

United Kingdom-Wadebridge: Gas oils
OJ S 234/2015 03/12/2015
Contract notice
Supplies

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: Cormac Solutions Ltd
Postal address: Strategic Procurement, Higher Trenant Road
Town: Wadebridge
Postal code: PL27 6TW
Country: United Kingdom
For the attention of: Tim Hack
E-mail: procurement@cormacltd.co.uk
Telephone: +44 1872323313

Internet address(es):

General address of the contracting authority: <http://www.cormacltd.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

Body governed by public law

I.3. Main activity

General public services

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

The contracting authority is purchasing on behalf of other contracting authorities: no

Section II: Object of the contract

II.1. Description

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

The Supply of Bulk Liquid Fuels.

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

Supplies

Purchase

Main site or place of performance: Cornwall.

NUTS code UK United Kingdom,UKK3 Cornwall and Isles of Scilly

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

Maximum number Envisaged maximum number of participants to the framework agreement
: 2

Duration of the framework agreement

Duration in months: 48

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

Estimated value excluding VAT:

Range: between 12 000 000 and 15 000 000 GBP

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

CORMAC Solutions Ltd wishes to appoint suitably qualified suppliers to a Framework Agreement, to supply bulk liquid fuels to depots and work sites. The Framework will enable call-off contracts to be awarded through a Platts MID CIF lagged rate, plus excise duty, plus supplier's fixed margin pricing mechanism. The Lot categories are as follows:

Lot 1 = Ultra Low Sulphur Diesel Deliveries.

Lot 2 = Gas Oil Deliveries.

Lot 3 = Ultra Low Sulphur Diesel and Gas Oil Deliveries (the award will be made under this lot if a more competitive price is tendered for both products combined).

The Framework will have an initial duration of one year with an option to extend for a further 3 years (3 annual extensions), subject to satisfactory performance, up to a maximum of 4 years total. The commencement date is anticipated to be the 1.4.2016.

Whilst there is no guaranteed of quantity or spend, CORMAC Solutions Ltd is likely to spend in the region of up to GBP 3 750 000 per annum across both lots.

Appointed suppliers will be required to commit to a rebate structure. This is explained in more detail in Clause 12A and Schedule 3 of the Framework Agreement.

II.1.6. CPV code(s)

09134000 Gas oils, 09134200 Diesel fuel, 09134220 Diesel fuel (EN 590), 09134230 Biodiesel

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: 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

The full scope of this procurement will be set out within the Invitation to Tender document.

Estimated value excluding VAT:

Range: between 12 000 000 and 15 000 000 GBP

II.2.2. Information about options

Options: yes

Description of options: 3 12-month extensions to the Agreement may be awarded after the initial 1 year term.

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)

Information about lots

Lot No: 1

Lot title: Bulk Deliveries of Ultra Low Sulphur Diesel to Cornwall Sites

1) Short description

Bulk deliveries of Ultra Low Sulphur Diesel.

2) CPV code(s)

09134000 Gas oils, 09134200 Diesel fuel, 09134220 Diesel fuel (EN 590), 09134230 Biodiesel

3) Quantity or scope

Further information to be detailed in the Invitation to Tender document.

Estimated value excluding VAT:

Range: between 10 000 000 and 12 000 000 GBP

4) Indication about different time frame or duration

5) Additional information about lots

The intention is for Lot 1 to be awarded to a single supplier on a Platts MID CIF weekly lagged rate, plus excise duty, plus supplier's fixed margin pricing mechanism. If a more competitive tendered rate is received for Lots 1 and 2 combined the award will be made under Lot 3.

Lot No: 2

Lot title: Bulk Deliveries of Gas Oil to Cornwall Sites

1) Short description

Bulk deliveries of Gas Oil.

2) CPV code(s)

09134000 Gas oils, 09134200 Diesel fuel, 09134220 Diesel fuel (EN 590), 09134230 Biodiesel

3) Quantity or scope

Further information to be detailed in the Invitation to Tender document.

Estimated value excluding VAT:

Range: between 2 000 000 and 3 000 000 GBP

4) Indication about different time frame or duration

5) Additional information about lots

The intention is for Lot 2 to be awarded to a single supplier on a Platts MID CIF weekly lagged rate, plus excise duty, plus supplier's fixed margin pricing mechanism. If a more competitive tendered rate is received for Lots 1 and 2 combined the award will be made under Lot 3.

Lot No: 3

Lot title: Bulk Deliveries of Ultra Low Sulphur Diesel and Gas Oil to Cornwall Sites

1) Short description

Bulk deliveries of Ultra Low Sulphur Diesel and Gas Oil.

2) CPV code(s)

09134000 Gas oils, 09134200 Diesel fuel, 09134220 Diesel fuel (EN 590), 09134230 Biodiesel

3)

Quantity or scope

Further information to be detailed in the Invitation to Tender document.

Estimated value excluding VAT:

Range: between 12 000 000 and 15 000 000 GBP

4) Indication about different time frame or duration

5) Additional information about lots

The intention is for Lot 3 to be awarded to a single supplier on a Platts MID CIF weekly lagged rate, plus excise duty, plus supplier's fixed margin pricing mechanism if a more competitive tendered rate is received for supplying both products combined.

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

No deposits will be required but where applicable the successful tenderer (or in the case of a consortium bid, each member of the consortium) may be required to provide a parent company guarantee or alternative performance bond.

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

These conditions will be provided in the Invitation to Tender documents.

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.

III.1.4. Contract performance conditions

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

Description of particular conditions: The Framework will be subject to CORMAC Solutions Terms and Conditions of Contract.

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: Parties will be provided with detailed instructions concerning the information they must provide. This will be contained in the Invitation to Tender document. Consideration will only be given to those suppliers who complete and return the Invitation to Tender document by the required date.

Economic operators subject to any of the following [may/will] not be considered where the said operator;

(a) is bankrupt or is being wound up, where their affairs are being administered by the court, where they have entered into an arrangement with creditors, where they have suspended business activities or is in any analogous situation arising from a similar procedure under national laws and regulations;

(b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or of an arrangement with creditors or of any other similar proceedings under national laws and regulations;

(c) has been convicted by a final judgment in accordance with the legal provisions of the country of any offence concerning his professional conduct;

- (d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate;
- (e) has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority;
- (f) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority;
- (g) is guilty of serious misrepresentation in supplying the information required under this section or has not supplied such information;
- (h) has been the subject of a conviction for participation in a criminal organisation, as defined in Article 2(1) of Council Joint Action 98/733/JHA;
- (i) has been the subject of a conviction for corruption, as defined in Article 3 of the Council Act of 26 June 1972 and Article 3(1) of Council Joint Action 98/742/JHA3 respectively;
- (j) has been the subject of a conviction for fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities;
- (k) has been the subject of a conviction for money laundering, as defined in Article 1 of Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering.
- (l) has been the subject of a conviction for failing to prevent Bribery or Corruption as stated under section 7 of the Bribery Act 2010.

III.2.2. Economic and financial ability

List and brief description of conditions: May include, but shall not be limited to:

- (a) appropriate statements from banks 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) a statement of the undertaking's overall turnover and, where appropriate, of turnover in the area covered by the contract for a maximum of the last three financial years available, depending on the date on which the undertaking was set up or the economic operator started trading, as far as the information on these turnovers is available.
 - (d) the criteria listed in III.2.1; and
 - (e) any other information or documents referred to in the Invitation to Tender document.
- Minimum level(s) of standards possibly required: Please refer to the Invitation to Tender document.

III.2.3. Technical and professional ability

List and brief description of conditions:

May include, but shall not be limited to:

- (a) a list of the works carried out over the past 3 years, accompanied by certificates of satisfactory execution for the most important works. These certificates shall indicate the value, date and site of the works and shall specify whether they were carried out according to the rules of the trade and properly completed. Where appropriate, the competent authority shall submit these certificates to the contracting authority direct;
- (b) a list of the principal deliveries effected or the main services provided in the past 3 years, with the sums, dates and recipients, whether public or private, involved. Evidence of delivery and services provided shall be given:
 - where the recipient was a contracting authority, in the form of certificates issued or

- countersigned by the competent authority,
— where the recipient was a private purchaser, by the purchaser's certification or, failing this, simply by a declaration by the economic operator;
- (c) an indication of the technicians or technical bodies involved, whether or not belonging directly to the economic operator's undertaking, especially those responsible for quality control and, in the case of public works contracts, those upon whom the contractor can call in order to carry out the work;
 - (d) a description of the technical facilities and measures used by the supplier or service provider for ensuring quality and the undertaking's study and research facilities;
 - (e) where the products or services to be supplied are complex or, exceptionally, are required for a special purpose, a check carried out by the contracting authorities or on their behalf by a competent official body of the country in which the supplier or service provider is established, subject to that body's agreement, on the production capacities of the supplier or the technical capacity of the service provider and, if necessary, on the means of study and research which are available to it and the quality control measures it will operate;
 - (f) the educational and professional qualifications of the service provider or contractor and/or those of the undertaking's managerial staff and, in particular, those of the person or persons responsible for providing the services or managing the work;
 - (g) for public works contracts and public services contracts, and only in appropriate cases, an indication of the environmental management measures that the economic operator will be able to apply when performing the contract;
 - (h) a statement of the average annual manpower of the service provider or contractor and the number of managerial staff for the last 3 years;
 - (i) a statement of the tools, plant or technical equipment available to the service provider or contractor for carrying out the contract;
 - (j) an indication of the proportion of the contract which the services provider intends possibly to subcontract;
 - (k) with regard to the products to be supplied:
 - (i) samples, descriptions and/or photographs, the authenticity of which must be certified if the contracting authority so requests;
 - (ii) certificates drawn up by official quality control institutes or agencies of recognised competence attesting the conformity of products clearly identified by references to specifications or standards.
 - (m) the criteria listed in III.2.1; and
 - (n) any other information or documents referred to in the Invitation to Tender document.
- Minimum level(s) of standards possibly required:
Please refer to the Invitation to Tender document.

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 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: no

IV.3. Administrative information

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

CSL2015.03F

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: 15.1.2016 - 15:00

Payable documents: no

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

18.1.2016 - 15:00

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 days: 90 (from the date stated for receipt of tender)

IV.3.8. Conditions for opening of tenders

Date: 19.1.2016 - 9:00

Place:

CORMAC Solutions Ltd, Head Office, Higher Trenant Road, Wadebridge, Cornwall, PL27 6TW.

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

Information about authorised persons and opening procedure: The Authorised Officer from the contracting authority of CORMAC Solutions Ltd, together with at least one witness who is independent of the contracting authority.

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

In evaluating the suitability of organisations it may be necessary to request additional information and for applicants to attend an interview and/or site visit. Organisations must be able to demonstrate through the Invitation to Tender document that they possess the necessary skills, knowledge and experience to undertake this service.

1. The contract(s) to be entered into shall be considered as contract(s) made under English law and subject to the exclusive jurisdiction of the English Courts.
2. CORMAC Solutions Ltd reserves the right not to enter into any agreement or award any contract as a result of this notice and to vary or change or not to proceed with this competition at any stage of the procurement process.
3. CORMAC Solutions Ltd shall not be responsible for any costs incurred by any organisation responding to this notice.
4. If any organisation considers that any information supplied by it to CORMAC Solutions Ltd is commercially sensitive or confidential in nature this should be highlighted and the reasons for (and duration of) its commercial sensitivity or confidentiality specified. Each organisation should be aware that even where it has been indicated that information is commercially sensitive or confidential; CORMAC Solutions Ltd may be required to disclose it pursuant to the Freedom of Information Act 2000 and Environmental Regulations 2004 in response to a request where such disclosure is considered to be in the public interest. Please note that receipt by CORMAC Solutions Ltd of any material marked 'confidential' or equivalent shall not be taken to mean that CORMAC Solutions Ltd accepts any duty of confidence by virtue of that marking.
5. Organisations will be provided with detailed instructions concerning the information they must provide. This will be contained in the Invitation to Tender document. Consideration will only be given to those organisations which complete and return the ITT. The ITT can be obtained by submitting an expression of interest by email to procurement@cormactd.co.uk

VI.4. Procedures for review

VI.4.1. Review body

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: At the point at which tenderers and candidates are notified of the contract award decision a minimum 10 calendar day standstill period will apply during which the unsuccessful tenderers and candidates will have the opportunity to appeal against the decision to award before the contract is concluded. If an appeal regarding the award of the contract has not been successfully resolved, the Public Contracts Regulations 2015 (as amended) provide for aggrieved parties who have been harmed or believe they are at risk of harm by a breach of the rules to take action in the High Court (England, Wales and Northern Ireland). Any such action must be brought promptly and may take the form of an application for an order to set aside the award decision, suspend the procedure or amend a document, or if the contract has been entered into a claim for a declaration of contract ineffectiveness and/or a claim for damages.

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

VI.5. Date of dispatch of this notice

1.12.2015

