

United Kingdom-Bristol: Fuels

OJ S 37/2015 21/02/2015

Contract notice

Supplies

Directive 2009/81/EC

Section I: Contracting authority/entity

---

**I.1. Name and addresses**

Official name: Ministry of Defence, IMOC

Postal address: DE&S, Logistic Commodities and Services Change Management, Elm 2C, #4231, NH4, DE&S, Abbey Wood

Town: Bristol

Postal code: BS34 8JH

Country: United Kingdom

For the attention of: Rachel Jenkins

E-mail: [descommodities-fap@mod.uk](mailto:descommodities-fap@mod.uk)

Telephone: +44 3067983539

**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**

Ministry or any other national or federal authority, including their regional or local subdivisions

**I.3. Main activity**

Defence

**I.4. Contract award on behalf of other contracting authorities/entities**

The contracting authority is purchasing on behalf of other contracting authorities: yes

Official name: Aberdeen County Council

Postal address: Ground Floor, Marischal College, Broad Street

Town: Aberdeen

Country: United Kingdom

Official name: Avon & Somerset Constabulary

Postal address: Police Headquarters, Valley Road

Town: Portishead

Country: United Kingdom

Official name: Central Scotland Police

Postal address: Force Headquarters, Randolphfield

Town: Stirling

Country: United Kingdom

Official name: Dumfries & Galloway Police

Postal address: Police Headquarters, Cornwall Mount

Town: Dumfries

Country: United Kingdom

Official name: The Highland Council Harbours Authority

Postal address: Glenurquhart Road

Town: Inverness

Country: United Kingdom

Official name: Environment Agency

Postal address: PO Box 544

Town: Rotherham

Country: United Kingdom

Official name: Highlands & Islands Fire & Rescue Service

Postal address: 50A Harbour Road

Town: Inverness

Country: United Kingdom

Official name: Humberside Police Headquarters

Postal address: Priory Police Station

Town: Hull

Country: United Kingdom

Official name: Lothian and Borders Police

Postal address: Force Headquarters

Town: Edinburgh

Country: United Kingdom

Official name: Maritime and Coastguard Agency

Postal address: Spring Place

Town: Southampton

Country: United Kingdom

Official name: Metropolitan Police Service

Postal address: 17th Floor (East)

Town: London

Country: United Kingdom

Official name: NI Road Service

Postal address: Clarence Court

Town: Belfast

Country: United Kingdom

Official name: Northern Constabulary

Postal address: Police Headquarters

Town: Inverness

Country: United Kingdom

Official name: Northamptonshire Police

Postal address: Force Headquarters

Town: Northampton

Country: United Kingdom

Official name: The Northern Ireland Environment Agency

Postal address: 17 Antrim Road

Town: Lisburn

Country: United Kingdom

Official name: Scottish Water

Postal address: Castle House, 6 Castle Drive

Town: Dunfermline

Country: United Kingdom

Official name: Shetland Islands Council

Postal address: Office Headquarters, 8 North Ness Business Park

Town: Shetland  
Country: United Kingdom  
Official name: Strathclyde Police  
Postal address: 173 Pitt Street  
Town: Glasgow  
Country: United Kingdom  
Official name: Suffolk Constabulary  
Postal address: Martlesham Heath  
Town: Suffolk  
Country: United Kingdom  
Official name: Sussex Police  
Postal address: Church Lane  
Town: Malling Lewes  
Country: United Kingdom  
Official name: Tayside Police  
Postal address: PO Box 59  
Town: Dundee  
Country: United Kingdom  
Official name: Water Service NI  
Postal address: PO Box 1026  
Town: Belfast  
Country: United Kingdom  
Official name: West Mercia Constabulary  
Postal address: Hindlip Hall  
Town: Worcester  
Country: United Kingdom  
Official name: Western Isles Council  
Postal address: Sandwich Road  
Town: Isle of Lewis  
Country: United Kingdom

## **Section II: Object of the contract**

---

### **II.1. Description**

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

Fuel Acquisition Project. Procurement of bulk marine and aviation fuels in the UK and worldwide and potentially small volumes of ground fuels for overseas locations.

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

Supplies  
Purchase  
NUTS code UK United Kingdom

#### **II.1.3. Information about framework agreement**

The procurement involves the establishment of a framework agreement

#### **II.1.4. Information about framework agreement**

Framework agreement with several operators

##### **Duration of the framework agreement**

Duration in years: 4

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

Estimated value excluding VAT: 4 207 000 000 GBP

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

Fuels. Kerosene jet type fuels. Diesel fuel. Unleaded petrol. The Ministry of Defence (MOD), as the Contracting Authority, has an ongoing requirement for bulk aviation and marine fuel in the UK and worldwide and potentially small volumes of ground fuels (outside of the UK) to support its routine and operational activities. A multi-supplier pan-government framework agreement is required to meet the Authority's requirement. The following fuel types are currently required, however, additional fuel types may be required during the life of the framework agreement: F-35 Aviation Turbine Fuel (Kerosene type) AVTUR; F-34 Aviation Turbine Fuel (Kerosene type) AVTUR Fuel Systems Icing Inhibitor (FSII); F-76 Fuel, Naval, Distillate; F-44 Aviation Turbine Fuel (High flash with FSII), AVCAT FSII; and potentially a small volume of F-54 Dieso – MT and F-67 Automotive Gasoline (Unleaded) ULGAS to overseas locations. The duration of the framework agreement is 4 years plus a further single option period of 3 years. Estimated total value including the option period is GBP 4 207 000 000 (£4.207Bn). Estimated annual value is GBP 601 000 000 (£601M). Please note that the process for submitting an Expression of Interest (EofI) for MOD requirements has now changed. If you are interested in participating in the competition for this requirement please complete the Dynamic Pre-Qualification Questionnaire (DPQQ) linked to this notice. Completion of the DPQQ by the DPQQ return date will constitute your EofI for this requirement. Prior to completing the DPQQ, please ensure you read the DPQQ instructions and guidance document which is attached in the DPQQ tool. The government departments detailed below are potential users of the framework, however any other UK government department, its Agencies, Trading Funds and Non Departmental Public Bodies, as well as the wider public sector (and any future successors to these organisations) may have a future requirement for use of this framework: Ministry of Defence; Aberdeen City Council; Avon and Somerset Constabulary; Central Scotland Police; Dumfries & Galloway Police; Environment Agency; Highland & Islands Fire Brigade; The Highland Council Harbours Authority; Humberside Police; Lothian & Borders Police; Maritime Coastguard Agency; Metropolitan Police Service; N.I ROAD Service; Northern Constabulary; Northamptonshire Police; Northern Ireland Environment Agency; Scottish Water; Shetland Islands Council; Strathclyde Police; Suffolk Constabulary; Sussex Police; Tayside Police; Water Service NI; West Mercia Constabulary; Western Isles Council. The addresses at Annex A are indicative and may change at the discretion of the Public Contracting Authority. Please note that the Framework Agreement may in future be managed by the Crown Commercial Services (CCS).

### **II.1.6. CPV code(s)**

09100000 Fuels, 09131100 Kerosene jet type fuels, 09134200 Diesel fuel, 09132100 Unleaded petrol

### **II.1.7. Information about subcontracting**

The tenderer has to indicate in the tender any share of the contract it may intend to subcontract to third parties and any proposed subcontractor, as well as the subject-matter of the subcontracts for which they are proposed

The tenderer has to indicate any change occurring at the level of subcontractors during the execution of the contract

### **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**

Supply of bulk fuels in the UK and overseas. The Ministry of Defence (MOD), as the Contracting Authority, has an ongoing requirement for bulk aviation and marine fuel in the UK and worldwide and potentially small volumes of ground fuels (outside of the UK) to support its routine and operational activities.

### **II.2.2. Information about options**

Options: yes

Description of options: There will be an option to extend the contract for a single 3 (three) year period.

### **II.2.3. Information about renewals**

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

Duration in months: 84 (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**

Bank and/or Parent Company Guarantees and/or other guarantees of performance and financial liability may be required. The Authority reserves the right to ask for an indemnity, guarantee or bank bond if the supplier does not meet the required standard for economic and financial standing. The DPQQ provides full details of the financial information required to pre-qualify for this requirement. VI.3 Additional Information of this notice (in addition to the DPQQ) details how financial information will be evaluated.

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

Conditions relating to financing and payment will be specified in the contractual documentation. Potential Providers must note the mandatory requirement for electronic trading using the Ministry of Defence's standard Purchase to Payment (P2P) system operating under the Defence Electronic Procurement Services.

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

If a contract is awarded to a grouping of economic operators, the Contracting Authority may require the grouping to form a legal entity (with appropriate financial guarantee from its parent companies) before entering into the contract.

#### **III.1.4. Other particular conditions to which the performance of the contract is subject, in particular with regard to security of supply and security of information**

The Authority reserves the right to amend any condition related to security of information to reflect any changes in national law or government policy. If any contract documents are accompanied by a Security Aspects Letter, the Authority reserves the right to amend the terms of the Security Aspects Letter to reflect any changes in national law or government policy whether in respect of the applicable protective marking scheme, specific protective markings given, the aspects to which any protective marking applies or otherwise.

### III.1.5. Information about security clearance

## III.2. Conditions for participation

### III.2.1. Personal situation

#### **Criteria regarding the personal situation of economic operators (that may lead to their exclusion) including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions: The Authority will apply all the offences listed in Article 39(1) of Directive 2009/81/EC (implemented as Regulation 23(1) of the Defence and Security Public Contract Regulations (DSPCR) 2011 in the UK) and all of the professional misconducts listed at Article 39(2) of Directive 2009/81/EC (see also Regulation 23(2) in the DSPCR 2011) to the decision of whether a Candidate is eligible to be invited to tender.

A full list of the Regulation 23(1) and 23(2) criteria are at <http://www.contracts.mod.uk/delta/project/reasonsForExclusion.html#dspr>

Candidates will be required to sign a declaration confirming whether they do or do not have any of the listed criteria as part of the pre-qualification process.

Candidates who have been convicted of any of the offences under Article 39(1) are ineligible and will not be selected to bid, unless there are overriding requirements in the general interest (including defence and security factors) for doing so.

Candidates who are guilty of any of the offences, circumstances or misconduct under Article 39 (2) may be excluded from being selected to bid at the discretion of the Authority.

### III.2.2. Economic and financial ability

#### **Criteria regarding the economic and financial standing of economic operators (that may lead to their exclusion)**

List and brief description of conditions: (a) Appropriate statements from the economic operator's bankers or where appropriate, evidence of relevant professional risk indemnity insurance

(b) The presentation of balance-sheets or extracts from the balance-sheets, where publication of the balance-sheet is required under the law of the country in which the economic operator is established.

(c) Where appropriate, a statement, covering the 3 previous financial years of the economic operator, of: (i) the overall turnover of the business of the economic operator; and (ii) where appropriate, the turnover in respect of the work, works, goods or services which are of a similar type to the subject matter of the contract.

Full details of the financial information which is required is set out in Part 1: Form D (Q4) of the DPQQ. This is a pass/fail element of the DPQQ and failure to provide the required information, or failure to achieve a pass will result in exclusion from the procurement. Potential Providers must state their overall turnover for last 2 financial years and provide one of the following (listed in order of preference): 1. A copy of audited accounts for the most recent 2 years or for the period available if trading for less than 2 years. 2. A statement of turnover, profit and loss account and cash flow for the most recent year of trading. 3. A statement of cash flow forecast for the current year and a bank letter outlining the current cash and credit position. 4.

Alternative means of demonstrating financial status if trading for less than a year. Details on how financial information will be evaluated can be found in VI.3 Additional Information of this Notice, as well as in the DPQQ.

Minimum level(s) of standards possibly required: Full details of the financial information which is required is set out in Part 1: Form D (Q4) of the DPQQ. Details on how financial information will be evaluated can be found in VI.3 Additional Information of this Notice, as well as in the DPQQ.

**Criteria regarding the economic and financial standing of subcontractors (that may lead to their rejection)**

List and brief description of conditions: Financial Information required is set out in the Dynamic Pre Qualification Questionnaire.

Minimum level(s) of standards possibly required: Financial Information required is set out in the Dynamic Pre Qualification Questionnaire.

**III.2.3. Technical and/or professional capacity**

**Criteria regarding the technical and/or professional ability of economic operators (that may lead to their exclusion)**

List and brief description of conditions:

(a) in the case of a supply contract requiring the siting or installation of goods, a services contract or a works contract, the economic operator's technical ability, taking into account in particular that economic operator's skills, efficiency, experience and reliability.

Full details of evidence required is set out in the DPQQ. Potential Providers must answer pass /fail questions relating to technical capability and quality assurance.

Minimum level(s) of standards possibly required

Full details are provided in the Dynamic Pre Qualification Questionnaire.

**Criteria regarding the technical and/or professional ability of subcontractors (that may lead to their rejection)**

List and brief description of conditions:

Full details are provided in the Dynamic Pre Qualification Questionnaire.

Minimum level(s) of standards possibly required

Full details are provided in the Dynamic Pre Qualification Questionnaire.

**III.2.4. Information about reserved contracts**

**III.3. Conditions specific to services contracts**

**III.3.1. Information about a particular profession**

**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**

Restricted

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

Objective criteria for choosing the limited number of candidates: Suppliers must read through this set of instructions and follow the process to respond to this opportunity.

The information and/or documents for this opportunity are available on <http://www.contracts.mod.uk>

You must register on this site to respond, if you are already registered you will not need to register again, simply use your existing user-name and password. Please note there is a password reminder link on the homepage.

Suppliers must log in, go to your Response Manager and add the following Access Code: 9FGT735832. Please ensure you follow any instruction provided to you here.

The deadline for submitting your response(s) is detailed within this contract notice, you will also have visibility of the deadline date, once you have added the Access code via DCO as the

opening and closing date is visible within the opportunity. Please ensure that you allow yourself plenty of time when responding to this opportunity prior to the closing date and time, especially if you have been asked to upload documents.

If you experience any difficulties please refer to the online Frequently Asked Questions (FAQs) or the User Guides or contact the MOD DCO Help-desk by emailing [support@contracts.mod.uk](mailto:support@contracts.mod.uk) or Telephone +44 800282324.

Interested suppliers are required to complete the Dynamic Pre Qualification Questionnaire (DPQQ) to provide information that allows the Authority to evaluate the supplier's capacities and capabilities against the selection criteria outlined at Sections III.2.1), III.2.2) and III.2.3) of this contract Notice and set out in the DPQQ.

The Authority will use the DPQQ response to create a shortlist of tenderers who;

- 1) are eligible to participate under Section III.2.1) of this Contract Notice
- 2) fulfil any minimum standards under Sections III.2.2) and III.2.3) of this Contract Notice; and
- 3) meet in terms of capacity and capability the selection criteria set out under Sections III.2.2) and III.2.3) of this Contract Notice.

Full details of the method of choosing the tenderers will be set out in the Help Text Box for the DPQQ.

#### **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 has been used: yes

Additional information about electronic auction: A Reverse Auction, conducted using electronic means, may be used as part of the procurement process for this requirement. Specific relevant information on Reverse Auction usage will be given in the Invitation to Tender.

#### **IV.3. Administrative information**

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

DFFS/5072

##### **IV.3.2. Previous publication concerning this procedure**

no

##### **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**

26.3.2015 - 10:00

##### **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.

#### **Section VI: Complementary information**

---

## **VI.1. Information about recurrence**

## **VI.2. Information about European Union funds**

## **VI.3. Additional information**

The contracting authority considers that this contract may be suitable for economic operators that are small or medium enterprises (SMEs). However, any selection of tenderers will be based solely on the criteria set out for the procurement, and the contract will be awarded on the basis of the most economically advantageous tender. Suppliers interested in working with the Ministry of Defence should register on the MOD Supplier Information Database (SID) Register, available at [www.contracts.mod.uk](http://www.contracts.mod.uk) The MOD SID is a database of active and potential suppliers available to all MOD and UK Defence procurement personnel, and is the main supplier database of MOD Procurement organisations. Please note: the registration and publication of a company profile on the MOD SID does not mean or imply that the supplier has in any way been vetted or approved by the MOD. Suppliers wishing to compete for advertised MOD contracts must respond to any specific call for competition by submitting an Expression of Interest in accordance with the instructions of the purchasing organisation.

**Economic and Financial Standing:** As this is a Framework Agreement a low turnover compared to annual contract value will not automatically exclude the Potential Provider from being selected to tender. The Potential Provider's financial ability to meet this requirement will be assessed on a risk basis and the applicant's financial accounts will be evaluated by the Cost Assurance and Analysis Service's (CAAS) financial analysts. Factors that will be taken into consideration when evaluating the accounts include, but are not limited to: Turnover; Profitability; Liquidity and Working Capital; Debt; Cash flow. The MOD may also examine the financial health of any holding company or subsidiary of the applicant where it is part of a Group. When assessing the financial health of an organisation the Authority will also take into consideration any Auditor's opinion, for example Qualifications or Emphasis of Matter Statements. The Authority's opinion may be validated using financial credit agencies such as Company Watch and Dunn and Bradstreet. If examination of the financial accounts exposes potential for an applicant to experience financial difficulty, then the Authority will determine the level of risk that it is willing to bear in fulfilling the requirement. Evaluation will be on a pass/fail basis. A fail in this area will result in your application being rejected. Please note that where separate trading entities of the same company have submitted a Dynamic Pre Qualification Questionnaire (DPQQ) response, financial information is required for each separate trading entity. Bank and/or Parent Company Guarantees and/or other guarantees of performance and financial liability may be required.

Suppliers are to provide, as part of their DPQQ response, one of the following (detailed in order of preference), where they are unable to provide a favourable option they must provide an explanation as to why they are unable to provide this information:

- a) A copy of your audited accounts for the most recent 2 years or for the period that is available if trading for less than 2 years.
- b) A statement of your turnover, profit & loss account and cash flow for the most recent year of trading.
- c) A statement of your cash flow forecast for the current year and bank letter outlining the current cash and credit position.
- d) Alternative means of demonstrating financial status if trading for less than a year.

Suppliers must read through this set of instructions and follow the process to respond to this opportunity.

From 2.4.2014 the Government is introducing its new Government Security Classifications

Policy (GSC) to replace the current Government Protective Marking Scheme. A key aspect of this is the reduction in the number of security classifications used. All suppliers to the Department are encouraged to make themselves aware of the changes as it may impact on this Requirement. The link below to the Gov.uk website provides information on the new GSC.

<https://www.gov.uk/government/publications/government-security-classifications>

Potential suppliers must note the mandatory requirement for electronic trading using the Ministry of Defence's standard Purchase to Payment (P2P) system operating under the Defence Electronic Procurement Services. You can find details on the P2P system at [www.d2btrade.com](http://www.d2btrade.com) The Contractor shall be required to sign the DEFFORM 30 (Electronic Transaction Agreements) and unconditionally accept DEFCON 5J (Unique Identifiers), DEFCON 129J (The Use of Electronic Business Delivery Form); and DEFCON 522J (Payment under P2P).

Advertising Regime OJEU: This contract opportunity is published in the Official Journal of the European Union (OJEU), the MoD Defence Contracts Bulletin and [www.contracts.mod.uk](http://www.contracts.mod.uk)

The Authority reserves the right to amend any condition related to security of information to reflect any changes in national law or government policy. If any contract documents are accompanied by instructions on safeguarding classified information (e.g. a Security Aspects Letter), the Authority reserves the right to amend the terms of these instructions to reflect any changes in national law or government policy, whether in respect of the applicable protective marking scheme, specific protective markings given, the aspects to which any protective marking applies, or otherwise.

Advertising Regime OJEU: This contract opportunity is published in the Official Journal of the European Union (OJEU), the MoD Defence Contracts Bulletin and [www.contracts.mod.uk](http://www.contracts.mod.uk)

Suppliers must read through this set of instructions and follow the process to respond to this opportunity.

The information and/or documents for this opportunity are available on <http://www.contracts.mod.uk>

You must register on this site to respond, if you are already registered you will not need to register again, simply use your existing user-name and password. Please note there is a password reminder link on the homepage.

Suppliers must log in, go to your Response Manager and add the following Access Code: 9FGT735832.

Please ensure you follow any instruction provided to you here.

The deadline for submitting your response(s) is detailed within this contract notice, you will also have visibility of the deadline date, once you have added the Access code via DCO as the opening and closing date is visible within the opportunity.

Please ensure that you allow yourself plenty of time when responding to this opportunity prior to the closing date and time, especially if you have been asked to upload documents.

If you experience any difficulties please refer to the online Frequently Asked Questions (FAQs) or the User Guides or contact the MOD DCO Help-desk by emailing

[support@contracts.mod.uk](mailto:support@contracts.mod.uk) or Telephone +44 800282324.

GO Reference: GO-2015216-DCB-6371618.

#### **VI.4. Procedures for review**

##### **VI.4.1. Review body**

##### **VI.4.2. Review procedure**

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

**VI.5. Date of dispatch of this notice**

16.2.2015