

---

## NORTH AYRSHIRE COUNCIL

12 June 2020

### Emergency Governance Decisions (Covid-19 Outbreak)

---

**Title:** Award of Contract for Upper Garnock Valley Flood Protection Scheme Works

**Purpose:** To advise of the outcome of the tendering exercise for the Upper Garnock Valley Flood Protection Scheme and recommend the award of a contract.

**Recommendation:** That the Chief Executive, following appropriate consultation, agrees on behalf of the Council that the contract be awarded to McLaughlin & Harvey.

---

#### 1. Executive Summary

- 1.1 North Ayrshire Council required to establish a new Contract for the Upper Garnock Valley Flood Protection Scheme Works. The purpose of this scheme is to reduce the risk of flooding from the River Garnock and tributaries to the towns of Kilbirnie, Glengarnock and Dalry.
- 1.2 In order to comply with the Council's Standing Orders Relating to Contracts and public procurement legislation a formal tendering exercise was undertaken.
- 1.3 The Contract term is for 18 months with the award to McLaughlin & Harvey.

#### 2. Background

- 2.1 In light of the current Covid-19 outbreak, meetings of the Council and its committees have been suspended until 30 June 2020. During this period, the Scheme of Delegation to Officers already allows the Chief Executive to consider and deal with any urgent issues, howsoever arising, subject to reporting back to the Cabinet for information at the first available opportunity. This power is to be exercised in consultation with the relevant Chief Officer and the relevant portfolio holder. Please see Section 5 for further details of the consultation which has been undertaken in the preparation of this report.
- 2.2 A prior information notice was published on 12 August 2019 to notify the market of the forthcoming procurement exercise.

- 2.3 A formal contract notice was advertised on 8 November 2019 under the open procedure on Public Contracts Scotland and the Official Journal of the European Union and the procurement exercise was carried out via the PCS-Tender System. The return date for the tender was 12 noon on 14 February 2020.
- 2.4 The contract notice attracted 20 expressions of interest of which 4 submitted a tender response.
- 2.5 The contract notice attracted no expressions of interest from local or Pan Ayrshire bidders.
- 2.6 The tender responses received were evaluated against the stated evaluation criteria of 60% price and 40% quality to determine the most economically advantageous tender.

### **3. Proposals**

- 3.1 The Chief Executive, following appropriate consultation, is invited on behalf of the Council to award the contract to McLaughlin & Harvey.

### **4. Implications/Socio-economic Duty**

#### **Financial**

- 4.1 The total value of the overall Contract is £12,630,700. A budget of £14,305,100 is available for this requirement.

#### **Human Resources**

- 4.2 None.

#### **Legal**

- 4.3 None.

#### **Equality/Socio-economic**

- 4.4 None.

#### **Environmental and Sustainability**

- 4.5 This contract will reduce the risk of flooding from the River Garnock and tributaries to the towns of Kilbirnie, Glengarnock and Dalry therefore keep our communities safe.

#### **Key Priorities**

- 4.6 This contract supports the Council's priority outcome:
- Inspiring Place
    - North Ayrshire is a sustainable environment - we will protect our communities by delivering the Upper Garnock Flood Protection Scheme

## **Community Wealth Building**

4.7 Procurement – Community Benefits was a minimum condition of this tender and the successful tenderer will deliver the following Community Benefits over the duration of the contract:

- o Employability Requirements – 758 weeks.
- o 1 Workshop for an SME and 1 workshop for a Third Sector Organisation (TSO's) and proactive maximisation of opportunities for SME's, TSO's and Supported Businesses.
- o Work placement for a minimum of 5 days for an S4, S5 or S6 pupil from a North Ayrshire School
- o Support for a community project agreed in conjunction with NAC Communities department involving local people and reflecting local priorities
- o To work closely with North Ayrshire Council and the local community to provide a service over and above these minimum requirements.

Employment – McLaughlin & Harvey pay the living wage.

Land and Assets – Not applicable.

Financial Power - Not applicable.

Democratic Ownership – Not applicable.

## **5. Consultation**

5.1 Throughout the tender process there was direct involvement with the Flooding & Structural Design Team in Commercial Services (Roads & Transportation) and consultation with external Professional and Technical advisors.

Mark Boyd  
Head of Financial & Customer Services

For further information please contact **Suzanne Quinn, I Category Manager- Supplies Services and Works**, on **01294 324 039**.

## **Background Papers**

Tender Outcome Report (NAC/2120)