

# Finance and Resources Committee

10am, Thursday, 17 March 2016

## Award of Contract for Consultancy Services to Undertake Retaining Wall Investigations

Item number	7.14
Report number	
Executive/routine	
Wards	All

### Executive summary

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This report seeks the approval of the Finance and Resources Committee for the award of a contract for consultancy services to undertake retaining wall investigations throughout the city.

### Links

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Coalition pledges

Council outcomes

Single Outcome Agreement [SO4](#)

## Award of Contract for Consultancy Services to Undertake Retaining Wall Investigations

### Recommendations

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- 1.1 That the Finance and Resources Committee approve the appointment of Amey to undertake retaining wall investigations throughout the city for a contract sum of £45,785.42, plus expenses estimated at £14,630.00.

### Background

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- 2.1 The Maintenance (Bridges) Team within Planning and Transport is responsible for the inspection and maintenance of Council owned bridges and other road related structures throughout the city. Such other structures include retaining walls which either support the road, or support ground which would otherwise affect the road.
- 2.2 Information on the majority of retaining walls in the city is limited, and it is therefore necessary to undertake investigations to catalogue the walls and collate data on them. This will help to establish a register of assets with associated maintenance liabilities.
- 2.3 As there is limited information on the location, extent and condition of many retaining walls within the city, any maintenance tends to be reactive. The need for reactive maintenance typically arises once a wall has started to show signs of distress, and in some cases pose a risk to public safety, and is often only reported to the Council by members of the public.
- 2.4 The primary benefit of the proposed works is to enable a formal inspection and maintenance regime to be prepared. This would be expected to lead to more proactive, planned maintenance rather than reactive maintenance, often in the form of emergency repairs, which is currently typical.
- 2.5 There are insufficient resources available within the Maintenance (Bridges) Team to undertake the retaining wall investigations in-house. It is therefore necessary to appoint a competent consultant to undertake a city-wide survey that will identify and collect data on all retaining walls which either support public roads/footways, or support ground above the level of public roads/footways.
- 2.6 It has been estimated that this investigation will take three months to complete.

### Tender Process and Evaluation

- 3.1 The 11 consultancies which are listed under Lot 1 (Roads and Structures) of the Scotland Excel Framework for Engineering and Technical Consultancy Services 01-11 (the Framework contract) were approached to establish whether or not they wished to be invited to tender for the provision of this service. Eight of the 11 confirmed that they would like to be invited to tender, namely:
- Aecom Limited;
  - Amey;
  - Atkins Limited;
  - Capita Property and Infrastructure Limited;
  - Grontmij Limited;
  - Mott MacDonald;
  - Mouchel Limited; and
  - WSP UK.
- 3.2 These eight consultancies were invited to tender through the Public Contracts Scotland portal on 17 December 2015, using a mini-competition process as set out in the Framework contract. Three tender returns were received via the Public Contracts Scotland portal by the closing date on 20 January 2016.
- 3.3 In order to identify the provider offering the best value, the tender evaluation included an emphasis on quality as well as price, with bids being assessed on the basis of the most economically advantageous tender. A ratio of 60% quality to 40% cost was used, which is dictated by the overarching Framework contract.
- 3.4 The services to be provided are relatively straightforward, well within the capabilities of any consultant on the framework and offer little scope for consultants to differentiate themselves from others in terms of how the services are delivered. On that basis, it was considered appropriate to carry forward the quality scores obtained by each consultant in tendering for the overarching framework contract rather than undertaking an additional quality assessment in this procurement exercise. The mini-competition was therefore conducted with tenders invited to submit prices only.
- 3.5 The tender returns were checked for compliance and all were deemed compliant by the evaluation panel, which comprised one officer from the Maintenance (Bridges) Team and one officer from Commercial and Procurement Services.

- 3.6 Tenders were then subject to a cost analysis based on the activity schedule prices and expenses information submitted by each consultant. Under the NEC3 Professional Services Contract (the PSC), which governs the contract, the consultant is entitled to include expenses within their tender submission but these are not included in the tendered total of the prices in accordance with the PSC. In order to take account of such expenses in the tender evaluation process, a 'Tender Evaluation Matrix' was created and included as an Appendix to the 'Instructions to Tenderers' for their information. This matrix takes account of different types of expenses in arriving at a 'notional tender total for tender evaluation purposes' for each consultant.
- 3.7 Minor clarifications were sought from two of the tenderers and satisfactory responses were received. The consultant with the lowest notional total resulting from this tender evaluation exercise was allocated the full 40% weighted cost score. All other consultants were allocated a cost score on a pro-rata basis against the lowest total.
- 3.8 Following detailed analysis of the tender returns it was deemed that the tenders received were competitive.
- 3.9 The scores from the cost analysis were added to the pre-determined quality scores to reach a combined score for each tender submission, with scores as follows:

Company	Quality Score	Price Score	Combined Score	Notional Tender Total
Amey	48.3	40	88.3	£60,415.42
Tenderer 2	44.4	28	72.4	£78,529.72
Tenderer 3	44.7	13.7	58.4	£100,091.71

- 3.10 The outcome of the tender evaluation is that Amey submitted the most economically advantageous tender with a notional tender total of £60,415.42, and have been identified as the preferred bidder. A summary of the tendering and evaluation process is included in Appendix 1.

## Measures of success

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- 4.1 Success will be measured against the consultant's ability to produce the necessary deliverables on programme and within budget. This will be monitored on a monthly basis for the duration of the contract.

## Financial impact

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- 5.1 The estimated contract value is £60,415.42 including an allowance for expenses and contingencies. These costs can be met from the bridges maintenance revenue budget (2016/17).
- 5.2 The costs associated with procuring this contract are estimated at up to £10,000.

## Risk, policy, compliance and governance impact

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- 6.1 By definition, there are retaining walls within the city which not only support roads, or ground above roads, but also act as boundary walls to private properties. The contract document therefore sets out a procedure whereby the consultant will be required to approach owners and provide them with a standard letter explaining the survey works before seeking permission to take measurements and photographs of such walls.
- 6.2 A risk exists that, in some circumstances, owners may be unwilling to accommodate the short duration works required to obtain meaningful wall information. In such instances the consultant will withdraw and notify the Maintenance (Bridges) Team's contract manager of the situation. Arrangements will then be made for notice to be served on the owners in question, under the Roads (Scotland) Act 1984, which will allow the consultant to make a return visit to obtain the wall information required.
- 6.3 A 5% contingency has been built into the tendered price to mitigate against the cost of such repeat visits.
- 6.4 The Maintenance (Bridges) Team will be responsible for the contract management and will monitor the performance of the consultant throughout the duration of the contract. This will include day to day contact, periodic progress meetings, assisting with public liaison, site visits, deliverable approvals and financial administration.

## Equalities impact

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- 7.1 There is no relationship between the public sector general equality duty and the matters described in this report and no direct equalities impact arising from this report.
- 7.2 It has, however, been identified that, in the process of providing homeowners with standard letters outlining the work being undertaken (refer to section 6.1), the consultants staff would be expected to encounter various different groups including people who may have visual impairment or whose first language may not be English. It will therefore be ensured that the standard letters produced for homeowners can be made available in Braille format and/or different languages as may be required, on request.

## Sustainability impact

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- 8.1 There are no sustainability implications as the recommendation in this report does not affect public bodies' duties with regards to the three elements of the Climate Change (Scotland) Act 2009.

## Consultation and engagement

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- 9.1 Commercial and Procurement Services has been engaged in the procurement of this consultancy contract.
- 9.2 No other specific consultation or engagement has been considered necessary or appropriate for this 'city-wide' contract.

## Background reading/external references

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None.

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## Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement** SO4 - Edinburgh's communities are safer and have improved physical and social fabric.

**Appendices** Appendix 1 – Summary of Tendering and Tender Evaluation Process

## Appendix 1 – Summary of Tendering and Tender Evaluation Processes

Contract	Retaining Walls Investigation Ref: CT0186
Contract Period	March 2016 – May 2016 (3 months)
Estimated Contract Value	£60,415.42
Standing Orders Observed	<p>2.4 EU Principles applied</p> <p>2.9 Commercial and Procurement Manager provided resource to advise on and arrange tendering</p> <p>3.1 Director has responsibility for selecting and appointing contractors</p> <p>3.2 Director has responsibility for all Contracts tendered and let by their Directorate</p> <p>4.1 Tender documents clearly set out the proposed method of evaluation as well as the scope, timing, quality and quantity of the services required</p> <p>5.1 Tenders were evaluated on the basis of the most economically advantageous criteria</p> <p>5.3 Tenders evaluated by a panel comprising officers having sufficient knowledge and technical ability</p> <p>8.1 Invitations to tender issued and received by electronic means</p>
Portal used to advertise	Public Contracts Scotland
EU Procedure Chosen	Mini-competition utilising Scotland Excel Framework for Engineering and Technical Consultancy Services 01-11
Invitations to Tender Issued	Eight
Tenders Returned	Three
Tenders Fully Compliant	Three
Recommended Supplier	Amey



Primary Criteria	Most economically advantageous tender to have satisfied compliance checks, with the following Price:Quality ratio. 40% Price 60% Quality
Evaluation Team	1 Maintenance (Bridges) Staff
Procurement Advisors	1 CPS Staff