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Edward Mountain
Convenor of the Net Zero, Energy and Transport
Committee

By email: netzero.committee@parliament.scot

5th September 2023

A9 Dualling: Tomatin to Moy Project – Procurement update

Dear Convenor,

I write to provide an update to the Net Zero, Energy and Transport Committee on the new procurement for dualling of the A9 between Tomatin to Moy.

I am pleased to be able to update on this milestone and I can confirm that the new procurement for the A9 Dualling: Tomatin to Moy project will formally commence today 5 September with the publication of a Contract Notice. This follows a previous procurement that received only one tender submission, following the withdrawal of two of the three participants. Following evaluation of the submitted tender, the price of which was significantly higher than expected, Ministers' decided in February 2023 not to award the contract as it did not represent best value for the taxpayer at that time.

Transport Scotland has undertaken an extensive market consultation exercise with the construction industry, including The Civil Engineering Contractors Association (CECA) Scotland, which has led to the development of a new contract for the project.

As a result of this exercise, the new contract includes a more balanced share of risk between the Scottish Ministers and the contractor and uses a different contract form – one that is preferred by contractors and used widely across the UK.

We have also worked hard to make this new procurement process as efficient as possible and, as a result, a more streamlined approach will be used for the new procurement. It is anticipated that this new process will enable the earliest possible contract award to be made, all being well, in early Summer 2024.

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Whilst this timetable is longer than what was originally outlined in the statement to Parliament by the then Minister for Transport (Ms Gilruth) on 8 February, it was only right that sufficient time was taken to develop a new contract in a robust manner both to maximise market interest in the new procurement, to fully consult with the market and to ensure the new terms and conditions do not lead to unintended consequences affecting value for Scottish Taxpayers. It is hoped that, having taken that time and made the adjustments, a successful procurement will be more likely. I hope you find the above information helpful.

Yours sincerely,

MAIRI MCALLAN

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