

United Kingdom-Bicester: Marketing services

OJ S 210/2016 29/10/2016

Contract notice

Services

Directive 2009/81/EC

Section I: Contracting authority/entity

I.1. Name and addresses

Official name: Ministry of Defence, IMOC, Disposal Services Authority (DSA)

Postal address: MoD Disposals Services Authority, Room 7, Building 9, Ploughley Road

Town: Bicester

Postal code: OX25 1LP

Country: United Kingdom

For the attention of: Varick Harrison

E-mail: DESLCSLS-DSA-Commercial@mod.uk

Telephone: +44 3067986861

Internet address(es):General address of the contracting authority/entity: <https://www.gov.uk/government/groups/disposal-services-authority>**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

Defence

I.4. Contract award on behalf of other contracting authorities/entities

The contracting authority is purchasing on behalf of other contracting authorities: yes

Official name: Ministry of Defence, IMOC, Disposal Services Authority (DSA)

Postal address: MoD Bicester

Town: Bicester

Postal code: OX25 2LD

Country: United Kingdom

Section II: Object of the contract

II.1. Description**II.1.1. Title attributed to the contract by the contracting authority**

Vehicles Sales Framework.

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

Services

Service category No 26: Other services
Main site or place of performance: Oxfordshire.
NUTS code UKJ14 Oxfordshire

II.1.3. Information about framework agreement

The procurement involves the establishment of a framework agreement

II.1.4. Information about framework agreement

Duration of the framework agreement

Duration in years: 7

Estimated total value of purchases for the entire duration of the framework agreement

Estimated value excluding VAT: 54 429 000 GBP

II.1.5. Short description of the contract or purchase(s)

Marketing services. The Authority requires the provision of refurbishment, marketing and sale of MoD surplus equipment, predominately vehicles, both military and civilian (e.g Ford Focus, Vauxhall Corsa, Toyota Hi-lux) and other specialist vehicles (e.g Dennis/Mercedes Fire tenders, Renault Maxter), and various specialist military purpose vehicles. In addition, the contract will include sale/disposal of spare parts and tyres. The successful provider may also receive vehicles, spare parts and tyres from Other Government Departments (from time to time). Only one provider will be eventually awarded the Framework Agreement.

II.1.6. CPV code(s)

79342000 Marketing services

II.1.7. Information about subcontracting

The tenderer has to indicate in the tender any share of the contract it may intend to subcontract to third parties and any proposed subcontractor, as well as the subject-matter of the subcontracts for which they are proposed

The tenderer has to indicate any change occurring at the level of subcontractors during the execution of the contract

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

4 year standard duration and 3 1-year options. Approx 54 000 000 GBP of expected net sales revenue over 7 years, 31 000 000(GBP) over 4 years.

No business whatsoever is guaranteed under any resulting framework agreement or contract indeed there is no guarantee that any framework agreement or contract will be put in place in relation to this notice. No compensation etc. will be paid if a tender or resulting framework agreement is withdrawn for any reason. Bidders should take part in this process only on the basis that they fully understand and accept this position.

Estimated value excluding VAT: 54 429 000 GBP

II.2.2. Information about options

Options: yes

Description of options: Three one year options.

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: 72 (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

A bank, insurance or parent company guarantee will be required; the guarantee will be the average monthly sales volume payable to the Authority, currently expected to be 650 000 GBP, however this figured may be revised throughout the contract by the Authority depending on gross sales achieved.

The Authority reserves the right to require a bank/insurance/parent company guarantee of a greater value if a Potential Provider does not meet the required standard for economic and financial standing in the PQQ.

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

The contractor will pay the Authority the sales price paid to him, minus a deduction for his services, the value of which is to be determined by competitive procurement. 1 GBP will be paid by the Authority to the contractor to establish the Framework Agreement.

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

If a group of economic operators submits a bid, the group must nominate a lead organisation to deal with the Authority. The Authority shall require the group to form a legal entity before entering into the contract.

III.1.4. Other particular conditions to which the performance of the contract is subject, in particular with regard to security of supply and security of information

TUPE may apply. Service currently provided by Witham Specialist Vehicles.

The Authority reserves the right to amend any condition related to security of information to reflect any changes in national law or government policy. If any contract documents are accompanied by a Security Aspects Letter, the Authority reserves the right to amend the terms of the Security Aspects Letter to reflect any changes in national law or government policy whether in respect of the applicable protective marking scheme, specific protective markings given, the aspects to which any protective marking applies or otherwise.

III.1.5. Information about security clearance

III.2. Conditions for participation

III.2.1. Personal situation

Criteria regarding the personal situation of economic operators (that may lead to their exclusion) including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: The Authority will apply all the offences listed in Article 39(1) of Directive 2009/81/EC (implemented as Regulation 23(1) of the Defence and Security Public Contract Regulations (DSPCR) 2011 in the UK) and all of the professional misconducts listed at Article 39(2) of Directive 2009/81/EC (see also Regulation 23(2) in the DSPCR 2011) to the decision of whether a Candidate is eligible to be invited to tender.

A full list of the Regulation 23(1) and 23(2) criteria are at <http://www.contracts.mod.uk/delta/project/reasonsForExclusion.html#dspr>

Candidates will be required to sign a declaration confirming whether they do or do not have any of the listed criteria as part of the pre-qualification process.

Candidates who have been convicted of any of the offences under Article 39(1) are ineligible and will not be selected to bid, unless there are overriding requirements in the general interest (including defence and security factors) for doing so.

Candidates who are guilty of any of the offences, circumstances or misconduct under Article 39 (2) may be excluded from being selected to bid at the discretion of the Authority.

A declaration of good standing will be required in the PQQ.

The Authority reserves the right to fail any Potential Provider who has breached and of the laws and regulations contained within the PQQ.

III.2.2. Economic and financial ability

Criteria regarding the economic and financial standing of economic operators (that may lead to their exclusion)

List and brief description of conditions: (a) Appropriate statements from the economic operator's bankers or where appropriate, evidence of relevant professional risk indemnity insurance

(b) The presentation of balance-sheets or extracts from the balance-sheets, where publication of the balance-sheet is required under the law of the country in which the economic operator is established

(c) where appropriate, a statement, covering the three previous financial years of the economic operator, of:(i) the overall turnover of the business of the economic operator; and (ii) where appropriate, the turnover in respect of the work, works, goods or services which are of a similar type to the subject matter of the contract.

Potential Tenderers are to provide audited copies of the company's accounts for the last two years of trading in response to the PQQ. Where a Potential Tenderer has been in business for less than two years, all available audited accounts are to be provided.

Potential Tenderers must inform the Authority of any material change to its financial and economic standing that has occurred since the last set of audited accounts, or which are likely to happen within the next twelve months.

Potential Tenderers are to provide information of any existing or proposed financial liabilities financial commitments or liabilities that could adversely affect their economic and financial standing.

This information will be required under the PQQ.

Minimum level(s) of standards possibly required: The estimated contract value is £54.4M. If the estimated annual contract value

is greater than 40 % of the supplier's turnover, the

Authority reserves the right to exclude the supplier from being selected to tender except where the supplier provides, to the satisfaction of the Authority, evidence showing it has sufficient economic and financial capability, e.g. such evidence may include:

(1) Any additional information proving it has sufficient economic and financial resources to deliver the requirement; and

(2) State whether the supplier is willing to provide the Authority with an indemnity, guarantee or bank bond (as per the above).

A financial assessment will be undertaken on the supplier's financial status.

An overall pass / fail judgement will be made after considering areas such as turnover, profit, net assets, liquidity, gearing and capacity. This assessment

will include the Parent company where applicable. An independent financial assessment obtained from a reputable credit rating organisation will be utilised as part of this process.

III.2.3. Technical and/or professional capacity

Criteria regarding the technical and/or professional ability of economic operators (that may lead to their exclusion)

List and brief description of conditions:

- (a) in the case of a supply contract requiring the siting or installation of goods, a services contract or a works contract, the economic operator's technical ability, taking into account in particular that economic operator's skills, efficiency, experience and reliability
- (b) a list of works carried out over the past five years together with (unless the contracting authority specifies that the following certificate should be submitted direct to the contracting authority by the person certifying) certificates of satisfactory completion for the most important of those works indicating in each case: (i)the value of the consideration received; (ii)when and where the work or works were carried out; and (iii)specifying whether they were carried out according to the rules of the trade or profession and properly completed
- (e) a statement of the economic operator's: (i) technical facilities; (ii) measures for ensuring quality; (iii) study and research facilities; and (iv) internal rules regarding intellectual property
- (h) the environmental management measures, that the economic operator is able to apply when performing the contract, but only where it is necessary for the performance of that contract
- (n) a certificate: (i) attesting conformity to quality management systems standards based on the relevant European standard; and (ii) from an independent accredited body established in any member State conforming to the European standards concerning accreditation and certification
- (o) any other evidence of conformity to quality management systems standards which are equivalent to the standards referred to in sub-paragraph (n)(i)

Information regarding technical ability will be required as part of the PQQ.

Minimum level(s) of standards possibly required

The Potential Provider must have appropriate Quality System Certification: BS EN ISO 9001, 2008 or ISO 9001, 2015, issued by a UKAS accredited third-party certification body. In fulfilling this requirement, it may be acceptable for the Potential Provider to rely on certification achieved by sub-contractors, depending on the activities being delivered by the sub-contractor. The Potential Provider must have appropriate Environmental System Certification: ISO 14001, 2008 or ISO 14001, 2015, issued by a UKAS accredited third-party certification body. In fulfilling this requirement, it may be acceptable for the Potential Provider to rely on certification achieved by sub-contractors, depending on the activities being delivered by the sub-contractor. The Potential Provider must be in possession of the following environmental permits / licences, or provide written evidence of exemptions from the appropriate issuing authority:

- (a). Site waste management permit.
- (b). Waste carrier licence.
- (c). Waste Electronic and Electronic Equipment (WEEE) permit for the collection, transportation and storage pending disposal of relevant equipment in accordance with COSHH regulations.
- (d). Permit for the keeping, use of and disposal of radioactive materials in accordance with the Radioactive Substances Regulations of the Environmental Permitting Regulations 2010.
- (e). Permit demonstrating compliance with the Vehicle End of Life Regulations 2003, 2005, 2010.

In fulfilling these requirements, it may be acceptable for the Potential Provider to rely on

permits / licences held by sub-contractors, depending on the activities being delivered by the sub-contractor.

The Potential Provider must demonstrate they have Health and Safety Executive Permission to work with materials covered by the Ionising Radiation Regulations 1999. In fulfilling this requirement, it may be acceptable for the Potential Provider to rely on permission held by sub-contractors, depending on the activities being delivered by the sub-contractor.

The successful Potential Provider must be registered as a Firearms Dealer. In fulfilling this requirement, it may be acceptable for the Potential Provider to rely on permission held by sub-contractors, depending on the activities being delivered by the sub-contractor.

The Potential Provider must maintain an Asset Based Accounting (ABA) system for all residual assets transferred under the Contract for the full duration of the Contract. Potential Provider's must also have the required capabilities to provide the following monthly reports:

- (a). Goods received report;
- (b). Stock report;
- (c). Sales report;
- (d). Waste report.

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

Restricted

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

Envisaged minimum number 3

Objective criteria for choosing the limited number of candidates: Suppliers must read through this set of instructions and follow the process to respond to this opportunity.

The information and / or documents for this opportunity are available on www.contracts.mod.uk. You must register on this site to respond, if you are already registered you will not need to register again, simply use your existing username and password. Please note there is a password reminder link on the homepage. Suppliers must log in, go to the Response Manager and add the following Access Code DY557JN74Z. Please ensure you follow any instruction provided to you. Please also note, the DCO website has automatically generated an incorrect Access Code under Section VI: Complementary Information. For the avoidance of any doubt, the correct code is DY557JN74Z.

The deadline for submitting your response(s) is 23:55 on 27.11.2016. Please ensure that you allow yourself plenty of time when responding to this invite prior to the closing date and time, especially if you have been asked to upload documents.

If you experience any difficulties please refer to the online Frequently Asked Questions (FAQ's) or the User Guides or contact the MOD DCO Helpdesk by emailing support@contracts.mod.uk.

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 has been used: no

IV.3. Administrative information

IV.3.1. File reference number attributed by the contracting authority

DSACOMMDD/5046

IV.3.2. Previous publication concerning this procedure

no

IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document

Payable documents: no

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

27.11.2016 - 23:59

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.

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

Please note, any public sector agency found at <https://www.gov.uk/government/organisations> as well as police forces, hospitals, local authorities, devolved public agencies, etc, may use this contract with the DSA acting as the Authorised Demander. The contracting authority considers that this contract may be suitable for economic operators that are small or medium enterprises (SMEs). However, any selection of tenderers will be based solely on the criteria set out for the procurement. Electronic Trading

Potential suppliers must note the mandatory requirement for electronic trading using the Ministry of Defence's standard Purchase to Payment (P2P) system operating under the

Defence Electronic Commerce Service, which shall be a special condition for the performance of this Contract. You can find details on the P2P system at www.d2btrade.com. The Contractor shall be required to sign DEFFORM 30 (Electronic Transaction Agreements) and unconditionally accept DEFCON 5J (Unique Identifiers), DEFCON 129J (The Use of Electronic Business Delivery Form); and DEFCON 522J (Payment under P2P). Where Standardised Contracting1 (SC1) conditions are used, unconditional acceptance of all references to P2P in clause 20 is required and where Standardised Contracting 2 or 3 (SC2 or SC3) conditions are used, unconditional acceptance of all references to P2P in clause G1 is required.

The contracting authority considers that this contract may be suitable for economic operators that are small or medium enterprises (SMEs). However, any selection of tenderers will be based solely on the criteria set out for the procurement, and the contract will be awarded on the basis of the most economically advantageous tender. Suppliers interested in working with the Ministry of Defence should register on the MOD Supplier Information Database (SID) Register, available at www.contracts.mod.uk. The MOD SID is a database of active and potential suppliers available to all MOD and UK Defence procurement personnel, and is the main supplier database of MOD Procurement organisations. Please note: the registration and publication of a company profile on the MOD SID does not mean or imply that the supplier has in any way been vetted or approved by the MOD. Suppliers wishing to compete for advertised MOD contracts must respond to any specific call for competition by submitting a separate expression of interest in accordance with the instructions of the purchasing organisation.

From 2 April 2014 the Government is introducing its new Government Security Classifications Policy (GSC) to replace the current Government Protective Marking Scheme. A key aspect of this is the reduction in the number of security classifications used. All suppliers to the Department are encouraged to make themselves aware of the changes as it may impact on this Requirement. The link below to the Gov.uk website provides information on the new GSC. <https://www.gov.uk/government/publications/government-security-classifications>

The Authority reserves the right to amend any condition related to security of information to reflect any changes in national law or government policy. If any contract documents are accompanied by instructions on safeguarding classified information (e.g. a Security Aspects Letter), the Authority reserves the right to amend the terms of these instructions to reflect any changes in national law or government policy, whether in respect of the applicable protective marking scheme, specific protective markings given, the aspects to which any protective marking applies, or otherwise.

Advertising Regime OJEU:- This contract opportunity is published in the Official Journal of the European Union (OJEU), the MoD Defence Contracts Bulletin and www.contracts.mod.uk

Suppliers must read through this set of instructions and follow the process to respond to this opportunity.

The information and/or documents for this opportunity are available on <http://www.contracts.mod.uk>.

You must register on this site to respond, if you are already registered you will not need to register again, simply use your existing username and password. Please note there is a password reminder link on the homepage.

Suppliers must log in, go to your Response Manager and add the following Access Code: MKB23E8F3H.

Please ensure you follow any instruction provided to you here.

The deadline for submitting your response(s) is detailed within this contract notice, you will also have visibility of the deadline date, once you have added the Access code via DCO as the

opening and closing date is visible within the opportunity.

Please ensure that you allow yourself plenty of time when responding to this opportunity prior to the closing date and time, especially if you have been asked to upload documents.

If you experience any difficulties please refer to the online Frequently Asked Questions (FAQs) or the User Guides or contact the MOD DCO Helpdesk by emailing support@contracts.mod.uk or Telephone 0800 282 324.

GO Reference: GO-20161027-DCB-9020993.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Ministry of Defence, IMOC, Disposal Services Authority

Town: Oxford

Country: United Kingdom

VI.4.2. Review procedure

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

VI.5. Date of dispatch of this notice

27.10.2016