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**United Kingdom-Alfreton: Repair and maintenance services
2021/S 040-101557**

Modification notice

Modification of a contract/concession during its term

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority/entity

I.1) Name and addresses

Official name: Efficiency East Midlands Ltd
Postal address: Unit 3 Maisies Way, South Normanton
Town: Alfreton
NUTS code: UK UNITED KINGDOM
Postal code: DE55 2DS
Country: United Kingdom
Contact person: Rebecca Dermody-Simmons
E-mail: tenders@eem.org.uk
Telephone: +44 1246395610
Internet address(es):
Main address: www.eem.org.uk

Section II: Object

II.1) Scope of the procurement

II.1.1) Title:

Doors and Windows — Installation Only
Reference number: EEM0014

II.1.2) Main CPV code

50000000 Repair and maintenance services

II.1.3) Type of contract

Services

II.2) Description

II.2.2) Additional CPV code(s)

45421110 Installation of door and window frames
45421111 Installation of door frames
45421112 Installation of window frames
45421130 Installation of doors and windows
45421131 Installation of doors
45421132 Installation of windows

II.2.3) Place of performance

NUTS code: UK UNITED KINGDOM

II.2.4) Description of the procurement at the time of conclusion of the contract:

Efficiency East Midlands Ltd (EEM) is a procurement consortia which establishes and manages a range of framework agreements. Our members include social housing providers, local authorities, Universities, NHS Trusts and regional Police Forces. EEM has procured and entered into a framework agreement with a single contractor, who will be required to install external doors and windows to a wide range of properties including but not limited to domestic, commercial, low and high rise and new build properties. Please note this framework is solely for installation works, EEM have a separate contract for supply of windows and doors (EMC0015), therefore this framework will not cover the supply of the windows and doors. The framework agreement will be in place for a period of 37 months.

II.2.7) **Duration of the contract, framework agreement, dynamic purchasing system or concession**
Duration in months: 37

II.2.13) **Information about European Union funds**
The procurement is related to a project and/or programme financed by European Union funds: no

Section IV: Procedure

IV.2) **Administrative information**

IV.2.1) **Contract award notice concerning this contract**
Notice number in the OJ S: [2018/S 062-137733](#)

Section V: Award of contract/concession

Contract No: EEM0014

Title:

Doors and Windows — Installation Only

V.2) **Award of contract/concession**

V.2.1) **Date of conclusion of the contract/concession award decision:**
02/03/2018

V.2.2) **Information about tenders**
The contract/concession has been awarded to a group of economic operators: no

V.2.3) **Name and address of the contractor/concessionaire**
Official name: Nationwide Windows Ltd
Town: Rugby
NUTS code: UK UNITED KINGDOM
Country: United Kingdom
The contractor/concessionaire is an SME: yes

V.2.4) **Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)**
Total value of the procurement: 50 000 000.00 GBP

Section VI: Complementary information

VI.3) **Additional information:**

VI.4) **Procedures for review**

VI.4.1) **Review body**
Official name: Royal Courts of Justice
Postal address: The Strand
Town: London
Postal code: WC2A 2LL
Country: United Kingdom

VI.4.2) **Body responsible for mediation procedures**

Official name: Royal Courts of Justice
Postal address: The Strand
Town: London
Postal code: WC2A 2LL
Country: United Kingdom

VI.4.4) **Service from which information about the review procedure may be obtained**

Official name: The Cabinet Office
Postal address: Whitehall
Town: London
Postal code: SW1A 2AS
Country: United Kingdom

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

22/02/2021

Section VII: Modifications to the contract/concession

VII.1) **Description of the procurement after the modifications**

VII.1.1) **Main CPV code**

45421100 Installation of doors and windows and related components

VII.1.2) **Additional CPV code(s)**

45421110 Installation of door and window frames
45421111 Installation of door frames
45421112 Installation of window frames
45421130 Installation of doors and windows
45421131 Installation of doors
45421132 Installation of windows

VII.1.3) **Place of performance**

NUTS code: UK UNITED KINGDOM

VII.1.4) **Description of the procurement:**

EEM Ltd on behalf of its Members has tendered for a place on our external doors and windows installation only framework.

We are looking for a suitably accredited and competent contractor to undertake the safe and compliant installation of new external doors and windows. This will be a sole provider frameworks and the successful contractor will be required to work across our full Members geographical areas.

Installations works may comprise of partial or full works to properties and be on a planned or ad-hoc basis however, there are no guarantees with regards to values and volume of works to be let through our framework. The EEM Memberships property stock is in excess of 1 250 000 million properties which consist of a mixture of domestic housing stock, bungalows, blocks of flats, and sheltered housing schemes as well as communal buildings, corporate buildings, hospitals, student accommodation, universities, schools and depots.

Please note this framework is solely for installation works, EEM have a separate contract for supply of windows and doors (EMC0015), therefore this framework will not cover the supply of the windows and doors.

Contractors must be aware, that our Members may opt to use this framework in conjunction with EMC0015 or nominate their own supply route. In both instances the supply of the windows and doors will sit outside of the scope of this framework but the successful contractor must be willing and able to work with the nominated supplier to ensure that all works are carried out in an efficient manner.

VII.1.5) **Duration of the contract, framework agreement, dynamic purchasing system or concession**

Duration in months: 12

VII.1.6) **Information on value of the contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession: 10 000 000.00 GBP

VII.1.7) **Name and address of the contractor/concessionaire**

Official name: Nationwide Windows Ltd

Town: Rugby

NUTS code: UK UNITED KINGDOM

Country: United Kingdom

The contractor/concessionaire is an SME: yes

VII.2) **Information about modifications**

VII.2.1) **Description of the modifications**

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

The current EEM framework for the provision of the installation of doors and windows was awarded in in April 2018 for an initial 37-month term with an expiry date of the 30 April 2021. Due to the circumstances described in this notice, it will now continue until 1 April 2022.

In December 2020, EEM advertised the re-tender of this provision under contract notice [2020/S 241-595163](#).

Unfortunately, following the tender period only one submission was received before the deadline, we believe that the lack of tenders was caused by the current impact of Covid and the national lockdowns pre and post Christmas. Organisations are facing the continuing imposition of significant business restrictions and uncertainty and it is clear that many organisations within this market are not be in a position to commit and respond to lengthy tender processes or commit to new opportunities.

Due to the current ongoing situation with the Covid-19 outbreak and the fact that our attempt to renew our current arrangement has failed we have called on Regulation 72 (1) (c) to extend this framework for 11 months. We believe this will help businesses continue to recover and deliver services and goods to our Members and reduce the pressure on the supply chain at this critical time. Requesting businesses to complete lengthy and complex tenders over the coming months may divert resources away from supporting the Public Sector; particularly for such an important compliance service; something we wish to avoid. In addition staff capacity and availability have been impacted by the current pandemic and we expect a continuation of disruption over the coming months due to the likely ongoing local lockdowns/restrictions well in to the Spring.

In addition to the above, EEM seek to generate high levels of competition within the market to ensure the very best value for money for our Members. This is not something we have been able to achieve with the attempted re-tender and believe that this cannot be achieved in the short term as businesses continue to make the difficult decisions in their operations, pricing and staffing levels. EEM intends to deliver a replacement framework agreement for this current framework agreement as quickly as possible. EEM confirm that the modification does not change the overall nature of the framework and the modification will not exceed 50 % of the original contract value.

VII.2.2) **Reasons for modification**

Need for modification brought about by circumstances which a diligent contracting authority/entity could not foresee (Art. 43(1)(c) of Directive 2014/23/EU, Art. 72(1)(c) of Directive 2014/24/EU, Art. 89(1)(c) of Directive 2014/25/EU)

Description of the circumstances which rendered the modification necessary and explanation of the unforeseen nature of these circumstances:

With the imposition of significant business restrictions it is clear that many organisations within this market have been impacted by the current pandemic, as this is a key framework for EEM, we intend to extend the current framework under Regulation 72(1)(c) for a further 11 months. We believe this will help businesses continue to

deliver services and goods to our Members and reduce the pressure on the supply chain at this critical time. Requesting businesses to complete lengthy and complex tenders over the coming months may divert resources away from supporting the Public Sector; something we wish to avoid. This is supported by the fact EEM only received one bid following the recent advertisement of the opportunity.

VII.2.3) **Increase in price**

Updated total contract value before the modifications (taking into account possible earlier contract modifications and price adaptations and, in the case of Directive 2014/23/EU, average inflation in the Member State concerned)

Value excluding VAT: 50 000 000.00 GBP

Total contract value after the modifications

Value excluding VAT: 60 000 000.00 GBP