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Award

Outsourcing of Woodland Creation

Leeds City Council - PACS

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-000354

Procurement identifier (OCID): ocds-h6vhtk-042afd

Published 5 January 2024, 1:58pm

Section I: Contracting authority/entity

I.1) Name and addresses

Leeds City Council - PACS

Civic Hall

Leeds

LS11UR

Contact

Katie King

Email

Katie.king@leeds.gov.uk

Country

United Kingdom

Region code

UKE42 - Leeds

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

www.leeds.gov.uk

Buyer's address

<https://yortender.eu-supply.com>

I.4) Type of the contracting authority

Regional or local authority

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Outsourcing of Woodland Creation

II.1.2) Main CPV code

- 77000000 - Agricultural, forestry, horticultural, aquacultural and apicultural services

II.1.3) Type of contract

Services

II.1.4) Short description

A contract for the outsourcing of some woodland creation across the city. The outsourcing will support the service in the delivery of planting and managing 50 hectares of woodland

every year as we move into the fourth planting season since the start of the initiative. The contract will commence during 2023/2024 planting season up to September 2027.

II.1.6) Information about lots

This contract is divided into lots: No

II.1.7) Total value of the procurement (excluding VAT)

Value excluding VAT: £465,186

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKE42 - Leeds

II.2.4) Description of the procurement

A contract for the outsourcing of some woodland creation across the city. The outsourcing will support the service in the delivery of planting and managing 50 hectares of woodland every year as we move into the fourth planting season since the start of the initiative. The service is seeking to supplement internal resource with contractors to provide additional capacity to meet the workload needed this winter and up to 2027. Additional capacity

will support in the establishment management of sites whilst at a critical stage of development of young woodlands across the city to deliver city targets for climate change and zero carbon. The contract will commence during 2023/2024 planting season up to September 2027.

II.2.5) Award criteria

Price

II.2.11) Information about options

Options: No

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 cases listed below

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

Explanation:

The Council believes that the decision to award new contracts for the Outsourcing of Woodland Creation is permitted pursuant Regulation 32(2)(b)(ii) of the PCRs which states:

32(1) In the specific cases and circumstances laid down in this regulation, contracting authorities may award public contracts by a negotiated procedure without prior publication.

(2) The negotiated procedure without prior publication may be used for public works contracts, public supply contracts and public service contracts in any of the following cases:

(b) Where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons:

(ii) Competition is absent for technical reasons,... but only, in the case of paragraph (ii) where no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement;"

The technical reasons why competition is absent and the reasons why no reasonable alternative or substitute exists as required by Regulation 32(2)(b)(ii) of the PCRs that the Council would rely on to justify its decision is as follows;

The planting season is limited to set months of the year when the work can be carried out (planting season November to March) and failure to carry out the work immediately will mean the Council will fail to meet the UK Forestry Standards (UKFS) required. This is the technical reason for awarding new contracts to Thorpe Trees Limited and Tilhill Forestry Limited under Regulation 32(2)(b)(ii) of the PCRs.

The sites will be audited next growing season (2024) by the funding bodies to ensure the standards are being met.

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

The procurement is covered by the Government Procurement Agreement: No

Section V. Award of contract/concession

Title

Outsourcing of Woodland Creation.

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

22 December 2023

V.2.2) Information about tenders

The contract has been awarded to a group of economic operators: Yes

V.2.3) Name and address of the contractor/concessionaire

Tilhill Forestry Ltd

3rd Floor 1 Ashley Road

Altrincham, Cheshire,

WA14 2DT

Country

United Kingdom

NUTS code

- UKD6 - Cheshire

Companies House

03242286

The contractor/concessionaire is an SME

Yes

V.2.3) Name and address of the contractor/concessionaire

Thorpe Trees Limited

Thorpe Underwood, Ouseburn,

York,

YO26 9TA

Country

United Kingdom

NUTS code

- UKE21 - York

Companies House

05320280

The contractor/concessionaire is an SME

Yes

V.2.4) Information on value of contract/lot/concession (excluding VAT)

Total value of the contract/lot/concession: £465,186

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

The High Court of Justice

The Strand

London

WC2A 2LL

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

The authority will incorporate a minimum 10 calendar day standstill period at the point information on the award of the contract is communicated to tenderers. This period allows unsuccessful tenderers to seek further information from the contracting authority before the contract is entered into.

Such additional information should be requested from the addressee found in I.1. If an appeal regarding the award of a contract has not been successfully resolved the Public Contracts Regulations 2015 (SI 2015 No 102) provide for aggrieved parties who have been harmed or 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 (within 30 days beginning with the date when the economic operator first knew or ought to have known that grounds for such action had arisen).

Where a contract has not been entered into the court may order the setting aside of the award decision or order the authority to amend any document and may award damages. Following the correct implementation of a 10 day standstill period and publication of appropriate notices the court may only award damages once the contract has been entered into.