



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

SP-21-041

Scottish Procurement & Property Directorate  
(SPPD)

Civil Engineering Framework (Scotland)

Lot 1-3

Buyer's Guide

## 1. Introduction

The Framework will run from 25 March 2024 to 24 March 2028. A full range of both general civil engineering works and associated services and structural civil engineering works and associated services (the latter relating to structure construction, maintenance and refurbishment relating to structure construction works). There is no maximum contract length for Work Orders. Work Orders must be awarded before midnight on the Framework End date, and can continue beyond the Framework End date.

[Contract Notice](#) is available.

## 2. Framework benefits

- reduction in duplication of procurement activity across the Scottish public sector;
- the framework has been entered into following a comprehensive tender exercise, under applicable public procurement regulations (Public Contracts (Scotland) Regulations 2015 (as amended)), and provides a clear and easy route to market for Contracting Authorities with no need to run a full procurement process;
- easy to use framework allowing Contracting Authorities to call off directly;
- standardised approach to terms and conditions that should not be subject to further negotiation;
- terms and conditions have been considered by industry in advance of the Framework going live;
- Work Orders may be procured by mini competition, or by direct award if the requirements of the Procurement Regulations are met;
- centralised framework administration and management; and
- opportunity to maximise savings and performance benefits through creation of economies of scale for contractors

## 3. Framework point of contact

Collaborative Construction Team

Email: CCT\_SPPD@gov.scot

## 4. Framework management arrangements

At Framework level, management will include collection of KPIs, collation of spend data, co-ordination of user feedback groups, Framework Contractor reviews and escalations should resolution on a local level prove unsuccessful. Early engagement with CCT will aid Framework Management, please contact the team to provide updates on the procurement process.

## 5. Framework scope

The works and associated services you can procure through this framework have been divided into 3 Lots. See below for more information on each of these lots.

### Lot 1. General Civil Engineering Works greater than 5M GBP up to 25M GBP

A full range of general civil engineering works and associated services for work packages (excluding structural civil engineering works)

### Lot 2. Structural Civil Engineering Works greater than 5M GBP up to 25M GBP

A full range of structural civil engineering works and associated services for work packages

### Lot 3. All Civil Engineering Works greater than 25M GBP up to 100M GBP

A full range of general civil engineering works and associated services and structural civil engineering works and associated services (the latter relating to structure construction, maintenance and refurbishment relating to structure construction works)

## 6. Framework suppliers

The table below lists Framework Suppliers (in alphabetical order – Framework Suppliers are not ranked). Please see the Buyer's Guide on Knowledge Hub for full Contact details.

### Lot 1

Amalgamated Construction Ltd

Balfour Civil Engineering Ltd, as disclosed agent of Balfour Beatty Group Ltd

Farrans Construction trading as a Division of Northstone (NI) Ltd

Galliford Try Construction Limited T/A Morrison Construction

John Graham Construction Ltd

Morgan Sindall Construction & Infrastructure Ltd

### Lot 2

Balfour Civil Engineering Ltd, as disclosed agent of Balfour Beatty Group Ltd

Galliford Try Construction Limited T/A Morrison Construction

John Graham Construction Ltd

Morgan Sindall Construction & Infrastructure Ltd

RJ McLeod (Contractors) Ltd

Taziker Industrial

### Lot 3

Balfour Civil Engineering Ltd, as disclosed agent of Balfour Beatty Group Ltd

Farrans Construction trading as a Division of Northstone (NI) Ltd

John Graham Construction Ltd

Morgan Sindall Construction & Infrastructure Ltd

## 7. Access framework agreement

The Knowledge Hub contains all relevant documents, pricing, and terms and conditions. If you are not registered to access this site and are eligible to use the frameworks [please complete this template](#) and send to: [cct\\_sppd@gov.uk](mailto:cct_sppd@gov.uk). Please note that any information obtained via the Knowledge Hub site (such as framework agreement documentation, framework terms and pricing) must be treated as [commercially confidential](#) and must not be shared with anyone outside your organisation without the prior approval of SPPD.

[Framework folder](#) is available.

### Sourcing platform

To communicate with Framework Suppliers use email, Public Contract Scotland (PCS), Public Contact Scotland – Tender (PCS-T) or a similar platform.

You should also use the [SG Guidance on Construction Procurement](#), and publish the contract information on PCS.

## 8. Engage with framework suppliers & managers

You can contact Framework Suppliers via email, PCS, and/or PCS-T. You can also ask for an Expression of Interest (EOI), a template can be found in the [‘Buyers Guide and Work Order Documents’](#) folder on the Knowledge Hub. Should you use an EOI then this formally starts the call-off process.

### Inform framework management team

Contact CCT ([CCT\\_SPPD@gov.scot](mailto:CCT_SPPD@gov.scot)) to ensure they have early sight of the project and to obtain a project number from them. Detail of any EOI / pipeline requirements will help the team understand Works passing through the Framework.

## 9. NEC4 work order contract considerations

Framework Public Bodies to consider the following:

- long form (ECC/ECSC) or short form (ECSC/TSSC) contract (see Annex F in the Buyer's Guide on the Knowledge Hub for further information)
- main and secondary Options (in the case of long form)
- completion of the entries in Contract Data Part 1 – some of which adjust levels of risk and reward for the options (see the worked example in Annex E in the Buyer's Guide on the Knowledge Hub) and
- option Z (additional conditions of contract) – these are provided in the Work Order template documents. The additional conditions included cannot be changed
- completion of content for other documents (e.g. design requirements, scope, site information)

Secondary options preselected within the template contract data must be included in Framework Work Order contracts.

All relevant Work Order template documents are held in the 'Buyers Guide and Work Order Documents' folder on the Knowledge Hub (NEC4: ECC/ECSC/TSC/TSSC with additional clauses).

There are no set parameters for which form of contract to use (ECC, ECSC, TSC, TSSC) for a Work Order, though we envisage the majority of Work Orders under the Framework will be ECC. Please see Annex F in the Buyer's Guide on the Knowledge Hub for considerations on whether a particular Work Order should be in the form of the ECC, ECSC, TSC or TSSC.

Whichever main Option in the NEC4 ECC contract is chosen will determine how the works are priced. A contract can either be priced or can use a target price, in each case using a Bill of Quantities or an Activity Schedule. There is also a cost reimbursable (cost plus) option and a management contract option (although this latter option is rarely used) – neither of these two options have a pricing document. Under Main Option A, the Framework Contractor is to receive payment for each

piece of work identified in the Activity Schedule. If there is a group of activities in the Activity Schedule, the Framework Contractor can only be paid once everything comprising the group of activities has been completed (it cannot receive payment for any of the individual activities in the group).

Project Bank Accounts (PBAs): Scottish Government policy requires that PBAs are operated where the contract sum is above a specified amount (currently where the estimated contract value is more than or equal to £5M for civil engineering projects. Payments under Work Orders are therefore required to be made by way of a Project Bank Account (PBA). Please see the Frequently Asked Questions section (Annex D in the Buyer's Guide on the Knowledge Hub) for further information on specific amendments.

NEC4: A User's Guide is recommended for information on utilising the NEC4 suite of Contracts. Please note that SG does not provide specialised NEC4 advice.

This Buyer's Guide is not a definitive, technical or legal document and Contracting Authorities should always seek their own professional technical and legal guidance and advice. However, we advise strongly that Framework Public Bodies speak to the Collaborative Construction Team about this framework before tender or contract documentation (whether proposing to appoint via a direct award or by conducting a mini-competition) and before engaging any separate advice.

### NEC4 project manager / service manager

A NEC4 Project Manager is required for the ECC, and a Service Manager is required for the TSC. There is no equivalent role for either the ECSC or the TSSC, which are far simpler to operate and are designed to be managed by the Client itself.

Framework Public Bodies may wish to appoint a consultant to administer the contract anyway and this would not be unusual.

The long form contracts in particular are complex and rely heavily on the knowledge and ability of a Project Manager / Service Manager as appropriate. Where the appointed Project Manager / Service Manager has the time and experience to operate the Work Order Contract, this will take a substantial amount of

administration away from the Framework Public Body. Conversely, if the Work Order Contract is not correctly and efficiently administered, potential disputes with and claims from the Framework Contractor could arise.

The Project Manager / Service Manager should be a specialist, independent consultant with considerable experience of operating NEC4 contracts. Ideally, they would have a degree in engineering, construction or another built environment subject, chartered or Incorporated status with a relevant professional institution, accreditation as a NEC Project Manager or Supervisor (NECReg), and experience of managing contractors, consultants and other advisors throughout large and complex construction projects, in a regulated environment.

More generally, they should have a good understanding of the NEC4 contract being used, its main and secondary Options, including the ability to comprehend additional conditions of contract and recognise critical contract processes. Knowledge of the relevant industry legislation and contract principles will be useful, as will experience with taking ownership of own responsibilities, acting as stated in the contract and confidently managing key stakeholders.

It is sometimes the case that the Project Manager is an internal appointment of the client. The Project Manager / Service Manager is required by the relevant contract to exercise discretion fairly and reasonably as between the parties. It should be noted that if an independent Project Manager / Service Manager is appointed at the outset the Framework Public Body cannot later replace that independent party with an internal appointment as this would be inconsistent with the requirement for the Project Manager / Service Manager to act fairly between the parties.

It is also important to distinguish between a “project manager” (lower case) appointed by a client to be responsible for the project within the organisation, and the “Project Manager” / “Service Manager” (as defined in the ECC / TSC) who would administer the contract on a day-to-day basis. It is not advisable to allocate the role of Project Manager to an individual for purely internal organisational reasons, unless:

- that individual (1) has sufficient time to dedicate to fulfilling the role of Project Manager / Service Manager under an NEC4 contract (bearing in mind that the



role could equate to one or more FTE jobs depending on the size and nature of the project); and (2) has sufficient knowledge and experience of NEC4 contracts to perform that role, combined with the personal attitude that is generally considered to be of particular importance to the successful running of an NEC4 contract; or

- the day-to-day running of the ECC / TSC will be formally delegated by the Project Manager / Service Manager to individuals who do have the time, knowledge, experience and attitude required to successfully administer the contract

### Useful NEC4 background

The bespoke amendments to the above NEC4 standard forms of contract arise from three basic considerations:

- amendments to reflect the particular requirements and desired risk allocation of the Scottish Ministers and/or Contracting Authorities;
- amendments to reflect Scots law and practice; and
- presentational changes to make the Framework more user friendly and to ensure continuity across the suite of contracts used

Please see the Frequently Asked Questions section (Annex D in the Buyer's Guide on the Knowledge Hub) for further information on specific amendments.

## 10. Specification and assessment criteria

Your specification ('scope') is essential in defining your requirements. Contract Management and Performance Monitoring should also be incorporated. See the [client guide to construction projects](#).

### Design an evaluation approach

The following weightings are mandated:

Quality            70% (+/-10%)

Price            30% (+/-10%)

## Quality criteria

To evaluate quality you can, for example, consider service delivery, service levels, and project management (weightings and detail are a decision for Framework Public Bodies):

- General understanding of the requirement along with details of how any risks e.g. political, reputational, operational and financial can impact on the Provision of the Works or on the Provision of the Service and what action the Supplier proposes to mitigate these risks;
- General understanding of policy objectives including but not limited to sustainability, environment, fair work practices, ethical sourcing, community benefits and how these policy objectives will be met through delivery;
- Details of the operational proposals with particular emphasis on quality and performance measurements, and customer satisfaction to Provide the Works or Provide the Service (scenarios may be used)
- Details of the qualifications, experience and skillsets of the personnel proposed to Provide the Works or Provide the Service

See Annex A in the Buyer's Guide on the Knowledge Hub for the criteria used to assess Framework Suppliers at Framework level. This is for information only, there is no requirement to use this criteria.

## Scoring

Within the mini-competition, the Framework Public Body must clearly set-out the scoring criteria for the assessment of Quality.

Framework Public Bodies should use the most appropriate quality scoring for their specific contract. This may include, but is not limited to, the 0-10 scoring used for this framework (see Annex C in the Buyer's Guide on the Knowledge Hub), or the scale noted in the Procurement Journey: Selection Criteria.

## Price criteria

To evaluate price, you can consider all costs over the duration of the Work Order Contract period. This can include a whole life costing approach taking account of all aspects of cost from the cradle to the grave, including acquisition costs, operational costs such as energy consumption, maintenance and end of life costs such as decommissioning and demolition. For works contracts, particularly major contracts, this should be a consideration.

## Graduated Pricing Mechanism (GPM)

The Graduated Pricing Mechanism (GPM) is a method to calculate the price score of tender submissions which respects the principle of equal treatment but reduces the incentive to submit low bids.

The GPM was used during the Framework tender assessment and the use of a GPM is mandated for determining price scores in Framework mini competitions. Please see Annex B in the Buyer's Guide on the Knowledge Hub for more information on how it should be applied. Also see the 'Framework Pricing' folder in the knowledge hub for advice and the templates used in the Commercial Evaluation at Framework level for further information.

## Framework rates and application

All Framework rates can be found in the 'Framework Pricing' folder in the Knowledge Hub (see 'Access agreement' section for more information). Detail on how these are defined and applied can be found on the "Notes" tab of the 'Civil Engineering Framework Pricing – Lot 1-3' spreadsheet.

The 'People Prices' and '%Overheads and Profits' (%OHP) given do not include VAT. The People Prices (£) are firm and set (offers above or below are not permitted) for Year 1 and Year 2 of the Framework and thereafter CPI will be applied annually starting at the beginning of Year 3. The %OHP is firm and set for the full duration of the contract. Framework Suppliers have tendered People Prices for

Management & Staff for both Early Contractor Involvement (ECI) and Project Construction phases.

There is a Management Charge (MC) of 0.05% applicable to all charges under this framework, applied prior to the application of VAT. The framework contractor will then provide the MC to Scottish Government in accordance with the Framework Agreement.

## 11. Mini-competition

Before inviting Framework Suppliers to bid, prepare all the documents required, including:

- Invitation to Tender (ITT): document inviting Framework Suppliers to bid for the Work Order contract. This document should include a timetable, instructions for Framework Suppliers on how to ask questions and submit a bid, your specification, and your assessment criteria for both quality and price elements. The format of any invitation to tender document may vary between Framework Public Bodies, including to take the form of a one or two stage process, but any ensuing Work Order must include the relevant Data set out in the Contract Data Part One (Data provided by the Client)
- draft contract: a draft version of the contract. See 'Undertake your Work Order Contract' section for more information. This allows the Framework Supplier early sight of the relevant conditions of the Work Order contract

Once prepared, invite Framework Suppliers for the relevant Lot to bid, making clear this is a call-off from the Framework. You can do this by sending an email, or through PCS/PCS-T.

You should allow sufficient time for Framework Suppliers to respond. Take into account factors such as the technical requirements for the works and the time needed to submit responses. Also consider site visits, you may need to allow the Suppliers to inspect Ground Conditions. You should also indicate when and how

they can ask for clarification questions. The responses to these clarifications must be shared with all Framework Suppliers invited to bid.

After the deadline for submissions has passed, you can evaluate the Framework Suppliers responses. You must score Framework Suppliers responses against the assessment criteria you have defined and included on your ITT.

Ensure records of the results and final award decision are kept, these are useful when providing feedback to the participating Framework Suppliers.

Once you have completed your evaluation, and the most economically advantageous tender on the basis of the award criteria set out has been identified, you need to communicate the outcome of your decision.

## 12. Direct award

This framework allows the use of Direct Award only where the associated requirements of the Procurement Regulations relevant to technical reasons or urgency are met. You can still engage with Framework Suppliers prior to using a direct award. Please note SG encourages Framework Public Bodies to seek their own legal advice if required and cannot advise on specifics.

Relevant approvals should be sought within your organisation. You should ensure that your organisation understands the risk involved if all the relevant Framework Suppliers are not given an opportunity to respond to your requirement.

After approval to direct award, you should share your requirements with the selected Framework Supplier. If they can meet the requirements, you are ready to award the contract and communicate your decision.

Should your organisation intend to make a direct award under this Framework then please ensure you liaise with CCT.

When you have notified the selected Framework Supplier of your intention to award, they must submit a project proposal in writing, for your consideration. You are not

bound to accept any project proposal. If you decide to appoint this Framework Supplier (to become the Contractor), you will issue a Work Order contract.

### Communicate outcomes

Notifications to Framework Suppliers should include constructive, written feedback to all participants and include a full breakdown of their scoring. Please refer to the Construction Procurement handbook Feedback to Bidders guidance.

You can allow a voluntary standstill period of 10 calendar days to give unsuccessful Framework Suppliers an opportunity to consider the feedback on their bid, request information, or call for a review of the award decision. Whilst standstill periods are not required for Work Orders, Framework Public Bodies should consider the implications if they do not observe a voluntary standstill period (in particular if the Work Order is of a high value). Framework Public Bodies may still need to debrief unsuccessful participants in mini-competitions. Once the voluntary standstill period has passed, you can begin your Work Order contract with the winning Framework Supplier. Please refer to the Construction Procurement handbook Standstill guidance.

If you have used a direct award, you will only have to notify the awarded Framework Supplier and CCT.

### Publish your decision

Buyers are reminded of the obligations contained in the Procurement Reform (Scotland) Act 2014 in relation to the award of works contracts valued equal to or greater than £2,000,000 including those awarded as a result of a framework /mini competition. In particular, buyers should note that in accordance with Section 23(2) the award of contracts must be publicised on the Public Contracts Scotland website and in accordance with Section 35 contracts must be registered in the Framework Public Body's "contracts register". Your attention is also drawn to the requirement to provide feedback in accordance with Section 32 and Section 33.

## Inform Framework Management Team

Contact [CCT](mailto:CCT_SPPD@gov.scot) ([CCT\\_SPPD@gov.scot](mailto:CCT_SPPD@gov.scot)) to notify us of award. Information on the evaluation, number of tenders and tender values would aid in Framework Management and feed into strategic decision making.

## 13. Undertake your Work Order Contract

All relevant Work Order documents are held in the '[Buyers Guide and Work Order Documents](#)' folder on the Knowledge Hub (NEC4: ECC/ECSC/TSC/TSSC with additional clauses). Work Order contracts will typically be formed of the following:

- form of agreement
- the relevant NEC4 form of contract (June 2017, with Jan 2019 amendments)
- contract data (including additional conditions of contract)
- scope
- site information
- activity schedule / bill of quantities

## 14. Management information

Regular Management Information and Performance data should also be incorporated to aid contract management. Framework Public Bodies using this framework must request their own management information and hold regular meetings with the Framework Suppliers as necessary. Framework Suppliers are aware of the need to supply management information to Framework Public Bodies as part of agreed framework terms and conditions.

See Schedule Part 3, Annex 4 in the 'Framework Agreement Documents' folder in Knowledge Hub for more information on how Performance will be assessed at Framework level.

## 15. Future Projects – Pipeline Data

Contact [CCT](mailto:CCT_SPPD@gov.scot) ([CCT\\_SPPD@gov.scot](mailto:CCT_SPPD@gov.scot)) to provide information on any future projects or requirements, this will help feed into our pipeline data.