

A9 Dualling Programme - Proposed next steps paper – 7 December 2022

From: [redacted] **On Behalf Of** Project Delivery Correspondence

Sent: 07 December 2022 10:03

To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>

Cc: Cabinet Secretary for Net Zero, Energy and Transport <CabSecNetZET@gov.scot>;

Minister for Transport <MinisterFT@gov.scot>; Chief Executive Transport Scotland

<ceo@transport.gov.scot>; Shackman L (Lawrence)

<Lawrence.Shackman@transport.gov.scot>; Twyman K (Kerry)

<Kerry.Twyman@transport.gov.scot>; Leggett S (Stewart)

<Stewart.Leggett@transport.gov.scot>; Brown F (Fiona) (TS)

<Fiona.Brown@transport.gov.scot>; [redacted] Project Delivery Correspondence

<PDC@transport.gov.scot>

Subject: A9 Dualling Programme

PO

Please see attached submission [redacted] on the proposed next steps for the A9 Dualling Programme.

Kind Regards,

[redacted]

Project Delivery Team Support

Transport Scotland | Major Projects



Transport Scotland, the national transport agency
Còmh dhail Alba, buidheann nàiseanta na còmh dhail

Extract from A9 Dualling Programme - Proposed next steps paper – 7 December 2022

This routine submission [redacted] on the proposed next steps for the A9 Dualling Programme (the "Programme").

It is recommended that Ministers:

Note the issues which are considered to result in it being necessary to review the work undertaken to date to determine the most suitable procurement options for the remainder of the Programme;

Context and Issues

The Programme comprises 11 projects, of which:

- Two (Kincraig to Dalraddy and Luncarty to Pass of Birnam) have been constructed and are open to use;
- One (Tomatin to Moy) is in procurement;
- Seven have received favourable Ministerial decision to proceed with making of Orders; and
- One (Pass of Birnam to Tay Crossing) is still to have its preferred route confirmed as a precursor to commencing statutory processes.

Work has been progressing for some time to determine the most suitable procurement options for the remaining projects of the Programme. This is a complex exercise which looks at a number of factors including how the project can be delivered most efficiently by the industry, whilst minimising disruption to road users and helping to support economic recovery post-COVID. The two primary options considered in this work are procurement of either: [redacted]

Separately, procurement of the Tomatin to Moy project as a capital funded D&B project has been progressed, with the Dialogue Period commencing in December 2021 and tenders submitted in October 2022. This tender was the subject of limited market interest, with only one tender submitted. Evaluation of the tender received [redacted]

It is, however, considered that it should be made clear that the current published completion date of 2025 will no longer apply to the Programme.

As the Programme is not explicitly referenced within the Bute House Agreement, it falls within the group of projects and programmes covered by the statement that:
“work on other trunk roads projects and programmes under construction, design, development or procurement will continue and be subject to the normal statutory assessment and business case processes.”

The advice within this submission is therefore consistent with the provisions of the Bute House Agreement.

In conclusion, it is recommended that Ministers:

Note the issues which are considered to result in it being necessary to review the work undertaken to date to determine the most suitable procurement options for the remainder of the Programme;

Community Council Letter – 12 December 2022

From: [redacted] **On Behalf Of** Deputy First Minister and Cabinet Secretary for Covid Recovery
Sent: 13 December 2022 12:21
To: Minister for Transport <MinisterFT@gov.scot>
Subject: FW: Community Councils letter_ dualling

Afternoon team,

Just making sure you're happy to process this and don't need anything from DFM to complete it?

Thanks,
[redacted]

[redacted]
Assistant Private Secretary (Correspondence)
Deputy First Minister and Cabinet Secretary for Covid Recovery
The Scottish Government
Email: DFMCSCR@gov.scot

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

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From: [redacted]

Sent: 12 December 2022 16:20

To: Jenny.Gilruth.msp@parliament.scot

Cc: First Minister <firstminister@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Quinn M (Michelle) <Michelle.Quinn@transport.gov.scot>

Subject: Community Councils letter_ dualling

Dear Ms Gilruth

Please find a letter from all of the Badenoch and Strathspey Community Councils, which I am forwarding on their behalf.

[redacted]

Chief Officer

Voluntary Action Badenoch & Strathspey (VABS)

The Courthouse, The Square,

Grantown on Spey PH26 3HF

M: [redacted]

E: [redacted]

Web: www.vabs.org.uk

Voluntary Action in Badenoch and Strathspey is a Scottish Registered Charity No SC 006932 and a Registered Company No SC 134689

From all Badenoch and Strathspey Community Councils

Jenny Gilruth MSP
12 Commercial Street
Markinch
KY7 6DE

12th December 2022

Dear Jenny Gilruth,

DELAYS TO DUALLING OF THE A9

We, the undersigned, together represent all the communities comprising Badenoch and Strathspey, whose combined resident population is approximately 14,000. We are writing to push you and the Scottish Government, to urgently publish detailed revised plans for the delivery of your pledge to dual the 80 miles of the A9 from Perth to Inverness. In doing so, we acknowledge your own personal support for this project and the interest you have taken in advancing its progress, which is much appreciated.

As Community Councils, we have always supported and wholeheartedly welcomed the pledges made by the Scottish Government to dual the A9 as soon as possible. The A9 is the main route that B&S residents and local businesses have to the south and north to Inverness and many people living in Badenoch and Strathspey have to travel and commute very regularly outwith the area using this road.

The A9 dualling pledge was first made in 2008 in the then Scottish Government's Strategic Transport Infrastructure Plan. However, over the 14 years since that pledge was first made, only two of the eleven sections into which Transport Scotland (TS) has divided the road, have in fact been dualled, namely Kincaig to Dalraddy and more recently, Luncarty to the Pass of Birnam. We understand a third section, Tomatin to Moy is now in procurement to be completed by end 2025, which we welcome, but none of this is going fast enough.

We are not aware of any pledge by your Government to deliver any other major transport project in Scotland which has suffered such an extended delay in its implementation and have to say that this delay is now the subject of much adverse comment here locally and throughout the Highlands as well as in the press and media. Given the pledges were first made 14 years ago, we do not think it is unreasonable for us to now request delivery of the dualling of the remaining sections as swiftly as is practically possible, by prioritising the spending needed to do so as a priority.

Our communities have been greatly affected by the tragic loss of life in 2022, as a result of road traffic incidents on the A9. It is widely thought that because the A9 is a mixture of single, dual and two plus one sections, with fairly rapid and frequent alternation between each of the 3 modes, that this leads to greater risks of the occurrence of serious incidents. Indeed, from the reporting of these incidents we believe that most or all of them have occurred on single carriageway sections; some at junctions notorious as accident blackspots, such as Dunkeld, Kingussie, Aviemore and Carrbridge - and some at points of the road where dual carriageway becomes single eg at Slochd.

At the time of writing, we recognise and are aware of the many acute challenges facing Scottish Government currently: from the impacts of the pandemic, Westminster funding, pressure on Scottish Government's budgets and inflation, to the need for economic household support in the current economic environment.

However, locals in Badenoch and Strathspey are now looking for early indications of your intentions and are seeking indicative dates for the intended completion of each of the remaining 9 sections. This to provide reassurance for the public as well as the civil engineering companies involved and their workforces. We hope that the Scottish Budget for 23/24, to be published on 15th December will duly cover this matter.

We note in particular from the TS website that there are four sections which have had the necessary roads and Compulsory Purchase Orders completed. Together these amount to about 35 kilometres in length in total. To get these done and into procurement quickly now will be seen as a massive proof of good faith.

The economic and social case for dualling of the road has been well accepted and understood for many years. It can only become more robust, especially as the Highlands are to be the main focus of much of the investment and jobs in the renewable energy sector, for example at Nigg and elsewhere - some estimates put the jobs involved at around 25,000. This will of course mean much increased traffic volumes on the A9.

Given the area's huge concerns over this issue, this letter is copied to the First Minister, the Deputy First Minister and the CEO of Transport Scotland.

We look forward to hearing from you at your earliest convenience as to how our communities' concerns on this urgent matter will be addressed.

Yours sincerely

Aviemore & Vicinity Community Council
Boat of Garten & Vicinity Community Council Carrbridge & Vicinity Community Council
Cromdale & Advie Community Council Dalwhinnie Community Council
Dulnain Bridge Community Council
Grantown on Spey & Vicinity Community Council Kincaig & Vicinity Community Council
Kingussie & Vicinity Community Council
Laggan Community Council
Nethy Bridge Community Council
Newtonmore & Vicinity Community Council

aviemoreccchair@gmail.com boatofgartencc@gmail.com secretary@carrbridge.com
cromdaleandadviecc@gmail.com dalwhinniechair@gmail.com dulnainbridgecc@gmail.com
gosvcc@gmail.com kincaigcommunitycouncil@gmail.com kvcc-secretary@outlook.com
chairlcc@laggan.com
[redacted]@btinternet.com nvccsec@gmail.com

Cc'd to

First Minister: Nicola Sturgeon MSP
Deputy First Minister: John Swinney MSP
Michelle Quinn, Interim Chief Executive, Transport Scotland

Dual the A9 and improve road safety Petition PE1992 – 15 December 2022

Scottish Government submission published on parliament website at following link: [PE1992 Dual the A9 and improve road safety | Scottish Parliament Website](#)

From: [redacted] **On Behalf Of** Minister for Transport

Sent: 22 December 2022 10:33

To: Project Delivery Correspondence <PDC@transport.gov.scot>; Minister for Transport <MinisterFT@gov.scot>; [redacted]

Cc: Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>; [redacted] Leggett S (Stewart) <Stewart.Leggett@transport.gov.scot>; [redacted]

Subject: RE: Petition No PE1992 Response - Due 11 January 2023

This email is for the official record and confirms a Ministerial Decision. This email must be placed in the official record (eRDM) by your team [in line with SG records management policy](#).

Hi [redacted]

Ms Gilruth is content.

Many thanks

[redacted] | Private Secretary to Minister for Environment and Land Reform - Màiri McAllan
The Scottish Government | Web: www.gov.scot | Tel: [redacted] Mob: [redacted] | Email:
MinisterELR@gov.scot

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From: [redacted] **On Behalf Of** Project Delivery Correspondence

Sent: 15 December 2022 16:10

To: Minister for Transport <MinisterFT@gov.scot>; [redacted]

Cc: Project Delivery Correspondence <PDC@transport.gov.scot>; Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>; [redacted] Leggett S (Stewart) <Stewart.Leggett@transport.gov.scot>; [redacted]

Subject: Petition No PE1992 Response - Due 11 January 2023

Minister/SpAd

[redacted]

Lines reflect the current position of the A9 Dualling programme with contribution from road safety colleagues confirming short-term road safety measures and position regarding creating memorials.

[redacted]

1.1 Priority

Routine - Citizen Participation & Public Petitions Committee have requested a response by **11 January 2023**. Minister and SpAd to confirm if content for issue.

Kind Regards,

[redacted]

Project Delivery Team Support

Transport Scotland | Major Projects



Transport Scotland, the national transport agency
Còmhdaill Alba, buidheann nàiseanta na còmhdaill

From: Citizen Participation & Public Petitions <petitions.committee@Parliament.Scot>

Sent: 30 November 2022 11:49

To: [redacted]

Cc: [redacted]

Subject: Correspondence from CPPP Committee

FAO: [redacted]

C.c: [redacted]

Dear all,

Please find a link to 3 new petitions published today—

Petition No	Petition Title	Petitioner	Any additional information	CLO
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
PE1992	Dual the A9 and improve road safety	Laura Hansler	Link to petitions page: https://petitions.parliament.scot/petitions/PE1992	[redacted]

[redacted]

The Committee requests a response, in Word format, by **Wednesday 11 January**. Should you be unable to provide a response by this date, please contact the clerks as soon as possible. An individual response should be provided for each petition. All responses should be sent to petitions@parliament.scot.

Please note that you have been included in this email because you are listed as the Committee Liaison Officer for the relevant policy area for at least one of these petitions. It is your responsibility to arrange the relevant responses for your policy area.

Should you have any queries or believe that this request has been directed to you incorrectly, please contact [redacted] or [redacted] in the first instance.

Kind regards
[redacted]

[redacted]
Committee Assistant
Citizen Participation and Public Petitions Committee
The Scottish Parliament

The Citizen Participation and Public Petitions Committee clerking team will aim to respond to all inquiries as quickly as possible, however, please note that the team are currently working remotely.

The Scottish Parliament: Making a positive difference to the lives of the people of Scotland
Pàrlamaid na h-Alba: A' toirt deagh bhuaidh air beatha sluagh na h-Alba

The information in this email may be confidential. If you think you have received this email in error please delete it and do not share its contents.

Extract briefing from Parliamentary Question S6O-01795 dated 19 January 2023

The Scottish Government remains firmly committed to completing the dualling of the A9 between Perth and Inverness.

We are working hard to bring the benefits of the A9 Dualling programme to Scotland. The £3bn investment (at 2008 prices) to dual the A9 between Perth and Inverness is one of the biggest transport infrastructure projects in Scotland's history.

We have already invested approximately £431m to date which includes delivering dualled stretches between Kincaig and Dalraddy, and Luncarty and Pass of Birnam, which opened in September 2017 and August 2021 respectively.

The section between Tomatin and Moy is currently in procurement, and will be subject to our normal tender evaluation and business case approval processes.

Design work is progressing on the rest of the programme, with ministerial decisions to complete the statutory process confirmed for seven of the remaining eight schemes.

The only section of A9 Dualling not to have started the statutory process is the Pass of Birnam to Tay Crossing project, which was subject to the Co-Creative Process.

Work to determine the most suitable procurement options for these sections of the A9 dualling is ongoing.

This is a complex exercise which looks at a number of factors including how the project can be delivered most efficiently by the industry, whilst minimising disruption to road users and helping to support economic recovery post-COVID.

As part of this exercise, in light of recent fluctuations in the economic environment, work is also underway to assess the impact of market changes on the potential procurement approaches available.

Meeting with Fergus Ewing MSP, Drew Hendry MP, Deputy First Minister and Minister for Transport – 19 January 2023

From: [redacted] On Behalf Of Project Delivery Correspondence

Sent: 11 January 2023 16:09

To: Minister for Transport <MinisterFT@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>

Cc: [redacted] Twyman K (Kerry) <Kerry.Twyman@transport.gov.scot>; Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>; [redacted] Leggett S (Stewart) <Stewart.Leggett@transport.gov.scot>; [redacted] Project Delivery Correspondence <PDC@transport.gov.scot>

Subject: RE: 15:05 - 15:35 Meeting: DFM, MfT, A9/A96 with Fergus Ewing MSP

Hi [redacted]

As discussed, attached clean version.

Thanks,
[redacted]

From: [redacted] **On Behalf Of** Minister for Transport

Sent: 11 January 2023 14:43

To: Project Delivery Correspondence <PDC@transport.gov.scot>; Minister for Transport <MinisterFT@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>

Cc: [redacted] Twyman K (Kerry) <Kerry.Twyman@transport.gov.scot>; [redacted] Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>; [redacted] Leggett S (Stewart) <Stewart.Leggett@transport.gov.scot>; [redacted]

Subject: RE: 15:05 - 15:35 Meeting: DFM, MfT, A9/A96 with Fergus Ewing MSP

[redacted]

Thanks for this.

I see there are some comments on the document. Grateful if you could send up a clean version?

Also, please could the briefing reflect that the meeting will be held with both DFM and MfT? I appreciate DFM may wish to advise on whether they have any additional asks re the briefing.

Thanks,

[redacted]

[redacted] | Deputy Private Secretary to the Minister for Transport – Jenny Gilruth
The Scottish Government | St Andrew's House, Edinburgh, EH1 3DG
Email: MinisterFT@gov.scot

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Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: [redacted] **On Behalf Of** Project Delivery Correspondence

Sent: 11 January 2023 14:01

To: Minister for Transport <MinisterFT@gov.scot>

Cc: Project Delivery Correspondence <PDC@transport.gov.scot>; [redacted] Twyman K (Kerry) <Kerry.Twyman@transport.gov.scot>; [redacted] Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>; [redacted] Leggett S (Stewart) <Stewart.Leggett@transport.gov.scot>; [redacted] Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>

Subject: RE: 15:05 - 15:35 Meeting: DFM, MfT, A9/A96 with Fergus Ewing MSP

PO

Please find attached engagement briefing and speaking note as requested for the minister's meeting with Fergus Ewing MSP and Drew Hendry MP.

Kind Regards,
[redacted]

-----Original Appointment-----

From: [redacted] **On Behalf Of** Minister for Transport

Sent: 11 January 2023 09:25

To: Deputy First Minister and Cabinet Secretary for Covid Recovery; 'Jenny Gilruth MSP'; [redacted] Shackman L (Lawrence)

Cc: Leggett S (Stewart); [redacted] Twyman K (Kerry); [redacted] Project Delivery Correspondence; [redacted]

Subject: 15:05 - 15:35 Meeting: DFM, MfT, A9/A96 with Fergus Ewing MSP

When: 19 January 2023 15:05-15:35 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Room Q1.03, Parliament

MOVED to 19/01, 15:05 - 15:35, stakeholders approved - SM

Please note, Drew Hendry MP will also be in attendance, see attached for reference – SM 22/11

[redacted] please share this invite with any relevant officials.

The Minister would welcome a briefing pack **by 3pm on Monday 16 January**.

Guidance on doing so is available [here](#). All briefings should include an agenda, a short speaking note (when meeting with external stakeholders), and details of previous correspondence and engagements.

Unless otherwise stated, the Minister requires official support for all meetings and engagements. If this is an issue, please get in touch with Private Office as soon as possible.

It is the responsibility of supporting policy officials to produce a minute or note of Ministerial meetings for the corporate record and we therefore ask for a nominated note taker to be clearly marked in the briefing pack – this should be submitted to Private Office within 5 working days of the meeting in line with published [guidance](#).

Please call to discuss if you have any queries or are likely to miss the deadline.

Kind regards,

[redacted]

Extract of engagement briefing for meeting with Fergus Ewing MSP, Drew Hendry MP, Deputy First Minister and Minister for Transport – 19 January 2023

An opportunity for you to highlight the Scottish Government's commitment to dualling the A9 supporting its vision of reducing inequalities, climate action, helping to deliver inclusive economic growth and improving our health and wellbeing.

The Scottish Government remains firmly committed to completing the dualling of the A9 between Perth and Inverness which will reduce journey times, improve journey time reliability and importantly improve safety on this vital route.

We have already invested over £431m to date delivering the dualling programme. Work is continuing to progress on the A9 with the section between Tomatin and Moy currently in procurement and subject to our normal tender evaluation and business case approval processes. Design work is progressing on the rest of the programme, with the statutory process well underway for seven of the remaining eight schemes.

Work to determine the most suitable procurement options for the remaining sections is also ongoing. This is a complex exercise which looks at a number of factors including how the project can be delivered most efficiently by the industry, whilst minimising disruption to road users and helping to support economic recovery post-COVID.

- We remain committed to dualling the A9 and considerable work is ongoing to complete essential design and statutory consents stages.
- It is not possible to set a firm programme for delivery until statutory consents are completed because we are not in full control of that process or timescale.
- The statutory right for individuals to have their say on our proposals cannot be set aside and it is essential that vital feedback is taken into account as we develop our plans.

A9

- The £3bn investment (at 2008 prices) to dual the A9 between Perth and Inverness is one of the biggest transport infrastructure projects in Scotland's history.
- We have already invested around £431m to date delivering the programme.
- Road users are already benefiting from the dualled sections between Kincaig and Dalraddy and Luncarty and the Pass of Birnam, which opened in September 2017 and August 2021 respectively.
- The procurement process for the Tomatin to Moy section is ongoing and is subject to our normal tender evaluation and business case approval processes.

A9 Statutory Process

- Design work is progressing on the rest of the programme, with ministerial decisions to complete the statutory process confirmed for seven of the remaining eight schemes. The only section not to have started the statutory process is the Pass of Birnam to Tay Crossing project, where work is ongoing to identify a preferred route option following the innovative co-creative process with the local community. Work is progressing on announcing a preferred route for this section.

A9 Procurement – remaining sections

- Work to determine the most suitable procurement options for the remaining sections of the A9 dualling is ongoing.
- This is a complex exercise which looks at a number of factors including how the project can be delivered most efficiently by the industry, whilst minimising disruption to road users and helping to support economic recovery post-COVID.
- As part of this exercise, in light of recent fluctuations in the economic environment referenced by the Deputy First Minister in the recent budget statement, work is also underway to assess the impact of market changes on the potential procurement approaches available.
- The publication of a public facing programme for construction can only be made once the procurement route is known as the size of the contracts is linked to that strategy. The type of

contractors that will be attracted to the works is influenced by the size of the contracts and it is important that we do not send mixed messages to the market until we are certain of our approach.

- It may be that due to the issues that have emerged in the wider economic environment we have to take some time to see if market conditions improve and costs of borrowing reduce.
- It is only right that we listen to the industry to understand the ongoing challenges that they may face in delivering this critical programme.
- The industry has been and is still currently seeing materials shortages and rising prices, and we will continue to monitor the effect of that on our programmes.
- The market as a whole has also heated up in recent years with contractors stretched across a number of UK Major Projects including HS2. In such a competitive market, we must test how attractive this scheme will be to the industry.

A9 Dualling Programme

Background and current status

The A9 Dualling Programme will upgrade 80 miles (129 kilometres) of road from single to dual carriageway. Transport Scotland's £3 billion programme (at 2008 prices) is designed to deliver economic growth through improved road safety and reliable and quicker journey times, as well as better links to pedestrian, cycling and public transport facilities.

The Programme was split into 11 sections for the purposes of planning, local engagement and statutory consents. A summary of the current status of each section is provided in **Annex D**.

At present, two sections Kincaig to Dalraddy and Luncarty to Pass of Birnam of the programme are complete. Procurement of the third section, between Tomatin and Moy, is underway and is subject to our normal tender evaluation and business case approval processes.

The design and development phase is well advanced for the remaining eight sections, seven of which are going through the statutory process, and one of which (Pass of Birnam to Tay Crossing) is approaching preferred route option status. Of the seven in the statutory process, four schemes: Tay Crossing to Ballinluig, Pitlochry to Killiecrankie, Glen Garry to Dalwhinnie, and Dalwhinnie to Crubenmore have published Made Orders. Two further projects namely Crubenmore to Kincaig and Dalraddy to Slochd have also received Ministerial approval to publish the Made Orders.

Following a Public Local Inquiry held in January 2020 and recommendations made by the Reporter in November 2022, Scottish Ministers confirmed that the statutory procedures for the A9 Dualling Killiecrankie to Glen Garry scheme can be completed. This significant milestone decision means that 92% of the programme has Ministerial decisions to make Orders and complete the statutory process.

Delivery of the remaining sections of the dualling programme can only commence if approved under the relevant statutory procedures and thereafter a timetable for progress can be set. The statutory right for individuals to have their say on our proposals cannot be set aside and it is essential that vital feedback is taken into account as we develop our plans.

Funding and procurement

Procurement options to deliver the A9 Dualling Programme are currently being investigated to provide the optimal solution for constructing the remaining sections of this large programme of works following completion of the statutory procedures

A market consultation exercise was undertaken in 2021 and 2022 to inform assessment of procurement options for the remaining sections when the statutory process is complete. It is expected this assessment will be completed in the coming weeks and will inform decision making on our procurement approach.

Determination of the optimal procurement approach for delivery of the remaining sections of the A9 Dualling Programme is ongoing. This is a complex exercise which is considering a pipeline of work in a form that can be delivered by the industry, supports the economic recovery post COVID whilst minimising disruption to users of this lifeline route.

The work is considering both a revenue funded procurement model as a means for delivery of the remaining sections along with a capital funding approach. Each funding option has its own risk and opportunity profiles which are being considered in the options assessment.

As part of this exercise, given the recent fluctuations in the economic environment referenced by the Deputy First Minister in the recent budget statement, work is currently underway to assess the impact of market changes on the potential procurement approaches available.

It may be that due to the issues that have emerged in the wider economic environment we have to take some time to see if market conditions improve and costs of borrowing reduce.

Current status of the project sections comprising the A9 Dualling Programme



	Section	Status	Information
P1	A9 Luncarty to Pass of Birnam	Delivered	-

P2	A9 Pass of Birnam to Tay Crossing	In Design	Advice being prepared for the Cabinet Secretary on the preferred route option. Background briefing also being prepared.
P3	A9 Tay Crossing to Ballinluig	Orders made	The Ministerial decision to proceed to make the orders was received 2 March 2021. Made Orders were published on 26 November 2021
P4	A9 Pitlochry to Killiecrankie	Orders made	Ministerial decision to proceed to make the orders was received 11 Feb 2020. Made Orders were published on 26 November 2021
P5 ¹	A9 Killiecrankie to Glen Garry	Statutory Process Underway	Draft Orders published on 28 November 2017 and 183 objections were received (the majority relate to concerns about the Killiecrankie Battlefield). Public Local Inquiry was held January 2020 and in November 2022 Scottish Ministers confirmed that the statutory procedures can be completed. Work is progressing to publish made orders.
P7	A9 Glen Garry to Dalwhinnie	Orders made	Ministerial decision to proceed to make orders was received 31 May 2019. Made Orders were published on 30 July 2021
P8	A9 Dalwhinnie to Crubenmore	Orders made	Ministerial decision to proceed to make orders was received November 2020. Made Orders were published on 30 July 2021
P9	A9 Crubenmore to Kincaig	Statutory Process Underway	Ministerial Decision to proceed to make orders was received 17 January 2022 and preparations to make the orders are progressing.
P10	A9 Kincaig to Dalraddy	Delivered	-
P11	A9 Dalraddy to Slochd	Statutory Process Underway	Ministerial decision to make orders was received 15 November 2021 and preparations to make the orders are progressing.
P12	A9 Tomatin to Moy	In Procurement	Procurement of the construction contract is underway and is subject to our normal tender evaluation and business case approval processes.

¹ Originally two separate projects were identified, but these were later combined into a single project referenced as P5

Extract of Minute of Deputy First Minister and Cabinet Secretary for Net Zero, Energy and Transport meeting with Fergus Ewing MSP and Drew Hendry MP
16:00 to 16:30 on 19 January 2023

Attendees

John Swinney (JS) MSP, Deputy First Minister, Cabinet Secretary for Covid Recovery and interim Cabinet Secretary for Finance and the Economy

Michael Matheson (MM) MSP, Cabinet Secretary for Net Zero Energy and Transport

Fergus Ewing (FE) MSP for Inverness and Nairn

Drew Hendry (DH) MP for Inverness, Nairn, Badenoch and Strathspey

Lawrence Shackman (LS), Transport Scotland – Director of Major Projects

[redacted], Transport Scotland - Head of Design Team 1 and 3

[redacted], Transport Scotland - Road Safety and Development Manager

[redacted], Head of Finance and Corporate Services

Apologies

Jenny Gilruth (JG) MSP, Minister for Transport

Agenda

Welcome

Discussion on the A9

Any Other Business

Actions

Welcome - extended to all attendees from JS

Discussion Points – discussion surrounded funding and timetables associated with A9
JS invited FE and DH to raise topics for discussion:

- FE emphasised strength of feeling regarding need for longstanding government commitment to dual the A9, citing particular sensitivity of fatalities experienced on the route and public desire for an update on the delivery timetable.
- FE cited awareness of the live petition seeking an inquiry into the timetable for the A9 Dualling programme which is receiving increasing support.
- FE requested that a revised timetable for delivery of the A9 Dualling Programme be published with necessary caveats and that a government commitment to funding being available post 2025/26 be made.
- FE set out his recent discussion with the Civil Engineering Contractors Association (CECA) citing his awareness that industry are discontent with the current risk transfer mechanism used within TS construction contracts, which is considered to be significantly more onerous than that contained in contracts used in England.
- DH echoed the public feeling set out by FE in relation to the dualling of the A9 particularly from rural communities and the importance of the commitment to those in the Highlands and Islands.
- DH considered the suggestion that we can do without roadbuilding in response to the Climate Emergency as being invalid, given safer roads will still be required to

accommodate greener vehicle use going forward, and considered that single carriageway sections on the A9 are a contributory factor alongside driver behaviour in relation to the risk of accidents.

- JS reiterated that the government commitment to dualling the A9 is unchanged, [redacted]
- JS clarified that all sections of the A9 Programme, with the exception of the challenging Pass of Birnam to Tay Crossing section, are at or near Made Orders stage. In respect of the Programme, JS cited three material issues:
 - Timescales require further careful consideration;
 - The procurement route has been made significantly more challenging following market conditions resulting from the UKG “Mini Budget”; and
 - Concluding the currently live procurement competition for the Tomatin to Moy construction contract and associated commercial sensitivity at this time.
- JS set out the particular technical challenges and constraints experienced on the Pass of Birnam to Tay Crossing section which have influenced the preparation timescales.
- JS summarised discussions as:
 - Scottish Government’s commitment to dualling A9 remains;
 - The need to progress consideration of the overall procurement route given financial challenges including market status; and
 - The need to conclude the Tomatin to Moy construction contract procurement and any announcement to parliament.
- MM offered that a parliamentary update on Tomatin to Moy could be used to signal the timetable for A9 Dualling programme. MM considered that any such update on A9 be separate to the upcoming STPR2 update.
- **Action:** JS to engage with officials regarding consideration of announcement to parliament on the Tomatin to Moy procurement and review of timetable for the A9 Dualling Programme (*Post Meeting Note – MM requested officials develop and provide advice on options to take forward a review of the A9 dualling programme timetable to inform potential parliamentary statement in coming weeks.*)
- LS set out his recent discussions with CECA including Scottish construction markets’ desire to see a move to use a more collaborative form of contract. LS stated that whilst the Transport Scotland model contract has been used successfully over a number of years and had also been adopted by other authorities, it is no longer as attractive to the market due mainly to its apportionment of risk. It is now adversely affecting market interest in tendering and needs to evolve to stimulate competitive procurement.
- FE pressed JS for further commitment to funding both Programmes post 2025-26. JS advised that funding timescales are dependent on, and informed by, a large number of factors. JS also stated that due consideration must be given to the extent to which various sections can be constructed simultaneously in order to minimise disruption to road users and communities.

Any Other Business

- JS thanked all attendees for their attendance and closed the meeting.

Actions

- **Action:** JS to engage with officials regarding consideration of announcement to parliament on the Tomatin to Moy procurement and review of timetable for A9 Dualling Programme (*Post Meeting Note – MM requested officials develop and provide advice on options to take forward a review of the A9 dualling programme timetable to inform potential parliamentary statement in coming weeks.*)

A9 Dual Action Group meeting with Minister for Transport – 26 January 2022

From: [redacted] **On Behalf Of** Project Delivery Correspondence

Sent: 23 January 2023 11:00

To: Minister for Transport <MinisterFT@gov.scot>

Cc: Project Delivery Correspondence <PDC@transport.gov.scot>; [redacted] Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>;

Subject: RE: 16:45 - 17:15 Meeting: [redacted] A9 Dual Action Group

PO

Please find attached engagement briefing and speaking note as requested for minister's meeting with A9 Dual Action Group.

Noted additional attendee - email attached.

Kind Regards,
[redacted]

-----Original Appointment-----

From: [redacted] **On Behalf Of** Minister for Transport

Sent: 20 January 2023 15:26

To: 'Gilruth J (Jenny), MSP'; [redacted]

Cc: [redacted] Shackman L (Lawrence); [redacted]

Subject: 16:45 - 17:15 Meeting: [redacted], A9 Dual Action Group

When: 26 January 2023 16:45-17:15 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Teams

Moved back 15 mins to 16:45 – 17:15, agreed with stakeholder. SM 20/01

MC : 202200330499

AO : [redacted]

[redacted] please share this invite with any relevant officials.

The Minister would welcome a briefing pack **by 3pm on Monday 23 January.**

Guidance on doing so is available [here](#). All briefings should include an agenda, a short speaking note (when meeting with external stakeholders), and details of previous correspondence and engagements.

Unless otherwise stated, the Minister requires official support for all meetings and engagements. If this is an issue, please get in touch with Private Office as soon as possible.

It is the responsibility of supporting policy officials to produce a minute or note of Ministerial meetings for the corporate record and we therefore ask for a nominated note taker to be clearly marked in the briefing pack – this should be submitted to Private Office within 5 working days of the meeting in line with published [guidance](#). **Following Ministerial clearance of the minute, colleagues are now required to share an eRDM link to the file with Private Office.**

Please call to discuss if you have any queries or are likely to miss the deadline.

Kind regards,

[redacted]

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Extract of engagement briefing for meeting with A9 Dual Action Group – 26 January 2022

We are working hard to bring the benefits of the A9 Dualling programme to local communities, businesses and road users living, travelling and working along this route. This includes reduced journey times, improved journey time reliability, improved road safety and opportunities for active travel.

The Scottish Government remains firmly committed to completing the dualling of the A9 between Perth and Inverness. The £3bn investment (at 2008 prices) to dual the A9 between Perth and Inverness is one of the biggest transport infrastructure projects in Scotland's history. We have already invested over £430m delivering the programme.

Road users are already benefiting from the dualled sections between Kincaig and Dalraddy and Luncarty and the Pass of Birnam, which opened in September 2017 and August 2021 respectively. The section between Tomatin and Moy is currently in procurement, and will be subject to our normal tender evaluation and business case approval processes.

Design work is progressing on the rest of the programme, with ministerial decisions to complete the statutory process confirmed for seven of the remaining eight schemes.

Work to determine the most suitable procurement options for these sections of the A9 dualling is ongoing. This is a complex exercise which looks at a number of factors including how the project can be delivered most efficiently by the industry, whilst minimising disruption to road users and helping to support economic recovery post-COVID.

As part of this exercise, in light of recent fluctuations in the economic environment, work is also underway to assess the impact of market changes on the potential procurement approaches available.

The only section not to have started the statutory process is the Pass of Birnam to Tay Crossing project, where work is ongoing to identify a preferred route option following the innovative co-creative process with the local community.

The design work for this challenging section of the A9 is continuing following a community co-creative process.

This process has helped us form an extremely positive working relationship with the local community and broaden the vision for dualling this section of the A9.

An announcement on the preferred route option is expected to be made in the coming months after which the preferred option will be further refined, developed and assessed before commencement of the statutory process.

- We remain committed to dualling the A9 and considerable work is ongoing across the programme to complete essential design and statutory consents stages.
- Work to determine the most suitable procurement options for the remaining sections of the A9 dualling is ongoing.
- This is a complex exercise which looks at a number of factors including how the project can be delivered most efficiently by the industry, whilst minimising disruption to road users and helping to support economic recovery post-COVID.

A9

- The £3bn investment (at 2008 prices) to dual the A9 between Perth and Inverness is one of the biggest transport infrastructure projects in Scotland's history.
- We have already invested over £430m delivering the programme.
- Road users are already benefiting from the dualled sections between Kincaig and Dalraddy and Luncarty and the Pass of Birnam, which opened in September 2017 and August 2021 respectively.
- The procurement process for the Tomatin to Moy section is ongoing and is subject to our normal tender evaluation and business case approval processes.

A9 Statutory Process

- Design work is progressing on the rest of the programme, with ministerial decisions to complete the statutory process confirmed for seven of the remaining eight schemes.

- The only section not to have started the statutory process is the Pass of Birnam to Tay Crossing project, where work is ongoing to identify a preferred route option following the innovative co-creative process with the local community.
- The design work for this challenging section of the A9 is continuing following a community co-creative process.
- This process has helped us form an extremely positive working relationship with the local community and broaden the vision for dualling this section of the A9.
- An announcement on the preferred route option is expected to be made in the coming months after which the preferred option will be further refined, developed and assessed before commencement of the statutory process.

A9 Procurement – remaining sections

- Work to determine the most suitable procurement options for the remaining sections of the A9 dualling is ongoing.
- This is a complex exercise which looks at a number of factors including how the project can be delivered most efficiently by the industry, whilst minimising disruption to road users and helping to support economic recovery post-COVID.
- As part of this exercise, in light of recent fluctuations in the economic environment referenced by the Deputy First Minister in the recent budget statement, work is also underway to assess the impact of market changes on the potential procurement approaches available.
- The publication of a public facing programme for construction can only be made once the procurement route is known as the size of the contracts is linked to that strategy. The type of contractors that will be attracted to the works is influenced by the size of the contracts and it is important that we do not send mixed messages to the market until we are certain of our approach.
- It is only right that we listen to the industry to understand the ongoing challenges that they may face in delivering this critical programme.
- The industry has been and is still currently seeing materials shortages and rising prices, and we will continue to monitor the effect of that on our programmes.
- The market as a whole has also heated up in recent years with contractors stretched across a number of UK Major Projects including HS2. In such a competitive market, we must test how attractive this scheme will be to the industry.

A9 Dualling Programme

Background and current status

The A9 Dualling Programme will upgrade 80 miles (129 kilometres) of road from single to dual carriageway. Transport Scotland's £3 billion programme (at 2008 prices) is designed to deliver economic growth through improved road safety and reliable and quicker journey times, as well as better links to pedestrian, cycling and public transport facilities.

The Programme was split into 11 sections for the purposes of planning, local engagement and statutory consents. A summary of the current status of each section is provided in **Annex D**.

At present, two sections Kincaig to Dalraddy and Luncarty to Pass of Birnam of the programme are complete. Procurement of the third section, between Tomatin and Moy, is underway and is subject to our normal tender evaluation and business case approval processes.

The design and development phase is well advanced for the remaining eight sections, seven of which are going through the statutory process, and one of which (Pass of Birnam to Tay Crossing) is approaching preferred route option status. Of the seven in the statutory process, four schemes: Tay Crossing to Ballinluig, Pitlochry to Killiecrankie, Glen Garry to Dalwhinnie, and Dalwhinnie to Crubenmore have published Made Orders. Two further projects namely Crubenmore to Kincaig and Dalraddy to Slochd have also received Ministerial approval to publish the Made Orders.

Following a Public Local Inquiry held in January 2020 and recommendations made by the Reporter in November 2022, Scottish Ministers confirmed that the statutory procedures for the A9 Dualling Killiecrankie to Glen Garry scheme can be completed. This significant milestone decision means that 92% of the programme has Ministerial decisions to make Orders and complete the statutory process.

Delivery of the remaining sections of the dualling programme can only commence if approved under the relevant statutory procedures and thereafter a timetable for progress can be set. The statutory right for individuals to have their say on our proposals cannot be set aside and it is essential that vital feedback is taken into account as we develop our plans.

Funding and procurement

Procurement options to deliver the A9 Dualling Programme are currently being investigated to provide the optimal solution for constructing the remaining sections of this large programme of works following completion of the statutory procedures

A market consultation exercise was undertaken in 2021 and 2022 to inform assessment of procurement options for the remaining sections when the statutory process is complete.

Determination of the optimal procurement approach for delivery of the remaining sections of the A9 Dualling Programme is ongoing. This is a complex exercise which is considering a pipeline of work in a form that can be delivered by the industry, supports the economic recovery post COVID whilst minimising disruption to users of this lifeline route.

The work is considering both a revenue funded procurement model as a means for delivery of the remaining sections along with a capital funding approach. Each funding option has its own risk and opportunity profiles which are being considered in the options assessment.

As part of this exercise, given the recent fluctuations in the economic environment referenced by the Deputy First Minister in the recent budget statement, work is currently underway to assess the impact of market changes on the potential procurement approaches available.

Current status of the project sections comprising the A9 Dualling Programme



	Section	Status	Information
P1	A9 Luncarty to Pass of Birnam	Delivered	-
P2	A9 Pass of Birnam to Tay Crossing	In Design	Advice being prepared for the Cabinet Secretary on the preferred route option. Background briefing also being prepared.
P3	A9 Tay Crossing to Ballinluig	Orders made	The Ministerial decision to proceed to make the orders was received 2 March 2021. Made Orders were published on 26 November 2021
P4	A9 Pitlochry to Killiecrankie	Orders made	Ministerial decision to proceed to make the orders was received 11 Feb 2020. Made Orders were published on 26 November 2021
P5 ²	A9 Killiecrankie to Glen Garry	Statutory Process Underway	Draft Orders published on 28 November 2017 and 183 objections were received (the majority relate to concerns about the Killiecrankie Battlefield). Public Local Inquiry was held January 2020 and in November 2022 Scottish Ministers confirmed that the statutory procedures can be completed. Work is progressing to publish made orders.
P7	A9 Glen Garry to Dalwhinnie	Orders made	Ministerial decision to proceed to make orders was received 31 May 2019. Made Orders were published on 30 July 2021

² Originally two separate projects were identified, but these were later combined into a single project referenced as P5

P8	A9 Dalwhinnie to Crubenmore	Orders made	Ministerial decision to proceed to make orders was received November 2020. Made Orders were published on 30 July 2021
P9	A9 Crubenmore to Kincaig	Statutory Process Underway	Ministerial Decision to proceed to make orders was received 17 January 2022 and preparations to make the orders are progressing.
P10	A9 Kincaig to Dalraddy	Delivered	-
P11	A9 Dalraddy to Slochd	Statutory Process Underway	Ministerial decision to make orders was received 15 November 2021 and preparations to make the orders are progressing.
P12	A9 Tomatin to Moy	In Procurement	Procurement of the construction contract is underway and is subject to our normal tender evaluation and business case approval processes.

**Minute of Minister for Transport meeting with [redacted] and [redacted] of the A9 Dual
Action Group
16:45 to 17:15 on 26 January 2023**

Attendees:

Jenny Gilruth (JG) MSP, Minister for Transport
[redacted], MfT Private Office
[redacted], A9 Dual Action Group
[redacted], A9 Dual Action Group
Lawrence Shackman (LS), Transport Scotland, Director of Major Projects
[redacted], Transport Scotland, Head of A9 Dualling Programme
[redacted], Transport Scotland, Road Safety and Development Manager

Agenda

1. Welcome
2. Discussion on the A9 safety and dualling programme
3. Any Other Business
4. Actions

1. **Welcome** – extended to all attendees from JG
2. **Discussion Points** - the concerns of the A9 Dual Action Group regarding the safety and dualling programme of the A9 between Perth and Inverness.

JG invited [redacted] and [redacted] to raise matters of concern for discussion:

- [redacted] outlined the membership of the A9 Dual Action Group (the Group), of around 3800, consisting of individuals, businesses, specialists and those with an interest in the day to day operation of the A9 and its dualling. [redacted] referred to the petition raised on behalf of the Group in this regard (ref. PE1992) and significant concerns at the increased number of fatalities from road traffic incidents on the route and the need to complete the dualling programme.
- JG recognised the increase in fatalities on the route in the second half of 2022, and the devastating effect these have, confirming that one death on Scotland's roads is one too many. JG confirmed that a programme of an additional £5m of safety improvements in advance of the dualling have been announced in response to the increase in fatalities last year.
- JG confirmed that the Scottish Government remains committed to A9 dualling and that significant progress has been made in the design and statutory processes for the various A9 sections, with work also continuing on a suitable procurement approach that is considering a number of factors including the challenging inflationary environment.
- [redacted] acknowledged the budget challenges faced by the Government and raised safety concerns about the current maintenance of the A9, noting in particular the road markings, bollards, the condition of junctions, surfacing and the inconsistency of the condition in adjacent sections.
- [redacted] also queried the HGV speed limit trial, questioning whether the trial period had ended and considered that the associated signing was not clear for all road users.

[redacted] also raised a general concern regarding the operation of the average speed camera system as the cameras appeared to be absent in some locations.

- JG acknowledged the points raised regarding the condition of the A9 and confirmed that officials will investigate and write to [redacted] in this regard. **Action: [redacted] to investigate condition and maintenance on A9, and respond to [redacted].**
- [redacted] confirmed that the HGV speed limit trial remains in place and will do so until the A9 is dualled, or other circumstances require its removal. [redacted] confirmed that the Road Haulage Association (RHA) is represented on the A9 Safety Group and should be aware of this; **Action: [redacted] to check that the RHA is aware that the HGV speed limit trial is ongoing at the next A9 Safety Group meeting (on 2 February).** [redacted] also noted that the HGV speed limit signs were required, acknowledging that non-HGV drivers unfamiliar with the route or those with in-car technology may inadvertently comply with these signs in some cases. **Action: [redacted] to consider the future role of the HGV speed limit signs.**
- [redacted] confirmed the average speed camera system remains operational and noted that it was recently upgraded with the new cameras being smaller and less prominent than the previous cameras, however, the system employs the latest technology and retains both its coverage and effectiveness.
- JG asked Transport Scotland officials to respond to the points raised and consider what actions may be practical in addressing them.

3. Any Other Business

There was no other business. JG thanked all attendees for their attendance and closed the meeting.

4. Actions

- **Action: [redacted] to investigate condition and maintenance on A9, and respond to [redacted].**
- **Action: [redacted] to check that the RHA is aware that the HGV speed limit trial is ongoing at the next A9 Safety Group meeting (on 4 February)**
- **Action: [redacted] to consider the future role of the HGV speed limit signs.**

A9 Dualling Programme - Note on Parliamentary Statement – 31 January 2023

From: [redacted] **On Behalf Of** Project Delivery Correspondence

Sent: 31 January 2023 16:20

To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Cabinet Secretary for Net Zero, Energy and Transport <CabSecNetZET@gov.scot>; Minister for Transport <MinisterFT@gov.scot>; Minister for Parliamentary Business <MinisterPB@gov.scot>

Cc: Quinn M (Michelle) <Michelle.Quinn@transport.gov.scot>; Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Twyman K (Kerry) <Kerry.Twyman@transport.gov.scot>; Leggett S (Stewart) <Stewart.Leggett@transport.gov.scot>; Brown F (Fiona) (TS) <Fiona.Brown@transport.gov.scot>; [redacted] Deputy Director Infrastructure and Investment <DeputyDirectorInfrastructureAndInvestment@gov.scot>; Director of Budget and Public Spending <Directorofbudgetandpublicspending@gov.scot>; [redacted] Project Delivery Correspondence <PDC@transport.gov.scot>

Subject: A9 Dualling Programme : Submission on Parliamentary Statement

Importance: High

PO

Priority – Urgent

Please see attached urgent submission summarising initial proposals for a Parliamentary Statement on issues relating to the A9 Dualling Programme.

Kind Regards,
[redacted]

[redacted]
Project Delivery Team Support

Transport Scotland | Major Projects



Transport Scotland, the national transport agency
Còmhdaill Alba, buidheann nàiseanta na còmhdaill

Extract from A9 Dualling Programme - Note on parliamentary statement paper – 31 January 2023

Context and Issues

A submission to Ministers on next steps for the A9 Dualling Programme was made on 7 December 2022, which provides relevant background to the issues set out in this submission.

Subject to confirmation of formal decision making, it is anticipated that no award will be made in respect of the procurement currently in progress for the Tomatin to Moy project. Formal advice in respect of this procurement will be issued to Ministers by means of a separate submission.

The expiry date of the tender validity period for the Tomatin to Moy procurement is 9 February 2023. Any decision made in respect of that procurement must be communicated to the tenderer by that date at the latest. Given the significance of this, it is anticipated that news of the decision would quickly become public. **It is therefore recommended that Ministers pro-actively make an announcement regarding the Tomatin to Moy procurement in parallel with notification of that decision to the tenderer.**

Due to the level of interest in the A9 Dualling Programme generally and the significance of this announcement, **it is recommended that such an announcement be made in the form of a Parliamentary Statement by the Minister for Transport.**

As the A9 Dualling Programme is not explicitly referenced within the Bute House Agreement, it falls within the group of projects and programmes covered by the statement that: *“work on other trunk roads projects and programmes under construction, design, development or procurement will continue and be subject to the normal statutory assessment and business case processes.”*

The advice within this submission is therefore consistent with the provisions of the Bute House Agreement.

Decisions on the Tomatin to Moy procurement have implications for capital spending plans.

Legal issues relating to the conclusion of the current Tomatin to Moy procurement are detailed within the separate submission on that procurement referenced above.

A9 Dualling Programme – Ministers request for advice paper – 2 February 2023

From: [redacted] **On Behalf Of** Project Delivery Correspondence

Sent: 02 February 2023 16:15

To: First Minister <firstminister@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Cabinet Secretary for Net Zero, Energy and Transport <CabSecNetZET@gov.scot>; Minister for Transport <MinisterFT@gov.scot>; Minister for Parliamentary Business <MinisterPB@gov.scot>

Cc: Quinn M (Michelle) <Michelle.Quinn@transport.gov.scot>; Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Twyman K (Kerry) <Kerry.Twyman@transport.gov.scot>; Leggett S (Stewart) <Stewart.Leggett@transport.gov.scot>; Brown F (Fiona) (TS) <Fiona.Brown@transport.gov.scot>; [redacted] Deputy Director Infrastructure and Investment <DeputyDirectorInfrastructureAndInvestment@gov.scot>; Director of Budget and Public Spending <Directorofbudgetandpublicspending@gov.scot>; [redacted] Chief Financial Officer <cfo@gov.scot>; [redacted] Spads Admin <Spads_Admin@gov.scot> [redacted] Transport Scotland Directors <DLECONPTSD@transport.gov.scot>; Press Transport Scotland <media@transport.gov.scot>; Communications Finance & Economy <CommunicationsFinanceandEconomy@gov.scot>; [redacted] Project Delivery Correspondence <PDC@transport.gov.scot>

Subject: A9 Dualling Update Submission (2 of 2 relating to Proposed Parliamentary Statement)

Priority – Urgent

Further to the email relating just issued relating to the A9 Dualling Programme: Tomatin to Moy – Procurement Outcome, please find attached submission responding to a request from Ministers for advice on particular issues relating to the A9 Dualling Programme.

The proposed parliamentary statement included in the handling plan forming part of the paper issued under separate cover includes drafting on issues noted within this paper as appropriate.

Kind Regards,
[redacted]

Extract from A9 Dualling Programme – Ministers request for advice paper – 2 February 2023

This urgent submission is responding to a request from Ministers for advice on particular issues relating to the A9 Dualling Programme (the “Programme”), specifically:

Options to take forward a review of the A9 Dualling Programme timetable.

It has been classed as urgent due to the date of expiry of the tender validity period for the Tomatin to Moy procurement, which is 9 February 2023. The implications of that date is as set out in the submission issued to Ministers on 31 January 2023 titled “A9 Dualling Programme: Submission on Parliamentary Statement” and in the further associated submission of 2 February 2023 titled “A9 Dualling: Tomatin To Moy – Procurement Outcome”.

It is recommended that Ministers:

Approve the early re-tendering of Tomatin to Moy on the basis of modifications to Transport Scotland’s standard terms and conditions;

Approve, subject to the completion of necessary governance procedures, the use of the competitive procedure with negotiation for early retendering of the Tomatin to Moy contract;

Note that use of measures to encourage effective competition may require to be considered further as part of the process of preparing for any future procurement; and [redacted]

Context and Issues

The Programme comprises 11 projects, of which:

- Two (Kincaig to Dalraddy and Luncarty to Pass of Birnam) have been constructed and are open to use;
- One (Tomatin to Moy) is in procurement;
- Seven have received favourable Ministerial decisions to proceed with making of Orders; and
- One (Pass of Birnam to Tay Crossing) is still to have its preferred route option confirmed as a precursor to commencing statutory processes.

A separate submission to Ministers on conclusion of the current procurement in progress for the Tomatin to Moy project has been made on 2 February 2023, and these submissions are inter-related. Discussion in this paper on options for re-tendering the Tomatin to Moy contract apply in

circumstances where Ministers determine that no award should be made in respect of the current Tomatin to Moy procurement. In circumstances where Ministers determine that an award should be made in respect of the current Tomatin to Moy procurement the advice on re-tendering contained in this paper would no longer be applicable.

Re-tendering of Tomatin to Moy Contract

The options considered for re-tendering of the Tomatin to Moy contract consider:

- The contractual terms and conditions that may be offered in any re-tendering;
- The procurement routes that could be followed; and
- Other measures to encourage effective competition.

Assessment of these options is provided below.

Procurement Route

Transport Scotland has considered the potential procurement routes that could be followed for an early re-tendering of the Tomatin to Moy project as a D&B contract. The potential procurement routes available, which are detailed in Annex A to this submission, are:

- Restricted procedure
- Competitive procedure with negotiation
- Competitive Dialogue
- Use of the Crown Commercial Services Framework; and
- Use of the Scottish Government Civil Engineering Framework once in place.

Having considered these options [redacted] Subject to confirmation of this recommendation by 7 February 2023, it is anticipated that re-tendering on this basis has the potential to allow announcement of a preferred bidder before the end of 2023. The necessary governance procedures referred to above are those required to be completed to allow a new procurement to commence.

As the Programme is not explicitly referenced within the Bute House Agreement, it falls within the group of projects and programmes covered by the statement that:

“work on other trunk roads projects and programmes under construction, design, development or procurement will continue and be subject to the normal statutory assessment and business case processes.”

The advice within this submission is therefore consistent with the provisions of the Bute House Agreement.

In conclusion, it is recommended that Ministers:

Approve the early re-tendering of Tomatin to Moy on the basis of modifications to Transport Scotland’s standard terms and conditions;

Approve, subject to the completion of necessary governance procedures, [redacted]

Note that the use of measures to encourage effective competition may require to be considered further as part of the process of preparing for any future procurement; and [redacted]

A9 Dualling: Tomatin to Moy – Procurement outcome paper – 2 February 2023

From: [redacted] **On Behalf Of** Project Delivery Correspondence

Sent: 02 February 2023 16:13

To: First Minister <firstminister@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Cabinet Secretary for Net Zero, Energy and Transport <CabSecNetZET@gov.scot>; Minister for Transport <MinisterFT@gov.scot>; Minister for Parliamentary Business <MinisterPB@gov.scot>

Cc: Quinn M (Michelle) <Michelle.Quinn@transport.gov.scot>; Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Twyman K (Kerry) <Kerry.Twyman@transport.gov.scot>; Leggett S (Stewart) <Stewart.Leggett@transport.gov.scot>; Brown F (Fiona) (TS) <Fiona.Brown@transport.gov.scot>; [redacted] Deputy Director Infrastructure and Investment <DeputyDirectorInfrastructureAndInvestment@gov.scot>; Director of Budget and Public Spending <Directorofbudgetandpublicspending@gov.scot>; [redacted] Chief Financial Officer <cfo@gov.scot>; [redacted] Spads Admin <Spads_Admin@gov.scot>; Project Delivery Correspondence <PDC@transport.gov.scot>; [redacted] Transport Scotland Directors <DLECONPTSD@transport.gov.scot>; Press Transport Scotland <media@transport.gov.scot>; Communications Finance & Economy <CommunicationsFinanceandEconomy@gov.scot>; [redacted]

Subject: A9 Dualling Programme: Tomatin to Moy – Procurement Outcome Submission (1 of 2 relating to Parliamentary Statement)

Priority – Urgent

Please find attached paper to update the First Minister, Deputy First Minister/Acting Cabinet Secretary Finance, Cabinet Secretary for Net Zero, Energy and Transport and Minister for Transport on the outcome of the procurement process for the A9 Dualling Programme: Tomatin to Moy project. This paper also includes handling plan and proposed parliamentary statement for 7 February 2023 (TBC). A full briefing pack for the parliamentary statement is being drafted and will be provided shortly.

Please note minor amendments may be made to the road safety interventions to reflect the A9 safety group meeting today.

A further paper will be issued under separate cover setting out proposals for taking forward the Tomatin to Moy project and providing an overview of wider issues related to the A9 Dualling programme as a whole.

Kind Regards,
[redacted]

Extract from A9 Dualling: Tomatin to Moy – Procurement outcome paper – 2 February 2023

To update the First Minister, Deputy First Minister/Acting Cabinet Secretary Finance, Cabinet Secretary for Net Zero, Energy and Transport and Minister for Transport on the outcome of the procurement process for the above project:

To recommend not awarding the contract for the A9 Dualling: Tomatin to Moy project;

That the First Minister, Deputy First Minister/Acting Cabinet Secretary Finance, Cabinet Secretary for Net Zero, Energy and Transport and Minister for Transport are invited to:

Note the outcome of the tender process;

Confirm agreement with the recommendation to end the procurement competition and issue a letter to [REDACTED] advising we have decided not to award the contract;

Context and Issues

In December 2011, the Scottish Government published its Infrastructure and Investment Plan (IIP) which included a commitment to convert the existing A9 single carriageway into a dual carriageway between Perth and Inverness by 2025.

The proposed project from Tomatin to Moy is the most northerly section of the A9 Dualling Programme and consists of 9.6km of dual carriageway upgrading of the existing single carriageway.

Upon completion, the Tomatin to Moy project will result in 33km of continuous dual carriageway between Slochd and Inverness. The completed route will generate economic growth, improve journey times and reliability and improve road safety.

The procurement process was launched in August 2021 with the publication of a Contract Notice. Following the prequalification process, three bidders were invited to participate in a Competitive Dialogue procurement procedure on 10 December 2021.

Following the issue of the invitation documents, one of the bidders withdrew from the procurement competition, citing [REDACTED]

On the basis that genuine competition would still be achieved with two bidders, the procurement continued with the two remaining bidders. The process included Consultation Meetings with each of the remaining two bidders to discuss and develop their outline proposals.

On 11 October 2022, a day prior to the Final Tender Submission deadline, one of the two remaining bidders formally notified Transport Scotland of its decision to withdraw from the competition [REDACTED]

Only one tender was submitted before the deadline on 12 October 2022, from [REDACTED]

While the tender was both compliant and complete, the tender 'Price' was [REDACTED]. Note this figure shall remain confidential should we not award the contract. Such a figure represents a significant increase from the original pre-tender estimate and from that indicated by the Tenderer during the dialogue period.

While supply chain issues remain a persistent theme within the industry, the indices from the Office for National Statistics for new infrastructure works in the UK represented a 15.5% rise in construction costs compared to the same point in 2020 (when the pre-tender estimate was calculated).

The tender received is for an inflation adjusted fixed price, with significant risk transfer to the Contractor. The terms and conditions are the standard Design and Build contract terms used for other Transport Scotland major road projects with the exception of inclusion of a price fluctuation

clause. In line with the Scottish Government's CPN 03/2021, a price fluctuation clause was introduced to maintain competition and to mitigate the current effects of price volatility which exists within the market, thereby reducing the pricing risk to the Contractor.

It is also important to note that confidential Consultation Meetings were held in July 2022 to discuss development of tender pricing, held with both [REDACTED] during the dialogue process. Such meetings indicated [REDACTED]. The meetings also [REDACTED] if a price fluctuation clause was included within the contract, which was subsequently effected on 16 September 2022.

Given market volatility in the construction industry at present, it is difficult to predict the liability Scottish Ministers would have for price fluctuation over the course of the 3 year construction period, however, the latest five-year forecast from the Royal Institute of Chartered Surveyors suggests that inflation might increase the contract price by approximately [REDACTED] above the tendered sum over the course of the project.

As the A9 Dualling Programme, and A9 Tomatin to Moy project, is not explicitly referenced within the Bute House Agreement, it falls within the group of projects and programmes covered by the statement that:

"work on other trunk roads projects and programmes under construction, design, development or procurement will continue and be subject to the normal statutory assessment and business case processes."

The advice within this submission is therefore consistent with the provisions of the Bute House Agreement.

As a result, we are unable to endorse award of the contract and would recommend that Ministers **do not award** the contract to [REDACTED] under this procurement competition.

Following Ministerial confirmation to the recommendations in this briefing, we are required to advise [REDACTED] as soon as possible of the outcome of the procurement process. Once a decision is made, we will write to formally inform [REDACTED] of this decision.

Prior to launching the re-procurement, Transport Scotland will require to undertake the appropriate governance procedures, including finalising a new procurement strategy, undertaking a Gateway Review 2 (Readiness for procurement) and obtaining Investment Decision Making approval to proceed to procurement.

In conclusion, it is recommended that Ministers:

Note the outcome of the tender process;

Confirm agreement with the recommendation to end the procurement competition and issue a letter to [REDACTED] advising we have decided not to award the contract;

A9 Dualling Parliamentary Statement – 3 February 2023

From: [redacted] **On Behalf Of** Project Delivery Correspondence

Sent: 03 February 2023 17:46

To: Minister for Parliamentary Business <MinisterPB@gov.scot>; First Minister <firstminister@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Cabinet Secretary for Net Zero, Energy and Transport <CabSecNetZET@gov.scot>; Minister for Transport <MinisterFT@gov.scot>

Cc: Quinn M (Michelle) <Michelle.Quinn@transport.gov.scot>; Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Twyman K (Kerry) <Kerry.Twyman@transport.gov.scot>; Leggett S (Stewart) <Stewart.Leggett@transport.gov.scot>; Brown F (Fiona) (TS) <Fiona.Brown@transport.gov.scot>; [redacted] Deputy Director Infrastructure and Investment <DeputyDirectorInfrastructureAndInvestment@gov.scot>; Director of Budget and Public Spending <Directorofbudgetandpublicspending@gov.scot>; [redacted] Chief Financial Officer <cfo@gov.scot>; [redacted] Spads Admin <Spads_Admin@gov.scot>; [redacted] Transport Scotland Directors <DLECONPTSD@transport.gov.scot>; Press Transport Scotland <media@transport.gov.scot>; Communications Finance & Economy <CommunicationsFinanceandEconomy@gov.scot>; [redacted] Project Delivery Correspondence <PDC@transport.gov.scot>

Subject: A9 Dualling Parliamentary Statement Full Briefing

Further to the below, please find attached briefing pack in relation to the proposed Parliamentary Statement on A9 Dualling: Tomatin to Moy procurement and A9 Dualling update. Subject to date of statement to be confirmed by Minister for Parliamentary Business.

[redacted]
Kind Regards,
[redacted]

Extract of Briefing for Statement on Issues relating to the A9 Dualling Programme

- We remain committed to dualling the A9 and considerable work is ongoing across the programme to complete essential design and statutory consents stages.
- Work to determine the most suitable procurement options for the remaining sections of the A9 dualling is ongoing.
- This is a complex exercise which looks at a number of factors including how the project can be delivered most efficiently by the industry, whilst minimising disruption to road users and helping to support economic recovery post-COVID.
- Transport Scotland's work to determine the best procurement route for the remainder of the programme has also been impacted by recent and ongoing economic volatility. While this work is ongoing and expected to conclude before the end of this year, it is now clear that the A9 Dualling Programme will not be completed in full by 2025.

A9

- The £3bn investment (at 2008 prices) to dual the A9 between Perth and Inverness is one of the biggest transport infrastructure projects in Scotland's history.
- We have already invested over £430m delivering the programme.

- Road users are already benefiting from the dualled sections between Kincaig and Dalraddy and Luncarty and the Pass of Birnam, which opened in September 2017 and August 2021 respectively.

A9 Dualling: Tomatin to Moy Procurement

- Following a difficult and complex procurement procedure, Transport Scotland has decided not to award the contract for the A9 Dualling: Tomatin to Moy under the current procurement competition.
- Having carefully reviewed this tender, Ministers have concluded the bid does not represent best value at the current time.
- Transport Scotland will look to start the re-tendering process at the earliest possible opportunity, with the aim of achieving a contract award before the end of 2023.
- Transport Scotland plan to engage with industry partners such as CECA, to consider improvements that can be made to both our contract delivery strategy and procurement mechanisms, to maximise interest and market engagement in the future re-procurement.

A9 Statutory Process

- Design work is progressing on the rest of the programme, with ministerial decisions to complete the statutory process confirmed for seven of the remaining eight schemes.
- The only section not to have started the statutory process is the Pass of Birnam to Tay Crossing project, where work is ongoing to identify a preferred route option following the innovative co-creative process with the local community.
- The design work for this challenging section of the A9 is continuing following a community co-creative process.
- This process has helped us form an extremely positive working relationship with the local community and broaden the vision for dualling this section of the A9.
- An announcement on the preferred route option is expected to be made in the coming months after which the preferred option will be further refined, developed and assessed before commencement of the statutory process.

A9 Procurement – remaining sections

- Work to determine the most suitable procurement options for the remaining sections of the A9 dualling is ongoing.
- This is a complex exercise which looks at a number of factors including how the project can be delivered most efficiently by the industry, whilst minimising disruption to road users and helping to support economic recovery post-COVID.
- As part of this exercise, in light of recent fluctuations in the economic environment referenced by the Deputy First Minister in the recent budget statement, work is also underway to assess the impact of market changes on the potential procurement approaches available.
- The publication of a public facing programme for construction can only be made once the procurement route is known as the size of the contracts is linked to that strategy.
- The construction market as a whole has also heated up in recent years with contractors stretched across a number of UK Major Projects including HS2. In such an active market, we must test industry interest in the type and sizes of contract we plan to procure.
- It is only right that we listen to the industry to understand the ongoing challenges that they may face in delivering this critical programme.

- The industry has been and is still currently seeing materials shortages and rising prices, and we will continue to monitor the effect of that on our programmes.

A9 Dualling Programme

Background and current status

The A9 Dualling Programme will upgrade 80 miles (129 kilometres) of road from single to dual carriageway. Transport Scotland's £3 billion programme (at 2008 prices) is designed to deliver economic growth through improved road safety and reliable and quicker journey times, as well as better links to pedestrian, cycling and public transport facilities.

The Programme was split into 11 sections for the purposes of planning, local engagement and statutory consents. A summary of the current status of each section is provided below.

At present, two sections Kincaig to Dalraddy and Luncarty to Pass of Birnam of the programme are complete.

Procurement of a third section, between Tomatin and Moy, resulted in no award being made. Having carefully reviewed this tender, Ministers have concluded the bid does not represent best value at the current time. This project will be re-tendered with modified terms and conditions to encourage an improved tender competition with a target of making an award before the end of 2023.

The design and development phase is well advanced for the remaining eight sections, seven of which are going through the statutory process, and one of which (Pass of Birnam to Tay Crossing) is approaching preferred route option status. Of the seven in the statutory process, four schemes: Tay Crossing to Ballinluig, Pitlochry to Killiecrankie, Glen Garry to Dalwhinnie, and Dalwhinnie to Crubenmore have published Made Orders. Two further projects namely Crubenmore to Kincaig and Dalraddy to Slochd have also received Ministerial approval to publish the Made Orders.

Following a Public Local Inquiry held in January 2020 and recommendations made by the Reporter in November 2022, Scottish Ministers confirmed that the statutory procedures for the A9 Dualling Killiecrankie to Glen Garry scheme can be completed. This significant milestone decision means that 92% of the programme has Ministerial decisions to make Orders and complete the statutory process.

Delivery of the remaining sections of the dualling programme can only commence if approved under the relevant statutory procedures and thereafter a timetable for progress can be set. The statutory right for individuals to have their say on our proposals cannot be set aside and it is essential that vital feedback is taken into account as we develop our plans.

Funding and procurement

Procurement options to deliver the A9 Dualling Programme are currently being investigated to provide the optimal solution for constructing the remaining sections of this large programme of works following completion of the statutory procedures

A market consultation exercise was undertaken in 2021 and 2022 to inform assessment of procurement options for the remaining sections when the statutory process is complete.

Determination of the optimal procurement approach for delivery of the remaining sections of the A9 Dualling Programme is ongoing. This is a complex exercise which is considering a pipeline of work in a form that can be delivered by the industry, supports the economic recovery post COVID whilst minimising disruption to users of this lifeline route.

The work is considering both a revenue funded procurement model as a means for delivery of the remaining sections along with a capital funding approach. Each funding option has its own risk and opportunity profiles which are being considered in the options assessment.

As part of this exercise, given the recent fluctuations in the economic environment referenced by the Deputy First Minister in the recent budget statement, work is currently underway to assess the impact of market changes on the potential procurement approaches available.

Current status of the project sections comprising the A9 Dualling Programme



	Section	Status	Information
P1	A9 Luncarty to Pass of Birnam	Delivered	-
P2	A9 Pass of Birnam to Tay Crossing	In Design	Advice being prepared for the Cabinet Secretary on the preferred route option. Background briefing also being prepared.
P3	A9 Tay Crossing to Ballinluig	Orders made	The Ministerial decision to proceed to make the orders was received 2 March 2021. Made Orders were published on 26 November 2021

P4	A9 Pitlochry to Killiecrankie	Orders made	Ministerial decision to proceed to make the orders was received 11 Feb 2020. Made Orders were published on 26 November 2021
P5 ³	A9 Killiecrankie to Glen Garry	Statutory Process Underway	Draft Orders published on 28 November 2017 and 183 objections were received (the majority relate to concerns about the Killiecrankie Battlefield). Public Local Inquiry was held January 2020 and in November 2022 Scottish Ministers confirmed that the statutory procedures can be completed. Work is progressing to publish made orders.
P7	A9 Glen Garry to Dalwhinnie	Orders made	Ministerial decision to proceed to make orders was received 31 May 2019. Made Orders were published on 30 July 2021
P8	A9 Dalwhinnie to Crubenmore	Orders made	Ministerial decision to proceed to make orders was received November 2020. Made Orders were published on 30 July 2021
P9	A9 Crubenmore to Kincaig	Statutory Process Underway	Ministerial Decision to proceed to make orders was received 17 January 2022 and preparations to make the orders are progressing.
P10	A9 Kincaig to Dalraddy	Delivered	-
P11	A9 Dalraddy to Slochd	Statutory Process Underway	Ministerial decision to make orders was received 15 November 2021 and preparations to make the orders are progressing.
P12	A9 Tomatin to Moy	In Procurement	A decision was taken not to make an award under this procurement. Having carefully reviewed this tender, Ministers have concluded the bid does not represent best value at the current time. This project will be re-tendered with a target of making an award by the end of 2023. .

Meeting with Officials on A9 Dualling Programme Parliamentary Statement - 7 February 2023

From: [redacted] **On Behalf Of** Project Delivery Correspondence

Sent: 07 February 2023 10:17

To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Minister for Transport <MinisterFT@gov.scot>; Cabinet Secretary for Net Zero, Energy and Transport <CabSecNetZET@gov.scot>

Cc: [redacted] Chief Executive Transport Scotland <ceo@transport.gov.scot>; Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>; Twyman K (Kerry) <Kerry.Twyman@transport.gov.scot>; [redacted] Project Delivery Correspondence <PDC@transport.gov.scot>; [redacted]

Subject: RE: 17:15 - 18:00 Meeting: DFM / Mr Matheson / Ms Gilruth - A9 Dualling Programme

³ Originally two separate projects were identified, but these were later combined into a single project referenced as P5

PO

Please see below agenda along with relevant supporting materials attached.

Please note that the parliamentary statement has been updated based on the version approved by the FM supplemented with the additional lines developed yesterday under cover of email, a reference to the tenderer concerned being informed and some minor suggested revisions which have been made for Ministers consideration.

A further line has been included in response to Ms Gilruth's email of yesterday at 16:11, a full response to which will be issued separately by email.

Agenda

1. Recap on current key issues
 - Outcome of current Tomatin to Moy procurement
 - Plans for re-tendering Tomatin to Moy
 - Timetable for A9 Dualling Programme

[redacted]

Any Other Business

[redacted]

-----Original Appointment-----

From: [redacted] **On Behalf Of** Deputy First Minister and Cabinet Secretary for Covid Recovery

Sent: 06 February 2023 16:50

To: Swinney J (John), MSP; Minister for Transport; Cabinet Secretary for Net Zero, Energy and Transport; [redacted] Chief Executive Transport Scotland; Shackman L (Lawrence); Twyman K (Kerry); [redacted] Project Delivery Correspondence

Cc: Matheson M (Michael); 'Matheson M (Michael), MSP'; [redacted] 'Gilruth J (Jenny), MSP'; [redacted]

Subject: 17:15 - 18:00 Meeting: DFM / Mr Matheson / Ms Gilruth - A9 Dualling Programme

When: 07 February 2023 17:15-18:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Microsoft Teams

UPDATE: Now taking place virtually (Teams link noted below) and moving to 17:15 start, depending on Decision Time.

Hi,

Please prepare an agenda and provide Private Office with any relevant supporting materials by **4pm on Monday 6th February.**

It is the responsibility of supporting policy officials to produce a minute or note of Ministerial meetings for the corporate record – this should be submitted to Private Office within 5 working days of the meeting in line with published [guidance](#).

Please **do not** forward on this invite - if you require anyone else to be invited please let Private Office know.

Please call to discuss if you have any queries or are likely to miss the deadline.

Thank you very much,

DFM Private Office

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Note of Ministerial Discussion with Officials on A9 Dualling Programme Parliamentary Statement.

07 February 2023

Attendees

John Swinney (JS) MSP, Deputy First Minister and Cabinet Secretary for Covid Recovery and covering the Finance and Economy portfolio

Michael Matheson (MM) MSP, Cabinet Secretary for Net Zero, Energy and Transport

Jenny Gilruth (JG) MSP, Minister for Transport

Michelle Quinn (MQ), Interim Chief Executive Transport Scotland (TS)

Lawrence Shackman (LS), TS Director Major Projects

Kerry Twyman (KT), TS Director of Finance and Corporate Service

[redacted] Deputy Director for Infrastructure and Investment, SG Exchequer

[redacted] TS Major Projects, Head of Project Delivery

[redacted] TS Major Projects, Head of Design, Procurement and Contracts

[redacted] TS Head of Finance

[redacted] TS Development Management and Trunk Road Casualty Reduction Manager

[redacted] TS Major Projects, A9 Dualling Delivery Team

[redacted] TS Major Projects, Strategic Communications

[redacted] Private Secretary to the Minister for Transport
[redacted] Deputy Private Secretary to the Cabinet Secretary for Net Zero, Energy and Transport
[redacted] Deputy Private Secretary to the Deputy First Minister and Cabinet Secretary for Covid Recovery

[redacted] Special Adviser
[redacted]), Special Adviser

Agenda

1. Welcome
2. Address any queries relating to the planned statement to Parliament on the A9 Dualling Programme.
3. Any Other Business
4. Actions

1. Welcome – extended to all attendees from JG.

2. The briefing for the planned statement was discussed and points raised by JG were clarified, including committed dates for preferred route announcement on A9 Pass of Birnam to Tay Crossing and planned completion of Tomatin to Moy retender exercise.

Points required to be covered by Q&A were discussed.

3. Any Other Business

- Nothing to report.

4. Actions

- **JG confirmed she would amend the current draft of the statement as required. (JG)**
- **JG requested that PO make arrangements for calls with relevant Council Leaders following the statement. ([redacted])**
- **Officials to produce a one page summary of key lines for engagement with stakeholders following the statement. (LS)**
- **Officials to provide lines on the Pass of Birnam to Tay Crossing section which can be used by JG. (LS)**

Letter to MSPs/MPs following statement – 8 February 2023

From: [redacted] **On Behalf Of** Minister for Transport

Sent: 08 February 2023 15:37

To: Minister for Transport <MinisterFT@gov.scot>; Project Delivery Correspondence <PDC@transport.gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; First Minister <firstminister@gov.scot>; Minister for Parliamentary Business <MinisterPB@gov.scot>; Cabinet Secretary for Net Zero, Energy and Transport <CabSecNetZET@gov.scot>

Cc: Quinn M (Michelle) <Michelle.Quinn@transport.gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Twyman K (Kerry) <Kerry.Twyman@transport.gov.scot>; Leggett S (Stewart) <Stewart.Leggett@transport.gov.scot>; Brown F (Fiona) (TS) <Fiona.Brown@transport.gov.scot>; [redacted] Deputy Director Infrastructure and Investment <DeputyDirectorInfrastructureAndInvestment@gov.scot>; Director of Budget and Public Spending <Directorofbudgetandpublicspending@gov.scot>; [redacted] Chief Financial Officer <cfo@gov.scot>; [redacted] Spads Admin <Spads_Admin@gov.scot>; [redacted] Transport Scotland Directors <DLECONPTSD@transport.gov.scot>; Press Transport Scotland <media@transport.gov.scot>; Communications Finance & Economy <CommunicationsFinanceandEconomy@gov.scot>; [redacted] Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>; [redacted]

Subject: RE: A9 Dualling Parliamentary Statement Full Briefing

[redacted]

Please find attached letter issued to the relevant members.

Many thanks,

[redacted]

[redacted] | Deputy Private Secretary to the Minister for Transport – Jenny Gilruth
The Scottish Government | St Andrew's House, Edinburgh, EH1 3DG
Email: MinisterFT@gov.scot

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: [redacted] **On Behalf Of** Project Delivery Correspondence

Sent: 08 February 2023 12:56

To: Project Delivery Correspondence <PDC@transport.gov.scot>; First Minister <firstminister@gov.scot>; Minister for Transport <MinisterFT@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Minister for Parliamentary Business <MinisterPB@gov.scot>; Cabinet Secretary for Net Zero, Energy and Transport <CabSecNetZET@gov.scot>

Cc: Quinn M (Michelle) <Michelle.Quinn@transport.gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Twyman K (Kerry) <Kerry.Twyman@transport.gov.scot>; Leggett S

(Stewart) <Stewart.Leggett@transport.gov.scot>; Brown F (Fiona) (TS)
<Fiona.Brown@transport.gov.scot>; [redacted] Deputy Director Infrastructure and Investment
<DeputyDirectorInfrastructureAndInvestment@gov.scot>; Director of Budget and Public
Spending <Directorofbudgetandpublicspending@gov.scot>; [redacted] Chief Financial Officer
<cfo@gov.scot>; [redacted] Spads Admin <Spads_Admin@gov.scot>; [redacted] Transport
Scotland Directors <DLECONPTSD@transport.gov.scot>; Press Transport Scotland
<media@transport.gov.scot>; Communications Finance & Economy
<CommunicationsFinanceandEconomy@gov.scot>; [redacted] Shackman L (Lawrence)
<Lawrence.Shackman@transport.gov.scot>; [redacted]

Subject: RE: A9 Dualling Parliamentary Statement Full Briefing

Please find attached letter to MSP/MPs for clearance prior to issue.

Kind Regards,
[redacted]



T: 0300 244 4000
E: scottish.ministers@gov.scot

8 February 2023

Dear Member,

A9 Dualling Programme

Further to my update on the A9 Dualling Programme in parliament on 8 February 2023, I set out below some additional information regarding my proposed approach to supporting engagement with Members on the further progress of the A9 Dualling Programme.

As Members will be aware, following the very concerning rise in fatalities on the A9 in the second half of 2022, I instructed officials to consider a range of short-term safety measures that could be introduced in advance of dualling to improve road safety performance. This work has been taken forward in close consultation with the A9 Safety Group, and in addition arrangements were made to engage with Members on the detail of the developing proposals and to provide an improved understanding of the work being taking forward.

I intend to adopt a similar approach in relation to the next stages of the A9 Dualling Programme. I propose that meetings be arranged at suitable intervals to provide an opportunity for Transport Scotland officials to provide an update on the work being undertaken and enable Members to connect with officials in respect of that work. As an example, it is envisaged that early meetings could provide Members with an overview of:

- How Transport Scotland is using the feedback from its engagement with the construction industry to encourage an improved tender competition for the new procurement of the Tomatin to Moy section;
- The stages and processes that Transport Scotland require to follow in order to complete a procurement in accordance with Scottish Government governance requirements and procurement Regulations; and
- The nature of the work that Transport Scotland is undertaking to inform its evaluation of the optimal procurement options for the remaining sections of the A9 Dualling Programme.

I will write to you again with details of the arrangements for the first of these meetings and trust that you will find them of assistance in providing a fuller understanding of the work being undertaken to progress the overall A9 Dualling Programme to completion.

Yours sincerely

JENNY GILRUTH

**Minutes of Minister for Transport meeting with the Leader of Highland Council and the Leader of Perth and Kinross Council regarding the update on the A9 Dualling Programme
17:00 to 17:30 on 8 February 2023**

Attendees:

Jenny Gilruth (JG) MSP, Minister for Transport (MfT)

[redacted] MfT Private Office

Councillor Raymond Bremner (RB), Leader of the Council, The Highland Council

Michelle Quinn, (MQ) Transport Scotland, Chief Executive

[redacted] Transport Scotland, Head of Project Delivery

[redacted], Transport Scotland, Head of Design, Procurement and Contracts

[redacted] Transport Scotland, Head of A9 Dualling Programme

[redacted] Transport Scotland, Road Safety and Development Manager

[redacted] Transport Scotland, Head of Finance

Apologies:

Councillor Grant Laing, Leader of the Council, Perth and Kinross Council

Agenda

1. Welcome
2. Discussion on the update on the A9 Dualling Programme provided in a statement to Parliament today
3. Any Other Business
4. Actions
5. **Welcome** – extended to all attendees from JG
6. **Discussion Points** - update on the A9 Dualling Programme provided in a statement to Parliament today.
 - JG enquired if RB had been able to observe her statement to the Parliament this afternoon. RB confirmed he had not as he had been engaged in Council business. JG therefore provided a summary of her update to Parliament:
 - confirming the Government's continued commitment to completing the dualling of the A9 between Perth and Inverness;
 - recognising the impact of external factors of the Covid-19 pandemic, Brexit, the war in Ukraine and the UK Government 'mini-budget in September 2022 and the consequential effect on the economic environment and the A9 programme;

- that no contract award was made upon the conclusion of the procurement of Tomatin to Moy project, however a re-tender of the contract would be progressed as soon as possible with the aim to award a contract by the end of 2023;
 - that Transport Scotland will progress determination of the optimum procurement approach for the remaining projects in the programme to a conclusion by Autumn 2023 whereby an update would be provided to Parliament, and;
 - noting that as a consequence of the combination of these external factors, she had confirmed to Parliament that the target completion date of 2025 is not achievable.
- RB acknowledged the summary and asked if JG had any indication of a revised completion date. JG confirmed that due to the impact of external factors, Transport Scotland requires to further consider the impact on the economic environment together with consideration of potential amendments to contract terms, to encourage more participation from the market in future tenders, with advice being provided to inform the update to Parliament in Autumn 2023.
 - JG confirmed that progressing the re-tender of the Tomatin to Moy contract will be undertaken concurrently with the determination of the procurement approach to the remainder of the programme.
 - RB acknowledged the information provided and recorded his appreciation of the opportunity provided by JG in this call to receive this update. RB also confirmed sincere apologies of Councillor Grant Laing, who was occupied by council business and could not join the call.
 - In acknowledging the above RB also recognised the increase in fatalities on the route in 2022 and that JG had announced additional interventions. JG confirmed an additional £5m of investment in safety measures as announced in December 2022, some of which have been progressed already. **Action: JG's Private Office (PO) to share further details of these more immediate interventions with Highland Council and Perth and Kinross Council.**
 - RB enquired if PO would be writing to Highland Council and Perth and Kinross Council in relation to the update on the A9 provided in the statement. **Action: JG confirmed a letter to this effect would be issued.**

7. Any Other Business

There was no other business. JG thanked all attendees for their attendance and closed the meeting.

8. Actions

- **Action: PO to share further details of the more immediate safety interventions with Highland Council and Perth and Kinross Council.**
- **Action: PO to issue letter regarding the content of the statement to Parliament to Highland Council and to Perth and Kinross Council.**

Letter to the Leader of Highland Council and the Leader of Perth and Kinross Council – 22 February 2023

From: [redacted] **On Behalf Of** Minister for Transport

Sent: 22 February 2023 14:27

To: Project Delivery Correspondence <PDC@transport.gov.scot>; Minister for Transport <MinisterFT@gov.scot>

Cc: Chief Executive Transport Scotland <ceo@transport.gov.scot>; [redacted] Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>; [redacted]

Subject: RE: A9 Dualling - Note of Meeting with Highland Council and Perth and Kinross Council

Hi [redacted]

Thanks for this – Ms Gilruth has cleared the letter and I have issued, as attached.

Thanks,

[redacted]

[redacted] | Deputy Private Secretary to the Minister for Transport – Jenny Gilruth
The Scottish Government | St Andrew's House, Edinburgh, EH1 3DG
Email: MinisterFT@gov.scot

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: [redacted]

Sent: 15 February 2023 09:50

To: Minister for Transport <MinisterFT@gov.scot>

Cc: Project Delivery Correspondence <PDC@transport.gov.scot>; [redacted] Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>

Subject: A9 Dualling Update - Letter to THC & PKC

Morning,

Please find attached a letter for clearance. The letter is to be issued to Cllr Bremnar and Cllr Lain of THC and PKC, respectfully, on behalf of the Minister following the meeting Ms Gilruth attended on the 8th February last week with Cllr Bremnar. The letter provides information on last week's A9 Dualling Programme announcement.

Following clearance, could PO confirm whether they will be issuing the correspondence to the councillors?

Thanks,

[redacted]

Strategic Communications Manager | Major Projects | Transport Scotland

T: [redacted]

Minister for Transport
Jenny Gilruth MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Cllr Raymond Bremner
Leader
The Highland Council
Raymond.Bremner.cllr@highland.gov.uk

Cllr Grant Laing
Leader
Perth and Kinross Council
GLaing@pkc.gov.uk

22 February 2023

Dear Raymond and Grant,

A9 DUALLING PROGRAMME – UPDATE TO PARLIAMENT

Further to my update to Parliament on 8 February 2023, I wanted to write to you formally to reaffirm the Scottish Government's commitment to completing the dualling of the A9 between Perth and Inverness. I was also keen to provide key information regarding the dualling programme as I recognise that the A9 is a vital route for your Local Authority.

As you both know, we have all seen a very concerning rise in fatalities on the A9 in the second half of 2022. In response, I instructed Transport Scotland officials to consider a range of short-term safety measures that could be introduced in advance of dualling to improve road safety performance. Subsequently, I announced an additional investment of £5 million for this purpose in December 2022. I am pleased to confirm that work has now commenced and is progressing well, as confirmed by BEAR Scotland at the A9 Safety Group meeting on 2 February 2023, which representatives of your council attended.

These safety measures include enhancements to signing and road markings, initially between Birnam and Dalguise, and installation of electronic signs to display safety messages between Perth and Inverness.

Furthermore, a road safety campaign targeting driver fatigue commenced on 13 February and preparations for a drive on the left campaign are well underway ahead of a launch towards the end of March.

My sympathies continue to be with everyone who has lost a loved one on Scotland's roads. One life lost on any of Scotland's roads is one too many. I am hopeful that these more immediate measures will help to support a reduction in road traffic accidents.

Tomatin to Moy Procurement Competition

I confirmed to Parliament on 8 February that the final tender return for the Tomatin to Moy procurement competition only yielded one tender submission and, following careful consideration, Ministers concluded that award of the contract at this time would not represent best value for the taxpayer.

I appreciate that this is disappointing news, but I want to be absolutely clear to the communities and businesses served by the A9 between Perth and Inverness, that the Scottish Government is absolutely committed to dualling the A9, including the section between Tomatin and Moy.

I can confirm that I have instructed Transport Scotland officials to commence a new procurement competition for this section as soon as possible with the aim of achieving a contract award before the end of 2023. As part of this process Transport Scotland will engage with the construction industry on how our roads contracts may be modified to encourage more bidders to participate.

A9 Dualling Programme

I also provided an update on the overall A9 Programme. With an estimated cost of £3 billion at 2008 prices, this programme is one of the largest infrastructure programmes ever undertaken in Scotland. Two of the programme's eleven projects are now complete, and Ministerial decisions to complete the statutory process have been confirmed for eight of the nine remaining projects. This covers over 92% of the length to be dualled.

Whilst good progress has been made, the programme has been significantly disrupted by external events including the pandemic, disruption caused by Brexit and the war in Ukraine, which, with their consequential inflationary impacts, have had a significant impact on the construction market.

As you are likely aware Transport Scotland has been assessing the most suitable procurement options for the remaining sections of the programme. Due to recent economic volatility, including the impacts on borrowing costs of the UK Government's 'mini-budget', it has been necessary to assess the impact of market changes on the available procurement options. This will now also consider the potential cost implications of any changes to our roads contracts following the outcome of the Tomatin to Moy procurement.

The original target date for completion of the dualling of the A9 was scheduled to be 2025. As I confirmed to Parliament this timescale is simply no longer achievable. It is true that the target date set always represented an ambitious challenge. It was also reliant on the timely and positive outcome of a range of factors all of which have been significantly impacted by the events I outlined above. This has made the 2025 date simply unachievable.

Going forward, Transport Scotland is urgently considering a range of different options to provide Ministers advice on the most efficient way in which to dual the remaining sections. I expect to have this advice by Autumn 2023 at which time I will update Parliament with a renewed timescale for completion.

I want to take this opportunity to thank you for your involvement in the A9 Dualling Programme to date and to reiterate the Scottish Government's commitment to deliver the benefits of the completed A9 Dualling programme to the people of Scotland.

Yours sincerely

JENNY GILRUTH

Scottish Conservative & Unionist Debate – 22 February 2023

From: [redacted] **On Behalf Of** Project Delivery Correspondence

Sent: 22 February 2023 12:03

To: Minister for Transport <MinisterFT@gov.scot>; Cabinet Secretary for Net Zero, Energy and Transport <CabSecNetZET@gov.scot>

Cc: DG Net Zero <DGNetZero@gov.scot>; Chief Executive Transport Scotland <ceo@transport.gov.scot>; Transport Scotland Directors

<DLECONPTSD@transport.gov.scot>; Press Transport Scotland

<media@transport.gov.scot>; Communications Finance & Economy

<CommunicationsFinanceandEconomy@gov.scot>; Shackman L (Lawrence)

<Lawrence.Shackman@transport.gov.scot>; Leggett S (Stewart)

<Stewart.Leggett@transport.gov.scot>; [redacted] Twyman K (Kerry)

<Kerry.Twyman@transport.gov.scot>; [redacted] Deputy Director Infrastructure and Investment <DeputyDirectorInfrastructureAndInvestment@gov.scot>; [redacted]

Brown F (Fiona) (TS) <Fiona.Brown@transport.gov.scot>; [redacted] Project

Delivery Correspondence <PDC@transport.gov.scot>

Subject: RE: Scottish Conservative & Unionist Party Debate: Net Zero, Energy and Transport - 22 February

PO

Please find attached updated briefing pack, comments have been considered and included.

Kind Regards,
[redacted]

Extract of the Scottish Conservative & Unionist Debate Briefing

The Scottish Government remains firmly committed to completing the dualling of the A9 between Perth and Inverness.

- The £3bn investment (at 2008 prices) to dual the A9 between Perth and Inverness is one of the biggest transport infrastructure projects in Scotland's history.
- We have already invested over £430m delivering the programme.

- Road users are already benefiting from the dualled stretch between Kincaig and Dalraddy and Luncarty and the Pass of Birnam, which opened in September 2017 and August 2021 respectively.
- It is a matter for parliament to consider calls for an inquiry – our focus remains on delivering the remainder of the dualled sections as efficiently as possible.

Following a difficult and complex procurement procedure, Ministers decided not to award the contract for the Tomatin to Moy section of the A9 Dualling programme. Transport Scotland is preparing the urgent re-tender of this contract.

- The Minister for Transport provided an update on the A9 Dualling on 8 February 2023 in parliament.
- Having carefully reviewed the submitted tender, Ministers have concluded that award of the contract at this time would not represent best value for the taxpayer.
- The price of this tender was significantly higher than expected – even allowing for the real world impacts of the volatile economy.
- This has been a difficult decision to make but we believe this to be the right and indeed the only responsible one to take in all the circumstances.
- Transport Scotland is already taking the necessary preparatory steps for the urgent re-tendering of the Tomatin to Moy project, with the aim of achieving a contract award before the end of 2023.
- Transport Scotland is engaging with industry partners such as CECA, to consider improvements that can be made to both our contract delivery strategy and procurement mechanisms, to maximise interest and market engagement in the future re-procurement.

Design work is progressing on the rest of the programme, with ministerial decisions to complete the statutory process confirmed for seven of the remaining eight schemes.

- Work to determine the most suitable procurement options for these sections of the A9 dualling is ongoing.
- This is a complex exercise which looks at a number of factors including how the project can be delivered most efficiently by the industry, whilst minimising disruption to road users and helping to support economic recovery post-COVID.
- As part of this exercise, in light of recent fluctuations in the economic environment, work is also underway to assess the impact of market changes on the potential procurement approaches available.
- This work is expected to conclude in Autumn 2023 and an update on a renewed timescale for completion will be provided to the Scottish Parliament at that time.

The only section not to have started the statutory process is the Pass of Birnam to Tay Crossing project, where work is ongoing to identify a preferred route option following the innovative co-creative process with the local community.

- Work is progressing on announcing a preferred route for this section which is expected to be made in the spring.

A9

- The £3bn investment (at 2008 prices) to dual the A9 between Perth and Inverness is one of the biggest transport infrastructure projects in Scotland's history.
- We have already invested over £430m delivering the programme.
- We remain committed to dualling the A9 and considerable work is ongoing across the programme to complete essential design and statutory consents stages.
- Road users are already benefiting from the dualled sections between Kincaig and Dalraddy and Luncarty and the Pass of Birnam, which opened in September 2017 and August 2021 respectively.
- Work to determine the most suitable procurement options for the remaining sections of the A9 dualling is ongoing.
- This is a complex exercise which looks at a number of factors including how the project can be delivered most efficiently by the industry, whilst minimising disruption to road users and helping to support economic recovery post-COVID.
- Transport Scotland's work to determine the best procurement route for the remainder of the programme has also been impacted by recent and ongoing economic volatility. While this work is ongoing and expected to conclude before the end of this year, it is now clear that the A9 Dualling Programme will not be completed in full by 2025.

A9 Dualling: Tomatin to Moy Procurement

- Following a difficult and complex procurement procedure, that concluded in February 2023, Ministers have decided not to award the contract for the A9 Dualling: Tomatin to Moy.
- Having carefully reviewed the tender, Ministers concluded the bid did not represent best value for the taxpayer.
- Transport Scotland has started the preparatory work for a new procurement process for the Tomatin to Moy project, with the aim of achieving a contract award before the end of 2023.
- Transport Scotland has already started to engage with industry partners such as CECA, to consider improvements that can be made to both our contract delivery strategy and procurement mechanisms, to maximise interest and market engagement in the new procurement.

A9 Statutory Process

- Design work is progressing on the rest of the programme, with ministerial decisions to complete the statutory process confirmed for seven of the remaining eight schemes.

- The only section not to have started the statutory process is the Pass of Birnam to Tay Crossing project, where work is ongoing to identify a preferred route option following the innovative co-creative process with the local community.
- The design work for this challenging section of the A9 is continuing following a community co-creative process.
- This process has helped us form an extremely positive working relationship with the local community and broaden the vision for dualling this section of the A9.
- An announcement on the preferred route option is expected to be made this Spring after which the preferred option will be further refined, developed and assessed before commencement of the statutory process.

A9 Procurement – remaining sections

- Work to determine the most suitable procurement options for the remaining sections of the A9 dualling is ongoing.
- This is a complex exercise which looks at a number of factors including how the project can be delivered most efficiently by the industry, whilst minimising disruption to road users and helping to support economic recovery post-COVID.
- As part of this exercise, in light of recent fluctuations in the economic environment referenced by the Deputy First Minister in the budget statement on 15 December 2022, work is also underway to assess the impact of market changes on the potential procurement approaches available.
- The publication of a public facing programme for construction can only be made once the procurement route is known as the size of the contracts is linked to that strategy.
- The construction market as a whole has also heated up in recent years with contractors stretched across a number of UK Major Projects including HS2. In such an active market, we must test industry interest in the type and sizes of contract we plan to procure.
- It is only right that we listen to the industry to understand the ongoing challenges that they may face in delivering this critical programme.
- The industry has been and is still currently seeing materials shortages and rising prices, and we will continue to monitor the effect of that on our programmes.

A9 Dualling Programme

Background and current status

The A9 Dualling Programme will upgrade 80 miles (129 kilometres) of road from single to dual carriageway. Transport Scotland's £3 billion programme (at 2008 prices) is designed to deliver economic growth through improved road safety and reliable and quicker journey times, as well as better links to pedestrian, cycling and public transport facilities.

The Programme was split into 11 sections for the purposes of planning, local engagement and statutory consents. A summary of the current status of each section is provided below.

At present, two sections Kincaig to Dalraddy and Luncarty to Pass of Birnam of the programme are complete.

Procurement of a third section, between Tomatin and Moy, resulted in no award being made. Having carefully reviewed this tender, Ministers have concluded the bid does not represent best value at the current time. This project will be re-tendered with modified terms and conditions to encourage an improved tender competition with a target of making an award before the end of 2023.

The design and development phase is well advanced for the remaining eight sections, seven of which are going through the statutory process, and one of which (Pass of Birnam to Tay Crossing) is approaching preferred route option status. Of the seven in the statutory process, four schemes: Tay Crossing to Ballinluig, Pitlochry to Killiecrankie, Glen Garry to Dalwhinnie, and Dalwhinnie to Crubenmore have published Made Orders. Two further projects namely Crubenmore to Kincaig and Dalraddy to Slochd have also received Ministerial approval to publish the Made Orders.

Following a Public Local Inquiry held in January 2020 and recommendations made by the Reporter in November 2022, Scottish Ministers confirmed that the statutory procedures for the A9 Dualling Killiecrankie to Glen Garry scheme can be completed. This significant milestone decision means that 92% of the programme has Ministerial decisions to make Orders and complete the statutory process.

Delivery of the remaining sections of the dualling programme can only commence if approved under the relevant statutory procedures and thereafter a timetable for progress can be set. The statutory right for individuals to have their say on our proposals cannot be set aside and it is essential that vital feedback is taken into account as we develop our plans.

Funding and procurement

Procurement options to deliver the A9 Dualling Programme are currently being investigated to provide the optimal solution for constructing the remaining sections of this large programme of works following completion of the statutory procedures

A market consultation exercise was undertaken in 2021 and 2022 to inform assessment of procurement options for the remaining sections when the statutory process is complete.

Determination of the optimal procurement approach for delivery of the remaining sections of the A9 Dualling Programme is ongoing. This is a complex exercise which is considering a pipeline of work in a form that can be delivered by the industry, supports the economic recovery post COVID whilst minimising disruption to users of this lifeline route.

The work is considering both a revenue funded procurement model as a means for delivery of the remaining sections along with a capital funding approach. Each funding option has its own risk and opportunity profiles which are being considered in the options assessment.

As part of this exercise, given the recent fluctuations in the economic environment referenced by the Deputy First Minister in the budget statement in December 2022, work is currently underway to assess the impact of market changes on the potential procurement approaches available.

Current status of the project sections comprising the A9 Dualling Programme



	Section	Status	Information
P1	A9 Luncarty to Pass of Birnam	Delivered	-
P2	A9 Pass of Birnam to Tay Crossing	In Design	Advice being prepared for the Cabinet Secretary on the preferred route option. Background briefing also being prepared.
P3	A9 Tay Crossing to Ballinluig	Orders made	The Ministerial decision to proceed to make the orders was received 2 March 2021. Made Orders were published on 26 November 2021
P4	A9 Pitlochry to Killiecrankie	Orders made	Ministerial decision to proceed to make the orders was received 11 Feb 2020. Made Orders were published on 26 November 2021
P5 ⁴	A9 Killiecrankie to Glen Garry	Statutory Process Underway	Draft Orders published on 28 November 2017 and 183 objections were received (the majority relate to concerns about the Killiecrankie Battlefield). Public Local Inquiry was held January 2020 and in November 2022 Scottish Ministers confirmed that the statutory procedures can be completed. Work is progressing to publish made orders.

⁴ Originally two separate projects were identified, but these were later combined into a single project referenced as P5

P7	A9 Glen Garry to Dalwhinnie	Orders made	Ministerial decision to proceed to make orders was received 31 May 2019. Made Orders were published on 30 July 2021
P8	A9 Dalwhinnie to Crubenmore	Orders made	Ministerial decision to proceed to make orders was received November 2020. Made Orders were published on 30 July 2021
P9	A9 Crubenmore to Kincaig	Statutory Process Underway	Ministerial Decision to proceed to make orders was received 17 January 2022 and preparations to make the orders are progressing.
P10	A9 Kincaig to Dalraddy	Delivered	-
P11	A9 Dalraddy to Slochd	Statutory Process Underway	Ministerial decision to make orders was received 15 November 2021 and preparations to make the orders are progressing.
P12	A9 Tomatin to Moy	In Procurement	A decision was taken not to make an award under the procurement, concluded in February 2023. Having carefully reviewed this tender, Ministers have concluded the bid does not represent best value at the current time. This project will be re-tendered with a target of making an award by the end of 2023.

Meeting with Officials on Case for Investment and Approach to the Remainder of the A9 Dualling Programme – 12 October 2022

From: [redacted] **On Behalf Of** Deputy First Minister and Cabinet Secretary for Covid Recovery

Sent: 07 February 2023 09:11

To: Minister for Transport <MinisterFT@gov.scot>; Project Delivery Correspondence <PDC@transport.gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Cabinet Secretary for Net Zero, Energy and Transport <CabSecNetZET@gov.scot>

Cc: [redacted] Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>

Subject: RE: A9 Dualling Programme - Ministerial Discussion - Note of Meeting - 12 October 2022

This email is for the official record and confirms a Ministerial Decision. This email must be placed in the official record (eRDM) by your team [in line with SG records management policy](#).

Hi [redacted]

For completeness DFM is content.

Thanks,

[redacted]

[redacted]

Deputy Private Secretary to the Deputy First Minister and Cabinet Secretary for Covid Recovery – John Swinney MSP

The Scottish Government

St Andrew's House | Regent Road | Edinburgh | EH1 3DG

T: [redacted] | **M:** [redacted] | **Email:** DFMCSCR@gov.scot

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From: [redacted] **On Behalf Of** Minister for Transport

Sent: 30 November 2022 09:27

To: Project Delivery Correspondence <PDC@transport.gov.scot>; Minister for Transport <MinisterFT@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Cabinet Secretary for Net Zero, Energy and Transport <CabSecNetZET@gov.scot>

Cc: [redacted] Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>

Subject: RE: A9 Dualling Programme - Ministerial Discussion - Note of Meeting - 12 October 2022

This email is for the official record and confirms a Ministerial Decision. This email must be placed in the official record (eRDM) by your team [in line with SG records management policy](#).

Hi [redacted]

Ms Gilruth is content, however she would like to ensure that both DFM and Mr Matheson are also content with the minute before proceeding. I have copied in POs and would be grateful if this could be shared with both for consideration.

[redacted]

Many thanks

[redacted]

[redacted] | Deputy Private Secretary to the Minister for Transport – Jenny Gilruth

The Scottish Government | St Andrew's House, Edinburgh, EH1 3DG

Email: MinisterFT@gov.scot

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From: [redacted] **On Behalf Of** Project Delivery Correspondence
Sent: 15 November 2022 16:22
To: Minister for Transport <MinisterFT@gov.scot>
Cc: Project Delivery Correspondence <PDC@transport.gov.scot>; [redacted]
Shackman L (Lawrence) <Lawrence.Shackman@transport.gov.scot>
Subject: A9 Dualling Programme - Ministerial Discussion - Note of Meeting - 12 October 2022

PO

Please find attached minutes of discussion with Ministers regarding case for investment and approach to the remainder of the A9 Dualling Programme on 12 October 2022. Apologies for the delay in preparing these minutes.

Grateful for the minister's clearance prior to wider distribution.

Kind Regards,
[redacted]

[redacted]
Project Delivery Team Support

Transport Scotland | Major Projects



Transport Scotland, the national transport agency
Còmhdaill Alba, buidheann nàiseanta na còmhdaill

Extract of Ministerial Discussion with Officials on Case for Investment and Approach to the Remainder of the A9 Dualling Programme.

12 October 2022

Attendees

John Swinney (JS) MSP, Deputy First Minister and Cabinet Secretary for Covid Recovery and covering the Finance and Economy portfolio
Michael Matheson (MM) MSP, Cabinet Secretary for Net Zero, Energy and Transport
Jenny Gilruth (JG) MSP, Minister for Transport

Michelle Quinn (MQ), Interim Chief Executive Transport Scotland (TS)
Hugh Gillies (HG), TS Director
Lawrence Shackman (LS), TS Director Major Projects
Kerry Twyman (KT), TS Director of Finance and Corporate Service
Stewart Leggatt (SL), TS Director of Roads
[redacted] Deputy Director for Infrastructure and Investment, SG Exchequer
[redacted], TS Major Projects, Head of Project Delivery
[redacted], TS Major Projects, Head of Design and Development

[redacted], TS Major Projects, A9 Dualling Delivery Team

[redacted], Special Adviser

[redacted], Special Adviser

[redacted], Special Adviser

Agenda

Welcome

Provide Ministers with an update on the Case for Investment for the A9 Dualling Programme and consider issues relevant to the approach to the remainder of the Programme.

Any Other Business

Actions

Welcome – extended to all attendees from JG

Update Provided

- Following introductions [redacted], provided an update on recent work undertaken in relation to the Case for Investment for the A9 Dualling Programme, emerging findings from work undertaken to consider options for procurement of the remaining elements of the Programme, and an outline of possible implications for those emerging findings of market changes following the UK Government's "mini-budget".
- Having considered the information provided by officials Ministers indicated a continuing commitment to completion of the A9 Dualling Programme while recognising that the issues noted would require further discussion.
- It was agreed that further meeting would be arranged to continue discussions at the earliest opportunity.

Any Other Business

- Nothing to report

Actions

- **Further meeting between Ministers and officials to be arranged. (MQ)**
- **Officials to consider any further information to be prepared to assist discussions. (LS/[redacted])**