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Award

## **Deed of Variation in relation to Repairs and Maintenance contract**

Cross Keys Homes

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-001359

Procurement identifier (OCID): ocds-h6vhtk-042d5d

Published 15 January 2024, 7:06pm

### **Section I: Contracting authority/entity**

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

Cross Keys Homes

Shrewsbury Ave

Peterborough

PE2 7BZ

#### **Contact**

Michael Heekin

#### **Email**

[michael.heekin@crosskeyshomes.co.uk](mailto:michael.heekin@crosskeyshomes.co.uk)

#### **Telephone**

+44 1733385000

#### **Country**

United Kingdom

**Region code**

UK - United Kingdom

**Internet address(es)**

Main address

[www.crosskeyshomes.co.uk](http://www.crosskeyshomes.co.uk)

Buyer's address

[www.crosskeyshomes.co.uk](http://www.crosskeyshomes.co.uk)

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

Body governed by public law

**I.5) Main activity**

Housing and community amenities

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## **Section II: Object**

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

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

Deed of Variation in relation to Repairs and Maintenance contract

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

- 45453000 - Overhaul and refurbishment work

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

Works

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

Cross Keys Homes Limited ("CKH") intends to enter into a deed of variation with Mears, the effect of which will extend the duration of an existing R&M contract between CKH and Mears (the "Underlying Contract") by one (1) year, and which will increase the value of the Underlying Contract by approximately £20,000,000 to £25,000,000 (twenty to twenty five million pounds).

#### **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: £25,000,000

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

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

- 50700000 - Repair and maintenance services of building installations

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

NUTS codes

- UK - United Kingdom

Main site or place of performance

UNITED KINGDOM

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

Cross Keys Homes Limited ("CKH") intends to enter into a deed of variation with Mears, the effect of which will extend the duration of an existing R&M contract between CKH and Mears (the "Underlying Contract") by one (1) year, and which will increase the value of the Underlying Contract by approximately £20,000,000 to £25,000,000 (twenty to twenty five million pounds). The Underlying Contract is due to expire in March 2024.

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

Price

#### **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

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## **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:

This VTN gives notice that CKH is entering into a deed of variation (the "Contract") to award an extended contract to Mears. The estimated increase in the value of the Underlying Contract is estimated to be £20,000,000 to £25,000,000 (twenty to twenty five million pounds). A procurement procedure is not necessary on the basis that the award of the Contract is permitted pursuant to regulation 72(1)(e) of the Public Contracts Regulations 2015. The Contract will award additional works to Mears, and will have the effect of modifying the Underlying Contract in accordance with Regulation 72 of the Public

Contracts Regulations 2015. Whereas the Underlying Contract had an original value of £300,000,000 to 375,000,000 (three hundred to three hundred and seventy five million pounds) across a full possible fifteen (15) year term, the Underlying Contract will be varied in order to extend the duration of the Underlying Contract by a period of one (1) year, and the estimated value of the Underlying Contract is increased by £20,000,000 to £25,000,000 (twenty to twenty five million pounds). This modification is being made in accordance with regulation 72(1)(e) and 72(8) of the Public Contracts Regulations 2015. Namely, the proposed modification is not substantial within the meaning of regulation 72(1)(8) on the basis that: 1.the modification does not render the Underlying Contract materially different in character - the proposed modification remains limited to the same type, scope and nature of works, and will be delivered in the same geographic region and on identical commercial terms. The modification is limited to an extension of the Contract's duration, and for a limited time period to facilitate the re-procurement of the opportunity as a whole. 2.the modification does not introduce conditions which would have (a) allowed for the admission of other candidates, (b) allowed for the acceptance of another tender, or (c) attracted additional participants in the procurement procedure - the relatively short extension is not a significant change and is unlikely to have changed the outcome of the procurement. 3.the modification does not change the economic balance in favour of the contractor in a manner which was not provided for in the contract – the extension is limited to identical commercial terms currently in use under the Underlying Contract, CKH is satisfied that this does not amount to an over-compensation. 4.the modification does not extend the scope of the contract considerably: the extension is limited in duration to facilitate the re-procurement process, and the specification and commercial terms remain unamended. For the reasons set out, the proposed modification does not constitute a substantial modification and is permitted by regulation 72(1)(e) and 72(8) of the Public Contracts Regulations 2015.

#### **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.2.1) Previous publication concerning this procedure**

Notice number: [2008/S 116-154021](#)

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### **Section V. Award of contract/concession**

#### **Title**

Deed of Variation in relation to Partnering Contract for Responsive Repairs and Maintenance of Housing Stock

A contract/lot is awarded: Yes

## **V.2) Award of contract/concession**

### **V.2.1) Date of conclusion of the contract**

13 June 2008

### **V.2.2) Information about tenders**

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

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

Mears Limited

1390 Montpellier Court, Gloucester Business Park, Brockworth

Gloucester

GL3 4AH

Country

United Kingdom

NUTS code

- UK - United Kingdom

National registration number

02519234

The contractor/concessionaire is an SME

No

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

Initial estimated total value of the contract/lot/concession: £25,000,000

Total value of the contract/lot/concession: £25,000,000

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## **Section VI. Complementary information**

### **VI.3) Additional information**

To view this notice, please click here:

<https://www.delta-esourcing.com/delta/viewNotice.html?noticeId=835278579>

GO Reference: GO-2024115-PRO-24968879

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

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

High Court of England and Wales

London

Country

United Kingdom

#### **VI.4.2) Body responsible for mediation procedures**

High Court of England and Wales

London

Country

United Kingdom

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

Precise information on deadline(s) for review procedures

The Contracting Authority will conduct itself in accordance with the Public Contracts Regulations 2015

#### **VI.4.4) Service from which information about the review procedure may be obtained**

The Cabinet Office

London

Country

United Kingdom