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Contract

## **DAC 128/22 DFI - Rathlin Island Ferry Service**

Department for Infrastructure

F03: Contract award notice

Notice identifier: 2023/S 000-002833

Procurement identifier (OCID): ocds-h6vhtk-03a13a

Published 30 January 2023, 4:24pm

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

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

Department for Infrastructure

10-18 Adelaide Street

Belfast

BT2 8GB

#### **Email**

[ssdadmin.cpd@finance-ni.gov.uk](mailto:ssdadmin.cpd@finance-ni.gov.uk)

#### **Country**

United Kingdom

#### **Region code**

UKN - Northern Ireland

#### **Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

<https://www.infrastructure-ni.gov.uk/>

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

Body governed by public law

**I.5) Main activity**

General public services

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**Section II: Object**

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

**II.1.1) Title**

DAC 128/22 DFI - Rathlin Island Ferry Service

Reference number

DAC 128/22

**II.1.2) Main CPV code**

- 60610000 - Ferry transport services

**II.1.3) Type of contract**

Services

**II.1.4) Short description**

The Rathlin Island Ferry Service is a critical service providing a lifeline service for the residents of Rathlin, therefore it must be replaced and have contingency arrangements in place as a matter of urgency. It is not an option to do nothing.

Given the urgency, a direct award is the only option available to the Department to ensure continuity of this lifeline service.

#### **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: £3,500,000

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

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

NUTS codes

- UKN - Northern Ireland

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

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

Quality criterion - Name: Capability and capacity / Weighting: 100

Price - Weighting: 0

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

Options: Yes

Description of options

One option to extend for a period of one year

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

The value at II.1.7 - is the maximum value, it is based on the best estimate available at time of publication.

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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:

The value of this Direct Award Contract (DAC) at approximately £3,500,000 is above the threshold and therefore the Public Contracts Regulations 2015 (as amended) apply. There are derogations under the regulations to award a contract to a single supplier where the supplies or services can only be supplied by a particular supplier in cases of extreme urgency brought about by events unforeseen or attributable to the contracting authority, where the time limits for the open, restricted or competitive procedures with negotiation cannot be complied with (regulation 32(2)(c)).

On the basis of the information presented, it may be possible to rely on a derogation in this case. The current contractor has advised they cannot continue to deliver the services.

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Nothing in the procurement regulatory frameworks can prevent the imposition or enforcement of measures necessary to protect public policy, public morality, public security, health, human and animal life, the preservation of plant life or other environmental measures, in particular with a view to sustainable development.

A minimum period of two years will be offered to a replacement contractor to provide economic incentive for them to take on the running of the service, which includes TUPE obligations. This would be the minimum time required to investigate whether the services should be brought in house or competitively retendered. The Department has build in an option to extend for a further period of 12 months to ensure contingency in place and sufficient time to go to market or insource, both of which options require careful consideration of the legal implications of TUPE.

After the contract is awarded, CPD are obliged to publish the award details on the CPD website and publish an Award Notice in Find a Tender Service.

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

The procurement is covered by the Government Procurement Agreement: Yes

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

### **Contract No**

1

### **Title**

DAC 128/22 - Rathlin Island Ferry Service

A contract/lot is awarded: Yes

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

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

11 January 2023

#### **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**

Dunaverty LTD

Ballycastle

Country

United Kingdom

NUTS code

- UKN - Northern Ireland

Companies House

Dunaverty LTD

The contractor is an SME

Yes

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

Initial estimated total value of the contract/lot: £2,000,000

Total value of the contract/lot: £2,000,000

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## **Section VI. Complementary information**

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

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

The UK has no such bodies

Belfast

Country

United Kingdom