

Publication date: 24/07/2008

UK-Exeter: construction work

2008/S 142-190362

CONTRACT NOTICE

Works

SECTION I: CONTRACTING AUTHORITY

I.1) NAME, ADDRESSES AND CONTACT POINT(S):

Devon County Council acting on behalf of Public Bodies operating in the South West region of the United Kingdom (as outlined in II.1.2.1), Devon County Council, Room G85, Topsham Road, Attn: Justin Bennetts, Principal Procurement Officer, UK-Exeter EX2 4QD. Tel. (44) 013 92 38 30 13. E-mail: justin.bennetts@devon.gov.uk. Fax (44) 013 92 38 22 86.

Internet address(es):

General address of the contracting authority: www.devontenders.gov.uk.

Address of the buyer profile: n/a.

Further information can be obtained at: As in above-mentioned contact point(s).

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained at: As in above-mentioned contact point(s).

Tenders or requests to participate must be sent to: As in above-mentioned contact point(s).

I.2) TYPE OF THE CONTRACTING AUTHORITY AND MAIN ACTIVITY OR ACTIVITIES:

Other: On behalf of organisation types as specified in II.1.5.

Housing and community amenities.

General public services.

Defence.

Social protection.

Health.

Public order and safety.

Education.

Recreation, culture and religion.

Economic and financial affairs.

Environment.

Other: On behalf of organisation types as specified in II.1.5.

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

SECTION II: OBJECT OF THE CONTRACT

II.1) DESCRIPTION

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

UK-CP 580 - 08: construction framework south west.

II.1.2) **Type of contract and location of works, place of delivery or of performance:**

Works.

Main site or location of works: A Framework Agreement through which participating Public Bodies (see II.1.5) may procure Building Construction Works projects via contractors listed on this Framework Agreement. Procuring organisations able to use this Framework Agreement will operate in the South West Region of the United Kingdom and bordering counties. For purposes of this Tender the South West Region includes Cornwall, Devon, Plymouth, Torbay, Somerset, North Somerset, Gloucestershire, South Gloucestershire, Bristol, Bath & North East Somerset, Wiltshire, Swindon, Bournemouth, Poole and Dorset. This Framework Agreement may be used on the Isles of Scilly by agreement but if so may be subject to additional terms. Further information will be available within the Pre Qualification Questionnaire and the Invitation to Tender documentation. South West (England).

NUTS code: UKK .

II.1.3) **The notice involves:**

The establishment of a framework agreement.

II.1.4) **Information on framework agreement:**

Framework agreement with several operators.

Maximum number of participants to the framework agreement envisaged: 20.

Duration of the framework agreement: Duration in year(s): 4

Justification for a framework agreement, the duration of which exceeds four years:

This Framework Agreement will be awarded for a period of four years. A break clause will be built in which may be applied by the lead organisation if necessary after year 2. The details of the break clause will be clearly stated within the tender documentation.

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

Estimated value excluding VAT:

Range: between 1 and 3 000 000 000 GBP.

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

Devon County Council are acting as the lead organisation on behalf of a group of United Kingdom (South West Region - for geographic details see II.1.2.1) Public Bodies which could include County Councils, City Councils, Unitary Authorities, District Councils, Universities, Further Education establishments, National Park Authorities, Housing Associations, Police Authorities, Fire and Rescue Services and other Emergency Service organisations and Health Services including Primary Care Trusts. Other additional Public Bodies operating in this Region but not specifically referred to may also use this Framework. The Framework will comprise Principal contractors (construction organisations) or consortia through which individual projects or programmes of building works may be developed, procured and implemented. The Agreement may be used by facilitating agencies or sub users acting with or on behalf of the organisations outlined above. Construction work. Architectural, engineering, construction and related technical consultancy

services. The figure which relates to an estimated total value of GBP 3 000 000 000 is given as a broad indication for formative reasons only, and the degree of use of the Framework and the pace of its development will be dependant on the performance of all parties and the confidence that is developed in arrangements. At this time a maximum number of 20 contractors on the Framework is envisaged, but this will depend significantly upon the quality of submissions received and the mix of contractors required to achieve a satisfactory regional coverage.

II.1.6) Common procurement vocabulary (CPV):

45000000, 74200000.

II.1.7) Contract covered by the Government Procurement Agreement (GPA):

II.1.8) Division into lots:

II.1.9) Variants will be accepted:

No.

II.2) QUANTITY OR SCOPE OF THE CONTRACT

II.2.1) Total quantity or scope:

This Framework is primarily intended for the delivery of projects of over GBP 1 million, with some projects that may exceed or significantly exceed GBP 30 million. There may be a minority of projects down to an approximate value of GBP 250,000 for which Framework contractors will be able to bid on an optional basis. For the avoidance of any doubt this Framework will be for building construction and while parts of the major Works may include elements of consultancy and technical advice and also elements of civil engineering, this Framework is not primarily for the delivery of consultancy services or civil engineering Works. The main areas of activity will comprise individual projects or programmes for new build work and / or extensions and / or improvements and renovations of civic offices, libraries, headquarters buildings, social services properties, museums, social housing, schools (including but without limitation local authority schools, voluntary aided schools and trust / foundation schools), university, college and Further Education buildings, leisure facilities, health service buildings, emergency service buildings, buildings used by Government Departments and Government Agencies as well as other operational establishments and premises to be used by similar public service providers. Other areas of activity may include any building construction work undertaken by the participating Bodies and other such organisations. Such Works and services that may arise will be of a peripheral nature only to the main subject of this Framework Agreement. Additional details will be contained within the Pre Qualification and Tender documentation. The anticipated start date of the Agreement will be 1.6.2009.

II.2.2) Options:

Yes.

Description of these options: This Framework Agreement will be for a maximum duration of four years with an option for the procuring Body to terminate upon completion of the second year. Details of the break will be contained within the tender documentation.

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 RELATING TO THE CONTRACT

III.1.1) Deposits and guarantees required:

As referenced with Pre Qualification Questionnaire and / or Tender documentation.

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

As referenced with Pre Qualification Questionnaire and / or Tender documentation.

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

Primary construction organisations or consortia.

III.1.4) Other particular conditions to which the performance of the contract is subject:

Yes.

Due to the large scale of the construction projects involved, for purposes of financial security only contractors with an average annual turnover of GBP 30 million or above during at least 2 of the previous 3 years may be considered. Applicants must also be able to provide coverage for building construction works over a good geographic proportion of the South West Region. All documentation is to be compiled in the English language. This Framework will be managed under English law. Construction Framework South West have appointed EXOR Management Services Limited to support elements of the pre qualification process. Applicants must pass the qualification standard equal or equivalent to EXOR gold membership (or successor reference organisation(s) as may be nominated by the contracting Authority) at PQQ stage but are only required to maintain EXOR (or equal and equivalent) gold membership once appointed to the Framework, and must maintain membership throughout the Framework's operation.

III.2) CONDITIONS FOR PARTICIPATION

III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers:

Information and formalities necessary for evaluating if requirements are met: (a) is bankrupt or is being wound up, where his affairs are being administered by the court, where he has entered into an arrangement with creditors, where he has 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 judgment which has the force of res judicata 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 he is 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 he is 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 May 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.

As referenced with Pre Qualification Questionnaire and / or Tender documentation.

III.2.2) Economic and financial capacity:

Information and formalities necessary for evaluating if requirements are met: (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.

As referenced with Pre Qualification Questionnaire and / or Tender documentation.

III.2.3) Technical capacity:

Information and formalities necessary for evaluating if requirements are met: (a) a list of the works carried out over the past five 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 three 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 three 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.

As referenced with Pre Qualification Questionnaire and / or Tender documentation.

As referenced with Pre Qualification Questionnaire and / or Tender documentation.

Minimum level(s) of standards possibly required: As referenced with Pre Qualification Questionnaire and / or Tender documentation.

III.2.4) Reserved contracts:

No.

III.3) CONDITIONS SPECIFIC TO SERVICES CONTRACTS

III.3.1) Execution of the service is reserved to a particular profession:

No.

III.3.2) Legal entities should indicate the names and professional qualifications of the staff responsible for the execution of the service:

SECTION IV: PROCEDURE

IV.1) TYPE OF PROCEDURE

IV.1.1) Type of procedure:

Restricted.

IV.1.2) Limitations on the number of operators who will be invited to tender or to participate:

Objective criteria for choosing the limited number of candidates: A shortlisting process will be conducted following formal evaluation to ascertain which Applicants will be invited to progress through to the full Invitation to Tender stage. This will be on the basis of panel assessment of evidence given within the Pre Qualification submission. This will include pass/fail criteria followed by the application of a qualitative evaluation process from which the highest scoring applications shall be progressed. Further information regarding this will be contained with the Pre Qualification Questionnaire.

IV.1.3) Reduction of the number of operators during the negotiation or dialogue:

IV.2) AWARD CRITERIA

IV.2.1) Award criteria:

The most economically advantageous tender in terms of the criteria stated in the specifications, in the invitation to tender or to negotiate or in the descriptive document.

IV.2.2) An electronic auction will be used:

No.

IV.3) ADMINISTRATIVE INFORMATION

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

CP 580 - 08: Construction Framework South West.

IV.3.2) Previous publication(s) concerning the same contract:

Prior information notice

Notice number in OJ: [2008/S 94-127755](#) of 14.5.2008.

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:

29.8.2008 - 16:00.

Payable documents: no.

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

29.8.2008 - 16:00.

IV.3.5) Date of dispatch of invitations to tender or to participate to selected candidates:

26.11.2008.

IV.3.6) Language(s) in which tenders or requests to participate may be drawn up:

English.

IV.3.7) Minimum time frame during which the tenderer must maintain the tender:

IV.3.8) Conditions for opening tenders:

Date: 16.1.2009 - 12:00.

Place: Tender submissions are to be made electronically using www.devontenders.gov.uk.

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

Authorised representatives of Devon County Council acting on behalf of Construction Framework South West.

SECTION VI: COMPLEMENTARY INFORMATION

VI.1) THIS IS A RECURRENT PROCUREMENT:

Yes.

Estimated timing for further notices to be published: Successor scheme(s) likely to be advertised prior to the expiry of this Framework Agreement.

VI.2) CONTRACT RELATED TO A PROJECT AND/OR PROGRAMME FINANCED BY EU FUNDS:

VI.3) ADDITIONAL INFORMATION:

In order to Express your organisation's Interest in taking part in this Tender process Applicants are requested to register their details against this opportunity in the relevant area of the following electronic tendering website:

www.devontenders.gov.uk.

For further details regarding exactly how to register please request details by sending an e-mail to the following address: justin.bennetts@devon.gov.uk.

Applicants may also wish to view the Construction Framework South West website, at: www.cfsw.org.uk.

GO reference: GO 08072123/01.

VI.4) PROCEDURES FOR APPEAL

VI.4.1) Body responsible for appeal procedures:

VI.4.2) Lodging of appeals:

VI.4.3) Service from which information about the lodging of appeals may be obtained:

VI.5) DATE OF DISPATCH OF THIS NOTICE:

21.7.2008.