

United Kingdom-Leeds: IT services: consulting, software development, Internet and support

OJ S 122/2014 28/06/2014

Contract notice

Services

Directive 2004/18/EC

## Section I: Contracting authority

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### I.1. Name and addresses

Official name: Highways Agency

Postal address: Lateral, 8 City Walk

Town: Leeds

Postal code: LS11 9AT

Country: United Kingdom

For the attention of: Colin Jones

E-mail: [colin.jones@highways.gsi.gov.uk](mailto:colin.jones@highways.gsi.gov.uk)

Telephone: +44 1132834879

#### Internet address(es):

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

Address of the buyer profile: Highways Agency, Lateral, 8 City Walk, Leeds, LS11 9AT

#### 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

Other: ICT 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

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### II.1. Description

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

Future ICT Programme (FICT): End User Computing (EUC)

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

Services

Service category No 7: Computer and related services

Main site or place of performance: Highways Agency and its office locations including Regional Control Centres and Outstations.

NUTS code UK United Kingdom

#### 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 Highways Agency (HA) an Executive Agency of the Department for Transport, are looking to procure an End User Computing (EUC) Service aligned to the Government ICT strategy covering Deskside Services, End User Device Services, Infrastructure Services, Infrastructure /Architecture Services, Service Management Services and IT Security Services. It will operate within a multi-sourced IT tower service environment, in line with government best practice guidance (including ITIL, Prince2, MSP etc).

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

72000000 IT services: consulting, software development, Internet and support

#### **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 service will consist of six service streams comprising the requirements within the EUC Services - desk-side services, End User Device services, infrastructure services, enterprise architecture services, service management services and IT security services. there are three stages to the contract: Transition, Transformation (Technical Refresh) and Operation.

Estimated value excluding VAT:

Range: between 3 000 000 and 5 000 000 GBP

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

Options: no

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

This contract is subject to renewal: yes

### **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**

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

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

Those invited to tender will be advised in the tender documents.

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

Details provided in contract documents.

#### **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 (prequalification submission) to this Notice whether it is an Incorporated Joint Venture (stating the date of Incorporation) or an Unincorporated Joint Venture (Joint and Several 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 should they be selected to tender.

#### **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 of the annualised contract value for the purposes of the Contract Value Turnover ratio to meet 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 integrated joint venture is proposed, 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: Applicant Companies / Suppliers Instructions How to Express 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 email 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 / ITTs Open To All Suppliers' link. (These are Pre-Qualification Questionnaires or Invitations 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 & 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.

1. The supplier must declare if it or any of its directors 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;

(ca) 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;

(ea) an offence in connection with the 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;

(eb) 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 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 is 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 one 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 information 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 in which he is established or is not a member of an organisation in that 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 Regulations 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 two years audited accounts, or other accepted means of demonstrating financial capability if audited accounts are unavailable will be requested with the response to the Pre-Qualification Questionnaire. Please refer to the Pre-Qualification Questionnaire for full details (see VI.3 Additional Information).

Minimum level(s) of standards possibly required: Further information will be given in the tender documents.

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

List and brief description of conditions:

Further information will be given in the tender documents.

Minimum level(s) of standards possibly required:

Further information will be given in the tender documents.

### **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**

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### **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**

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**

537452

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

##### **Prior information notice**

Notice number in the OJ S: [2013/S 104-178470](#) of 31.5.2013

##### **Other previous publications**

Notice number in the OJ S: [2013/S 183-316167](#) of 15.8.2013

**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**

1.9.2014 - 16:00

**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**

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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**

The Contracting Authority intends to use an eTendering system in this procurement exercise and reserves the right to use a reverse auction. As part of the Government's procurement strategy, the Contracting Authority intends to work closely with the Crown Commercial Service to ensure that the services delivered under this contract are monitored and comply with the government procurement strategy/policies. Therefore, the Contracting Authority intends to give the Government Procurement Service rights under the Contracts (Rights of Third Parties) Act 1999 to enforce those provisions under the services contract which are for the benefit of the CCS (including rights to receive management information from the Supplier), as more particularly set out in the Contractual Documentation. Please note that an Invitation To tender will be created on the Highways Agency's e-Tendering Service (Bravo Solutions) shortly. Interested parties will need to self register on this service to view the tender documentation when it becomes available. The Highways Agency shall not be liable for any tender costs incurred by those expressing an interest in this opportunity. The Highways Agency reserves the right to terminate the procurement process (or part of it), to change the basis of the procedures for the procurement process at any time, or to procure the contract by alternative means if it appears that the contract can be more advantageously procured by alternative means. The most economically advantageous or any tender will not automatically be accepted. POTENTIAL CONFLICTS OF INTEREST a) To ensure that the contract delivery and management by the Highways Agency or its Systems Integration and Management (the "SIAM Company") will be conducted in an objective, consistent and impartial manner the Highways Agency reserves the right to exclude Applicant Company(ies) from this contract award process at any time if it reasonably considers that any actual or potential conflict of interest exists. Applicant Companies must confirm that neither they nor any of their associated companies has or is likely to have any conflict of interest in relation to the performance of this contract, including but not limited to a conflict arising from; (i) Where any company that is or is to be the SIAM Company is an associated company of the Applicant Company(ies), or the

same person, company or associated company holds shareholdings and/or voting rights of more than 10 % (directly or indirectly) in both the SIAM Company (or any of its associated companies) and the Applicant Company (or any of its associated companies); (ii) Where there is a commercial relationship (e.g. supplier/customer) between the Applicant Company (or any of its associated companies) and the SIAM Company (or any of its associated companies), or where either the Applicant Company or the SIAM Company (or an associated company of 1 of those companies) is bidding or is considering bidding to enter into a commercial relationship with the other (or with an associated company of the other). (b) Applicant companies must provide details of any such actual or potential conflict of interest where a relevant employee, agent, contractor or officer of the Applicant Company(ies) has a personal relationship (such as; without limitation; spouse, sibling, parent, etc.) with a relevant employee or officer of the SIAM Company (or of any of its associated companies). The Highways Agency will make a decision as to whether this constitutes a significant conflict of interest and reserves the right to exclude Applicant Companies where it deems there to be a significant conflict of interest. (c) The Applicant Company may offer a written demonstration that the factors that might give rise to a conflict of interest are not capable of distorting competition or contract delivery and management or that appropriate measures can be put in place to minimise the risk. The Highways Agency will consider such written demonstration and may exclude Applicant Compan(y)ies from this contract award process if the written demonstration does not satisfy the Highways Agency that the conflict of interest or its risk will be fully mitigated. (d) Applicant Companies must inform the Highways Agency promptly in writing of any change in circumstances that would or may result in their confirmation given under VI.3(a) or (b) above ceasing to be wholly correct and complete. Failure to inform the Highways Agency promptly of any such change in circumstances may result in the exclusion of them from this contract award process. Applicant Companies will be excluded from this contract award process if they make a false or materially incomplete declaration in relation to any of the above points. Expressions of interest must be submitted from the Contractor's registered office address. Each member of a Joint Venture (JV) must submit a letter from their own registered office confirming all company names in the proposed JV.

Contractors should note that the Highways Agency may choose to publish the names of Contractors on its tender list for this contract after invitation to tender letters have been dispatched.

The contract will be for a period of three years with the possibility to extend for a further two years.

This tender 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 of the contract to the new entity when it assumes the Highways Agency's functions.

#### **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 must be lodged in accordance with the 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**

25.6.2014