

ITEM No ...7.....

REPORT TO: NEIGHBOURHOOD REGENERATION, HOUSING AND ESTATE
MANAGEMENT COMMITTEE – 28 OCTOBER 2024

REPORT ON: EMPOWERED COMMUNITIES, N2329 - CITY WIDE BOUNDARY WALL
IMPROVEMENT WORKS SOURCING STRATEGY

REPORT BY: EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 305-2024

1 PURPOSE OF REPORT

- 1.1 To seek approval of the procurement sourcing strategy for provision of Contractors to deliver the Empowered Communities, N2329 - City Wide Boundary Wall Improvement Works £398,000 budget for 2024/2025 financial year.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee:
- a approves the commencement of a procurement exercise in respect of the projects described, via Open Tender through Public Contracts Scotland, based on the sourcing strategy summarised in this report; and
 - b delegates authority to the Executive Director of City Development to finalise the procurement sourcing strategy and award contracts (as set out in Section 4.0) up to the combined value of £398,000, to successful Contractors bidding, following a tender process carried out in compliance with Public Contracts (Scotland) Regulations 2015.

3 FINANCIAL IMPLICATIONS

- 3.1 The Executive Director of Corporate Services confirms that funding is available.

4 SOURCING STRATEGY SUMMARY

- 4.1 It is proposed to appoint Contractors to deliver the following.

Financial Year 2024/2025

- a NHW 2 Barnhill Cemetery boundary wall works;
 - b NHW 4 Eastern Cemetery boundary wall works;
 - c NHW 6 Western Cemetery boundary wall works;
 - d NHW 7 Mains Church Cemetery boundary wall works;
 - e NHW 8 The Howff Cemetery works;
 - f NHW 32 Trottick Ponds river training works;
 - g NHW 40 Claypotts Skating Pond Retaining wall works; and
 - h Infirmary Brae Wall works.
- 4.2 The Council will invite competitive bids from suitably qualified contractors, assessing cost, experience, resources and performance to award each contract to a single Contractor. Tenders will be evaluated by Council Officers from the City Engineers.

5 RISK ANALYSIS

- 5.1 There are four standard risks in any procurement and for public sector regulated procurements, a fifth is added, that of the procurement exercise itself breaching the public contracts regulations and leaving the Council open to a legal challenge.

Table 2 - Risk Analysis

Description of Risk	Actions To Be Taken To Manage Risk
Commercial Risk – that either the price objectives are not achieved up front or there are other costs that arise during the contract and diminish the overall benefits.	Low Risk - the contract will be tendered and awarded through a compliant tender procedure, through which all costs have been considered.
Technical Risk – this concerns the difficulty in being able to specify the desired outcome and on the market being unable to deliver to the specification.	Low Risk - the contract will be tendered and awarded through a compliant procedure. Bidders will be required to demonstrate technical competence as part of the tender evaluation process.
Performance Risk – this concerns the ability of suppliers to perform consistently over the life of the contract to deliver the planned benefits.	Low Risk – a contract management process will be put in place with the use of KPI's.
Contractual Risk – being able to remedy the shortcomings in the contractor's performance without severely damaging the contract and about avoiding reliance on the contracted supplier as the contract develops.	Low Risk - DCC are contractually protected via the NEC contract terms and conditions. The contractors shall be proactively managed during the term of the contracts.
Procurement Risk – where a procurement is found unsound in law, through the public procurement rules.	Low Risk – these are non-regulated works contracts. This procurement will involve inviting competitive bids from suitably qualified contractors.

6 SUMMARY

- 6.1 It is recommended that the Committee approve this Sourcing Strategy and award appropriate delegated powers to the Executive Director of City Development to proceed as outlined.

7 POLICY IMPLICATIONS

- 7.1 This report has been subject to the Pre-IIA Screening Tool and does not make any recommendations for change to strategy, policy, procedures, services or funding and so has not been subject to an Integrated Impact Assessment. An appropriate Senior Manager has reviewed and agreed with this assessment.

8 CONSULTATIONS

- 8.1 The Council Leadership Team have been consulted in the preparation of this report and are in agreement with its content.

9 BACKGROUND PAPERS

9.1 None.

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