

UK-Bristol: fuels
OJ S 237/2012 08/12/2012
Contract notice
Supplies

Directive 2009/81/EC

Section I: Contracting authority/entity

I.1. Name and addresses

Official name: Defence Fuel & Food Services, DE&S
Postal address: Elm 2c, #4231, NH4, Abbey Wood
Town: Bristol
Postal code: BS34 8JH
Country: United Kingdom
For the attention of: Rachel Dallimore
E-mail: DESCommodities-BFFA-Relet@mod.uk
Telephone: +44 3067983539

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: Aberdeen City Council
Postal address: Ground Floor, Marischal College, Broad Street
Town: Aberdeen
Country: United Kingdom
Official name: Avon & Somerset Constabulary
Postal address: Police Headquarters, PO Box 37, Valley Road
Town: Portishead
Country: United Kingdom
Official name: Central Scotland Police
Postal address: Force Headquarters, Randolphfield
Town: Stirling
Country: United Kingdom
Official name: Dumfries & Galloway Police
Postal address: Police Headquarters, Cornwall Mount
Town: Dumfries
Country: United Kingdom
Official name: The Highland Council Harbours Authority
Postal address: Glenurquhart Road

Town: Inverness
Country: United Kingdom
Official name: Environment Agency
Postal address: PO Box 544

Town: Rotherham
Country: United Kingdom
Official name: Highlands & Islands Fire & Rescue Service
Postal address: 50A Harbour Road,

Town: Inverness
Country: United Kingdom
Official name: Humberside Police Headquarters
Postal address: Priory Police Station

Town: Hull
Country: United Kingdom
Official name: Lothian and Borders Police
Postal address: Force Headquarters

Town: Edinburgh
Country: United Kingdom
Official name: Maritime and Coastguard Agency
Postal address: Spring Place

Town: Southampton
Country: United Kingdom
Official name: Metropolitan Police Service
Postal address: 17th Floor (East)

Town: London
Country: United Kingdom
Official name: NI Road Service
Postal address: Clarence Court

Town: Belfast
Country: United Kingdom
Official name: Northern Constabulary
Postal address: Police Headquarters

Town: Inverness
Country: United Kingdom
Official name: Northamptonshire Police
Postal address: Force Headquarters

Town: Northampton
Country: United Kingdom
Official name: The Northern Ireland Environment Agency
Postal address: 17 Antrim Road

Town: Lisburn
Country: United Kingdom
Official name: Scottish Water
Postal address: Castle House, 6 Castle Drive

Town: Dunfermline
Country: United Kingdom
Official name: Shetland Islands Council
Postal address: Office Headquarters, 8 North Ness Business Park

Town: Shetland
Country: United Kingdom

Official name: Strathclyde Police
Postal address: 173 Pitt Street
Town: Glasgow
Country: United Kingdom
Official name: Suffolk Constabulary
Postal address: Martlesham Heath
Town: Suffolk
Country: United Kingdom
Official name: Sussex Police
Postal address: Church Lane
Town: Malling Lewes
Country: United Kingdom
Official name: Tayside Police
Postal address: PO Box 59
Town: Dundee
Country: United Kingdom
Official name: Water Service NI
Postal address: PO Box 1026
Town: Belfast
Country: United Kingdom
Official name: West Mercia Constabulary
Postal address: Hindlip Hall
Town: Worcester
Country: United Kingdom
Official name: Western Isles Council
Postal address: Sandwick Road
Town: Isle of Lewis
Country: United Kingdom

Section II: Object of the contract

II.1. Description

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

Bulk Fuel Acquisition Project.

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

Supplies

Purchase

NUTS code UK United Kingdom

II.1.3. Information about framework agreement

The procurement involves the establishment of a framework agreement

II.1.4. Information about framework agreement

Framework agreement with several operators

Maximum number Envisaged maximum number of participants to the framework agreement

: 20

Duration of the framework agreement

Duration in years: 2

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

Estimated value excluding VAT: 999 999 999 GBP

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

Fuels. Kerosene jet type fuels. Diesel fuel. Unleaded petrol. Description of Requirement: Supply of Bulk Fuels in the UK and overseas. The Ministry of Defence (MoD), as the Contracting Authority, has an ongoing requirement for bulk aviation and marine fuel in the UK and worldwide and small volumes of ground fuels (outside of the UK) to support its routine and operational activities. The following fuel types are required: F-35 Aviation Turbine Fuel (Kerosene type) AVTUR; F-34 Aviation Turbine Fuel (Kerosene type) AVTUR Fuel Systems Icing Inhibitor (FSII); F-76 Fuel, Naval, Distillate; F-44 Aviation Turbine Fuel (High flash with FSII), AVCAT FSII; and a small volume of F-54 Dieso – MT and F-67 Automotive Gasoline (Unleaded) ULGAS to overseas locations. A multi-supplier pan-government Framework Agreement is required to meet the Authority's requirement. The duration of the Framework Agreement is 2 years plus a further option period of 1 year. The government departments detailed below are potential users of the Framework, however any other UK government department, its Agencies, Trading Funds and Non Departmental Public Bodies, as well as the wider public sector (and any future successors to these organisations) may have a future requirement for use of this framework: Ministry of Defence; Aberdeen City Council; Avon and Somerset Constabulary; Central Scotland Police; Dumfries & Galloway Police; Environment Agency; Highland & Islands Fire Brigade; The Highland Council Harbours Authority; Humberside Police; Lothian & Borders Police; Maritime Coastguard Agency; Metropolitan Police Service; N.I ROAD Service; Northern Constabulary; Northamptonshire Police; Northern Ireland Environment Agency; Scottish Water; Shetland Islands Council; Strathclyde Police; Suffolk Constabulary; Sussex Police; Tayside Police; Water Service NI; West Mercia Constabulary; Western Isles Council. The addresses at Annex A are indicative and may change at the discretion of the Public Contracting Authority. It is anticipated that approximately 10 suppliers will be invited to join the Framework. Please note that the MoD may, post contract award, novate the Framework to the Government Procurement Service (GPS). In this event, the GPS will become the Contracting Authority, with MoD retaining full contract management responsibility as a GPS agent.

II.1.6. CPV code(s)

09100000 Fuels, 09131100 Kerosene jet type fuels, 09134200 Diesel fuel, 09132100 Unleaded petrol

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

The contracting authority/entity may oblige the successful tenderer to award all or certain subcontracts through the procedure set out in Title III of Directive 2009/81/EC

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

Supply of Bulk Fuels in the UK and overseas. The Ministry of Defence (MoD), as the Contracting Authority, has an ongoing requirement for bulk aviation and marine fuel in the UK and worldwide and small volumes of ground fuels (outside of the UK) to support its routine and operational activities.

The Authority invites Expressions of Interest (EofI) for its requirement and will issue a Pre-Qualification Questionnaire (PQQ) to all Potential Providers (individual companies or members of potential alliances) who submit an EofI. EofI are to be submitted by email only to DESCommodities-BFFA-Relet@mod.uk by 23:59hrs on 7.1.2013. This procurement will take place under the Defence and Security Public Contracts Regulations 2011 Restricted Procedure.

See section VI.3) Additional Information for PQQ details.

Tender evaluation: Tenders will be assessed on compliance with the Authority's requirement. Successful tenderers will enter into a Framework Agreement with the Authority for specific capability areas. Price and timeliness of delivery will be assessed via mini-competitions between the suppliers for the specific capability areas that are contained within the Framework Agreement between the Authority and Supplier when the Authority issues Invitations to Compete (ITC) for individual fuel requirements. The Supplier that is able to deliver within the period required and demonstrates the best value for money will be awarded a contract for that individual fuel requirement. Estimated Value: Please note that the maximum value allowed in the estimated value box is GBP 999,999,999.00, however the estimated value of this Framework Agreement is GBP 1.47Bn for the first two years. The estimated value for the option year, if exercised, is £1Bn.

Estimated value excluding VAT: 999 999 999 GBP

II.2.2. Information about options

Options: yes

Description of options: The Authority reserves the right to exercise a one year option at an estimated value of GBP 1Bn.

II.2.3. Information about renewals

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

Duration in months: 24 (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

Bank and/or Parent Company Guarantees and/or other guarantees of performance and financial liability may be required.

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

Conditions relating to financing and payment will be specified in the contractual documentation.

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

If a contract is awarded to a grouping of economic operators, the Contracting Authority may require the grouping to form a legal entity (with appropriate financial guarantee from its parent companies 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

Specific conditions will be set out in the Pre-Qualification Questionnaire or the contract documentation.

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.

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: (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.

A copy of the economic operator's audited accounts for the most recent two years or for the period that is available if trading for less than two years. Where the economic operator is unable to produce this information, they must provide an explanation with their PQQ response. The Authority reserves the right to request any additional information as detailed in the PQQ.

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:

Full details will be provided in the PQQ.

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

III.3.2. Information about staff responsible for the performance of the contract

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

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: yes

Additional information about electronic auction: Yes. A Reverse Auction, conducted using electronic means, may be used as part of the procurement process for this requirement.

Specific relevant information on Reverse Auction usage will be given in the Invitation to Tender.

IV.3. Administrative information

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

DFFS/5012

IV.3.2. Previous publication concerning this procedure

no

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

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

7.1.2013 - 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

VI.2. Information about European Union funds

VI.3. Additional information

Pre Qualification Exercise: A Pre-Qualification Questionnaire (PQQ) will be issued both electronically and in hard copy to those Potential Providers which have submitted an Eofl

by the deadline specified. It must be completed and returned to the address specified in the PQQ in both electronic and hard copy format by the date indicated. The electronic copy shall be provided in Microsoft Word 2003 on a CD. Only those Potential Providers that can demonstrate a sufficient level of competence against the Authority's Pre-Qualification Questionnaire criteria will be invited to participate in the competition. Tenders will only be invited for the capability areas that the Potential Provider has identified in the PQQ and against which they have met the relevant minimum criteria specified in the PQQ. Parts of tenders for any capability areas which have not been addressed by the Potential Provider during the PQQ will be rejected. The PQQ exercise will comprise a pass/fail evaluation, whereby any Potential Provider that fails to meet, or submits a nil response to, one or more of the pass/fail criteria will be excluded from the process, and will not be invited to submit a tender. The pass/fail subjects in the PQQ are: Conviction for any offence within the meaning of Article 39(1) of the Defence and Security Procurement Directive 2009/81/EC (implemented as Regulation 23(1) of the Defence and Security Public Contract Regulations (DSPCR) 2011 in the UK) as defined by the national law of any relevant State (paragraph III.2.1 of this notice refers) will constitute a fail and the Potential Provider will not be invited to tender. The authority may treat a Potential Provider as ineligible or decide not to select a Potential Provider on one or more of the grounds laid out in Article 39(2) of Directive 2009/81/EC (see also Regulation 23(2) in the DSPCR 2011) (paragraph III.2.1 of this notice refers). Economic and Financial Standing: The Potential Provider's financial ability to meet this requirement will be assessed on a risk basis, and the Potential Provider's financial accounts will be evaluated by the Cost Assurance and Analysis Service's (CAAS) Financial Analysts. Factors that will be taken into consideration when evaluating the accounts include, but are not limited to: Turnover; Profitability; Liquidity and Working Capital; Debt; and Cash Flow. CAAS will also examine the financial health of any parent company where appropriate. When assessing the financial health of an organisation, the Authority will also take into consideration any Auditor's opinion, for example Qualifications or Emphasis of Matter Statements. The Authority's opinion may be validated using financial credit agencies such as Company Watch and Dun and Bradstreet. If examination of the financial accounts exposes the possibility for a Potential Provider to experience financial difficulty, then the Authority will determine the level of risk that it is willing to bear in fulfilling the requirement. Evaluation of the accounts will attract an acceptable or non-acceptable risk marking. A non-acceptable risk marking will constitute a fail and the Potential Provider will not be invited to tender. Insurance: The Authority requires that Potential Providers hold Employers Liability Insurance of at least £5M. Failure to provide confirmation of this will constitute a fail and the Potential Provider will not be invited to tender. Quality Accreditation: Potential Providers are required to provide evidence of their current ISO 9001:2008 accreditation. Such accreditation must be of a scope related to the supply and distribution of the relevant fuel, and issued by a UKAS recognised 3rd party certification body. Alternatively, where this cannot be evidenced, Potential Providers are required to demonstrate compliance with AQAP 2130, which includes submission of a Quality Plan in accordance with AQAP 2105, for evaluation by a Government Quality Assurance Representative. Full details of acceptable Quality Management requirements will be provided in the PQQ. Failure to meet the Authority's requirement as stated in the PQQ will constitute a fail and the Potential Provider will not be invited to tender. Technical & Professional Ability: Potential Providers must demonstrate that they have the capability to supply at least one of the fuel types by the delivery method specified in the PQQ to the satisfaction of the Authority. Failure to meet this requirement will constitute a fail and the Potential Provider will not be invited to tender. The Authority will ask a series of questions on the following topics (please note the following criteria are not listed in any order of priority): previous relevant experience;

facilities and resources available to perform the contract, and technical ability to perform the contract. The Potential Provider must satisfy the requirement of each of the questions asked in relation to the capability areas it has identified in the capability matrix (to be issued with the PQQ). In the event that the Potential Provider intends to sub-contract all or part of the requirement, they must provide the information required, in support of their claims, to demonstrate that their proposed sub-contractors have the required capability. All Potential Providers who meet the minimum criteria will be invited to tender. Failure to meet the minimum criteria will constitute a fail and the Potential Provider will not be invited to tender. Full details of the criteria will be detailed in the PQQ. Subcontractors: The Authority reserves the right under Regulation 37(4) in the DSPCR to reject any subcontractor chosen by the Potential Provider at any stage of the contract award procedure or during performance of the contract. Full details of criteria relating to the selection and rejection of subcontractors will be provided in the PQQ. Ability to trade electronically: During the life of the Contract, the Authority intends to trade electronically. Details of the Authority's policy and guidance for electronic trading can be found at <http://www.d2btrade.com/decs-services>. Potential Providers are required to provide confirmation of their willingness to participate in electronic trading as a supplier. Failure to comply with this requirement will constitute a fail and the Potential Provider will not be invited to tender. Any Potential Provider who provides an unsatisfactory or incomplete response for one or more of the pass/fail elements will not be invited to tender for the requirement.

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.

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 GO Reference: GO-2012124-DCB-4430073.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Defence Fuel & Food Services, DE&S

Postal address: Elm 2c, #4231, NH4, Abbey Wood

Town: Bristol

Postal code: BS34 8JH

Country: United Kingdom

E-mail: DESCommodities-BFFA-Relet@mod.uk

Telephone: +44 3067983539

Body responsible for mediation procedures

Official name: Defence Fuel & Food Services, DE&S

VI.4.2. Review procedure

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

Official name: Defence Fuel & Food Services, DE&S

VI.5.

Date of dispatch of this notice

4.12.2012