

United Kingdom-London: Banking and investment services

OJ S 152/2013 07/08/2013

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: Education Funding Agency

Postal address: 33 Greycoat Street

Town: London

Postal code: SW1P 2QF

Country: United Kingdom

For the attention of: Simon Devney

E-mail: psbp.agggregator@education.gsi.gov.uk

Telephone: +44 2073467752

Internet address(es):

General address of the contracting authority: <http://www.education.gov.uk/aboutdfe/executiveagencies/efa/b00199952/educationfundingagency/the-education-funding-agency>

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

II.1. Description

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

Priority School Building Programme – Aggregator Funding Vehicle.

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

Services

Service category No 6: Financial services a) Insurances services b) Banking and investment services

Main site or place of performance: England

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 contracting authority is proposing to procure a funding vehicle which will be expected to access finance (short and long term lending as appropriate) and on-lend to the PF2 (privately financed) projects ("PF2 Projects") within the Priority School Building Programme ("PSBP") (the "Aggregator").

The contracting authority issued OJEU Notices in respect of the first 2 of the PSBP PF2 Projects on 25.6.2013 and 30.7.2013. It is expected that a further three PSBP PF2 Projects will be the subject of separate OJEU Notices over approximately the next 12 months. The 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. The PF2 Projects will be procured in accordance with PF2 principles and will involve the design, construction and provision of hard facilities management services in respect of multiple schools. The proposed term of the PF2 contract will be 25 years from the service commencement date of the final school to be completed in each PF2 Project. This Notice and the scope of the Aggregator funding solution relates solely to the PF2 Projects. The PF2 Projects contain 46 schools with an estimated total funding requirement of 700 000 000 GBP.

The Aggregator funding solution works on the basis that the funding requirements of several projects are aggregated to allow access to competitive funding solutions which may include bank debt and capital markets solutions. It is anticipated that the underlying PF2 Projects will attain BBB-credit ratings and that the on-loans to those projects by the Aggregator will be made on the basis of standard documentation agreed at the outset.

II.1.6. CPV code(s)

66100000 Banking and investment services, 66110000 Banking services, 66120000 Investment banking services and related services, 66122000 Corporate finance and venture capital 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

Estimated value excluding VAT:

Range: between 600 000 000 and 800 000 000 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

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

The PF2 Projects will be delivered using the UK government's PF2 model. Funding for each of the PF2 Projects will be provided through the Aggregator and further details are provided in the Descriptive Document.

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 economic operators to take a particular legal form or to require a single economic operator to take primary liability or to require that each economic operator undertakes joint or several liability. This may include the economic operator establishing a special purpose vehicle (SPV) which will contract directly with the contracting authority for the delivery of the services.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: no

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).

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

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 minimum number 3: and Maximum number 6

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 yes

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: [2013/S 119-203423](#) of 21.6.2013

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: 29.8.2013 - 12:00

Payable documents: no

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

2.9.2013 - 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

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) above.

(b) The EFA is prepared to accept variant tenders which meet the minimum functional requirements as set out in the Descriptive Document. 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.

(c) 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 respect of each PF2 Project in addition to the proposed 25 year operational term from the service commencement date of the final school to be completed in the final PF2 Project.

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

(e) 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.

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

2.8.2013