

**United Kingdom-Ashton-Under-Lyne: Electricity**

OJ S 225/2013 20/11/2013

Contract notice

Supplies

Directive 2004/18/EC

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: New Charter Housing Trust Limited

Postal address: 249 Cavendish Street

Town: Ashton-Under-Lyne

Postal code: OL6 7AT

Country: United Kingdom

Contact person: Advantage Utilities Limited, 13 Harwood Road, London SW6 4QP

For the attention of: Ms Jignasha Patel

E-mail: [jig@advantageutilities.co.uk](mailto:jig@advantageutilities.co.uk)

Telephone: +44 2073715360

Fax: +44 2074714802

**Internet address(es):**General address of the contracting authority: <http://newcharter.co.uk>Address of the buyer profile: <http://newcharter.co.uk>**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**

Other: Registered Provider of Social Housing

**I.3. Main activity**

Housing and community amenities

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

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

Official name: Gedling Homes

Postal address: Cavendish 249, Cavendish Street

Town: Ashton Under Lyne

Postal code: OL6 7AT

Country: United Kingdom

Official name: Aksa Homes

Postal address: Cavendish 249, Cavendish Street

Town: Ashton Under Lyne

Postal code: OL6 7AT

Country: United Kingdom

**Section II: Object of the contract**

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## **II.1. Description**

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

New Chartered Housing Trust Limited electricity and gas contracts.

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

Supplies

NUTS code UKD32 Greater Manchester North

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

The notice involves a public contract

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

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

Supply of coal gas, mains gas or similar gases. Supply of Electricity. New Charter Housing Trust is seeking to establish a contract or contracts for the following:

LOT 1:

Half Hourly Metered Electricity supply. A fully fixed price contract for the provision of electricity supplies for a period up to 36 months and no less than 12 months for a period commencing 1.6.2014. There are approximately 4 half hourly electricity supplies with an approximate annual demand of 1,168,140 kilowatt hours (kWh). Further information and final site details will be provided to applying suppliers in the invitation to tender (ITT)

LOT 2

Non Half Hourly metered electricity supply. A fully fixed price contract for the provision of electricity supplies for a period of up to 36 months and no less than 12 months for a period commencing 1.6.2014. There are approximately 595 non half hourly electricity supplies with an approximate annual demand of 5,893,840 kWh. Further information and final site details will be provided to applying suppliers in the invitation to tender (ITT). The customer will consider the division of HH and NHH across different suppliers and therefore tender responses should be made to reflect this. The customer reserves the right to award the HH and NHH supply to either a single supplier or to different suppliers, depending on the outcome of the evaluation of the tender responses that it receives.

LOT 3

Gas supply. A fully fixed price contract for the provision of gas supplies for a period of up to 36 months and no less than 12 months for a period commencing 1.6.2015. There are approximately 43 gas supplies with an approximate annual demand of 14,833,685 kWh. Further information and final site details will be provided to applying suppliers on the invitation to tender (ITT). The customer will consider the division of gas and electricity supplies across different suppliers and therefore tender responses should be made to reflect this. The customer reserves the right to award the gas and electricity supply to either a single supplier or to different suppliers, depending on the outcome of the evaluation of the tender responses that it receives.

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

09310000 Electricity, 09121200 Mains gas

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

The procurement is covered by the Government Procurement Agreement: no

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

This contract is divided into lots: yes

Tenders may be submitted for one or more 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**

See section II.1.5.

Estimated value excluding VAT:

Range: between 1 and 3 750 000 GBP

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

Options: no

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

This contract is subject to renewal: no

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

Information about lots

Lot No: 1

Lot title: Lot 1

#### **1) Short description**

see section II.1.5

#### **2) CPV code(s)**

09310000 Electricity, 09121200 Mains gas

#### **3) Quantity or scope**

see section II.1.5

#### **4) Indication about different time frame or duration**

#### **5) Additional information about lots**

see section II.1.5

Lot No: 2

Lot title: Lot 2

#### **1) Short description**

see section II.1.5

#### **2) CPV code(s)**

09310000 Electricity, 09121200 Mains gas

#### **3) Quantity or scope**

see section II.1.5

#### **4) Indication about different time frame or duration**

#### **5) Additional information about lots**

see section II.1.5

Lot No: 3

Lot title: Lot 3

#### **1) Short description**

see section II.1.5

- 2) **CPV code(s)**  
09310000 Electricity, 09121200 Mains gas
- 3) **Quantity or scope**  
see section II.1.5
- 4) **Indication about different time frame or duration**
- 5) **Additional information about lots**  
see section II.1.5

## **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**

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

Electronic billing sent on billing cycle with client's internal references incorporated into invoices. 14 days payment terms payable by direct debit.

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

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

### **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: Grounds for Mandatory Rejection

The Authority may be required by law to exclude from further participation any Economic Operator who is cannot confirm that that no director or partner or any other person who has powers of representation, decision or control in relation to that organisation has been convicted of any of the following offences:

- (a) conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA;
- (b) corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906; where the offence relates to active corruption;
- (c) the offence of bribery, where the offence relates to active corruption;
- (ca) bribery within the meaning of section 1 or 6 of the Bribery Act 2010;
- d) fraud, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities, within the meaning of:
  - (i) the offence of cheating the Revenue;
  - (ii) the offence of conspiracy to defraud;
  - (iii) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;
  - (iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985, article

- 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;
- (v) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;
  - (vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
  - (vii) destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;
  - (viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or
  - (ix) making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of the Fraud Act 2006;
- (e) money laundering within the meaning of section 340(11) of the Proceeds of Crime Act 2002;
- (ea) an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996; or
- (eb) an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994; or
- (f) any other offence within the meaning of Article 45(1) of Directive 2004/18/EC as defined by the national law of any relevant State.

#### Grounds for Discretionary Rejection

The Authority is entitled to exclude any economic operator in relation to which any of the following apply:

- (a) being an individual is a person in respect of whom a debt relief order has been made or is bankrupt or has had a receiving order or administration order or bankruptcy restrictions order or a debt relief restrictions order made against him or has made any composition or arrangement with or for the benefit of his creditors or has made any conveyance or assignment for the benefit of his creditors or appears unable to pay, or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986, or article 242 of the Insolvency (Northern Ireland) Order 1989, or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of his estate, or is the subject of any similar procedure under the law of any other state;
- (b) being a partnership constituted under Scots law, has granted a trust deed or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of its estate; or
- (c) being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002 has passed a resolution or is the subject of an order by the court for the company's winding up otherwise than for the purpose of bona fide reconstruction or amalgamation, or had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company's business or any part thereof or is the subject of similar procedures under the law of any other state.
- (d) has been convicted of a criminal offence relating to the conduct of its business or profession;
- (e) has committed an act of grave misconduct in the course of its business or profession;
- (f) failed to fulfil obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which it is established; or
- (g) failed to fulfil obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which it is established.

Licensed Operator

The economic operator must be licensed with OFGEM for the supply of electricity and/or gas as applicable.

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

List and brief description of conditions: The economic operator will be required to provide one of the following:

- (i) A copy of its audited accounts for the most recent two years;
- (ii) A statement of its turnover, profit & loss account and cash flow for the most recent year of trading;
- (iii) A statement of its cash flow forecast for the current year and a bank letter outlining the current cash and credit position;
- (iv) Alternative means of demonstrating financial status if trading for less than a year.

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

List and brief description of conditions:

The economic operator will be required to provide:

- (i) details of up to three contracts from either or both the public or private sector, that are relevant to the Authority's requirement. Contracts for the supply of goods or services should have been performed during the past three years.
- (ii) An example of both hard copy and soft copy invoicing formats for all services in the relevant Lots.
- (iii) confirmation that the organisation is able to offer fully fixed prices for the duration of the contract.
- (iv) confirmation of whether the organisation has the capacity to assign a dedicated account manager to the Authority in the event of the contract being awarded.

### **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**

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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 minimum number 5: and Maximum number 15

Objective criteria for choosing the limited number of candidates: Operators will be asked to indicate which lot or lots they have an interest in tendering. 5 operators will be invited to tender on each lot. Where more than 5 operators have expressed an interest in relation to a lot, the operators who will be invited to tender will be selected on the following basis: 1. Exclusion of operators who meet the ground for mandatory rejection (see III.2.1) 2. Exclusion of operators who meet Grounds for Discretionary Rejection (at the Authority's discretion) (see III.2.1) 3. If more than 5 operators remain, the remaining candidates will be ranked on the following grounds and the 5 highest scoring operators in relation to each lot will be invited to tender: a. Technical ability: i. Experience of similar contracts ii. ability to offer electronic billing iii. ability to

incorporate Authority's information onto invoices iv. capacity to offer a dedicated account manager b. Financial standing In the event that fewer than 5 operators express an interest in any lot (or the application of criteria 1 and 2 result in fewer than 5 operators remaining), then the Authority may invite fewer the remaining operators to tender provided that there are sufficient operators to ensure genuine competition.

**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 Criteria below

1. Price. Weighting 75
2. Billing format. Weighting 20
3. Standard terms offered. Weighting 5

**IV.2.2. Information about electronic auction**

An electronic auction will be used: no

**IV.3. Administrative information**

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

**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**

7.1.2014 - 16:00

**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**

**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**

The final decision as to which is the most economically advantageous tender will be made by

the awarding authority. The awarding authority reserves the right not to award a contract and to anul the procurement process at any stage. Tenders and all supporting documentation must be priced in sterling and all payments will made in GBP. The contract shall be subject to English Law. The awarding authority does not bind itself to accept the lowest, or any tender and reserves the right to accept a tender in part or in whole unless the tenderer expressly stipulates otherwise in the tender document.

**VI.4. Procedures for review**

**VI.4.1. Review body**

**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**

18.11.2013