cosla Policy Position**

No Cosla Policy implications have arisen or anticipated.

**13. Climate Risk**

The level of impact associated with works connected with the Framework Contract has been assessed using the Scottish Government Sustainability Test and is considered to be high risk. Suppliers awarded Package Orders (Call-off Contracts) under the Framework Contract will be required to organise their activities in such a way that the impact they have on the environment is minimised.

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**List of Background Papers**

Contract Authorisation Report for a Framework Contract for Roads Related Maintenance Works (RC-CPU-20-172) to the Finance , Resources and Customer Services Policy Board on 2 February 2022

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## Appendix 1 Evaluation scoring

<b>Lot 6 – Pre-Patching in Advance of Surface Dressing</b>			
<b>Tenderer</b>	<b>Price</b>	<b>Quality</b>	<b>Total</b>
Finco Contracts Ltd	70.00%	30.00%	100.00%
John McGeady Limited	54.12%	30.00%	84.12%
JH Civil Engineering Limited	51.46%	27.50%	78.96%
Luddon Construction Limited	44.35%	30.00%	74.35%
John McQuillan (Contracts) Limited	35.15%	22.50%	52.16%

**Appendix 2 Places on the Framework to be awarded for Year One**

<b>Lot 6 – Pre-Patching in Advance of Surface Dressing</b>
Finco Contracts Ltd
John McGeady Limited
JH Civil Engineering Limited