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Award

## **Provision of Planned and Responsive Maintenance and Minor Works - Belfast Building Lot 2**

Education Authority

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-004315

Procurement identifier (OCID): ocids-h6vhtk-04388f

Published 8 February 2024, 7:07pm

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

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

Education Authority

40 Academy Street

Belfast

BT1 2NQ

#### **Email**

[facilities.procure@eani.org.uk](mailto:facilities.procure@eani.org.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**

Education

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## **Section II: Object**

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

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

Provision of Planned and Responsive Maintenance and Minor Works - Belfast Building Lot 2

Reference number

Belfast Building Lot 2

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

- 45210000 - Building construction work

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

Works

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

The award of a contract by Education Authority Northern Ireland (EANI) without prior publication of a call for competition in the Official Journal of the European Union, in respect of the continued provision of a Term Service Contract for Building Maintenance and Minor Works (Belfast Region) Lot 2 as further described in OJEU Contract Notice and as outlined in the previous VEATs issued on 28 May 2021, 15 April 2022, 13 December

2022 and September 2023.

#### **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: £10,000,000

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

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

NUTS codes

- UKN - Northern Ireland

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

Provision of Planned and Responsive Building Maintenance and Minor Works to be carried out in schools and associated facilities located in the Education Authority (Belfast Region) Area Lot 2.

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

Options: Yes

Description of options

The previous VEAT 2022/S 000-035187 issued on 13 December 2022 extended this contract until 31 May 2024 with an option for the EANI to terminate, at its sole discretion, the contract by providing the contractor with written notice of its intention to terminate the contract. This option has not been exercised. Instead, this notice shall extend the contract until 31 August 2025 with the further option for EANI, in its absolute discretion, terminate the contract by providing the contractor with written notice of its intention to terminate the contract. EANI are also required to further increase the value of this contract. The overall nature of contract is not altered and the Modification value does not exceed 50 % of original contract value.

#### **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:

Due to circumstances which could not have been foreseen at the time of publication of the previous VEAT Notice, EANI are now required to further increase the value and period of this contract. This is required as additional expenditure has been incurred due to unforeseen additional budget release and the consequent additional funding facilitated to performance of additional works and the unforeseen demand particularly in respect of response works and for works to accommodate children with Special Education Needs. These factors combined with the continued effect of inflation which were not anticipated at the time of the original Contract Notice or subsequent VEAT Notices has precipitated a more rapid consumption of the value of the contract stated in the previous VEAT Notice . This extension is also required due to delays in the ongoing during the procurement process, which has had the ramification of consequent delays on the next phases of the procurement, which could not have been reasonably foreseen and which has resulted in the requirement to increase the value and period of this contract. Regulation 72(1)(c) permits this extension due to unforeseen circumstances which a diligent contracting authority could not have foreseen, the overall nature of the contract is not altered and Modification value is GBP 10 000 000 which does not exceed 50 % of the original contract value. This contingency includes sums to permit work in other Lots (as per the contract and Regulation 72 (1)(a)). The uplift to the contract value also being sought as a precautionary measure to ensure continued service delivery of the SEN placement programme and in particular the potential of further ongoing response maintenance works as may be required before the contract expiry.

To secure continuity, the provisions of the contract as referenced in VEAT 2022/S 000-010139 remain. Regulation 72(1) (b) further permits this extension as a change of provider:

- (i) cannot be made for economic and technical reasons as requirements of

interchangeability or interoperability of services procured under the original procurement and given the need to ensure continued access to EANI schools and facilities and could result in partial/total closure of schools; and

(ii) will cause significant inconvenience and duplication of costs.

EANI envisages new contract award by no later than 31/08/25 and the contract extension shall permit the contracting authority to terminate the contract before this date upon the provision of three months' notice.

#### **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/concession**

A contract/lot is awarded: Yes

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

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

8 February 2024

#### **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**

Maurice Flynn and Sons Ltd

Belfast

Email

[business@mauriceflynn.com](mailto:business@mauriceflynn.com)

Country

United Kingdom

NUTS code

- UKN - Northern Ireland

Internet address

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

The contractor/concessionaire is an SME

Yes

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

Total value of the contract/lot/concession: £10,000,000

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## **Section VI. Complementary information**

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

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

The UK does not have any special review body with responsibility for appeal/mediation procedures in public procurement competitions

Belfast

Country

United Kingdom