

United Kingdom-Huddersfield: Construction machinery and equipment

OJ S 174/2017 12/09/2017

Contract notice

Services

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: The Council of the Borough of Kirklees
Postal address: The Town Hall, Ramsden Street, West Yorkshire
Town: Huddersfield
NUTS code: UKE Yorkshire and the Humber
Postal code: HD1 2AT
Country: United Kingdom
Contact person: Beverley Martin/Darren Pickering
E-mail: highways.contracts@kirklees.gov.uk
Telephone: +44 1484221000

Internet address(es):

Main address: <http://www.kirklees.gov.uk>
Address of the buyer profile: <https://www.yortender.co.uk>

I.1. Name and addresses

Official name: City of Bradford Metropolitan District Council
Postal address: City Hall, Channing Way
Town: Bradford
NUTS code: UKE Yorkshire and the Humber
Postal code: BD1 1HY
Country: United Kingdom
Contact person: Beverley Martin
E-mail: highways.contracts@kirklees.gov.uk
Telephone: +44 1484221000

Internet address(es):

Main address: <http://www.bradford.gov.uk>
Address of the buyer profile: <https://www.yortender.co.uk>

I.1. Name and addresses

Official name: The Borough of Calderdale Council
Postal address: Town Hall, Crossley Street
Town: Halifax
NUTS code: UKE Yorkshire and the Humber
Postal code: HX1 1UJ
Country: United Kingdom
Contact person: Beverley Martin
E-mail: highways.contracts@kirklees.gov.uk
Telephone: +44 1484221000

Internet address(es):

Main address: <http://www.calderdale.gov.uk>

Address of the buyer profile: <https://www.yortender.co.uk>

I.1. Name and addresses

Official name: Leeds City Council

Postal address: Civic Hall, Calverley Street

Town: Leeds

NUTS code: UKE Yorkshire and the Humber

Postal code: LS1 1UR

Country: United Kingdom

Contact person: Beverley Martin

E-mail: highways.contracts@kirklees.gov.uk

Telephone: +44 1484221000

Internet address(es):

Main address: <http://www.leeds.gov.uk>

Address of the buyer profile: <https://www.yortender.co.uk>

I.1. Name and addresses

Official name: City of Wakefield Metropolitan District Council

Postal address: Town Hall, Wood Street

Town: Wakefield

NUTS code: UKE Yorkshire and the Humber

Postal code: WF1 2HQ

Country: United Kingdom

Contact person: Beverley Martin

E-mail: highways.contracts@kirklees.gov.uk

Telephone: +44 1484221000

Internet address(es):

Main address: <http://www.wakefield.gov.uk>

Address of the buyer profile: <https://www.yortender.co.uk>

I.1. Name and addresses

Official name: City Of York Council

Postal address: Hazel Court, James Street

Town: York

NUTS code: UKE Yorkshire and the Humber

Postal code: YO10 3DS

Country: United Kingdom

Contact person: Beverley Martin

E-mail: highways.contracts@kirklees.gov.uk

Telephone: +44 1484221000

Internet address(es):

Main address: <http://www.york.gov.uk>

Address of the buyer profile: <https://www.yortender.co.uk>

I.2. Information about joint procurement

The contract involves joint procurement

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: <http://www.yortender.co.uk>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted to the abovementioned address

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

KMCHS-221 — Framework agreement for the hire of civil engineering plant, vehicles and equipment with and without operator(s) Yorkshire Highway Alliance contract.

Reference number: DN294224

II.1.2. Main CPV code

43300000 Construction machinery and equipment - PB05 - PB06

II.1.3. Type of contract

Services

II.1.4. Short description

The 'Services' will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s) and the Hire Of Civil Engineering Plant, Vehicles and Equipment without Operator (s), within the geographical boundary and administrative areas of the Council and other Contracting Authorities of: The City of Bradford Metropolitan District Council — Lot 1, The Borough of Calderdale Council — Lot 2, The Council of the Borough of Kirklees — Lot 3, Leeds City Council — Lot 4, City of Wakefield Metropolitan District Council — Lot 5, York City Council — Lot 6 and any other Local Authority (as defined in the Local Government Act 1972 (SI 1972/070) within the Yorkshire and Humber Region. Details of the relevant Local Authorities who may participate under this Framework Contract are illustrated in the Geographical Map in Appendix 1 of File 01 of the Tender Documents.

II.1.5. Estimated total value

Value excluding VAT: 23 700 000,00 GBP

II.1.6. Information about lots

This contract is divided into lots: yes

Tenders may be submitted for all lots

The contracting authority reserves the right to award contracts combining the following lots or groups of lots:

City of Bradford Metropolitan Council — Lot 1, The Borough of Calderdale Council — Lot 2, Kirklees Council — Lot 3, Leeds City Council — Lot 4, City of Wakefield Metropolitan District Council — Lot 5, City of York Council — Lot 6.

II.2. Description

II.2.1. Title

City of Bradford Metropolitan Council — The hire of civil engineering plant, vehicles and equipment with and without operator(s) Yorkshire Highway Alliance contract — KMCHS-221 Lot No: 1

II.2.2. Additional CPV code(s)

43300000 Construction machinery and equipment - PB05 - PB06, 43310000 Civil engineering machinery - PB05 - PB06, 45500000 Hire of construction and civil engineering machinery and equipment with operator - PB05 - PB06, 43000000 Machinery for mining, quarrying, construction equipment - PB05 - PB06, 43200000 Earthmoving and excavating machinery, and associated parts - PB05 - PB06

II.2.3. Place of performance

NUTS code: UKE Yorkshire and the Humber

Main site or place of performance: Geographical area of Bradford, West Yorkshire.

II.2.4. Description of the procurement

The 'Services' will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s) and the Hire Of Civil Engineering Plant, Vehicles and Equipment without Operator (s), within the geographical boundary and administrative areas of the Council and other Contracting Authorities listed in 1.1 of this Notice above. The locations will be within the administrative areas of: City of Bradford Metropolitan District Council — Lot 1. Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.6 of this notice. All of the other contracting authorities shall be hereafter defined as the 'contacting authorities' for whom the principal contracting authority (i.e the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://www.yortender.co.uk/procontract/supplier.nsf>). Details of the relevant Local Authorities who may participate under this Framework Contract are illustrated in the Geographical Map in Appendix 1 of File 01 of the Tender Documents.

II.2.5. Award criteria

Criteria below

Price

II.2.6. Estimated value

Value excluding VAT: 100 000,00 GBP

II.2.7. Duration of the contract, framework agreement or dynamic purchasing system

Duration in months: 48

This contract is subject to renewal: no

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: no

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

Tenderers may price any item(s) in any Category/Categories for one, or more or all of the Lots detailed, there will be no limitation to the number of Lots or categories awarded to any one Supplier based on lowest price as per Clause 5 of Schedule 1 of the Framework Agreement published with the other procurement documentation.

II.2. Description

II.2.1. Title

The Borough of Calderdale Council — The hire of civil engineering plant, vehicles and equipment with and without operator(s) Yorkshire Highway Alliance contract — KMCHS-221 Lot No: 2

II.2.2. Additional CPV code(s)

43300000 Construction machinery and equipment - PB05 - PB06, 43310000 Civil engineering machinery - PB05 - PB06, 45500000 Hire of construction and civil engineering machinery and equipment with operator - PB05 - PB06, 43000000 Machinery for mining, quarrying, construction equipment - PB05 - PB06, 43200000 Earthmoving and excavating machinery, and associated parts - PB05 - PB06

II.2.3. Place of performance

NUTS code: UKE Yorkshire and the Humber

Main site or place of performance: Geographical area of Calderdale, West Yorkshire.

II.2.4. Description of the procurement

The 'Services' will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s) and the Hire Of Civil Engineering Plant, Vehicles and Equipment without Operator (s), within the geographical boundary and administrative areas of the Council and other Contracting Authorities listed in 1.1 of this Notice above. The locations will be within the administrative areas of: The Borough of Calderdale Council — Lot 2. Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.6 of this notice. All of the other contracting authorities shall be hereafter defined as the 'contacting authorities' for whom the principal contracting authority (i.e the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement(available to download at: <https://www.yortender.co.uk/procontract/supplier.nsf>). Details of the relevant Local Authorities who may participate under this Framework Contract are illustrated in the Geographical Map in Appendix 1 of File 01 of the Tender Documents.

II.2.5. Award criteria

Criteria below

Price

II.2.6. Estimated value

Value excluding VAT: 400 000,00 GBP

II.2.7. Duration of the contract, framework agreement or dynamic purchasing system

Duration in months: 48

This contract is subject to renewal: no

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: no

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

Tenderers may price any item(s) in any Category/Categories for one, or more or all of the Lots detailed, there will be no limitation to the number of Lots or categories awarded to any one Supplier based on lowest price as per Clause 5 of Schedule 1 of the Framework Agreement published with the other procurement documentation.

II.2. Description

II.2.1. Title

Kirklees Council — The hire of civil engineering plant, vehicles and equipment with and without operator(s) Yorkshire Highway Alliance contract — KMCHS-221
Lot No: 3

II.2.2. Additional CPV code(s)

43300000 Construction machinery and equipment - PB05 - PB06, 43310000 Civil engineering machinery - PB05 - PB06, 45500000 Hire of construction and civil engineering machinery and equipment with operator - PB05 - PB06, 43000000 Machinery for mining, quarrying, construction equipment - PB05 - PB06, 43200000 Earthmoving and excavating machinery, and associated parts - PB05 - PB06

II.2.3. Place of performance

NUTS code: UKE Yorkshire and the Humber

Main site or place of performance: Geographical area of Kirklees, West Yorkshire.

II.2.4. Description of the procurement

The 'Services' will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s) and the Hire Of Civil Engineering Plant, Vehicles and Equipment without Operator (s), within the geographical boundary and administrative areas of the Council and other Contracting Authorities listed in 1.1 of this Notice above. The locations will be within the administrative areas of: The Council of the Borough of Kirklees — Lot 3. Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.6 of this notice. All of the other contracting authorities shall be hereafter defined as the 'contacting authorities' for whom the principal contracting authority (i.e the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement(available to download at: <https://www.yortender.co.uk/procontract/supplier.nsf>). Details of the relevant Local Authorities who may participate under this Framework Contract are illustrated in the Geographical Map in Appendix 1 of File 01 of the Tender Documents.

II.2.5. Award criteria

Criteria below

Price

II.2.6. Estimated value

Value excluding VAT: 6 200 000,00 GBP

II.2.7. Duration of the contract, framework agreement or dynamic purchasing system

Duration in months: 48

This contract is subject to renewal: no

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: no

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

Tenderers may price any item(s) in any Category/Categories for one, or more or all of the Lots detailed, there will be no limitation to the number of Lots or categories awarded to any one Supplier based on lowest price as per Clause 5 of Schedule 1 of the Framework Agreement published with the other procurement documentation.

II.2. Description

II.2.1. Title

Leeds City Council — The hire of civil engineering plant, vehicles and equipment with and without operator(s) Yorkshire Highway Alliance contract — KMCHS-221
Lot No: 4

II.2.2. Additional CPV code(s)

43300000 Construction machinery and equipment - PB05 - PB06, 43310000 Civil engineering machinery - PB05 - PB06, 45500000 Hire of construction and civil engineering machinery and equipment with operator - PB05 - PB06, 43000000 Machinery for mining, quarrying, construction equipment - PB05 - PB06, 43200000 Earthmoving and excavating machinery, and associated parts - PB05 - PB06

II.2.3. Place of performance

NUTS code: UKE Yorkshire and the Humber
Main site or place of performance: Geographical area of Leeds, West Yorkshire.

II.2.4. Description of the procurement

The 'Services' will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s) and the Hire Of Civil Engineering Plant, Vehicles and Equipment without Operator (s), within the geographical boundary and administrative areas of the Council and other Contracting Authorities listed in 1.1 of this Notice above. The locations will be within the administrative areas of: Leeds City Council — Lot 4. Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.6 of this notice. All of the other contracting authorities shall be hereafter defined as the 'contracting authorities' for whom the principal contracting authority (i.e the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement(available to download at: <https://www.yortender.co.uk/procontract/supplier.nsf>). Details of the relevant Local Authorities who may participate under this Framework Contract are illustrated in the Geographical Map in Appendix 1 of File 01 of the Tender Documents.

II.2.5. Award criteria

Criteria below
Price

II.2.6. Estimated value

Value excluding VAT: 11 000 000,00 GBP

II.2.7. Duration of the contract, framework agreement or dynamic purchasing system

Duration in months: 48
This contract is subject to renewal: no

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: no

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

Tenderers may price any item(s) in any Category/Categories for one, or more or all of the Lots detailed, there will be no limitation to the number of Lots or categories awarded to any one Supplier based on lowest price as per Clause 5 of Schedule 1 of the Framework Agreement published with the other procurement documentation.

II.2. Description

II.2.1. Title

City of Wakefield Metropolitan District Council — The hire of civil engineering plant, vehicles and equipment with and without operator(s) Yorkshire Highway Alliance contract — KMCHS-221

Lot No: 5

II.2.2. Additional CPV code(s)

43300000 Construction machinery and equipment - PB05 - PB06, 43310000 Civil engineering machinery - PB05 - PB06, 45500000 Hire of construction and civil engineering machinery and equipment with operator - PB05 - PB06, 43000000 Machinery for mining, quarrying, construction equipment - PB05 - PB06, 43200000 Earthmoving and excavating machinery, and associated parts - PB05 - PB06

II.2.3. Place of performance

NUTS code: UKE Yorkshire and the Humber

Main site or place of performance: Geographical area of Wakefield, West Yorkshire.

II.2.4. Description of the procurement

The 'Services' will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s) and the Hire Of Civil Engineering Plant, Vehicles and Equipment without Operator (s), within the geographical boundary and administrative areas of the Council and other Contracting Authorities listed in 1.1 of this Notice above. The locations will be within the administrative areas of: City of Wakefield Metropolitan District Council — Lot 5. Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.6 of this notice. All of the other contracting authorities shall be hereafter defined as the 'contacting authorities' for whom the principal contracting authority (i.e the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://www.yortender.co.uk/procontract/supplier.nsf>). Details of the relevant Local Authorities who may participate under this Framework Contract are illustrated in the Geographical Map in Appendix 1 of File 01 of the Tender Documents.

II.2.5. Award criteria

Criteria below

Price

II.2.6. Estimated value

Value excluding VAT: 4 000 000,00 GBP

II.2.7. Duration of the contract, framework agreement or dynamic purchasing system

Duration in months: 48

This contract is subject to renewal: no

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: no

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

Tenderers may price any item(s) in any Category/Categories for one, or more or all of the Lots detailed, there will be no limitation to the number of Lots or categories awarded to any one Supplier based on lowest price as per Clause 5 of Schedule 1 of the Framework Agreement published with the other procurement documentation.

II.2. Description**II.2.1. Title**

City of York Council — The hire of civil engineering plant, vehicles and equipment with and without operator(s) Yorkshire Highway Alliance contract KMCHS-221
Lot No: 6

II.2.2. Additional CPV code(s)

43300000 Construction machinery and equipment - PB05 - PB06, 43310000 Civil engineering machinery - PB05 - PB06, 45500000 Hire of construction and civil engineering machinery and equipment with operator - PB05 - PB06, 43000000 Machinery for mining, quarrying, construction equipment - PB05 - PB06, 43200000 Earthmoving and excavating machinery, and associated parts - PB05 - PB06

II.2.3. Place of performance

NUTS code: UKE Yorkshire and the Humber

Main site or place of performance: Geographical area of York, North Yorkshire.

II.2.4. Description of the procurement

The 'Services' will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s) and the Hire Of Civil Engineering Plant, Vehicles and Equipment without Operator (s), within the geographical boundary and administrative areas of the Council and other Contracting Authorities listed in 1.1 of this Notice above. The locations will be within the administrative areas of: City of York Council — Lot 6. Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.6 of this notice. All of the other contracting authorities shall be hereafter defined as the 'contracting authorities' for whom the principal contracting authority (i.e the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement(available to download at: <https://www.>

yortender.co.uk/procontract/supplier.nsf). Details of the relevant Local Authorities who may participate under this Framework Contract are illustrated in the Geographical Map in Appendix 1 of File 01 of the Tender Documents.

II.2.5. Award criteria

Criteria below
Price

II.2.6. Estimated value

Value excluding VAT: 2 000 000,00 GBP

II.2.7. Duration of the contract, framework agreement or dynamic purchasing system

Duration in months: 48
This contract is subject to renewal: no

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: no

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

Tenderers may price any item(s) in any Category/Categories for one, or more or all of the Lots detailed, there will be no limitation to the number of Lots or categories awarded to any one Supplier based on lowest price as per Clause 5 of Schedule 1 of the Framework Agreement published with the other procurement documentation.

Section III: Legal, economic, financial and technical information

III.1. Conditions for participation

III.1.1. 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 (i) Article 57 and 59 to 61 of Directive 2014/24/EU of the European Parliament and of the Council and (ii) Regulations 57 to 61 of the Public Contract Regulations 2015 (SI 2015/102), and as set out in the selection questionnaire ('SQ') available from the address as set out in Section (I.1) of this notice above, the Council of the Borough of Kirklees acting as the principal contracting authority reserves the right to refuse any economic operator's application and to exclude its tender from the evaluation in any of the circumstances as follows:-

(i) in the event the completed SQ, supporting information and/or any other tender submissions are incomplete, inaccurate or misleading or otherwise not submitted in accordance with the requirements set out in the SQ or any of the other Tender Documents; and/or; (ii) for any reason specified in Regulation 57 (Exclusion Grounds) of the Public Contracts Regulations 2015(SI 2015/102), which requires or permits the principal contracting authority not to select or to treat any economic operator as an ineligible economic operator; and/or (iii) economic operators scoring 'Fail' in the SQ will not be selected for consideration of their tender submission.

Section 7 — Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015. Answering 'Yes' to question 7.1 and 'No' to Question 7.2 will result in exclusion unless the economic operator:(1) can demonstrate that you are legally exempt from the requirement to comply with the annual reporting requirements contained within section 54 of the Act; or (2) commit to comply with such reporting requirements within 6 months of the date of your submitted questionnaire.

III.1.2. Economic and financial standing

List and brief description of selection criteria:

Economic operators must complete Part 3: Sections 4 of the SQ.

Responses to this Section 4 shall be primarily for information purposes only. However, all economic operators may be requested to supply one set of evidence to demonstrate financial standing as required under this Section 4. Any answers which leads the Council, acting reasonably, to conclude (considering the risk that the relevant answer suggests about the Applicant's ability to properly perform the Framework Agreement) that it would be inappropriate to select the Applicant on this occasion will result in exclusion.

Economic operators must complete Part 3: Section 5 of the SQ if they have indicated in the SQ at Question 1.2 that they are part of a wider group and their parent or holding company is prepared to guarantee the performance of their Company. then the information provided in response to Questions 5.1 to 5.3 may be used in the financial assessment of the applicant.

Insurance

Economic operators must complete Part 3: Section 8.1 of the SQ.

Economic operators are asked to self-certify whether they already have, or can commit to obtain, prior to the commencement date of the Framework Agreement, the levels of insurance cover indicated below:

- a) Employer's (Compulsory) Liability Insurance 10 000 000 GBP (in relation to any one claim or series of claims); and
- b) Public/ Products Liability Insurance 10 000 000 GBP (in relation to any one claim or series of claims);
- c) Motor Insurance Third Party as per Statutory Requirements.

Minimum level(s) of standards possibly required:

INSURANCE

Failure to indicate 'Yes' to Question 8.1 will result in exclusion.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

Economic operators must complete Part 3: Section 6 of the SQ.

Economic operators must provide details of up to three (3) contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise ('VCSE') that are relevant to the principal contracting authority's requirements. VCSEs may include samples of grant-funded work. Contracts for supplies or services should have been performed during the past three (3) years. Works Contracts may be from the past five (5) years. The named contact provided should be able to provide written evidence to the principal contracting authority to confirm the accuracy of the information provided below. Consortia bids should provide relevant examples of where the consortium has delivered similar requirements; if this is not possible (e.g. the Consortium is newly formed or a Special Purpose Vehicle ('SPV') will be created for this contract) then three (3) separate examples should be provided between the principal member (s) of the proposed Consortium or SPV (three (3) examples are not required from each member). Where the economic operator is a SPV, or a Managing Agent not intending to be the main provider of the supplies or services, the information requested should be provided in

respect of the main intended provider(s) or sub-contractor(s) who will deliver the contract. If the economic operator cannot provide at least one (1) example for Questions 6.1 see Question 6.3, in no more than five hundred (500) words, economic operators must provide an explanation for this e.g. is economic operator's organisation a new start-up or have you provided services in the past but not under a contract.

Minimum level(s) of standards possibly required:

Section 6 — Relevant experience and contract examples:

Responses to Section 6 will be scored as follows:

Pass — The economic operator has provided either:

1. at least 1 example of a previous contract that meets the minimum requirements set out in Section 6, and demonstrates to the reasonable satisfaction of the principal contracting authority that the economic operator possesses the relevant general technical expertise and professional experience to be entrusted with the principal contracting authority's contract; or
2. a satisfactory reason as to why the economic operator is unable to provide any examples of previous contracts that are relevant to the principal contracting authority's requirements under this Procurement, and that meets the minimum requirements set out in Question 6.3.

However, economic operators are asked to note that:

- (i) If economic operators need to use more than one example to demonstrate that they possess the relevant general technical expertise and professional experience, they may do so up to a maximum of three (3) examples.
- (ii) The principal contracting authority reserves the right to confirm the accuracy of any information provided in response to Section 6 with any named customer contact(s).
- (iii) Any replies from any named customer contact(s) which lead the principal contracting authority, acting reasonably, to doubt any significant representations made in the economic operator's responses to Section 6 may result in exclusion.

Fail — The economic operator:

1. has failed to provide any examples of any previous contracts in response to Section 6; and has failed to provide a satisfactory reason as to why they were unable to provide any examples; or
2. the examples given in response to Section 6 do not demonstrate to the reasonable satisfaction of the principal contracting authority that the economic operator possesses the relevant general technical expertise and professional experience to be entrusted with the principal contracting authority's Framework Agreement.

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

The performance of the Orders by the economic operator during the Framework Period will be subject to review by the principal contracting authority and the other contracting authorities, carried out in accordance with the tender documents which are available to download at <https://www.yortender.co.uk/procontract/supplier.nsf>

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Open procedure

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

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

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.2.2. Time limit for receipt of tenders or requests to participate

Date: 16/10/2017 Local time: 13:00

IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates

IV.2.4. Languages in which tenders or requests to participate may be submitted

English

IV.2.6. Minimum time frame during which the tenderer must maintain the tender

Duration in months: 6 (from the date stated for receipt of tender)

IV.2.7. Conditions for opening of tenders

Date: 17/10/2017 Local time: 13:00

Place:

The above time and date for opening is estimated, subject to change.

Information about authorised persons and opening procedure: Representatives of Corporate Procurement, Audit and any other authorised officer of the Council.

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: yes

VI.2. Information about electronic workflows

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

VI.3. Additional information

The principal contracting authority (i.e. the Council of the Borough of Kirklees) is the only contracting authority that will enter into any framework agreement with the successful economic operators. The other contracting authorities listed in Section I.1 of this Notice above shall be permitted to use the Framework Agreement to call-off contracts in relation to the lot relevant to each individual contracting authority. In addition, the Framework Agreement may be used by any of the other 'Local Authorities' (as defined under the Local Government Act 1972 (SI 1972/070)) within the Yorkshire and Humber Region. A map and list of the other Local Authorities permitted to use the Framework Agreement can be found in Appendix 1 of File 01 of the procurement documentation (available to download at <https://www.yortender.co.uk/procontract/supplier.nsf>). The principal contracting authority considers that this Framework Agreement may be suitable for economic operators that are small or medium enterprises ('SMEs'). However, any selection of economic operators will be based solely on the criteria set out for the procurement, and the Framework Agreement will be awarded on the basis of the most economically advantageous tender based on lowest price only. The award criteria is set out in the procurement documentation (available to download at <https://www.yortender.co.uk/procontract/supplier.nsf>). With regards to the estimated total value of services for the entire

duration of the Framework Agreement, please note the values stipulated in Section II.1.5 of this Notice above covers the potential spend of all the participating contracting authorities, throughout the duration of the Framework Agreement. Notwithstanding the range of values stipulated in Section II.1.5, however, for the avoidance of doubt please note that:

- i) The estimates given in Section II.1.5 of this Notice are strictly estimated values only.
- ii) Any information supplied in the Tender Documents as to the likely volumes of services or the times when they are likely to be required are given purely as indication of past experiences of the contracting authorities.
- iii) Furthermore, please note that estimates given in Section II.1.5 of this Notice are based on third party estimates of anticipated future workloads during the Framework Period as at the date of this Notice, and the principal contracting authority gives no warranty as to the accuracy to said data.
- iv) The anticipated usage of this Framework Agreement is unknown at present. Tenderers should note that it is not possible to establish an exact future workload and it is therefore not possible to guarantee that all or any of the successful economic operators with whom the principal contracting authority enters into the Framework Agreement will in fact be called upon to execute Services on behalf of the principal contracting authority or any of the other contracting authorities. Unless otherwise specifically stated elsewhere in the Tender Documents, there is no minimum or maximum value/quantity of Services that may be ordered on any one occasion and the rates tendered must therefore reflect the likelihood of varying magnitude of Orders and types of Services
- v) No contracting authority is bound to enter into any Order or other contract following discussions or other representations and no contracting authority shall incur any liability in respect of any failure to enter into any Service Contract or in connection with the total volume, type of Services or value of Services anticipated by any of the economic operators or which any economic operator is asked to carry out.

VI.4. Procedures for review

VI.4.1. Review body

Official name: High Court of England and Wales

Town: N/A

Country: United Kingdom

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

In accordance with Regulation 86 (Notices of decisions to award a contract or conclude a framework agreement), Regulation 87 (Standstill periods) and Chapter 6 (Applications to Court) of the Public Contract Regulations 2015 (SI 2015/102), the principal contracting authority has incorporated a minimum ten (10) calendar day standstill period at the point that information on the conclusion of the Framework Agreement was communicated to economic operators. This period allowed any unsuccessful economic operator(s) to seek further debriefing from the contracting authority before the award (or non-award) of the Framework Agreement. Such additional information should have been (and can still be) requested from the address at Sections I.1 and I.3 of this Notice above. If an appeal regarding the award (or non-award) of the Framework Agreement has not been successfully resolved, then the Regulations 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). Any such action must be started within thirty (30) days beginning with the date when the aggrieved party first knew or sought to have grounds for starting the proceedings had arisen. The Court may extend the time limited for starting proceedings where the Court considers that

there is a good reason for doing so, but not so as to permit proceedings to be started more than three (3) months after that date. Where the Framework agreement has not been awarded, the Court may order the setting aside of the award decision or order the contracting authority to amend any document and may award damages. If however the Framework Agreement has been awarded, the Court may only award damages or, where the contract award procedures have not been followed correctly, declare the Framework Agreement to be ineffective.

VI.5. Date of dispatch of this notice

08/09/2017