

United Kingdom-Birmingham: Bridge-design services

OJ S 32/2015 14/02/2015

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: Highways Agency

Postal address: The Cube, 199 Wharfside Street

Town: Birmingham

Postal code: B1 1RN

Country: United Kingdom

For the attention of: Jude Hutcheson or Steve Bissell

E-mail: jude.hutcheson@highways.gsi.gov.uk

Telephone: +44 1216788381

Additional information can be obtained from:

the abovementioned address

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:

the abovementioned address

Tenders or requests to participate must be submitted: the abovementioned address

I.2. Type of the contracting authority

National or federal agency/office

I.3. Main activity

General public services

I.4. Contract award on behalf of other contracting authorities

The contracting authority is purchasing on behalf of other contracting authorities: no

Section II: Object of the contract

II.1. Description

II.1.1. Title attributed to the contract by the contracting authority

Historical Railways Estate — Professional Services (Design) Contract.

II.1.2. Type of contract and place of performance or delivery

Services

Service category No 1: Maintenance and repair services

Main site or place of performance: The main place of performance for this contract will be mainland United Kingdom i.e. England, Wales and Scotland.

NUTS code

II.1.3. Information about a framework agreement or a dynamic purchasing system

The notice involves a public contract

II.1.4. Information about framework agreement

Estimated total value of purchases for the entire duration of the framework agreement

Estimated value excluding VAT: 0,00 GBP

II.1.5. Short description of the contract or purchase(s)

The Highways Agency invites Tenders from potential suppliers. All suppliers interested in tendering for the contract will be required to complete a Selection Questionnaire and submit this with their Actual Tender Documents. Following the assessment of the Selection Questionnaire, suppliers that have passed the Scoring Criteria detailed in the Instruction for Tenderers will have their Tenders opened and assessed.

The Highways Agency under the Secretary of State for Transport is responsible for approximately 4 000 non-operational railway structures including bridges, viaducts, tunnels, retaining walls, and culverts distributed throughout England, Scotland and Wales.

For the purpose of this contract there will be one contract covering England, Scotland and Wales.

In the current Professional Services contract, approximately 75 projects have been undertaken. The actual services required during the term of the contract will be determined by the Highways Agency. Contractors who are interested must be able to demonstrate their capability to undertake the work i.e. Structural Survey; Structural Assessment and Analysis; Feasibility studies; Design of structural repair and Maintenance schemes; Design of new structures; Supervision of Contractors; Preparation of contracts; Management and assessment of tenders; Contract Management; Risk Management; Embankments - fill and analysis; Historical research; Health and Safety Advisor; Principle Designer, CDM Coordinator. In addition to the above services the contractor will be expected to demonstrate their capability in Estate Management.

The Contract will commence in July 2015 and will be for a period of 3 years from the access date with the scope to extend by up to a further 2 years, subject to Highways Agency Operational requirements and satisfactory contract performance.

A Tender Presentation will be held on Tuesday 24.2.2015 — from 9:30 until 13:00.

At: Royal York Hotel, Station Road, York, YO24 1AA.

In order to register an interest and attend please advise of attendees (maximum of 2 persons) to the Procurement Officer via Bravo Solutions by Thursday 19.2.2015.

II.1.6. CPV code(s)

71322300 Bridge-design services, 71327000 Load-bearing structure design services, 71320000 Engineering design services, 70332100 Land management services, 79415200 Design consultancy services, 71250000 Architectural, engineering and surveying services, 71330000 Miscellaneous engineering services, 71322000 Engineering design services for the construction of civil engineering works, 71631400 Technical inspection services of engineering structures, 71631450 Bridge-inspection services

II.1.7. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: yes

II.1.8. Lots

This contract is divided into lots: no

II.1.9. Information about variants

Variants will be accepted: no

II.2. Scope of the procurement

II.2.1.

Total quantity or scope

The estimated range of values quoted below are per annum over the total duration of the contract. Estimated value excluding VAT.

Estimated value excluding VAT:

Range: between 1 000 000 and 1 500 000 GBP

II.2.2. Information about options

II.2.3. Information about renewals

II.3. Duration of the contract or time limit for completion

Duration in months: 36 (from the award of the contract)

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded

(i) For unincorporated joint ventures it will be necessary for each member of the group to sign an undertaking that they will be jointly and severally bound for the due performance of the contract.

(ii) For single legal/entities/incorporated joint ventures submitting an acceptable offer, the consortium must provide a corporate statement of intent to form itself into a single legal entity before any contract can be awarded.

The Contractor must state in its expression of interest to this notice whether it is an incorporated joint venture (stating the date of incorporation) or an unincorporated joint venture (joint and severally liability).

In the case of an unincorporated joint venture (joint and several liability) the contractor must also confirm the names of all the contracting entities with the Employer.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: A Parent Company Guarantee will be required where the financial assessment of the applicant does not meet the required level for the contract. In the event of an applicant not meeting the minimum financial criteria and where a parent company structure exists, a parent company guarantee will be required from the controlling parent company that meets the minimum required financial assessment criteria. This may potentially result in escalation up to the ultimate parent or failure of financial assessment where the ultimate parent company does not meet the financial assessment criteria.

For a joint and severable liable joint venture each constituent of the joint venture shall meet at least 60 % of the financial standing stated for this contract or where a parent company structure exists a parent company guarantee will be required from the controlling parent company that meets the minimum required financial assessment criteria. Where an incorporated joint venture is proposed, a Parent Company Guarantees will be required.

III.2. Conditions for participation

III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: 1. The supplier must declare if it or any of its directors or any other person who has powers of representation, decision or control of the supplier has been convicted of any of the following offences:

- (a) Conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA.
- (b) Corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889(20) or section 1 of the Prevention of Corruption Act 1906(21) where the offence relates to active corruption;
- (c) The offence of bribery, where the offence relates to active corruption;
- (ci) bribery within the meaning of section 1 or 6 of the Bribery Act 2010(22);
- (d) Fraud, where the offence relates to fraud affecting the European Communities financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities (23), within the meaning of:
 - (i) the offence of cheating the Revenue;
 - (ii) the offence of conspiracy to defraud;
 - (iii) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;
 - (iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or Section 993 of the Companies Act 2006;
 - (v) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979(31) or section 72 of the Value Added Tax Act 1994;
 - (vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
 - (vii) destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 (34) or section 19 of the Theft Act (Northern Ireland) 1969;
 - (viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or
 - (ix) making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of the Fraud Act 2006;
- (e) Money laundering within the meaning of section 340(11) of the Proceeds of Crime Act 2002;
 - (ei) an offence in connection with proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996;
 - (eii) an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994; or
- (f) Any other offence within the meaning of Article 45(1) of the Public Sector Directive as defined by the national law of any relevant state.

The Highways Agency shall treat as ineligible and shall not select a supplier that has been convicted of any of the above offences.

The Highways Agency may apply to the relevant competent authority to obtain further information regarding the supplier and in particular details of convictions of the offences listed above if it considers it needs such information to decide on any exclusion referred to above.

In any case where supplier or its directors or any other person who has powers of representation, decision or control has been convicted of an offence described in paragraph

(1), the Highways Agency may disregard the prohibition described there if it satisfied that there are overriding requirements in the general interest which justify doing so in relation to that economic operator in order to maintain or enable sufficient competition.

2. The Supplier must declare if any of the following (a) to (j) it or any of its directors any other person who has powers of representation, decision or control of the supplier is applicable.

The Highways Agency shall consider a supplier as ineligible or decide not to select supplier in accordance with the Procurement Regulations on 1 or more of the following grounds, namely that the economic operator or any of its directors any other person who has powers of representation, decision or control of the economic operator (supplier):

(a) being an individual is a person in respect of whom a debt relief order has been made or is bankrupt or has had a receiving order or administration order or bankruptcy restrictions order or a debt relief restrictions order made against him or has made any composition or arrangement with or for the benefit of his creditors or has made any conveyance or assignment for the benefit of his creditors or appears unable to pay or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986, or article 242 of the Insolvency (Northern Ireland) Order 1989, or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent or is the subject of a petition presented for sequestration of his estate or is the subject of any similar procedure under the law of any other state;

(b) being a partnership constituted under Scots law has granted a trust deed or become otherwise apparently insolvent or is the subject of a petition presented for sequestration of its estate;

(c) being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002 has passed a resolution or is the subject of an order by the court for the company's winding up otherwise than for the purpose of bona fide reconstruction or amalgamation or has had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company's business or any part thereof or is the subject of the above procedures or is the subject of similar procedures under the law of any other state;

(d) has been convicted of a criminal offence relating to the conduct of his business or profession;

(e) has committed an act of grave misconduct in the course of his business or profession;

(f) has not fulfilled obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant state in which the economic operator is established;

(g) has not fulfilled obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which the supplier is established;

(h) is guilty of serious misrepresentation in providing any formation referred to within regulation or regulation 24, 25, 26 or 27 (of the Public Contracts Regulations 2006 as amended), or has not provided such information in response to a request by the contracting authority;

(i) in relation to procedures for the award of a public services contract, is not licensed in the relevant State when the law of that relevant State prohibits the provision of the services to be provided under the contract by a person who is not so licensed or who is not such a member; or

(j) subject to Regulation 23 paragraphs (7), (8) and (9) of the Public Contracts Regulation 2006, as amended, is not registered on the professional or trade register of the relevant State specified in Schedule 6 in which he is established under conditions laid down by that State.

III.2.2. Economic and financial ability

List and brief description of conditions: The last 2 years audited accounts will be requested with the response to the Selection Questionnaire.

Minimum level(s) of standards possibly required: Please refer to the Selection Questionnaire for full details.

III.2.3. Technical and professional ability

List and brief description of conditions:

Please refer to the Selection Questionnaire for full details.

Minimum level(s) of standards possibly required:

Means of proof required — The information required must be submitted on standard Highways Agency forms that are obtained from 'Opportunities and Notices' on the e-Sourcing portal (<http://highways.bravosolution.co.uk> See V1.3)).

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

Execution of the service is reserved to a particular profession: no

III.3.2. Information about staff responsible for the performance of the contract

Section IV: Procedure

IV.1. Type of procedure

IV.1.1. Type of procedure

Open

IV.1.2. Information about the limits on the number of candidates to be invited

IV.1.3. Information about reduction of the number of solutions or tenders during negotiation or dialogue

IV.2. Award criteria

IV.2.1. Award criteria

The most economically advantageous tender in terms of Price is not the only award criterion and all criteria are stated only in the procurement documents

IV.2.2. Information about electronic auction

An electronic auction will be used: no

IV.3. Administrative information

IV.3.1. File reference number attributed by the contracting authority

IV.3.2. Previous publication concerning this procedure

Prior information notice

Notice number in the OJ S: [2014/S 224-396055](#) of 20.11.2014

IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document

IV.3.4. Time limit for receipt of tenders or requests to participate

6.3.2015 - 12:00

IV.3.5.

Estimated date of dispatch of invitations to tender or to participate to selected candidates

IV.3.6. Languages in which tenders or requests to participate may be submitted

English.

IV.3.7. Minimum time frame during which the tenderer must maintain the tender

Duration in days: 180 (from the date stated for receipt of tender)

IV.3.8. Conditions for opening of tenders

Section VI: Complementary information

VI.1. Information about recurrence

VI.2. Information about European Union funds

VI.3. Additional information

This procurement is being conducted by the Highways Agency on behalf of the Secretary of State for Transport. However, the Government is currently consulting on proposals to create a separate corporation or other entity (wholly owned by Government) which will assume the functions, rights and liabilities of the Highways Agency.

Applicant companies are accordingly advised that:

- (i) their tender is capable of being accepted by the new entity when it is formed; and
- (ii) if the contract is initially awarded by the Secretary of State, it will include a provision permitting novation.

This procurement falls within the scope of HM Revenue and Customs Construction Industry Scheme. As a supplier/organisation looking to bid for public sector contracts over 10 000 GBP will be published on a single website and made available to the public.

You should also be aware that if your bid is successful, the resulting contract will be published. In some circumstances, limited redactions will be made to tender documentation and/or contracts before they are published in order to comply with existing law, to protect commercial interests and for the protection of national security.

The Contracting Authority intends to use an eTendering system in this procurement exercise and reserves the right to use a reverse auction.

How to Express an Interest in this Tender:

1. Register your company on the eSourcing portal (this is only required once) — Browse to the eSourcing Portal: <https://highways.bravosolution.co.uk> and click the link to register — Accept the terms and conditions and click 'continue' — Enter your correct business and user details — Note the username you chose and click 'Save' when complete — You will shortly receive an e-mail with your unique password (please keep this secure).
2. Express an Interest in the tender — Login to the portal with the username/password — Click the 'PQQs/ITT Open to All Suppliers' link. (These are Pre-Qualification Questionnaires or Invitation to Tender open to any registered supplier) — Click on the relevant PQQ/ITT to access the content — Click the 'Express Interest' button at the top of the page — This will move the PQQ/ITT into your 'My PQQs/ 'My ITTs' page. (This is a secure area reserved for your projects only) — You can now access any attachments by clicking 'Buyer Attachments' in the 'PQQ/ITT Details' box.
3. Responding to the tender — Click 'My Response under 'PQQ/ITT Details', you can choose to 'Create Response' or to 'Decline to Respond' (please give a reason if declining) — You can now use the 'Messages' function to communicate with the buyer and seek any clarification —

Note the deadline for completion, then follow the onscreen instructions to complete the PQQ /ITT — There may be a mixture of online and offline actions for you to perform (there is detailed online help available) You must then submit your reply using the 'Submit Response' button at the top of the page. If you require any further assistance please consult the online help, or contact the eTendering help desk.

VI.4. Procedures for review

VI.4.1. Review body

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: The Highways Agency will incorporate a minimum 10 calendar day standstill period at the point information on award of the contract is communicated to tenderers. Appeals should be lodge in accordance with Public Contracts Regulations 2006 (SI 2006 No 5) as amended.

VI.4.3. Service from which information about the review procedure may be obtained

VI.5. Date of dispatch of this notice

9.2.2015