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Tender

## **WP3693 - Environmental Impairment Liability Insurance for the Phoenix 10 Development Project**

Walsall Metropolitan Borough Council  
Homes and Communities Agency

F02: Contract notice

Notice identifier: 2021/S 000-004271

Procurement identifier (OCID): ocds-h6vhtk-02980e

Published 3 March 2021, 4:21pm

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

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

Walsall Metropolitan Borough Council

WS1 1TP

Walsall

#### **Contact**

Susan Wilson

#### **Email**

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

#### **Country**

United Kingdom

#### **NUTS code**

UKG38 - Walsall

**Internet address(es)**

Main address

[www.walsall.gov.uk](http://www.walsall.gov.uk)

Buyer's address

<https://www.in-tendhost.co.uk/walsallcouncil>

**I.1) Name and addresses**

Homes and Communities Agency

One Friargate

Coventry

CV1 2GN

**Email**

[enquiries@homesengland.gov.uk](mailto:enquiries@homesengland.gov.uk)

**Country**

United Kingdom

**NUTS code**

UKG33 - Coventry

**Internet address(es)**

Main address

<https://www.gov.uk/government/organisations/homes-england>

**I.2) Information about joint procurement**

The contract involves joint procurement

### **I.3) Communication**

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

<https://in-tendhost.co.uk/walsallcouncil/asp/Home>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://in-tendhost.co.uk/walsallcouncil/asp/Home>

Tenders or requests to participate must be submitted to the above-mentioned address

### **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**

WP3693 - Environmental Impairment Liability Insurance for the Phoenix 10 Development Project

Reference number

WP3693

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

- 66510000 - Insurance services

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

Services

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

As an integral part of the Phoenix 10 Project, Walsall Council is contractually obliged to procure on behalf of itself and Homes England (HE) [jointly 'The Landowners'] and Henry Boot Developments Limited (HBD Ltd) Environmental Impairment Liability Insurance to cover the Phoenix 10 site and development for a total period of 12.5 years or for the remediation period and 10 years following remediation [via a 10-year Initial Period and extension of the period back to 10 years from completion of the remediation works – Extension Period].

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

This contract is divided into lots: No

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

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

NUTS codes

- UKG38 - Walsall

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

As an integral part of the Phoenix 10 Project, Walsall Council is contractually obliged to procure on behalf of itself and Homes England (HE) [jointly 'The Landowners'] and Henry Boot Developments Limited (HBD Ltd) Environmental Impairment Liability Insurance to cover the Phoenix 10 site and development for a total period of 12.5 years or for the remediation period and 10 years following remediation [via a 10-year Initial Period and extension of the period back to 10 years from completion of the remediation works – Extension Period].

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

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

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

Duration in months

150

This contract is subject to renewal

Yes

Description of renewals

N/A

**II.2.9) Information about the limits on the number of candidates to be invited**

Envisaged minimum number: 3

Maximum number: 7

Objective criteria for choosing the limited number of candidates:

As described in the Procurement Documents

**II.2.10) Information about variants**

Variants will be accepted: Yes

**II.2.11) Information about options**

Options: Yes

Description of options

See tender documents.

**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 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

Please see tender documentation.

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

Selection criteria as stated in the procurement documents

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

Selection criteria as stated in the procurement documents

## **Section IV. Procedure**

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

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

Competitive dialogue

#### **IV.1.4) Information about reduction of the number of solutions or tenders during negotiation or dialogue**

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated

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

The procurement is covered by the Government Procurement Agreement: No

### **IV.2) Administrative information**

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

Date

6 April 2021

Local time

12:00pm

#### **IV.2.3) Estimated date of dispatch of invitations to tender or to participate to selected candidates**

12 April 2021

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

English

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## **Section VI. Complementary information**

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

This is a recurrent procurement: No

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

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

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

WMBC will incorporate a minimum 10 calendar days standstill period at the point information on entering into the agreement is published. Such additional information should be requested from the addressee found in I.1). If an appeal regarding entering into the agreement 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 the agreement has not been entered into the court may order the setting aside of the decision to enter into the agreement or order WMBC 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 agreement has been entered into.