

United Kingdom-Billericay: Property management services of real estate on a fee or contract basis

OJ S 248/2019 24/12/2019

Contract award notice

Services

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: Swan Housing Association Ltd

Postal address: Pilgrim House, High Street

Town: Billericay

NUTS code: UKI London

Postal code: CM12 9XY

Country: United Kingdom

E-mail: swanprocurement@swan.org.uk**Internet address(es):**Main address: www.swan.org.uk**I.4. Type of the contracting authority**

Body governed by public law

I.5. Main activity

Housing and community amenities

Section II: Object

II.1. Scope of the procurement**II.1.1. Title**

Planned and Reactive Maintenance Programme

II.1.2. Main CPV code

70330000 Property management services of real estate on a fee or contract basis

II.1.3. Type of contract

Services

II.1.4. Short description

Agreement entitling extension of 69 months by the contracting authority of an original term partnering agreement lasting 14 years.

II.1.6. Information about lots

This contract is divided into lots: no

II.1.7. Total value of the procurement

Value excluding VAT: 52 000 000,00 EUR

II.2. Description

II.2.3. Place of performance

NUTS code: UKI London

NUTS code: UKH3 Essex

II.2.4. Description of the procurement

This notice does not relate to the award of a new contract but rather to an agreement modifying an existing 14-year agreement for a repair and maintenance programme ('the original agreement'). The agreement provides the contracting authority with an option to extend the term of the original agreement by a period of 69 months. The agreement also modifies the indexation provisions in the original agreement in a manner wholly favourable to the contracting authority.

In December 2007, the contracting authority advertised the procurement of the original agreement to provide for the repair and maintenance of its housing stock. The economic operator was the successful bidder for the original agreement. The original agreement provided for a 14-year term partnering arrangement between the contracting authority and the economic operator.

On 27.1.2009 after the conclusion of the procurement for the original contract, the contracting authority entered into a contract with London Borough of Newham to manage properties for that authority. The economic operator for the original agreement was also successful in bidding to be sub-contractor to the contracting authority for this contract ('the Newham sub-contract').

For the reasons set out in Section IV.1.1) below, the contracting authority considers that the award of this agreement modifying the original agreement so that it is coterminous with that sub-contract is permitted pursuant to regulations 72(1)(b) and 72(1)(c) of the Public Contracts Regulations 2015.

II.2.5. Award criteria

Quality criterion - Name: As stated in original procurement documents / Weighting: 1

Cost criterion - Name: As stated in original procurement documents / Weighting: 1

II.2.11. Information about options

Options: no

II.2.13. Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds:
no

II.2.14. Additional information

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Award of a contract without prior publication of a call for competition in the Official Journal of the European Union in the cases listed below

- The procurement falls outside the scope of application of the directive

Explanation:

The original agreement and the Newham sub-contract, whilst legally separate, are in all practical terms provided as 1 service and have become interdependent in a manner that the

contracting authority could not reasonably have foreseen when the original agreement was procured. The economic operator engages the same staff, call centre, programme of works, vehicles, tools, partnership reporting and other service elements across the contracting authority's entire portfolio.

As a result, the contracting authority considers that it cannot re-tender for a renewal of the original agreement prior to the expiry of the Newham sub-contract in a manner which will provide for fair competition between tenderers or without causing significant inconvenience and substantial duplication of costs for the contracting authority in respect of the contracting authority's entire property portfolio. The contracting authority has obtained an independent value for money evaluation for this purpose.

The contracting authority has therefore obtained from the economic operator an option to extend the term of the original contract to match the expiry date of the Newham sub-contract. The extension period maintains the existing pricing structure save that the indexation provision is amended in the contracting authority's favour. There are no changes to the scope or manner of performance of the services concerned. The value of the extension is less than 50 % of the original contract value.

The extension of the original agreement is therefore permitted pursuant to regulations 72(1)(b) and 72(1)(c) of the Public Contracts Regulations 2015.

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

IV.1.8. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: yes

IV.2. Administrative information

IV.2.8. Information about termination of dynamic purchasing system

IV.2.9. Information about termination of call for competition in the form of a prior information notice

Section V: Award of contract

A contract/lot is awarded: yes

V.2. Award of contract

V.2.1. Date of conclusion of the contract

17/12/2019

V.2.2. Information about tenders

Number of tenders received: 1

The contract has been awarded to a group of economic operators: no

V.2.3. Name and address of the contractor

Official name: Axis Europe PLC

Town: London

NUTS code: UKH37 Essex Thames Gateway

Country: United Kingdom

The contractor is an SME: no

V.2.4. Information on value of the contract/lot

Total value of the contract/lot: 52 000 000,00 GBP

V.2.5. Information about subcontracting

Section VI: Complementary information

VI.3. Additional information

VI.4. Procedures for review

VI.4.1. Review body

Official name: Royal Courts of Justice

Town: London

Country: United Kingdom

VI.5. Date of dispatch of this notice

19/12/2019