

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

**On:** 2 June 2021

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

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**Heading:** Contract No. 1 – Surface Treatment 2021/2022 (RC-CPU-20-431)

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## 1. Summary

- 1.1 The purpose of this report is to seek the approval of the Finance, Resources and Customer Services Policy Board to award Contract No 1 Surface Treatment 2021/2022 ( RC-CPU-20-431) to Kiely Bros. Limited.
  - 1.2 The recommendation to award the contract follows a procurement exercise which was conducted in accordance with the Council's Standing Orders Relating to Contracts for a below Regulated value works contract.
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## 2. Recommendations

It is recommended that the Finance, Resources and Customer Services Policy Board authorise the Head of Corporate Governance to:

- 2.1 award Contract No. 1 - Surface Treatment 2021/2022 (RC-CPU-20-431) to Kiely Bros. Limited.
- 2.2 The intended starting date is 1 July 2021 with the completion date anticipated to be 31 August 2021. However, the actual starting date and completion date will be confirmed in the Council's Letter of Acceptance.
- 2.3 The contract sum is £565,225.50 excluding VAT

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### 3. Background

- 3.1 Environment and Infrastructure is responsible for the management and maintenance of all roads, excluding trunk roads, within the Council's boundaries.
- 3.2 This contract is to apply surface treatment to carriageways.
- 3.3 A contract notice was published on the Public Contracts Scotland advertising portal on Thursday, 22 April 2021 with the tender documentation available for downloading from the Public Contracts Scotland – Tender platform.
- 3.4 During the tendering period thirteen (13) companies expressed an interest in the contract. By the closing date set for return of electronic tenders at 4pm on Thursday, 6 May 2021, two (2) companies submitted a tender response, four (4) declined to respond and seven (7) failed to respond.
- 3.5 In accordance with the Council's Standing Orders Relating to Contracts 11.5 the two (2) tender submissions received were evaluated against a pre-determined set of criteria in the form of the Single Procurement Document (SPD) which assessed competence, expertise and economic and financial standing by representatives from the Corporate Procurement Unit, Health and Safety and Risk. Both tenderers were assessed as meeting the minimum criteria following the methodology stated in the Invitation to Tender.
- 3.6 Bids were then evaluated against the published set of Award Criteria which were price/quality ratio of 70%/30%.
- 3.7 The scores relative to the award criteria of the tenderers are noted below:

		<b>Price (70%)</b>	<b>Quality (30%)</b>	<b>Total (100%)</b>
<b>1</b>	<b>Kiely Bros. Limited</b>	70.00%	27.25%	<b>97.25%</b>
<b>2</b>	<b>John McQuillan (Contracts) Limited</b>	55.00%	28.00%	<b>83.00%</b>

- 3.8 The evaluation of tender submissions received identified that the submission by Kiely Bros. Limited was the most economically advantageous tender.
- 3.9 Community Benefits were requested as part of the procurement process and Kiely Bros. Limited have committed to the following Community Benefits:

<b>Community Benefit Description</b>	<b>No of People / Activity</b>
Business advice/support to an SME/Social Enterprise/ Voluntary Organisation	2
Financial Support for a Community Project	2

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## **Implications of the Report**

1. **Financial**  
The costs under this contract will be met by the Capital – General Services budget.
2. **HR & Organisational Development**  
Not applicable.
3. **Community/Council Planning**  
Reshaping our place, our economy and our future – the contract proposed will support the delivery of this outcome.
4. **Legal**  
The value of this contract was below the Regulated threshold for works contracts and was conducted in accordance with the Council's Standing Orders Relating to Contracts.
5. **Property/Assets**  
This contract will ensure that the Council's roads are maintained to a high standard.
6. **Information Technology**  
No Information Technology implications have arisen 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 because for example it is for noting only. 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**

Kiely Bros. Limited health and safety credentials were evaluated by Corporate Health and Safety and met the Council's minimum 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**

Kiely Bros. Limited 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 are anticipated.

13. **Climate Risk**

The level of impact associated with the provision of this work has been assessed using the Scottish Government Sustainability Test and is considered to be low risk.

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