

ANGUS COUNCIL

19 MARCH 2020

**PROCUREMENT AUTHORITY REPORT – CONTRACT FOR CONSULTANT SERVICES FOR
ARBROATH'S PLACES FOR EVERYONE PROJECT**

REPORT BY DIRECTOR OF INFRASTRUCTURE

ABSTRACT

This report seeks authority to undertake a procurement exercise to put in place a contract for professional services to deliver Arbroath's Places for Everyone.

1. RECOMMENDATION

It is recommended that the Council authorises the Director of Infrastructure, following consultation with the Director of Legal and Democratic Services, to undertake a procurement exercise through min-competition from the Scotland Excel Engineering and Technical Consultancy Framework Contract to award a contract for professional services to deliver Arbroath's Places for Everyone project.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans (LOIP):

ECONOMY

- An inclusive and sustainable economy

LOIP Area for action: Together we will increase accessibility in and around town by:

- improving disability access
- developing cycle and walking paths

PLACE

- An enhanced, protected and enjoyed natural and built environment
- A reduced carbon footprint
- Safe, secure, vibrant and sustainable communities

LOIP Area for action: Together we will improve connections within the town and with its hinterland by:

- improving pedestrian and cycling provision
- making better use of green spaces
- developing path networks
- improving links from railway and bus stations to the town centre
- exploring redesign options for Burnside Drive (dual carriageway)

3. BACKGROUND

- 3.1 Reference is made to Report No. 410/19 presented to Angus Council on 5 December 2019, which provided the background to the project in Arbroath to create safe, attractive, healthier places by increasing the number of trips made by walking, cycling and wheeling for everyday journeys.

3.2 Angus Council approved the financial commitment the project and the signing of the funding agreement between Angus Council and Sustrans at Angus Council on 27 February 2020 (reference Report No. 86/20).

4. CURRENT POSITION

4.1 Final details of the funding agreement between Sustrans and Angus Council, e.g. dates and names, are being finalised and will be signed by the Director of Infrastructure, following consultation with the Director of Legal and Democratic Services (reference Report No. 86/20).

4.2 As detailed in Report No. 410/19, the procurement of professional consultant services to complete Stage 3 Developed Design, and to undertake Stage 4 Technical Design, Stage 5 Construction and Stage 6 Handover & Close Out is required. This report seeks that authority.

5. PROCUREMENT PROPOSALS

5.1 It is proposed to undertake a procurement exercise to award a contract for professional services to deliver Arbroath's Places for Everyone project.

5.2 The details of the proposed terms of this procurement are set out in **Appendix 1**.

5.3 The estimated costs for these services is well in the range of £500k to £1million, in excess of the EU Procurement Threshold of £181,302.

5.4 It is proposed to undertake a mini-competition through the Scotland Excel Framework for Engineering and Technical Consultancy. The use of the Scotland Excel Engineering and Technical Consultancy Framework Contract as the primary procurement route for the provision of civil and structural engineering sub-consultancy services was approved by Communities Committee of 21 January 2014 (Report No. 37/14). This Framework includes for the required Traffic and Transport services required. It is suitable for use on contracts that exceed the EU Procurement Threshold, and has been procured to meet the required EU Regulations, and this meets the requirements of our Financial Regulations.

5.5 The Procurement & Commissioning Manager has been consulted on this proposal.

6. FINANCIAL IMPLICATIONS

6.1 The overall contract costs for the project were approved by Angus Council on 27 February 2020 (reference Report No. 86/20). There is therefore budget provision for the estimated cost of the contract.

6.2 The cost of these Stage 3, 4 & 5 services can be contained within the above budget provision and would be eligible for 100% funding from Sustrans. The contract would be with Angus Council, which would issue the payments to the consultant, and reclaim the eligible costs from Sustrans through the Places for Everyone fund at agreed intervals.

7. CONSULTATION

7.1 The Director of Finance, Director of Legal and Democratic Services and the Manager, Procurement & Commissioning have been consulted in the preparation of this report.

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

- Report No. 86/20 – Arbroath Active Travel Active Town – Update & Budget Proposals - Angus Council, 27 February 2020
- Report No. 410/19 – Arbroath Active Travel Active Town – Angus Council, 5 December 2019
- Report No. 37/14 – Civil and Structural Engineering Services Sub-Consultancy Provision – Communities Committee, 21 January 2014.

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Strategic Procurement Context

Aims of the Service

- provide engineering and technical consultancy services to develop the design of the Arbroath's Places for Everyone project, through Sustrans Stage 3 Developed Design, Stage 4 Technical Design, Stage 5 Construction and Stage 6 Handover & Close Out.
- Stages 3-6 will commence in April/May 2020 and shall run over around three years to anticipated completion in 2023/24 with reviews at the end of each Stage ahead of progressing to the next Stage, which would allow for the termination of the contract provision if necessary.

Sustainable Procurement

Sustainable public procurement aims to make the best use of public money, helping us to achieve our overarching purpose and strategic objectives.

The sustainable procurement duty (Procurement Reform (Scotland) Act 2014) requires that before a contracting authority buys anything, it must think about how it can improve the social, environmental and economic wellbeing of the area in which it operates, with a particular focus on reducing inequality.

The delivery of this contract will contribute to fulfilment of the councils' sustainable procurement duty by ensuring equality of access to service users through the creation of safe, attractive, healthier places and increasing the number of trips made by walking, cycling and wheeling for everyday journeys. This will contribute to improvement of the social, environmental and economic wellbeing of Arbroath and connectedness with the rest of Angus.

As approved in Report No. 37/14, there is an option to procure from alternative suppliers to those on the Scotland Excel Engineering and Technical Consultancy Framework Contract. However, due to the scale and scope of the project the primary procurement route of using the national Scotland Excel Engineering and Technical Consultancy Framework Contract, which establishes a national/cross-sectoral collaborative procurement opportunity, has been chosen.

The Scotland Excel Engineering and Technical Consultancy Framework Contract includes provision for community benefits requirements, which will be included. The Framework includes provision for Ethical Requirements, including promoting appropriate standards regarding legal, ethical and social issues including, for example, the prohibition of modern slavery (as provided for in the Modern Slavery Act 2015), health and safety, security of employment rights, equality, corruption and fair trade, in particular in low cost or developing countries).

Procurement Risks

The use of the Scotland Excel Engineering and Technical Consultancy Framework Contract as the primary procurement route for the provision of civil and structural engineering sub-consultancy services was approved by Communities Committee of 21 January 2014 (Report No. 37/14).

This Framework includes for the required Traffic and Transport services required. The mini-competition procedure, accessible only to those suppliers on the Framework, will be applied for the tendering exercise, which will include an assessment of quality that will be used in the evaluation with a minimum quality threshold of 70%, and the award will then apply a 70/30 cost/quality split. The Framework is suitable for use on contracts that exceed the EU Procurement Threshold, and has been procured to meet the required EU Regulations, and this meets the requirements of our Financial Regulations.

The Mini Competition Process to be applied from the Scotland Excel Engineering and Technical Consultancy Framework Contract complies with the requirements of the Public Contracts (Scotland) Regulations 2015. This allows for prices to be sought from the suppliers on the Framework and a contract award to be made on the basis of the most economically advantageous.

The Scotland Excel Engineering and Technical Consultancy Framework Contract has been used on many occasions and is considered to represent an acceptably low procurement risk.

Major Procurement

This procurement is not considered to be a "major procurement" within the meaning of Regulation

16.8.4.

Conclusions from the sourcing strategy

It is not considered that the local market can meet this requirement, for which approval of Report No. 37/14 provides for the use of the Scotland Excel Engineering and Technical Consultancy Framework Contract.