

**United Kingdom-London: Building services**

OJ S 67/2014 04/04/2014

Contract notice

Services

Directive 2004/18/EC

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: Education Funding Agency

Postal address: 33 Greycoat Street

Town: London

Postal code: SW1 2QF

Country: United Kingdom

For the attention of: Mark Burgess, Project Director

E-mail: [midlands-pf.psbp@education.gsi.gov.uk](mailto:midlands-pf.psbp@education.gsi.gov.uk)

Telephone: +44 3700002288

**Internet address(es):**General address of the contracting authority: <https://www.gov.uk/government/collections/priority-school-building-programme-psbp>**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**

Education

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

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

Official name: Department for Education

Postal address: Sanctuary Buildings, Great Smith Street

Town: London

Postal code: SW1P 3BT

Country: United Kingdom

**Section II: Object of the contract**

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**II.1. Description****II.1.1. Title attributed to the contract by the contracting authority**

Priority School Building Programme (Private Finance Batch 5 Midlands).

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

Services

Service category No 12: Architectural services; engineering services and integrated engineering services; urban planning and landscape engineering services; related scientific and technical consulting services; technical testing and analysis services

Main site or place of performance: Derbyshire, Birmingham, Coventry, Warwickshire, Sandwell, Nottingham.

NUTS code UKF1 Derbyshire and Nottinghamshire, UKG31 Birmingham, UKG33 Coventry, UKG13 Warwickshire, UKG34 Dudley and Sandwell, UKF14 Nottingham

### **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 Priority School Building Programme ("PSBP") is a new schools programme. Its purpose is to rebuild/refurbish 261 schools. The PSBP contains a mixture of private finance and public capital projects. This Notice relates solely to the fifth of the PSBP PF2 (privately financed) projects ("PF2 Projects").

The Education Funding Agency ("EFA") is seeking contractors to design, build, finance and maintain new educational facilities and provide services for batch 5 of the PSBP programme in the Midlands area of England. It is anticipated that the services are likely to include hard facilities management services and may also include some soft facilities services. The proposed term of the Contract will include an estimated 24 month construction phase and a 25 year operational term from the service commencement date of the final school to be completed in this batch.

The educational facilities will be delivered using the private finance (PF2) model to provide eight new build secondary schools in the Midlands. The schools involved in this fourth batch are:

- Alfreton Grange Arts College;
- ARK Kings Academy;
- Greenwood Academy;
- The Phoenix Collegiate;
- Plantsbrook School;
- President Kennedy School;
- Queen Elizabeth School;
- Top Valley Academy.

Further details are contained within the Descriptive Document and Pre-Qualification Questionnaire ("PQQ"). Please refer to section VI.3 for details of how to obtain these documents.

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

71315000 Building services, 45110000 Building demolition and wrecking work and earthmoving work, 45210000 Building construction work, 45214500 Construction work for buildings of further education, 45214200 Construction work for school buildings, 45214000 Construction work for buildings relating to education and research, 45453100 Refurbishment work, 45214320 Technical college construction work, 45214300 Construction work for college buildings, 45214230 Special school construction work, 45214220 Secondary school construction work, 45214210 Primary school construction work, 45214400 Construction work for university buildings, 50700000 Repair and maintenance services of building installations, 70000000 Real estate services, 70332000 Non-residential property services, 71200000 Architectural and related services, 71541000 Construction project management services,

75200000 Provision of services to the community, 77314000 Grounds maintenance services, 77320000 Sports fields maintenance services, 79420000 Management-related services, 79710000 Security services, 80000000 Education and training services, 79993000 Building and facilities management 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: yes

### **II.2. Scope of the procurement**

#### **II.2.1. Total quantity or scope**

The estimated capital value of providing the new build schools identified at section II.1.5 above is between GBP 100,000,000 and GBP 150,000,000.

Estimated value excluding VAT:

Range: between 100 000 000 and 150 000 000 GBP

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

Options: no

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

This contract is subject to renewal: no

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

Duration in months: 360 (from the award of the contract)

## **Section III: Legal, economic, financial and technical information**

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### **III.1. Conditions related to the contract**

#### **III.1.1. Deposits and guarantees required**

The contracting authority reserves the right to require deposits, guarantees, bonds and other forms of appropriate security.

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

Projects will be delivered using the UK government's PF2 model. Funding will be provided through the 'aggregator' model (which is the subject of a separate procurement by the EFA) and further details are provided in the Descriptive Document. The contracting authority reserves the right to:

- (a) require bidders to arrange finance as required to fund the scope described in II.2.1; or
- (b) directly finance any part of the required funding or services; or
- (c) consider any other alternative funding.

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

The contracting authority reserves the right to require groupings of contractors to take a particular legal form or to require a single contractor to take primary liability or to require that each party undertakes joint or several liability. This may include the contractor establishing a

special purpose vehicle (SPV) which will contract directly with the contracting authority for the delivery of the projects.

#### **III.1.4. Contract performance conditions**

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

Description of particular conditions: Under this project the contractor will be required to contribute towards the achievement of social and/ or environmental policy objectives relating to the recruitment, training and supply chain initiatives. Accordingly, contract performance conditions may include social and environmental considerations.

#### **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: In accordance with Regulations 23 to 29 of the Public Contracts Regulations 2006 (as amended) and as set out in the PQQ available from the address in section I.1.

##### **III.2.2. Economic and financial ability**

List and brief description of conditions: In accordance with Regulation 24 of the Public Contracts Regulations 2006 (as amended) and as set out in the PQQ available from the address in section I.1.

Minimum level(s) of standards possibly required: As set out in the PQQ.

##### **III.2.3. Technical and professional ability**

List and brief description of conditions:

In accordance with Regulation 25 of the Public Contracts Regulations 2006, as amended and as set out in the PQQ available from the address in section I.1.

Bidders are also required to demonstrate compliance with the minimum standards for reliability having regard to past performance (the "Past Performance Standards"). Bidders are required to supply the following information in order to demonstrate compliance:

(a) The bidder must supply a list comprising a statement of all the Relevant Services provided in the previous five years by the entity or entities specified in (b) and (c) below.

"Relevant Services" comprise:

- (a) programme management services;
- (b) project development services;
- (c) procurement consultancy services;
- (d) architectural services;
- (e) engineering services;
- (f) construction services;
- (g) technical services;
- (h) building services;
- (i) hard facilities management services;
- (j) soft facilities management services;
- (k) information communication and technology ("ICT") services;

which were provided in relation to an education or other comparable projects under Private Finance Initiative (PFI) and/or design and build arrangements.

Any reference to a "bidder" or "entity" includes a reference to a consortium, where relevant, whether or not the consortium has a legal personality.

(b) The list referred to above must include contracts under which Relevant Services have been provided by the bidder. Where the bidder is an entity that is continuing the business or any part of a business which was previously conducted by one or more other entities (each a

"predecessor entity"), the list of such contracts must include the contracts under which Relevant Services were provided by each predecessor entity.

(c) Alternatively, where the bidder may rely on other entities (including, in the case of a consortium, members of the consortium) to enable it to perform the contract, save as specified below the list must:

(i) describe the function that each such other entity will perform under the contract to be awarded; and

(ii) include contracts in respect of Relevant Services provided by the bidder (or a predecessor body) and contracts in respect of Relevant Services provided by any other entity (including any member of the consortium) on which the bidder may intend to rely to enable it to perform the contract.

Where the bidder is an entity which has been formed for the particular purposes of bidding for the contract the subject of this Notice, the bidder may comply with paragraph c(ii) above by including in its list contracts under which Relevant Services were provided by those entities on whom the bidder will rely to perform the contract (or their predecessor entities), instead of the bidder itself.

Where it is envisaged that the bidder will rely on one or more sub-contractors to enable it to perform the contract to be awarded, bidders should note that:

— in so far as any sub-contractor has not been appointed, the list should describe the function that sub-contractor will perform but need not include any contract by such a sub-contractor; and

— in so far as the anticipated value of any particular sub-contract is less than 5 per cent of the total contract value, the bidder need not comply with the requirements in c(ii) above in relation to that particular sub-contract.

(d) The bidder must also provide:

(i) certificates in the form set out in the PQQ from those to whom services on the list were provided as set out in the PQQ;

(ii) if any such certificate cannot be obtained, an explanation of the steps taken to obtain it and why it is not available and a certificate (in the same form) from the entity that provided the services instead;

(iii) if the certificate does not state that the services have been provided satisfactorily in accordance with the terms of the contract in question, information to show that any reason why they were not so provided will not recur in the performance of the contract to be awarded.

(e) In considering whether it is satisfied that the minimum standard for reliability based on past performance is met, the EFA reserves the right to verify the information provided and to require the bidder/consortium to clarify or supplement it.

Further details are contained within the Descriptive Document and the PQQ. Please refer to section VI.3 for details of how to obtain these documents.

Minimum level(s) of standards possibly required:

As set out in the PQQ.

#### **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: no

## Section IV: Procedure

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### IV.1. Type of procedure

#### IV.1.1. Type of procedure

competitive dialogue

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

Envisaged number of candidates: 3

Objective criteria for choosing the limited number of candidates: In accordance with Regulations 23 to 29 of the Public Contracts Regulations 2006, (as amended) and set out in the PQQ available from the address in Section I.1 of this notice.

#### 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

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

##### Prior information notice

Notice number in the OJ S: [2011/S 139-230804](#) of 22.7.2011

#### 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: 25.4.2014 - 12:00

Payable documents: no

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

2.5.2014 - 23:59

#### 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

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### **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**

Respondents should note the following:

(a) Additional documents and information, including the PQQ and Descriptive Document, are available from the email address identified in Section I.1 of this notice. Please note that the contracting authority will be moving offices on 28 April 2014 from the postal address indicated in Section I.1 of this notice to Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

(b) In addition to the Service category listed in Section II.1.2 above, the EFA will require the performance of Services which fall outside Service category 12. This includes, but is not limited to, Service categories: 11, 14 and 27.

(c) The EFA is prepared to accept variant tenders which meet the minimum functional requirements as set out in the IPDSB. Bidders must agree the scope of any variant tender with EFA prior to submission. The EFA reserves the right, at its absolute discretion, to reject a Bidder's proposal to submit a variant tender.

(d) The duration of the contract stated in section II.3 above is an estimate. The term of the Contract is expected to include an estimated 24 months of construction in addition to the proposed 25 year operational term from the service commencement date of the final school to be completed in this batch.

(e) The description provided in II.1.5 and the scope described in section II.2.1 represents the current anticipated requirement. Where emerging operational requirements make it necessary, the EFA reserves the right to adjust the duration of the contract, amend the description of the contract, increase or decrease the number of schools, change the schools included in the batch or amend the requirement for provision of services to the schools included in the batch.

(f) The contracting authority has identified sites in respect of seven of the eight schools included in this batch 5. However, the contracting authority is currently considering two alternative sites for the Greenwood Academy. Bidders may be required to put forward solutions based on the two alternative sites. The contracting authority expects to reach a final decision in respect of the site for the Greenwood Academy at the end of July 2014 and will inform bidders at the earliest opportunity. Further details are provided in the Descriptive Document.

(g) The EFA does not bind itself to enter into any contract arising out of the procedures envisaged by this notice. No contractual rights express or implied arise out of this notice or the procedures envisaged by it. Any contract let by the EFA may contain provision that the contract may be extended at the EFA's discretion. The EFA reserves the right to vary its requirements and the procedure relating to the conduct of the award process.

(h) The EFA is the delivery agent for capital investment programmes into schools, helping to ensure that taxpayers get the best value from every education pound spent. It is an executive agency of the Department for Education ("DfE"). In June 2011, in a written statement to Parliament, the Secretary of State for Education announced that, following Sebastian James' proposals for a new system for managing capital expenditure and the wider reform of arms length bodies, he had decided to bring together, in a single agency, the allocation and management of revenue and capital funding, including the delivery of capital programmes. The announcement confirmed that Partnerships for Schools (a joint venture company that was set up in 2004 to deliver the UK's Building Schools for the Future (BSF) programme) would close,

with its staff and functions moving to the EFA on 1.4.2012.

(i) The EFA will be the central procuring body for the PSBP. The allocation and distribution of revenue and capital funding will be spread across a number of batches with each batch tendered under a separate procurement. Under each procurement, the EFA intends that at least three bidders will be shortlisted for a dialogue phase and the relevant batch will be awarded following the close of the dialogue. The EFA anticipates that efficient dialogue will result from this streamlined process and Cabinet Office LEAN sourcing principles will be adopted.

(j) Where a batch comprises a mixture of primary and secondary schools, bidders are required to design one primary school and one secondary school for the dialogue. Where a batch comprises only secondary schools, bidders are required to design one secondary school for the dialogue. The designs must be capable of being rolled out as standard for all the primary schools and/or secondary schools in the batch as applicable.

(k) An important aspect of the procurement is the ability of bidders to work up the solutions to the subsequent schools very quickly during the preferred bidder phase to ensure that the programme timetable is kept to. The EFA intends to work with the preferred bidder to optimise the engagement of the local supply chain.

(l) Each batch will be funded using the 'aggregator' model which is itself the subject of a separate procurement. The 'aggregator' will be able to access both bank debt and the capital markets in order to secure the best deals for the taxpayer.

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

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

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

Precise information on deadline(s) for review procedures: The EFA will incorporate a 10 calendar days standstill period at the point that information on the award of contract is communicated to bidders. That notification will provide bidders with full information on the award decision. Unsuccessful bidders will be able to challenge the award decision within the standstill period before the Contract is entered into. The Public Contracts Regulations 2006 (as amended) provide for aggrieved bidders to take action before the High Court (England, Wales and Northern Ireland). Any such action must generally be brought within 30 days from the date when the bidder in question first knew or ought to have known that grounds for the bringing of proceedings had arisen.

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

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

2.4.2014