

ANGUS COUNCIL

ROADS COMMITTEE

7 MARCH 2002

A90 FORFAR BYPASS IMPROVEMENTS
RETURN OF TENDERS

REPORT BY THE ACTING DIRECTOR OF ROADS

ABSTRACT

This report details the procedure for the evaluation and acceptance of the tenders for the proposed Design, Construct and Maintain Contract for the A90 Forfar Bypass Improvements at the Glamis and Kirriemuir Junctions.

1 RECOMMENDATIONS

It is recommended that the Committee agree:-

- (i) to note the contents of this report; and
- (ii) to delegate consideration of the award of the contract for the A90 Forfar Bypass Improvements at the Glamis and Kirriemuir Junctions to the Executive Sub-Committee of the Roads Committee following the decision of the Scottish Executive.

2 INTRODUCTION

Angus Council is acting as the Scottish Executive's agent for the procurement of junction improvements on the Forfar By-pass section of the A90 Dundee-Aberdeen Trunk Road.

Tenders for the Design, Construction & Maintenance of grade separated junctions at the A929/A94 Glamis Road and A926 Kirriemuir Road junctions on the A90 Trunk Road were issued on 12 October 2001 and returned on 22 February 2002.

The provisional timescale for the contract is shown in Appendix A.

3 DETAILS

This Design, Construct and Maintain Contract is being awarded on the basis of the lowest price (taking into account the offer period and lane rental charges). However before price is considered, the tender submissions will be checked to assess their compliance with the Employer's Requirements and only compliant bids will be given further consideration.

Given the more complicated nature of this type of project, the Scottish Executive has laid out procedures which are to be followed by its agents regarding the way in which the tender documents are to be returned and the opening of the tenders.

The tenders were required to be submitted in two parts, comprising (1) a "Technical Submission" containing the conceptual design and other information required under the tender, and (2) a "Commercial Submission" containing all the information regarding the tender price.

The "Technical Submission" has been opened and an evaluation report will be produced by Angus Council. Once this report is in the hands of the Scottish Executive's Project Director, the "Commercial Submission" part will then be opened and a further evaluation report will be prepared by Angus Council (by officers independent from those involved in the evaluation of the Technical Submission). This will also be passed to the Project Director.

The Project Director will open both reports at the same time and, along with the Scottish Executive's Chief Roads Engineer, will make a decision on who will be awarded the contract.

Given that there will be four different designs, various factors will be considered from the Technical and Commercial Submissions to achieve Best Value. The Scottish Executive will have the final decision on who will be awarded the contract, based on the tender evaluation reports submitted by Angus Council.

Angus Council will be the Employer for this project and will award the contract to the winning tenderer following the decision of the Scottish Executive's Project Director and Chief Roads Engineer. This is likely to be sometime in April.

Following some negotiation, the Scottish Executive has given Angus Council an indemnity for the Council acting as the Executive's agent for this work under Section 4 of the Roads (Scotland) Act 1984. Provided that the Council takes all the precautions it would take if it was the roads authority for the trunk road, the Scottish Ministers have indemnified the Council against all claims for damages, compensation and costs that may arise by virtue of the agency. The Director of Law and Administration is satisfied that this represents reasonable protection of the Council's interests in the circumstances.

Before award of contract it is proposed that a Sub-committee of the Roads Committee be convened at the appropriate time to agree that Angus Council enter into a contract with the winning tenderer in accordance with the decision of the Scottish Executive.

4 **FINANCIAL IMPLICATIONS**

The cost of these improvements will be fully funded by the Scottish Executive. The Executive has given Angus Council an indemnity for this agency work as referred to above. Therefore there are no expenditure implications for Angus Council. There will however be income to the Roads Revenue Account from the recovery of fees for engineering, administration and site supervision. This income is reflected in the Roads Revenue Budget for 2002/03.

5 HUMAN RIGHTS IMPLICATIONS

There are no human rights implications arising from the proposals in this report.

6 CONSULTATION

The Chief Executive, the Director of Law and Administration and the Director of Finance have been consulted in the preparation of this report.

7 CONCLUSION

Procedures are in place and are being followed for the return and assessment of tenders for the Design, Construct and Maintain Contract for the junction improvements on the A90 Forfar By-pass. It is anticipated that this process will be concluded in April 2002. The agreement of a Sub-committee of the Roads Committee will be required before the contract is placed.

R W McNeil
ACTING DIRECTOR OF ROADS

NOTE:

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this Report:-

Report No. 1357/01 – A90 Forfar Bypass Junction Improvements – Invitation to Tender Update – Angus Council Roads Committee – 22 November 2001.

Report No. 946/01 – A90 Forfar Bypass Improvements – Glamis and Kirriemuir Road Junctions – Supplementary Ground Investigation Work – Angus Council Roads Committee – 23 August 2001.

Report No. 1164/00 – A90 Forfar Bypass Junction Improvements Update – Angus Council Roads Committee – 12 October 2000.

Report No. 458/99 – A90 Forfar Bypass Junction Improvements – Angus Council Roads Committee – 20 April 1999.

Report No. 873/97 – Road Safety – Forfar Bypass Junctions – Angus Council Roads Committee – 28 August 1997.

Report No. 104/97 – Road Safety A90 Forfar Bypass Junctions – Angus Council Roads Committee – 23 January 1997.

BF/JSG
31 January 2002
REPORTS/a90.bypass.tenders

A90 FORFAR BYPASS IMPROVEMENTS**RETURN OF TENDERS**

PROVISIONAL TIMESCALE FOR CONTRACT	
Tender Documents Issued	12 October 2001
Return of Tenders	22 February 2002
Award of Contract	April 2002
Commencement on Site	June 2002
Completion	May 2003
Commencement of Maintenance Period	May 2003
End of (3 year) Maintenance Period	May 2006