

UK-Birmingham: collection agency services

OJ S 215/2012 08/11/2012

Contract notice**Services****Directive 2004/18/EC****Section I: Contracting authority**

I.1. Name and addresses

Official name: The Insolvency Service

Postal address: Cannon House, 18 Priory Queensway,

Town: Birmingham

Postal code: B4 6FD

Country: United Kingdom

Contact person: As in the above address

For the attention of: Tim Batkin email: tenders.insolvency@insolvency.gsi.gov.ukE-mail: tenders.insolvency@insolvency.gsi.gov.uk

Telephone: +44 1216984495 / 7866671690

Internet address(es):General address of the contracting authority: <http://www.bis.gov.uk/insolvency>Address of the buyer profile: <http://www.bis.gov.uk/insolvency>**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**

Body governed by public law

I.3. Main activity

Economic and financial affairs

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**

Income Payments, Book Debts and Recovery Service.

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

Services

Service category No 27: Other services

Main site or place of performance: The Insolvency Service through its Official Receiver Offices, as described and detailed within the PQQ and ITT Documents.

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)

Income Payments, Book Debts and Recovery Service.

The Insolvency Service currently has a contract for Income Payments, Book Debts and Recovery Service which provides for the collection of income payment agreements/income payment orders (IPA/Os) from bankrupts and for the recovery of book debts, antecedent transactions, payment protection insurance compensation refunds and recoveries from company directors.

The current contract expires in September 2013 and this service needs to be re-tendered to enable minimum interruption to the collection services provided to the Official Receiver.

IPO/A and Book Debt collections represent approximately 95 % of all case instructions, and Antecedent Transaction collections, represent 5 %, (based on 2012 data).

Antecedent Transaction collections require the economic operator to have specific experience in the Insolvency Acts, 1986 and 2000, as amended by the Enterprise Act, 2005, Company Director Disqualification Act, 1986, Companies Acts, 1985 and 2006, and Employment Rights Act, 1996, and should therefore be qualified Legal Practitioners and members of the Law Society.

IPO/A and Book Debt collections do not require the economic operator to have specific professional legal standing, and therefore, technical capacity and relevant experience in debt collection would apply.

It is the intention of the Insolvency Service to let one service contract for the IPBDR Service, and therefore, economic operators should ensure their bid is capable of both Antecedent Transactions, as well as IPO/A and Book Debt collections, which can take the form of a single economic operator bid, or a consortia bid, with a prime contractor and sub contractor agreements.

II.1.6. CPV code(s)

79940000 Collection agency services, 79100000 Legal services, 79111000 Legal advisory services, 79112000 Legal representation services, 79140000 Legal advisory and information services, 79130000 Legal documentation and certification 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: no

II.2. Scope of the procurement

II.2.1. Total quantity or scope

Full details will be contained within the PQQ and ITT documents. Estimated Value excluding VAT: Range between £3 500 000 and £6 000 000 GBP. The contract will have an initial duration of 3 years, (36 months) once awarded, i.e. to June 2016, with the option to extend by 2 years, (24 months) in 2, 1 year, (12 month) increments, i.e. to 2018.

Estimated value excluding VAT:

Range: between 3 500 000,00 and 6 000 000,00 GBP

II.2.2. Information about options

Options: yes

Description of options: The initial contract will have a duration of 3 years (36 months) with the option to extend by a further 2 years (24 months) in one year (12 month) increments to a total 5 years, (60 months). i.e. From June 2013 to 2016, with the option to extend to 2018.

Provisional timetable for recourse to these options:
in months: 36 (from the award of the contract)

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: 60 (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

Parent Company Guarantee or a Contract Guarantee Bond may be necessary.

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

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

Where bids are submitted as part of consortium or association, the "Group" would be required to nominate a Lead Partner with whom the contracting authority can contract with or; form themselves into a single legal entity; or to accept joint and several liability.

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: Regulations 23 and 24 of the Public Contracts Regulations 2006 will apply. As per Pre-Qualification documentation (PQQ) See section VI.3.

III.2.2. Economic and financial ability

List and brief description of conditions: As per Pre-Qualification documentation (PQQ) See section VI.3.

Minimum level(s) of standards possibly required: As per Pre-Qualification documentation (PQQ) See section VI.3.

III.2.3. Technical and professional ability

List and brief description of conditions:

As per Pre-Qualification documentation (PQQ) See section VI.3.

Minimum level(s) of standards possibly required:

As per Pre-Qualification documentation (PQQ) See section VI.3.

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: yes

Reference to the relevant law, regulation or administrative provision: Antecedent Transactions collection -The Insolvency Acts, 1986 and 2000, as amended by the Enterprise Act, 2005, Company Director Disqualification Act, 1986, Companies Acts, 1985 and 2006, and Employment Rights Act, 1996 etc. Qualified Legal Practitioners, and members of the Law Society.

Those collections relating to IPO/A and Book Debts do not necessarily require the provision of a qualified legal practitioner.

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

Restricted

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

Envisaged number of candidates: 5

Objective criteria for choosing the limited number of candidates: As per Pre-Qualification documentation (PQQ) See section VI.3.

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

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

Income Payments, Book Debts and Recovery Service.

IV.3.2. Previous publication concerning this procedure

no

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: 12.12.2012 - 17:00

Payable documents: no

IV.3.4.

Time limit for receipt of tenders or requests to participate

12.12.2012 - 17:00

IV.3.5. Estimated date of dispatch of invitations to tender or to participate to selected candidates

28.1.2013

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: yes

Estimated timing for further notices to be published: 5 years

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

All suppliers who wish to respond to this OJEU notice and indicate their interest in the tender, should request a Pre-Qualification Questionnaire (PQQ) document, which provides further detail relating to this procurement. The PQQ AND ALL communication should be via:-

tenders.insolvency@insolvency.gsi.gov.uk

The services relating to Antecedent Transactions necessitate the economic operator to be a qualified Legal Practitioner and member of the Law Society, experienced in the Insolvency Acts, 1986 and 2000, as amended by the Enterprise Act, 2005, the Companies Acts, 1985 and 2006, the Company Director Disqualification Act, 1986 and Employment Rights Act, 1996. The services relating to IPO/A and Book Debt collections do not require the economic operator to have specific professional legal standing and therefore, technical capacity and relevant experience in debt collection services would apply.

It is the intention of the Insolvency Service to let one service contract for the IPBDR Service, and therefore, economic operators should ensure their bid is capable of both Antecedent Transactions as well as IPO/A and Book Debt Collections, which can take the form of a single economic operator bid, or a consortia bid, with prime contractor and sub contractor agreements.

We estimate the contract value to be between £3,5 m and £6 m over the life of the contract, which represents a genuine pre -estimate of the service over the duration of the contract.

Managing Supplier Poor Performance cross-Government.

Government has not always managed its strategic suppliers on a cross-Government basis as effectively as it might. This has resulted in suppliers continuing to win new work with Government even when there are substantial performance concerns with existing contracts. As a result, Government has developed a new approach to ensuring previous poor performance by suppliers can be taken into account and robustly assessed prior to new contracts being entered into.

Contracting Authorities will now ensure that consideration of poor performance on existing or previous contracts is made at the Selection stage, in the assessment of technical and

professional ability (Reg. 25). This will include where there are examples of serious and persistent breach in the delivery of both current and previous contracts.

Where a supplier has been found to have committed "Grave Misconduct" in the course of their business or profession, the Contracting Authority will have the right to exercise "Discretionary Exclusion" of that supplier under the Public Contracts Regulations 2006.

In addition, Contracting Authorities will reassess economic and financial standing, and technical and professional ability, and any discretionary or mandatory grounds for exclusion, before key points in the procurement process (i.e. short listing, preferred bidder status, award of contract etc). This will be done by asking the bidder whether anything has changed since the original assessment; and by checking with other departments/contracting authorities.

VI.4. Procedures for review

VI.4.1. Review body

Official name: See section VI.4.2 and VI.4.3

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: The Insolvency Service will incorporate a minimum 10 calendar day standstill period at the point information on the award of the contract is communicated to tenderers. This period allows unsuccessful tenderers to seek further debriefing from the contracting authority before the contract is entered into. Such additional information should be requested from the address in section 1.1 If an appeal regarding the award of a contract has not been successfully resolved the Public Contracts Regulations 2006 provide for aggrieved parties who have been harmed or are at risk of harm by a breach of the rules to take action in the High Court (England, Wales and Northern Ireland). Where a contract has not been entered into the court may order the settling aside of the award decision or order the authority to amend any document and may award damages.

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

Official name: The Insolvency Service

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Country: United Kingdom

E-mail: tim.batkin@insolvency.gsi.gov.uk

Telephone: +44 1216984495

Internet address: <http://www.bis.gov/insolvency>

VI.5. Date of dispatch of this notice

5.11.2012