

United Kingdom-Nottingham: Repair and maintenance services

OJ S 242/2013 13/12/2013

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: Efficiency East Midlands Ltd (Company Registration Number 7762614)

Postal address: Pure Offices, Icon Business Centre, Lake View Drive, Sherwood Park

Town: Nottingham

Postal code: NG8 3LH

Country: United Kingdom

For the attention of: Eunice Walker

E-mail: procurement.team@nottinghamcityhomes.org.uk

Telephone: +44 1158762090

Fax: +44 1158762092

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**

Regional or local authority

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: Contracting Authority

Postal address: Cotracting Authority, See VI.3

Town: East Midlands,

Country: United Kingdom

Section II: Object of the contract

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

Damp Proofing Works.

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

Services

Service category No 27: Other services

NUTS code UK United Kingdom

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

The procurement involves the establishment of a framework agreement

II.1.4. Information about framework agreement

Framework agreement with several operators

Duration of the framework agreement

Duration in years: 4

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

Estimated value excluding VAT:

Range: between 66 000 and 25 000 000 GBP

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

Repair and maintenance services. EEM has a requirement for the provision of labour and materials to carry out damp proofing works and is looking to appoint up to nine Contractors onto the Framework. We have arranged our members into geographical zones and tenderers are requested to select the zones for which their company is bidding (multiple zone bids are allowed). It is envisaged that a maximum of 3 Contractors per zone will be appointed. The main types of properties where damp proof works will be required are domestic. There will be a requirement for Successful Contractors to provide a survey prior to work being undertaken, where no work is undertaken after a survey has been carried out, Contractors can invoice the clients. Where work is undertaken after a survey has been carried out the cost of the survey shall be included within the cost of the works. The cost of the survey is to be included within Part B2 – Pricing Schedule of Part B - Form of Tender and Quality Assessment. The Successful Contractors may be put forward as nominated Contractors for damp proofing works within other larger projects being completed by members and as such the rates quoted within this tender may be used by those Contractors.

During the course of the Framework we will be looking for Contractors to carry out the following works:

- Destructive tests to ascertain actual damp levels in the fabric of the walls where doubts are raised;
- Injection of liquid DPC's;
- Repair works to damp damaged finishes and fittings;
- Repair and remediation works to joists and other timbers;
- Treatment works;
- Tanking works;
- Possible removal and refixing of kitchen units and other fittings and fixtures including plumbing and electrical elements.

Area of Work:

We have arranged our members into geographical zones and you are requested to select the zones for which your company is bidding (multiple zone bids are allowed) and can prove capability to provide and manage the service required.

During the price evaluation any tender where the submitted price is exceptionally low, i.e. 20 % (or more) lower than the next lowest price, the relevant tenderer shall be requested to explain the basis of its tender price. If the explanation is not considered adequate the tender may be rejected.

II.1.6. CPV code(s)

50000000 Repair and maintenance services

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

The procurement is covered by the Government Procurement Agreement: yes

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

Efficiency East Midlands Limited ("EEM") is a consortia of affordable housing landlords operating predominantly in the East Midlands area. Details of its current members are set out at section VI.3i of this Contract Notice. The current members of EEM are responsible for the upkeep of approximately 152,184 properties [and other stock for specialist housing groups (e.g. care homes, student housing, supported housing, hostels) and other stock (e.g. offices, leisure facilities, day centres, and other public non-housing buildings owned, managed or maintained by the authorised user). The total quantity or scope of the value of services to be purchased through the Framework Agreement to be awarded at conclusion of the procurement exercise begun by publication of this Contract Notice is in the range of GBP 66,000 to GBP 25,000,000.

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

Duration in months: 48 (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

Details of any deposits, guarantees or bonds required by the Contracting Authority will be set out in the Contract Documents.

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

Details of any financial conditions and payment arrangements will be set out in the contract documents.

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

Consortium bids must state in their documents that the bidding members are a consortium. Efficiency East Midlands reserves the right to require a lead consultant to undertake primary contracting liability or to require that one or more parties are jointly and severally liable.

III.1.4. Contract performance conditions

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

Description of particular conditions: Applicants who satisfy any of the criteria for rejection as set out in Regulation 23(1), Public Contracts regulations 2006 shall be treated as ineligible. Applicants may be requested to provide such evidence as is reasonably necessary to allow Efficiency East Midlands members to establish that the afore mentioned criteria do not apply to

them. Contract performance conditions may relate in particular to secondary considerations in accordance with Regulation 39 of the Public Contracts Regulations 2006.

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: The Authority will apply all the offences listed in Article 45(1) of Directive 2004/18/EC (implemented as Regulation 23(1) of the Public Contract Regulations (PCR) 2006 in the UK) and all of the professional misconducts listed at Article 45 (2) of Directive 2004/18/EC (see also Regulation 23(2) in the PCR 2006) 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.delta-esourcing.com/delta/project/reasonsForExclusion.html#pcr>

Candidates will be required to answer these questions as part of the qualification process. For candidates who are registered overseas, you will need to declare if you have any offences /misconduct under your own countries laws, where these laws are equivalent to the Regulation 23 lists.

Candidates who have been convicted of any of the offences under Article 45(1) are ineligible and will not be selected to bid, unless there are overriding requirements in the general interest for doing so.

Candidates who are guilty of any of the offences, circumstances or misconduct under Article 45 (2) may be excluded from being selected to bid at the discretion of the Authority.

Applicants will be required to complete the tender documentation consistent with Directive 2004/18/EC. A short list will be drawn from the suitable applicants from which the successful Supplier or Suppliers will be selected. Any potential service provider should note that no cost reimbursement will be considered for work carried out prior to appointment. The tender documents are available at I.1 and must be uploaded to the portal stipulated in the tender documents.

III.2.2. Economic and financial ability

List and brief description of conditions: Applicants will be required to complete the tender documentation consistent with Directive 2004/18/EC. A short list will be drawn from the suitable applicants from which the successful Supplier or Suppliers will be selected. Any potential service provider should note that no cost reimbursement will be considered for work carried out prior to appointment. The tender documents are available at I.1 and must be uploaded to the portal stipulated in the tender documents.

Minimum level(s) of standards possibly required: Applicants will be required to complete the tender documentation consistent with Directive 2004/18/EC. A short list will be drawn from the suitable applications from which the successful Contractor or Contractors will be selected. Any potential Contractor should note that no cost reimbursement will be considered for work carried out prior to appointment. The tender documents are available at I.1 and must be uploaded to the portal stipulated in the tender documents. Minimum level(s) of standards possibly required where Contractors will be expected to meet Efficiency East Midlands criteria for existing turnover in relation to their major customer and legal compliance with damp proofing works.

III.2.3. Technical and professional ability

List and brief description of conditions:

Applicants will be required to complete tender documents consistent with Directive 2004/18 /EC. A short list will be drawn from the suitable applications and asked to provide a price

based tender from which the successful Contractor or Contractors will be selected. Any potential Contractor or Contractors should note that no cost reimbursement will be considered for work carried out prior to appointment. The documents are available at I.1 and must be returned as stipulated in the tender documents.

Minimum level(s) of standards possibly required:

Contractors will be expected to have sufficient staffing levels to provide the service and satisfy the performance targets specified by Efficiency East Midlands and detailed within the tender documentation. Suppliers will also be required to comply with any statutory registration and reporting requirements.

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

Open

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 Criteria below

1. Price. Weighting 60
2. Quality Assessment. Weighting 30
3. Health and Safety. Weighting 10

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

EEM0052

IV.3.2. Previous publication concerning this procedure

no

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

Time limit for receipt of requests for documents or for accessing documents: 4.2.2014 - 13:00

Payable documents: no

IV.3.4.

Time limit for receipt of tenders or requests to participate

5.2.2014 - 13:00

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

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

IV.3.8. Conditions for opening of tenders

Date: 5.2.2014 - 13:00

Place:

Icon Business Centre, Lake View Drive, Sherwood Park, Nottingham, NG15 0DT.

Persons authorised to be present at the opening of tenders: yes

Information about authorised persons and opening procedure: Authorised Personnel.

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

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.

The Framework is being procured by EEM, on behalf of its members and the other organisations described below as Authorised Users. EEM is incorporated as a company Ltd by guarantee. The Framework Agreement being procured by this procurement process will be entered by EEM as the Contracting Authority which will have undertaken and completed the procurement exercise begun by publication of this Contract Notice.

Any reference in to Contracting Authority is deemed to be and include a reference to EEM and its current members. The twenty one current members of EEM are Nottingham City Homes Ltd, A1 Housing Bassetlaw Ltd, Bolsover District Council, Derby Homes Ltd, Newark and Sherwood Homes Ltd, Ashfield Homes Ltd, Charnwood Borough Council, Tuntum Housing Association Ltd, Nottingham Community Housing Association Ltd, Mansfield District Council, Gedling Homes, Rykneld Homes Ltd, Chesterfield Borough Council, South Derbyshire District Council, Derwent Living Housing Association Ltd, Hinckley & Bosworth Borough Council, Acis Group Ltd comprising of: Acis Properties Ltd, Acis Development Services Ltd, Acis Management Ltd, Arsa Housing Group, Lincoln City Council, Leicester City Council and Rockingham Forest Housing Association.

All of the current members are, therefore, to be regarded as Contracting Authorities under the Public Contracts Regulations 2006 for the purpose of this procurement exercise and entitled as Authorised Users to access and use the Framework Agreement to be awarded at conclusion of the procurement exercise begun by publication of this Contract Notice.

The Authorised Users of the Framework Agreement being advertised by this Contract Notice (in addition to EEM) and entitled to access and use the Framework Agreement to be awarded at conclusion of the procurement exercise begun by publication of this Contract Notice are. 1. any current EEM Member – an organisation which is a member of EEM at the date of this Contract Notice and being one of the organisations listed above in this section VI.3. 2. any future EEM member – a Local Authority i.e. a County Metropolitan (City) District and Borough Council or a Unitary Wales, ALMO or Registered Provider housing landlord organisation entitled to join and which has applied to and has joined EEM as a member in accordance with the constitutional documents of EEM. Future EEM Members may include consortia made up of organisations which would themselves individually be a Future EEM Member and may include any special purpose vehicle (of whatever nature) owned and controlled by the consortia members and would include in those circumstances the individual consortia members of the special purpose vehicle that owns and controls it. 3. an EEM Participant - an organisation which is neither a Current EEM Member (as defined at 1 above) nor a Future Member of EEM (as defined at 2 above) will be entitled to use the Framework Agreement advertised by this Contract Notice if it is based within the East Midlands, owns and/or maintains/manages housing stock or other property of the type described in the third paragraph of this section VI.3 in one or more geographical area in which it operates and is a Local Authority i.e. a County, and Borough Council or a Unitary Authority in England or Wales or is an Arms Length Management Organisation (or any statutory replacement or successor organisation) managed by such local authority under a management agreement under section 27 of the Housing Act 1985 (or subsequent legislation) or is a Registered Provider under the Housing and Regeneration Act 2008 (or subsequent legislation) and is itself a Contracting Authority for the purpose of the Public Contract Regulations 2006 and in respect of which organisation notice has been given by EEM to the economic operators that are a party to the Framework Agreement being advertised by this Contract Notice that such organisation is an Authorised User of this Framework Agreement. EEM Participants may include consortia made up of organisations which would themselves individually be an EEM Participant and may include any special purpose vehicle (of whatever nature) owned and controlled by the consortia members and would include in those circumstances members of the special purpose vehicle that own and control it. The members of EEM (and the current authorised users) website address www.efficacy-em.co.uk

For the purpose of this Notice, the geographical area local authorities are identifiable by reference to the Direct Gov website www.direct.gov.uk/en/DI1/Directories/Localcouncils/index.htm and a full list of all current Registered Providers can be www.tenantservicesauthority.org/server/show/nav.490

Reference to legislation in this Contract Notice includes successor and/or replacement legislation. EEM reserves the right agreement at the end of the procurement exercise begun by publication of this Contract Notice or to award any part or parts.

For more information about this opportunity, please visit the Delta eSourcing portal at: <https://www.delta-esourcing.com/tenders/UK-UK-Nottingham:-Repair-and-maintenance-services./9S9ZJC37JJ>

To respond to this opportunity, please click here:

<https://www.delta-esourcing.com/respond/9S9ZJC37JJ>

GO Reference: GO-20131211-PRO-5326133

VI.4. Procedures for review

VI.4.1. Review body

Official name: Royal Courts of Justice
Postal address: The Strand
Town: London
Postal code: WC2A 2LL
Country: United Kingdom
Telephone: +44 2079476000

Body responsible for mediation procedures

Official name: Royal Courts of Justice
Postal address: The Strand
Town: London
Postal code: WC2A 2LL
Country: United Kingdom
Telephone: +44 2079476000

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: EEM will incorporate a minimum 10 calendar day standstill period at the point information communicated to tenderers. The Public Contracts Regulations 2006 (SI2006 No 5) (as amended) provide for aggrieved parties risk of harm by a breach of the rules to take action in the High Court (England, Wales and Northern Ireland). Generally, any within 30 days from the date the aggrieved party knew or ought to have known about the alleged breach. Where the framework Court may order the setting aside of the award decision or order EEM to amend any document and may award damages. If into the Court may only award damages or where the contract award procedures have not been followed correctly framework award to be "ineffective".

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

Official name: The Cabinet Office
Postal address: Correspondance Team 70 Whitehall, Cabinet Office, 70 Whitehall
Town: London
Postal code: SW1A 2AS
Country: United Kingdom
Telephone: +44 2072760514

VI.5. Date of dispatch of this notice

11.12.2013