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Tender

## **Weed Control for the Borough of Kirklees**

The Council of the Borough of Kirklees

F02: Contract notice

Notice identifier: 2021/S 000-000960

Procurement identifier (OCID): ocds-h6vhtk-028b16

Published 18 January 2021, 1:03pm

### **Section I: Contracting authority**

#### **I.1) Name and addresses**

The Council of the Borough of Kirklees

Town Hall, Ramsden Street

HUDDERSFIELD

HD12TA

#### **Contact**

Corporate Procurement

#### **Email**

[procurement@kirklees.gov.uk](mailto:procurement@kirklees.gov.uk)

#### **Telephone**

+44 1484221000

## **Country**

United Kingdom

## **NUTS code**

UKE44 - Calderdale and Kirklees

## **Internet address(es)**

Main address

<https://www.kirklees.gov.uk>

Buyer's address

<https://www.yortender.co.uk>

## **I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at

<https://www.yortender.co.uk>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.yortender.co.uk>

## **I.4) Type of the contracting authority**

Regional or local authority

## **I.5) Main activity**

General public services

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

Weed Control for the Borough of Kirklees

Reference number

KMCEGS-118

#### **II.1.2) Main CPV code**

- 77312100 - Weed-killing services

#### **II.1.3) Type of contract**

Services

#### **II.1.4) Short description**

The Council wishes to establish a contract with an innovative service provider to provide a weed control solution to highway kerbs, channels and hard surfaced areas within the urban environment, semi-rural areas and rural areas of the Kirklees area (the "Solution"). The object of the contract shall be the maintenance of highways in such a manner as to assist road safety whilst maintaining and enhancing amenity and ecological value. This contract applies to areas of adopted highway within the Borough of Kirklees.

#### **II.1.5) Estimated total value**

Value excluding VAT: £258,000

#### **II.1.6) Information about lots**

This contract is divided into lots: No

### **II.2) Description**

#### **II.2.2) Additional CPV code(s)**

- 77312000 - Weed-clearance services

### **II.2.3) Place of performance**

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Kirklees

### **II.2.4) Description of the procurement**

The Council wishes to establish a contract with an innovative service provider to provide a weed control solution to highway kerbs, channels and hard surfaced areas within the urban environment, semi-rural areas and rural areas of the Kirklees area (the "Solution"). The object of the contract shall be the maintenance of highways in such a manner as to assist road safety whilst maintaining and enhancing amenity and ecological value. This contract applies to areas of adopted highway within the Borough of Kirklees.

The Contract shall be for an initial period of 2 years with the provision to extend for a further year.

### **II.2.5) Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

### **II.2.6) Estimated value**

Value excluding VAT: £258,000

### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

36

This contract is subject to renewal

No

### **II.2.10) Information about variants**

Variants will be accepted: No

### **II.2.11) Information about options**

Options: No

### **II.2.14) Additional information**

The dates of the Contract are anticipated to be 29th March 2021 until 28th March 2023 with an option to extend for a further twelve months.

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## **Section III. Legal, economic, financial and technical information**

### **III.1) Conditions for participation**

#### **III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions

In accordance with: (i) Article 57 to 60 of Directive 2014/24/EU of the European Parliament and of the European Council; and (ii) Regulations 57 to 60 of the Public Contracts 2015 (SI 2015/102) (the 'Regulations'), which require or permit the contracting authority not to select or to treat as ineligible, economic operators, the contracting authority reserves the right to exclude any economic operator whom they deem to not satisfy any criteria outlined within the scoring matrices contained within the standard selection questionnaire ('SQ') within the Tenderers' Submission Document, which is available to download at:

<https://www.yortender.co.uk/procontract/supplier.nsf> or is available at the address set out in Sections I.1) and I.3) of this Notice above.

#### **III.1.2) Economic and financial standing**

List and brief description of selection criteria

See Section 4 of the SQ (available to download at:

<https://www.yortender.co.uk/procontract/supplier.nsf>).

Economic operators must be able to submit either a copy of the audited accounts for the most recent two (2) years if requested. If it cannot, then it must provide either:

a) a statement of the turnover, Profit and Loss Account/ Income Statement, Balance Sheet/

Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation;

- b) a statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position; or
- c) alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).

Economic operators must also confirm whether or not they are part of a wider group (e.g. a subsidiary of a holding/parent company), and if so must provide confirmation of:

- a) the name of the organisation;
- b) the relationship to the economic operator completing the SQ; the organisation's company accounts (if available); and confirmation on whether or not this organisation would be willing to provide a guarantee if necessary, and if not would the economic operator be able to obtain a guarantee elsewhere (e.g. from a bank)

Insurance -

See Section 8.1 of the SQ (available to download at:  
<https://www.yortender.co.uk/procontract/supplier.nsf>).

Economic operators are asked to self-certify whether they already have, or can commit to obtain, prior to the commencement date of the Contract, the levels of insurance cover indicated below:

- a) Employer's (Compulsory) Liability Insurance £10,000,000 (in relation to any one claim or series of claims);
- b) Public Liability Insurance, including Product Liability Insurance £10,000,000 (in relation to any one claim or series of claims); and
- c) Motor Vehicle Insurance £2,000,000 (in relation to any one claim or series of claims).

Minimum level(s) of standards possibly required

Finance

See Section 4 of the Selection Questionnaire (available to download at:  
<https://www.yortender.co.uk/procontract/supplier.nsf> ).

The rationale applied will be economic operators being able to self-certify that they have an annual turnover of at least 50% of the estimated annual contract value as outlined within the Tender Documents and a positive net worth. Failure by an economic operator to supply on request either a copy of the audited accounts for the most recent two (2) years or any one of the document listed in (a) - (c) in Section 4.1 of the SQ may also result in exclusion. Further, any answers which leads the contracting authority, acting reasonably, to conclude (considering the risk that the relevant answer suggests about the economic operator's ability to properly perform the Contract) that it would be inappropriate to select the economic operator on this occasion may result in exclusion. In addition, if an economic operator indicates in Section 5 of the SQ that its parent or holding company is prepared to guarantee the performance of the economic operator's company, the information provided in response to Sections 5.1 to 5.3 will be used in the financial assessment of the economic operator.

Insurance -

See 8.1 of the SQ (available to download at:  
<https://www.yortender.co.uk/procontract/supplier.nsf> ).

Failure to indicate 'Yes' to any of the required insurances stated in Section 8.1 will result in exclusion.

### **III.1.3) Technical and professional ability**

List and brief description of selection criteria

Relevant experience -

Economic operators are asked to provide examples of relevant experience for each Lot they are applying against in accordance with the requirements set out within Section 6 of the SQ (available to download at: <https://www.yortender.co.uk/procontract/supplier.nsf>).

Minimum level(s) of standards possibly required

Relevant experience -

See Section 6 of the SQ (available to download at:  
<https://www.yortender.co.uk/procontract/supplier.nsf> ).

Pass - The Candidate has provided EITHER:

a) at least one example of a previous contract that meets the minimum requirements set out in Section 6, and demonstrates to the reasonable satisfaction of the contracting authority that the economic operator possesses the relevant general technical expertise and

professional experience to be entrusted with this Contract;

OR

b) a satisfactory reason as to why the economic operator is unable to provide any examples of previous contracts that are relevant to the contracting authority's requirements under the Contract, and that meets the minimum requirements set out in Section 6.3 of the SQ.

HOWEVER, economic operators are asked to note that:

c) If economic operators need to use more than one example to demonstrate that they possess the relevant general technical expertise and professional experience, they may do so up to a maximum of three (3) examples.

d) The contracting authority reserves the right to confirm the accuracy of any information provided in response to Section 6 of the SQ with any named customer contact(s). Any replies from any named customer contact(s) which lead the contracting authority, acting reasonably, to doubt any significant representations made in the economic operator's responses to Section 6 may result in exclusion.

Fail - The economic operator:

a) has failed to provide any examples of any previous contracts in response to Section 6 of the SQ;

AND

b) has failed to provide a satisfactory reason as to why they were unable to provide any examples;

c) the examples given in response to Section 6 of the SQ do not demonstrate to the reasonable satisfaction of the contracting authority that the economic operator possesses the relevant general technical expertise and professional experience to be entrusted this Contract.



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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Open procedure

#### **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.2.2) Time limit for receipt of tenders or requests to participate**

Date

18 February 2021

Local time

1:00pm

#### **IV.2.4) Languages in which tenders or requests to participate may be submitted**

English

#### **IV.2.6) Minimum time frame during which the tenderer must maintain the tender**

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

#### **IV.2.7) Conditions for opening of tenders**

Date

18 February 2021

Local time

1:01pm

Place

Huddersfield

Information about authorised persons and opening procedure

A member of the Corporate Procurement Team who has not been involved in the Tender process will open and record the electronic quotations received by the appointed time at the same time and will record and verify all submissions before releasing them to the Project and Evaluation Team.

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## **Section VI. Complementary information**

### **VI.1) Information about recurrence**

This is a recurrent procurement: No

### **VI.2) Information about electronic workflows**

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

### **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 economic operators will be based solely on the criteria set out for the procurement, and the Contract will be awarded to the most economically advantageous tender on the basis of the award criteria within the procurement documents. The procurement documentation can be found at: <https://www.yortender.co.uk>.

### **VI.4) Procedures for review**

#### **VI.4.1) Review body**

High Court of England and Wales

n/a

Country

United Kingdom

### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

The contracting authority will incorporate a minimum ten (10) calendar day standstill period at the point that information on the conclusion of the Contract is communicated to tenderers. This period allows any unsuccessful tenderer(s) to seek further debriefing from the contracting authority before the conclusion of the Contract. Such additional information should be requested from the address at I.1 of this notice. If an appeal regarding the conclusion of the Contract has not been successfully resolved, then the Public Contracts Regulations 2015 (SI 2015/102) 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 started within thirty (30) days beginning with the date when the aggrieved party first knew or sought to have grounds for starting the proceedings had arisen. The Court may extend the time limited for starting proceedings where the Court considers that there is a good reason for doing so, but not so as to permit proceedings to be started more than three (3) months after that date. Where the Contract has not been concluded, the Court may order the setting aside of the award decision or order the contracting authority to amend any document and may award damages. If however the Contract has been concluded, the Court may only award damages or, where the contract award procedures have not been followed correctly, declare the Contract to be ineffective.