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Award

CT0102 - DLO Minor Works

Northern Ireland Housing Executive

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-003576

Procurement identifier (OCID): ocds-h6vhtk-02eea6

Published 6 February 2023, 1:51pm

Section I: Contracting authority/entity

I.1) Name and addresses

Northern Ireland Housing Executive

2 Adelaide Street

Belfast

BT2 8BP

Email

corporateprocurement@nihe.gov.uk

Country

United Kingdom

Region code

UK - United Kingdom

Internet address(es)

Main address

<https://etendersni.gov.uk/epps>

Buyer's address

<https://etendersni.gov.uk/epps>

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Housing and community amenities

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

CT0102 - DLO Minor Works

II.1.2) Main CPV code

- 45210000 - Building construction work

II.1.3) Type of contract

Works

II.1.4) Short description

The Contracting Authority has appointed Contractors for the provision of comprehensive minor works

following a competitive procurement Competition

II.1.6) Information about lots

This contract is divided into lots: Yes

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

Value excluding VAT: £4,911,105

II.2) Description

II.2.1) Title

Belfast

Lot No

1

II.2.2) Additional CPV code(s)

- 45210000 - Building construction work

II.2.3) Place of performance

NUTS codes

- UKN - Northern Ireland

II.2.4) Description of the procurement

The Contracting Authority has appointed a Contractor for the provision of comprehensive minor works in this lot following a competitive procurement Competition.

II.2.11) Information about options

Options: Yes

Description of options

The Contracting Authority has the option, at its sole discretion, to extend the service period for a further two

periods of up to 12 months or part thereof. For the avoidance of doubt, such an extension of the contract shall not be taken as any

indication that any Task Orders/Job Requests will be raised during the extended term.

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union

funds: No

II.2.14) Additional information

This contract was awarded on 21st December 2021 following a competitive procurement process. conducted on eTendersNI. The modification communicated to the market within this Voluntary Ex Ante Transparency Notice do not apply to the value of lot 1 Belfast.

II.2) Description

II.2.1) Title

South Portadown and Craigavon

Lot No

2

II.2.2) Additional CPV code(s)

- 45210000 - Building construction work

II.2.3) Place of performance

NUTS codes

- UKN - Northern Ireland

II.2.4) Description of the procurement

The Contracting Authority has appointed a Contractor for the provision of comprehensive minor works in this lot following a competitive procurement Competition.

II.2.11) Information about options

Options: Yes

Description of options

The Contracting Authority has the option, at its sole discretion, to extend the service period for a further two

periods of up to 12 months or part thereof. For the avoidance of doubt, such an extension of the contract shall not be taken as any

indication that any Task Orders/Job Requests will be raised during the extended term

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2.14) Additional information

The Contracting Authority awarded each Lot Contract detailed herein on 21st December 2021 following a competitive procurement process conducted on eTendersNI. The Contracting Authority extended each Lot Contract on 18th August 2022. Each Lot Contract is now due to expire at midnight on 5th January 2024.. This Lot Contract was awarded on 21st December 2021 following a competitive procurement process conducted on eTendersNI. The Contracting Authority previously exercised its right under Regulation 72 (1)(c) on 05th December 2022 Notice reference 2022/S 000-034288 to increase the value from (£741,750) by 50% (+ £370,875), bringing the total value of the Lot. Contract to £1,112,625. The Contracting Authority intends to further exercise its right under Regulation 72 (1)(c) of the Public Contract. Regulations 2015 to modify the original value of this Lot Contract (£741,750) by 50% (+ £370,875). This means the total value of the Lot. Contract will now be £1,483,500. The Contracting Authority does not consider this modification to alter the overall nature of the Contract. Refer to 'Annex D1 – General procurement' within this notice for details..

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 Contracting Authority awarded each Lot Contract detailed herein on 21st December 2021 following a competitive procurement process conducted on eTendersNI. The Contracting Authority extended each Lot Contract on 18th August 2022. Each Lot Contract is now due to expire at midnight on 5th January 2024.

Unprecedented industrial action commenced after the Contracting Authority applied the extension. The industrial action is causing a significant reduction of available key personnel within the workforce of the Contracting Authority's Direct Labour Organisation's (the "DLO") to undertake the statutory response maintenance works. Mamo Building Services Ltd ("Mamo") agreed to provide backup support at the start of the industrial action in September. The additional expenditure associated with this backup support provision is projected to breach the total value specified in the original Contract Award Notice and the modified value advised in the previous VEAT Notice of Lot Contract (Lot 2 'South (Portadown and Craigavon)'), in which Mamo are the incumbent Contractor. The provision of this requirement is critical to enable the Contracting Authority to discharge its statutory housing duty. The DLO explored and subsequently discounted potential options intended to mitigate the risk of an intolerable gap in these essential works. The Contracting Authority therefore intends to exercise its right under Regulation 72(1)(c) of the Public Contract Regulations 2015 to further modify the total value of Lot Contract: Lot 2 South (Portadown and Craigavon) in which Mamo are the incumbent Contractor As per section II.2.14 of this VEAT Notice. For the avoidance of doubt, the modification relates to the total value of Lot 2 South (Portadown and Craigavon). The value of Lot 1 Belfast is not being modified. DLO plans for the modified value of Lot 2 'South (Portadown and Craigavon)' to enable works to continue until approximately April 2023, unless the industrial action is extended, in which case the modified total value may spend out much quicker. The Contracting Authority therefore anticipates current Lot Contracts: Lot 1 'Belfast' and Lot 2 'South (Portadown and Craigavon)' of CT0102 may come to an end before their extended expiry dates but prior to the start of the replacement contract(s).

DLO only received confirmation of the industrial action nine days before industrial action commenced. The Contracting Authority has never before experienced industrial action of

this magnitude, the duration of which is well outside the norm and completely unforeseeable (September - ongoing at time of publication of this notice). This modification does not materially alter the nature of the contract, nor does it introduce any conditions that would have allowed for the admission or acceptance of a different tender.

No change to the scope of works required within the contract will occur during the contract period. The works associated with the additional expenditure are necessary to prevent a catastrophic stoppage of works by sustaining a compliant mechanism enabling Mamo to continue delivering this statutory, strategically critical requirement. The Contracting Authority is currently finalising tender documentation to replace these incumbent contracts. It is envisaged these will be advertised in the coming days.

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: [2022/S 000-034288](#)

Section V. Award of contract/concession

Lot No

2

Title

South (Portadown and Craigavon)

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

21 December 2021

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

MAMO BUILDING SERVICES LIMITED

18 Ballyards Road, Milford, Armagh

Armagh

Email

paddy@mamobuildingservices.com

Country

United Kingdom

NUTS code

- UKN - Northern Ireland

Internet address

<https://etendersni.gov.uk/epps>

The contractor/concessionaire is an SME

Yes

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

Initial estimated total value of the contract/lot/concession: £741,750

Total value of the contract/lot/concession: £1,483,500

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

Royal Courts of Justice

Chichester Street

Country

United Kingdom