

United Kingdom-Eastbourne: Public utilities
OJ S 154/2017 12/08/2017
Contract award notice
Services

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: Eastbourne Borough Council

Postal address: 1 Grove Road

Town: Eastbourne

NUTS code: UKJ South East (England)

Postal code: BN1 4TW

Country: United Kingdom

Contact person: Celia Cullen

E-mail: celia.cullen@lewes.gov.uk

Internet address(es):

Main address: <http://www.eastbourne.gov.uk/businesses/>

I.4. Type of the contracting authority

Regional or local authority

I.5. Main activity

General public services

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Joint Venture for Energy and Sustainability.

II.1.2. Main CPV code

65000000 Public utilities

II.1.3. Type of contract

Services

II.1.4. Short description

Eastbourne Borough Council (EBC) (with Lewes District Council) is appointing private sector partners to participate and invest in a public private partnership which may extend to other local government and public sector related organisations and associated partners within the local DNO region and the UK. Participation may be either by direct participation in the Joint Venture or through the provision of services, works or supplies by the Joint Venture. EBC wants to respond to the energy sector's trilemma of increasing prices, future shortage of supply, and the need to reduce carbon emissions. EBC also wants to be prepared for the challenges and uncertainty the food chain will face when major global food regions are under threat from extreme weather patterns. The JV arrangement may involve services, works or

supplies being developed and delivered and commercial opportunities taken forward over the next 20 — 30 years in a number of sectors: Energy, Transport, Food, Waste and Water.

II.1.6. Information about lots

This contract is divided into lots: no

II.1.7. Total value of the procurement

Value excluding VAT: 50 000 000 000,00 GBP

II.2. Description

II.2.2. Additional CPV code(s)

77000000 Agricultural, forestry, horticultural, aquacultural and apicultural services, 45000000 Construction work, 48000000 Software package and information systems, 72000000 IT services: consulting, software development, Internet and support, 60000000 Transport services (excl. Waste transport), 70000000 Real estate services, 66100000 Banking and investment services, 71000000 Architectural, construction, engineering and inspection services , 71314000 Energy and related services, 51000000 Installation services (except software), 90000000 Sewage, refuse, cleaning and environmental services, 98000000 Other community, social and personal services, 73000000 Research and development services and related consultancy services, 50000000 Repair and maintenance services, 75200000 Provision of services to the community, 79418000 Procurement consultancy services, 79993000 Building and facilities management services, 44000000 Construction structures and materials; auxiliary products to construction (except electric apparatus), 42000000 Industrial machinery, 34000000 Transport equipment and auxiliary products to transportation, 32500000 Telecommunications equipment and supplies, 32400000 Networks, 03220000 Vegetables, fruits and nuts, 31000000 Electrical machinery, apparatus, equipment and consumables; lighting, 24100000 Gases, 03000000 Agricultural, farming, fishing, forestry and related products, 09000000 Petroleum products, fuel, electricity and other sources of energy, 14000000 Mining, basic metals and related products, 15119600 Fish meat, 41000000 Collected and purified water, 66000000 Financial and insurance services, 77850000 Fish farming services, 98334000 Wellness services, 03310000 Fish, crustaceans and aquatic products, 03413000 Fuel wood

II.2.3. Place of performance

NUTS code: UK United Kingdom

Main site or place of performance: The main place of performance will be the geographic areas of Kent, Surrey, Brighton and Hove, East Sussex and West Sussex (the 'JV Areas') but may extend to the UK over the life of the joint venture.

II.2.4. Description of the procurement

The commercial opportunities that will be available for each of the sustainability sectors listed below are based on what EBC and other participants want to achieve over the next 20-30 years. A list of potential starter projects were identified in the MOI published with the Contract Notice. The JV arrangement may involve services, works or supplies being developed and delivered and commercial opportunities taken forward in a number of sectors, summarised below:

- Energy — efficiency, generation, supply, demand and distribution, R&D;
- Transport — cleaner transport and vehicle usage;
- Fresh food production — next generation commercial greenhouses linked with energy generation;

- Fresh fish or protein production — sustainable fish or protein farms linked with energy generation;
- Waste — collection and circular economy;
- Water — supply and adaption.

The final Joint Venture (JV) structure was developed during the negotiation process and is an incremental partnership drawing on the approaches developed by joint venture models such as the Hub concept that was developed by the Scottish Futures Trust. However, unlike the Hub model, rather than form a company at the outset for the JV element of the arrangements, the initial arrangement is to have a contractual JV which may, if the parties agree, be incorporated during the course of the arrangements. A Strategic Partnership Agreement (SPA) has been put in place which acts as the umbrella or top-level governance arrangement in terms of the relationship with the selected joint venture partner as well as setting out the process in relation to the delivery of projects, supplies, works and services. The SPA therefore sets up multiple layers of involvement to cover these different elements.

The primary purpose of the initial contractual Joint Venture is to develop business cases and once a business case is developed it will be taken forwards through separate project agreements and Special Purpose Vehicles (SPVs). The basis of the exact arrangements for each project will come out of the business plan process — these might be an extension of the JV in nature or might be more works/services/supplies based or involve concessions.

The JV will provide (or arrange for the provision of) 'Partnering Services' in relation to the needs of the JV Areas and UK JV Areas primarily to provide and deliver (or manage the provision or delivery through its supply chain) of a mixture of energy and sustainability works, services and supplies ('Transformational Projects') the beneficiaries of which may be the public participants named in the Contract Notice or the wider public, commercial and other organisations based or operating in the UK. It is anticipated that the Transformational Projects may be delivered through a range of contractual and financial structures and may include special purpose vehicles established by the JV and participants in the JV arrangements. The Partnering Services to be provided by the JV may also include but will not be limited to: Partnering and Collaborative Working; Estate Management; demonstration of Continuous Improvement in Value for Money; Property Development; Supply Chain Management; Funding; Regeneration and Community Involvement; Strategic Estate Planning and Service Planning.

II.2.5. Award criteria

Quality criterion - Name: Approach to establishing and operating the Joint Venture and SPA / Weighting: 15

Quality criterion - Name: Approach to Delivering business cases and taking forward new projects / Weighting: 15

Quality criterion - Name: Approach to Developing the supply chain and innovation / Weighting: 15

Quality criterion - Name: Approach to Community engagement and benefit / Weighting: 5

Cost criterion - Name: Approach to costing and value for money / Weighting: 10

Cost criterion - Name: Rates of return levels and metrics for business Cases / Weighting: 10

Cost criterion - Name: Viability of sample business cases / Weighting: 10

Cost criterion - Name: Partnering Services Cost Rates / Weighting: 10

Cost criterion - Name: Contributions required from Participants and Joint venture Operating budget to Year 5 / Weighting: 10

II.2.11. Information about options

Options: yes

Description of options:

EBC has appointed private sector partners to participate and invest in a public private partnership established with EBC and Lewes District Council at the outset. It may also extend to other local government and public sector related organisations and associated partners within the geographic areas of Kent, Surrey, Brighton and Hove, East Sussex and West Sussex (the 'JV Areas') and other areas within UK over the life of the joint venture ('UK JV Areas'). EBC currently undertakes services with and for other local government and public sector bodies and may wish to expand working relationships with and through its selected partner with other local authorities, public sector bodies, their associated partners and statutory successors and organisations created as a result of re-organisation or organizational changes and their wholly owned entities, across the JV Areas and UK. The entities which may participate in this public private partnership include the following entities (and in each case their statutory successors and organisations created as a result of re-organisation or organizational changes and their wholly owned entities) where they are based or operate within the JV Areas and across the UK:

— Any body listed in the Public Sector Classification Guide of April 2016 published by the Office for National Statistics (issued with the MOI) and which can be found at: <https://www.ons.gov.uk/economy/nationalaccounts/uksectoraccounts/datasets/publicsectorclassificationguide>

o Examples of the entities listed are:

Public Financial and Non-Financial Corporations

Central Government Departments, Executive Agencies and Non Departmental Public Bodies:

<http://www.direct.gov.uk/en/DI1/Directories/A-ZOfCentralGovernment/index.htm>

Local Authorities: <http://openlylocal.com/councils/all>, <https://www.gov.uk/find-your-local-council>

National Park Authorities: <http://www.nationalparks.gov.uk>

Police Forces: http://www.police.uk/?view=force_sites#force_sites

Fire and Rescue Services: <http://www.fireservice.co.uk/information/ukfrs>

NHS Bodies including Acute Trusts, Clinical Commissioning Groups, Mental Health Trusts, Health and Care Trusts, Ambulance Trusts, Area Teams, Special Health Authorities, Others and NHS property services:

<http://www.nhs.uk/ServiceDirectories/Pages/NHSTrustListing.aspx>

Registered providers of Social Housing listed by Homes and Communities Agency and in particular those on the list published by it in April 2016 <https://www.gov.uk/government/publications/current-registered-providers-of-social-housing>

— A local asset backed vehicle or asset investment vehicle between a body listed in the Public Sector Classification Guide and a private sector partner

— Local Enterprise Partnerships: <http://www.communities.gov.uk/localgovernment/local/localenterprisepartnerships/summaries/>

— Educational Establishments which provide compulsory, higher and further education including (without limitation) Academies, Children's Centres, Free Schools, LA Maintained Schools, Special Schools and Universities and Colleges and in particular the University of Brighton and the University of Sussex. A list of such bodies can be found here: <http://www.edubase.gov.uk/edubase/about.xhtml>

— Social Enterprises within Culture and Leisure. <http://www.sporta.org/member-directory>

— Third Sector and Charities. <http://www.charitycommission.gov.uk/find-charities>

— Hospices: <https://www.hospiceuk.org/about-hospice-care/find-a-hospice>

<http://www.nhs.uk/Service-Search/End-of-life-hospice-services/LocationSearch/342>

— Any contracting authorities listed in Regulation 2(1) of the Public Contracts Regulations 2015 (as amended).

— Any central government authority as defined by Regulation 2(1) of the Public Contracts Regulations 2015 (as amended) listed by name or class in Schedule 1 to the Public Contracts Regulations 2015.

— Any entity which is defined as a utility under Regulation 5 of the Utilities Contract Regulations 2016.

II.2.13. Information about European Union funds

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

II.2.14. Additional information

This notice is also published on behalf of Lewes District Council, Southover House, Lewes, BN7 1AB. URL: www.lewes.gov.uk

Lewes District Council has entered into the Strategic Partnership Agreement at the outset with EBC.

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Competitive procedure with negotiation

IV.1.3. Information about a framework agreement or a dynamic purchasing system

IV.1.8. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: yes

IV.2. Administrative information

IV.2.1. Previous publication concerning this procedure

Notice number in the OJ S: [2016/S 105-187148](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:2016/S105-187148)

IV.2.8. Information about termination of dynamic purchasing system

IV.2.9. Information about termination of call for competition in the form of a prior information notice

Section V: Award of contract

Title:

Joint Venture for Energy and Sustainability

A contract/lot is awarded: yes

V.2. Award of contract

V.2.1. Date of conclusion of the contract

09/08/2017

V.2.2. Information about tenders

Number of tenders received: 3

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 0

Number of tenders received by electronic means: 3

The contract has been awarded to a group of economic operators: yes

V.2.3. Name and address of the contractor

Official name: Robertson Capital Projects Limited

Town: Elgin

NUTS code: UKM Scotland

Country: United Kingdom

The contractor is an SME: no

V.2.3. Name and address of the contractor

Official name: Aecom Limited

Town: London

NUTS code: UKI London

Country: United Kingdom

The contractor is an SME: no

V.2.4. Information on value of the contract/lot

Initial estimated total value of the contract/lot: 50 000 000 000,00 GBP

Total value of the contract/lot: 50 000 000 000,00 GBP

V.2.5. Information about subcontracting

Section VI: Complementary information

VI.3. Additional information

Estimated Total Contract Value and Total Contract Value: The value and scope of the joint venture arrangement will be subject to the development of the projects under the Strategic Partnership Agreement and the inclusion of other participants as outlined in this notice. Although not guaranteed, the estimated value of the arrangements with the participation of EBC is in the region of 500 000 000 GBP. Although not guaranteed the estimated value of the arrangement during the life of the joint venture including other participants across the UK may extend to an estimated value of approximately 50 000 000 000 GBP.

This notice is also published on behalf of Lewes District Council, Southover House, Lewes, BN7 1AB. URL: www.lewes.gov.uk

Lewes District Council has entered into the Strategic Partnership Agreement at the outset with EBC.

VI.4. Procedures for review

VI.4.1. Review body

Official name: High Court of Justice

Town: London

Country: United Kingdom

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

In accordance with Public Contract Regulations 2015 Part 3 and other applicable law.

VI.5. Date of dispatch of this notice

11/08/2017