

**United Kingdom-London: Construction work**  
**OJ S 213/2015 04/11/2015**  
**Contract notice**  
**Works**

**Directive 2004/18/EC**

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: Guy's and St Thomas' NHS Foundation Trust (as host of the NHS London Procurement Partnership)

Postal address: Ground Floor, 200 Great Dover Street

Town: London

Postal code: SE1 4YB

Country: United Kingdom

For the attention of: Mr Steve Clarke

E-mail: [steve.clarke@lpp.nhs.uk](mailto:steve.clarke@lpp.nhs.uk)

Telephone: +44 2071886706

**Internet address(es):**

General address of the contracting authority: <http://www.lpp.nhs.uk>

Address of the buyer profile: [www.lppsourcing.org](http://www.lppsourcing.org)

Electronic submission of tenders and requests to participate: all communication must be via the link: <http://www.constructionline.co.uk/static/NHSLPP.html>

**Additional information can be obtained from:**

Official name: Guy's and St Thomas' NHS Foundation Trust (as host of the NHS London Procurement Partnership)

Postal address: Ground Floor, 200 Great Dover Street

Town: London

Postal code: SE1 4YB

Country: United Kingdom

For the attention of: Mr Steve Clarke

E-mail: [steve.clarke@lpp.nhs.uk](mailto:steve.clarke@lpp.nhs.uk)

Telephone: +44 2071886706

**Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:**

Official name: Guy's and St Thomas' NHS Foundation Trust (as host of the NHS London Procurement Partnership)

Postal address: Ground Floor, 200 Great Dover Street

Town: London

Postal code: SE1 4YB

Country: United Kingdom

For the attention of: Mr Steve Clarke

E-mail: [steve.clarke@lpp.nhs.uk](mailto:steve.clarke@lpp.nhs.uk)

Telephone: +44 2071886706

**Tenders or requests to participate must be submitted:** Official name: Guy's and St Thomas' NHS Foundation Trust (as host of the NHS London Procurement Partnership)

Postal address: Ground Floor, 200 Great Dover Street

Town: London

Postal code: SE1 4YB  
Country: United Kingdom  
For the attention of: Mr Steve Clarke  
E-mail: [steve.clarke@lpp.nhs.uk](mailto:steve.clarke@lpp.nhs.uk)  
Telephone: +44 2071886706

**I.2. Type of the contracting authority**

Body governed by public law

**I.3. Main activity**

Health

**I.4. Contract award on behalf of other contracting authorities**

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

Official name: Public Sector Organisations

Postal address: 200, Great Dover Street

Town: London

Postal code: SE1 4YB

Country: United Kingdom

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**Section II: Object of the contract**

**II.1. Description**

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

Execution of minor building works projects valued up to 500 000 GBP although some call-off contracts may exceed this value.

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

Works

Execution

NUTS code UK United Kingdom

**II.1.3. Information about a framework agreement or a dynamic purchasing system**

The procurement involves the setting up of a dynamic purchasing system

**II.1.4. Information about framework agreement**

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

LPP are inviting applications from experienced suppliers of construction works to be appointed onto a DPS to provide high quality services to public sector organisations in England.

The DPS shall be open to the public sector organisations identified at V1.3) including but not limited to: LPP member bodies as listed at: <http://www.lpp.nhs.uk/about-lpp/our-members/> and any additional new LPP members for the duration of the DPS Agreement, subject to the approval of LPP.

The DPS for minor building works is expected to run for a period of 4 years, from 4.1.2016 to 31.12.2019, subject to a successful review of the Proof of Concept trial stage. The Proof of Concept itself will run until the end of December 2016. LPP however, reserves the right not to continue the DPS beyond the Proof of Concept trial stage. If the trial period is successful the Authority may extend the duration of the DPS beyond 4 years.

The DPS is a 2-stage process.

In the initial set-up stage, all suppliers who meet the selection criteria and are not excluded will be admitted to the DPS. There will be no limit on the number of suppliers that may join the

DPS for each work category. New suppliers can also apply to join the DPS at any point during its lifetime.

Individual contracts are awarded during the second stage. In this stage, approved users of the DPS (referred to as Contracting Authorities) will invite all suppliers on the DPS for the works category and location required to bid for a specific contract.

The specific works that may be procured under the DPS cannot be clearly defined at this stage, however the nature and types of works that may be required may include but are not limited to those works identified by CPV code at paragraph 11.1.6 and summarised below: Construction Work, Building Construction Work, Repair and Maintenance Services, Building Services Maintenance (M & E), Electrical Installation and Maintenance Services, Building (General), Building Refurbishment Over 15 000, Building Repairs And Improvements, Building (Design and Construct), Painting and Decorating (General), Joinery, Doors, Windows (Pvcu), Glazing, Roofing, Tiling (Wall), Brick And Blockwork, Plumbing, Flooring (General), Demolition Work, Scaffolding, Asbestos Removal/Treatment, Site Clearance, Landscaping, Fencing, Building (Hospitals), Building (Multi Storey Car Parks) to include maintenance, Building Services Planned and Reactive Maintenance, Drainage, Fire Protection, Insulation Work (Building), Locksmiths, Office Fit Out, Partitions, Plastering, Road Maintenance (Minor Works), Building (Prefabricated/Temporary) Supply and Install, Listed Building Work.

The DPS Agreement includes the terms and conditions for subsequent Call-Offs, but places no obligations, on approved users of the DPS to procure any minor building works. The DPS in itself is therefore not a contract; contracts are only formed when works are called-off under the DPS.

The Invitation to Tender documents issued by Contracting Authorities for specific call-off contracts will specify the terms and conditions for the execution of the minor building works. The Cabinet Office recommend that the NEC 3 (NEC Engineering and Construction Contract or NEC Engineering and Construction Short Contract) are followed but the decision on the most suitable form of standard contract rests solely with the Contracting Authorities. Where the NEC standard form of contract is used, the Contracting Authority will include the most appropriate X clauses and optional Z clauses which meet their particular requirements. Tenders invited at stage 2 by Contracting Authorities may be for projects where the design is fully completed in advance of the tender process or for design and build projects and include but not limited to fixed price submissions, and traditional price list/schedules of rates/bill of quantities as appropriate.

#### **II.1.6. CPV code(s)**

45000000 Construction work, 50000000 Repair and maintenance services, 45453100 Refurbishment work, 45442110 Painting work of buildings, 45451000 Decoration work, 45441000 Glazing work, 45261000 Erection and related works of roof frames and coverings, 45431200 Wall-tiling work, 45262500 Masonry and bricklaying work, 45432110 Floor-laying work, 45111100 Demolition work, 45262660 Asbestos-removal work, 45111213 Site-clearance work, 45112700 Landscaping work, 45111240 Ground-drainage work, 98395000 Locksmith services, 45410000 Plastering work, 45233139 Highway maintenance work, 45233141 Road-maintenance works, 44211000 Prefabricated buildings, 45210000 Building construction work, 45421000 Joinery work, 45262100 Scaffolding work, 45310000 Electrical installation work

#### **II.1.7. Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: no

#### **II.1.8. Lots**

#### **II.1.9. Information about variants**

Variants will be accepted: no

## **II.2. Scope of the procurement**

### **II.2.1. Total quantity or scope**

The DPS agreement will generally apply to minor building Works projects valued up to 500 000 GBP, although some projects may exceed this value. Applicants need to register as a supplier on the DPS Landing page hosted by Construction line. The link to the landing page is <https://www.constructionline.co.uk/static/NHSLPP.html>

### **II.2.2. Information about options**

Options: no

### **II.2.3. Information about renewals**

This contract is subject to renewal: yes

Number of possible renewals: 3

In the case of renewable supplies or service contracts, estimated timeframe for subsequent contracts:

Duration in days: 0 (from the award of the contract)

## **II.3. Duration of the contract or time limit for completion**

## **Section III: Legal, economic, financial and technical information**

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### **III.1. Conditions related to the contract**

#### **III.1.1. Deposits and guarantees required**

DPS applicants must be in a sound financial position. The contracting authority will carry out financial checks on applicants. For specific call-off contracts, a parent company and/or other guarantees of performance and financial standing may be required if considered appropriate in the form of a guarantee or a performance bond.

#### **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**

Joint and several liability. Applications to be admitted to the DPS must be made by one organisation. Where a sub-contract solution is being proposed, the prime contractor will be responsible and liable for service delivery.

#### **III.1.4. Contract performance conditions**

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: All applicants must ensure that they read and understand all the DPS documentation published on the Construction line landing page including the requirements set out in the supporting Pre-Qualification Questionnaire.

### **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: A Supplier will not be admitted to the DPS if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the

subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where this is disproportionate e.g. only minor amounts involved).

A Supplier may not at the discretion of the Contracting Authority be admitted to the DPS if:

- (a) your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contract Regulations 2015 in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Public Contracts Directive as amended from time to time;
  - (b) your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State;
  - (c) your organisation is guilty of grave professional misconduct, which renders its integrity questionable;
  - (d) your organisation has entered into agreements with other economic operators aimed at distorting competition;
  - (e) your organisation has a conflict of interest within the meaning of regulation 24 of the Public Contract Regulations 2015 that cannot be effectively remedied by other, less intrusive, measures;
  - (f) the prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in regulation 41, that cannot be remedied by other, less intrusive, measures;
  - (g) your organisation has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions;
  - (h) your organisation:
    - (i) has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria; or
    - (ii) has withheld such information or is not able to submit supporting documents required under regulation 59 of the Public Contract Regulations 2015; or
  - (i) your organisation has undertaken to
    - (aa) unduly influence the decision-making process of the contracting authority, or
    - (bb) obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or
  - (j) your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award; or
- where the Contracting Authority can demonstrate the Supplier's non-payment of taxes/social security contributions where no binding legal decision has been taken.

### **III.2.2. Economic and financial ability**

- List and brief description of conditions:
- (a) A copy of the audited accounts for the most recent 2 years, or
  - (b) a statement of the turnover, profit and loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation, or
  - (c) a statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position, or
  - (d) Alternative means of demonstrating financial status if any of the above are not available (e.

g. Forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status). Minimum level(s) of standards possibly required:

a Pre-Qualification Questionnaire (PQQ) will be issued to all interested Suppliers throughout the duration of the Dynamic Purchasing System detailing the conditions for participation in respect of the operator's personal situation. The PQQ question set is aligned to PAS 91, the standardised pre-qualification questionnaire developed by BSI to reduce duplication within the construction industry. Submissions from any interested Supplier who does not respond in the requisite manner may be disregarded.

### **III.2.3. Technical and professional ability**

List and brief description of conditions:

The assessment for technical capacity will be based on the information provided by Suppliers in the completed Pre-Qualification Questionnaire.

### **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**

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### **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: 999

Objective criteria for choosing the limited number of candidates: There will be no limit on the number of Suppliers that may be admitted to the DPS.

#### **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 no

### **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: yes

Additional information about electronic auction: E-Auctions may be used in respect of individual call-off contracts at the discretion of the Contracting Authorities.

### **IV.3. Administrative information**

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

LPP/2015/021

#### **IV.3.2. Previous publication concerning this procedure**

#### **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**

30.12.2019 - 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**

Persons authorised to be present at the opening of tenders: no

### **Section VI: Complementary information**

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#### **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**

Subject to the approval of LPP, the following Contracting Authorities in England (and any future successors to these organisations) are entitled to use this DPS:

- NHS Bodies: <http://www.nhs.uk/ServiceDirectories/Pages/AcuteTrustListing.aspx> <http://www.nhs.uk/ServiceDirectories/Pages/MentalHealthTrustListing.aspx> <http://www.nhs.uk/ServiceDirectories/Pages/CareTrustListing.aspx> <http://www.nhs.uk/ServiceDirectories/Pages/AmbulanceTrustListing.aspx> <http://www.nhs.uk/ServiceDirectories/Pages/SpecialHealthAuthorityListing.aspx> <http://www.nhs.uk/ServiceDirectories/Pages/OtherListing.aspx> [Central](#) Government Departments,
- Local Government and Public Corporations that can be accessed at the Public Sector Classification Guide: <http://www.ons.gov.uk/ons/rel/na-classification/national-accounts-sector-classification/index.html>
- Local Authorities: <http://openlylocal.com/councils/all> [www.ubico.co.uk](http://www.ubico.co.uk) NDPBs <https://www.gov.uk/government/organisations>
- Network Rail: [www.networkrail.co.uk](http://www.networkrail.co.uk)
- National Parks Authorities: <http://www.nationalparks.gov.uk/>
- Educational Establishments, maintained by the Department for Children, Schools and Families including Schools, Universities and Colleges but not Independent Schools: <http://www.education.gov.uk/edubase/home.xhtml>

- Police Forces: [http://www.police.uk/?view=force\\_sites](http://www.police.uk/?view=force_sites) <http://apccs.police.uk/about-the-apcc/>
- Fire and Rescue Services: <http://www.fireservice.co.uk/information/ukfrs> <http://www.nifrs.org/areas-districts/>
- Hospices: <http://www.helpthehospices.org.uk/about-hospice-care/find-a-hospice/uk-hospice-and-palliative-care-services/>
- Registered Social Landlords (Housing Associations) Third Sector and Charities: <http://www.charitycommission.gov.uk/find-charities/> / <http://www.oscr.org.uk/search-charity-register/><https://www.charitycommissionni.org.uk/ShowCharity/RegisterOfCharities/RegisterHomePage.aspx>
- Citizens Advice: <http://www.citizensadvice.org.uk/index/getadvice.htm> — [www.cas.org.uk](http://www.cas.org.uk)
- <http://www.citizensadvice.co.uk/>

Please note that LPP will be facilitating call-offs from the DPS for which there will be a nominal management levy to cover administration costs. The DPS terms and conditions have been included with the procurement documents as all Suppliers will be required to sign up to the specified terms and conditions for appointment to the DPS. LPP consider that this DPS is suitable for economic operators that are small or medium enterprises (SMEs) and will be open to receiving applications from SMEs. LPP is working in association with Constructionline to develop and maintain the DPS for minor building works.

Constructionline will support LPP by assessing and monitoring standard company information provided by the Suppliers who apply for and are admitted to the DPS. This is achieved through the PQQ used for the DPS which is aligned to PAS 91, the standardised PQQ developed by BSI to reduce duplication within the construction industry. DPS applicants need to register as a Supplier on the DPS Landing page hosted by Constructionline. The link to the landing page <http://www.constructionline.co.uk/static/NHSLPP.html.Suppliers> will be required to register on the landing page to access the PQQ and supporting documentation and to submit their application. If Suppliers are already registered with Constructionline, they need only register their interest in the DPS on the Constructionline landing page. There will be no need to complete the full PQQ — simply supply their Constructionline membership number. Suppliers already registered with Constructionline should, however, confirm the information held by Constructionline on their company is accurate and that they are registered for the correct work categories and values relating to the DPS work categories that they are applying for. They will also be required to provide an agreement to sign up to the DPS Agreement and Call-Off Terms and Conditions, and on assurances that the requirements of the DPS will be met. There is no requirement for Suppliers not registered with Constructionline to register. For Suppliers not already registered with Constructionline, the landing page explains the process of joining the DPS. The first step is for Constructionline to gather preliminary information on the applicant to enable an online DPS account to be created. Once the account has been created (usually within 24 hours), the applicant will be able to complete the Questionnaire in accordance with the Instructions for Submission. They will also be required to provide an agreement to sign up to the DPS Agreement and Call-Off Terms and Conditions, and on assurances that the requirements of the DPS will be met. LPP and Constructionline intend to host Supplier face to face and Webinar briefing events which will provide a briefing on the DPS for Minor Building Works and the pre-qualification process. The face to face briefing event will take place on 19.11.2015 at LPP, Great Dover Street, London. The Webinar will take place on 20.11.2015. Please note that space is likely to be limited for the event on 19.11.2015 so we can only accept a maximum of 1 representative (possibly 2 but this will be subject to the number of interested suppliers) from each organisation attending and we ask that all places must be pre booked by no later than 17:00 on 11.11.2015. To

register your interest to attend the event on 19 November and /or to participate in the Webinar on 20.11.2015 please do so by sending an e-mail to the messaging service on the Constructionline landing page headed 'Ref LPP/2015/021- Minor Works DPS Supplier Event' with the Company name and the name and position of the point of contact within the organisation. There will be opportunity to ask questions at the event and to consult with LPP and Constructionline after the event and prior to the submission of the completed Pre Qualification Questionnaire. Suppliers should read this Contract Notice carefully and in full.

#### **VI.4. Procedures for review**

##### **VI.4.1. Review body**

Official name: Guy's and St Thomas's NHS Foundation Trust (as host of the London Procurement Partnership)

Postal address: Great Maze Pond

Town: London

Postal code: SE1 9RT

Country: United Kingdom

E-mail: [steve.clarke@lpp.nhs.uk](mailto:steve.clarke@lpp.nhs.uk)

Telephone: +44 2071886706

Internet address: [www.guysandstthomas.nhs.uk](http://www.guysandstthomas.nhs.uk)

##### **VI.4.2. Review procedure**

Precise information on deadline(s) for review procedures: Applicants who are unsuccessful at the PQQ stage shall be informed by the contracting authority as soon as possible after the decision is made as to the reasons why the application was unsuccessful. If an appeal regarding the decision to award to the DPS has not been successfully resolved, the Public Contracts Regulations 2015 provide for aggrieved parties who have been harmed or are at risk of harm by a breach of the Regulations to take legal action. Any such action must be brought within the applicable limitation period. Where a contract has not been entered into, the Court may order the setting aside of the award decision or order for any document to be amended and may award damages, make a declaration of ineffectiveness, order for a fine to be paid, and/or order the duration of the contract to be shortened.

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

Official name: Guy's and St Thomas's NHS Foundation Trust (as host of the London Procurement Partnership)

Postal address: Great Maze Pond

Town: London

Postal code: SE1 9RT

Country: United Kingdom

E-mail: [steve.clarke@lpp.nhs.uk](mailto:steve.clarke@lpp.nhs.uk)

Telephone: +44 2071886706

Internet address: [www.guysandstthomas.nhs.uk](http://www.guysandstthomas.nhs.uk)

##### **VI.5. Date of dispatch of this notice**

30.10.2015