

UK-Aylesbury: recreational, cultural and sporting services

OJ S 64/2012 31/03/2012

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: Aylesbury Vale District Council

Postal address: Council Offices, 66 High Street, Buckinghamshire

Town: Aylesbury

Postal code: HP20 1SD

Country: United Kingdom

Contact person: Aylesbury Vale District Council

For the attention of: Mr P Marston-Weston, Partnerships and Projects Manager, Leisure Services

E-mail: pmarston-weston@aylesburyvaledc.gov.uk

Telephone: +44 1296585116

Internet address(es):

General address of the contracting authority: <http://www.aylesburyvaledc.gov.uk>

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: Official name: Aylesbury Vale District Council

Postal address: The Gateway, Gatehouse Road

Town: Aylesbury

Postal code: HP19 8FF

Country: United Kingdom

Contact person: Leisure Services

For the attention of: Mr P Marston-Weston, Partnerships and Projects Manager

E-mail: pmarston-weston@aylesburyvaledc.gov.uk

Telephone: +44 1296585116

I.2. Type of the contracting authority

Regional or local authority

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

Contract for leisure management services.

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

Services

Service category No 26: Recreational, cultural and sporting services

Main site or place of performance: Aylesbury Vale District, Buckinghamshire, UK.

NUTS code UKJ13 Buckinghamshire CC

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

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

The Aylesbury Vale District Council is seeking a partner with whom to enter into a contract for the management, operation and maintenance of its existing leisure facilities at The Aqua Vale Swimming and Fitness Centre, Aylesbury HP20 1DX and the Swan Pool, Buckingham MK18 1AE.

This contract is for a Part B service and will be a service concession and therefore, not subject to the Public Contracts Regulations 2006 (as amended).

II.1.6. CPV code(s)

92000000 Recreational, cultural and sporting services, 92610000 Sports facilities operation services

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

The procurement is covered by the Government Procurement Agreement: no

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

Recent historic turnover figures for the Leisure Facilities for the last two accounting periods were approximately 2 200 000 GBP for the period 26.1.2009 – 31.3.2010, and 3 000 000 GBP for the period 1.4.2010 - 31.3.2011 (excluding VAT and the Council's current management fee). However the Council is currently investing 5 300 000 GBP in improving and expanding the facilities at the Aqua Vale Centre with a view to reducing the cost to the Council of managing, operating and maintaining this Centre. The Council considers that these steps should facilitate an improvement in the commercial viability of the contract, and hence reduce the amount of any management fee payable to the appointed operator, preferably to a nil level. Further financial and operational information will be provided in the tender documentation. Arrangements with regard to maintenance and operational investment will be set out in the tender documentation.

II.2.2. Information about options

Options: yes

Description of options: The Council intends to award a contract for a period of 10 years, with an option to extend this by a period of up to a further 5 years.

II.2.3. Information about renewals

This contract is subject to renewal: no

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

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

The successful contractor may be required as a condition of the contract to provide a guarantee bond and/or other form(s) of guarantee or security satisfactory to the Council in order to guarantee his satisfactory performance of the contract. Any bond or guarantee shall be capable of being enforced by the Council at any time during the period of the Contract, and for a period of 3 months thereafter. The successful contractor may also be required to provide a parent company guarantee in order to guarantee his satisfactory performance of the contract, either as an alternative to a guarantee bond or in addition thereto.

The parent companies of any special purpose vehicle set up for the purpose of enabling a consortium bid may be required to provide parent company guarantees to guarantee the satisfactory performance of the contract by the bidding entity. Full details of these and any other requirements to provide deposits, guarantees, bonds, insurance, warranties or other forms of securities will be set out in the tender documentation.

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

Arrangements for making any payments due to the contractor will be set out in the tender documentation.

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

Each individual, company or other organisation which is a party to any joint offer may as a consequence be required to accept joint and several liability for the performance of some or all of the elements of the contract. Full details will be set out in the tender documentation.

III.1.4. Contract performance conditions

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

Description of particular conditions: The conditions of contract, leases and other terms and conditions with which the successful contractor will be required to comply will be set out in the tender documentation.

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: As set out in Articles 45 – 50 of Directive 2004/18/EC, and Regulation 23 - 25 of the Public Contracts Regulations 2006 (SI 2006/5), as amended by the Public Contracts (Amendment) Regulations 2009 (SI 2009/2992), and as set out in the pre-qualification questionnaire (see below).

Economic operators wishing to express interest in being included on the list of those to be invited to submit bids are required to respond in writing to the contact point set out in I.1 above. All persons doing so will be required to complete a pre-qualification questionnaire and to provide other information with regard to their personal situation, economic and financial

capacity, and technical capacity. Further details may be obtained from the source detailed in Section I.1 of this Notice.

III.2.2. Economic and financial ability

List and brief description of conditions: This may include any of the matters in accordance with Article 47 of Directive 2004/18/EC, and Regulation 24 of the Public Contracts Regulations 2006 (SI 2006/5), as amended by the Public Contracts (Amendment) Regulations 2009 (SI 2009/2992).

Minimum level(s) of standards possibly required: Economic operators may be required to obtain a minimum threshold score against each of the principal Evaluation Criteria (and any Evaluation Sub-Criteria) specified in relation to the assessment of their economic and financial capacity by reference to the information provided in response to the pre-qualification questionnaire (and any other information provided by way of clarification upon request by the Council). Full details of the method of assessment will be set out in the pre-qualification questionnaire referred to above.

III.2.3. Technical and professional ability

List and brief description of conditions:

This may include any of the matters in accordance with Articles 48 - 50 of Directive 2004/18 /EC, and Regulation 25 of the Public Contracts Regulations 2006 (SI 2006/5), as amended by the Public Contracts (Amendment) Regulations 2009 (SI 2009/2992).

Minimum level(s) of standards possibly required:

Economic operators may be required to obtain a minimum threshold score against each of the principal Evaluation Criteria (and any Evaluation Sub-Criteria) specified in relation to the assessment of their technical capacity/professional ability by reference to the information provided in response to the pre-qualification questionnaire (and any other information provided by way of clarification upon request by the Council). Full details of the method of assessment will be set out in the pre-qualification questionnaire referred to above.

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

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract: yes

Section IV: Procedure

IV.1. Type of procedure

IV.1.1. Type of procedure

Negotiated

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

Envisaged minimum number 3: and Maximum number 8

Objective criteria for choosing the limited number of candidates: The criteria and method of selection will be set out in the pre-qualification questionnaire referred to referred to in III.2.1 above, but are anticipated to include financial status and stability, technical capacity, quality management, equalities, health & safety, environment & sustainability.

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

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated no

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

AED/Proc 20

IV.3.2. Previous publication concerning this procedure

Prior information notice

Notice number in the OJ S: [2011/S 117-193372](#) of 17.6.2011

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

Time limit for receipt of requests for documents or for accessing documents: 4.5.2012

Payable documents: no

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

11.5.2012 - 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

IV.3.8. Conditions for opening of tenders

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.2. Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds: no

VI.3. Additional information

1) It is the Council's intention to score all pre-qualification questionnaires returned in the specified manner and by the specified date and time, and to invite those persons/organisations who submit the highest scoring submissions based on the methodology set out in the pre-qualification questionnaire to tender, subject to there being sufficient numbers of persons

/organisations who meet the Council's minimum standards of economic and financial standing and technical and professional ability and are not rejected on any of the grounds stipulated in the pre-qualification questionnaire.

2) The Council is moving offices in April 2012. Economic operators should request copies of the pre-qualification questionnaire from the address specified in Section I.1 above; however completed questionnaires are to be returned to the address specified in Section III of Annex A.

3) It is the Council's view that the provisions of the Acquired Rights Directive (77/187/EEC, as amended by Directive 98/50/EC and consolidated in 2001/23/EC) and associated UK legislation (in particular the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246)) may apply to any service provision change or transfer of the undertakings involved in providing these services immediately prior to the date of commencement of the contract referred to in this Notice. Economic operators will be expected to seek their own independent legal advice on this issue.

4) This is a voluntary OJEU contract notice. This contract will be a service concession and is formally exempt under Regulation 6 of the Public Contract Regulations 2006 (as amended) but is procured in accordance with EU Treaty principles of openness, fairness, transparency and non-discrimination. This procurement will resemble the negotiated procedure. Economic operators should request to participate by submission of a completed PQQ in accordance with paragraph 3 above. Qualified applicants will be invited to submit a tender. A bidder may not be permitted to review or improve its terms once its tender has been submitted. However, the Council reserves the right to negotiate or clarify the content of the tenders with a view to selecting a preferred bidder to whom the contract may ultimately be awarded. The Council also reserves the right to change without notice the basis of, or the procedure for, this competitive tendering process or to terminate the process at any time. All economic operators who have registered an interest in tendering/have been selected to submit a tender (dependant upon the progress of the procurement) will be notified in writing in such an event. Under no circumstances shall the Council incur any liability in respect of any costs, losses or expenses which may have been incurred by economic operators prior to any such decision, or which may be incurred as a consequence of the decision.

5) The Council is a 'Public Authority' as defined by the Freedom of Information Act 2000 and /or the Environmental Information Regulations 2004, and all documentation and correspondence received from any economic operator in connection with a request to participate in this procurement, or in response to any invitation to tender which may be issued by the Council in relation to this procurement will be treated in accordance with the said Act and/or Regulations, and may be subject to disclosure.

6) Two copies of the completed pre-qualification questionnaire and supporting documentation must be submitted to the Council in hard copy form together with one soft copy of all documents on a certified virus free CD. In the event that any discrepancy is found between the hard copy and the soft copy the Council will seek clarification from the economic operator concerned.

VI.4. Procedures for review

VI.4.1. Review body

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: This contract is a service concession and is not subject to the Public Contracts Regulations 2006, as amended.

However, the Council will observe a standstill period of not less than 10 days prior to entering into a contract.

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

VI.5. Date of dispatch of this notice

27.3.2012