This is a published notice on the Find a Tender service: <a href="https://www.find-tender.service.gov.uk/Notice/004694-2022">https://www.find-tender.service.gov.uk/Notice/004694-2022</a>

Tender

# 900\_22 Water Coolers

**ESPO** 

F02: Contract notice

Notice identifier: 2022/S 000-004694

Procurement identifier (OCID): ocds-h6vhtk-030f54

Published 18 February 2022, 3:31pm

## **Section I: Contracting authority**

### I.1) Name and addresses

**ESPO** 

Barnsdale Way, Grove Park, Enderby

Leicester

**LE19 1ES** 

#### Contact

Food, Communities and Technology Procurement Team

#### **Email**

tenders@espo.org

### Country

**United Kingdom** 

#### **NUTS** code

UKF21 - Leicester

Internet address(es)

Main address

http://www.espo.org/

### I.2) Information about joint procurement

The contract is awarded by a central purchasing body

### I.3) Communication

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

https://procontract.due-north.com/Advert?advertId=07ebfca4-097e-ec11-8110-005056b64545

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

https://procontract.due-north.com/Advert?advertId=07ebfca4-097e-ec11-8110-005056b64545

## I.4) Type of the contracting authority

Regional or local authority

## I.5) Main activity

Other activity

Local Authority Services

## **Section II: Object**

### II.1) Scope of the procurement

### II.1.1) Title

900 22 Water Coolers

Reference number

900\_22 (ProContract internal Ref. DN592897)

### II.1.2) Main CPV code

31141000 - Water coolers

### II.1.3) Type of contract

Supplies

### II.1.4) Short description

This replaces the previous Prior Information Notice as tender documentation is now available

ESPO is seeking to renew its Water Coolers framework.

To tender: (a) Go to <a href="https://www.eastmidstenders.org/">https://www.eastmidstenders.org/</a>; (b) Register (if not already registered on ProContract); (c) Search for tender opportunity '900\_22' (via "View Opportunities from the 'EastMidsTenders' Portal); (d) Express an interest; (e) Download the tender from the website (documents can be found in the first question of the Online Questionnaire, but to see these you will first need to click on "Start my response" followed by "Edit" next to the Question set, and "Answer question" next to the first question).

### II.1.5) Estimated total value

Value excluding VAT: £4,000,000

### II.1.6) Information about lots

This contract is divided into lots: No

### II.2) Description

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

- 18925000 Water-bottle holders and holsters
- 39370000 Water installations

### II.2.3) Place of performance

**NUTS** codes

• UK - United Kingdom

### II.2.4) Description of the procurement

We intend to establish a multi-supplier framework for the supply of a wide range of water coolers including associated products and services such as maintenance / sanitisation and consumables such as water bottles and cups.

Tenderers must be able supply, install and maintain both Point of Use (Plumbed in) Water Coolers and Bottled Water Coolers to participate in this Framework.

### 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

Start date

18 April 2022

End date

31 March 2024

This contract is subject to renewal

No

### II.2.10) Information about variants

Variants will be accepted: No

### II.2.11) Information about options

Options: Yes

#### Description of options

The framework agreement has the option to extend for up to a further 24 months. The total estimated value stated in Section II.1.5 includes the option period.

### II.2.13) Information about European Union Funds

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

## Section III. Legal, economic, financial and technical information

### III.1) Conditions for participation

### 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

### III.2) Conditions related to the contract

#### III.2.2) Contract performance conditions

As part of the ongoing contract management process, during the period of the Framework Agreement, ESPO shall monitor the financial stability of the awarded Suppliers by reference to credit ratings agency reports. ESPO shall obtain a credit score for the Supplier on or before the Framework start date as a base score and where a significant change to the credit score is identified over the lifetime of the Framework Agreement, ESPO reserves the right to investigate the reasons for this significant change. Depending on the severity of the changes, it will be at the sole discretion of ESPO to suspend or even permanently remove the Supplier from the Framework Agreement.

### Section IV. Procedure

**IV.1) Description** 

IV.1.1) Type of procedure

Open procedure

### IV.1.3) Information about a framework agreement or a dynamic purchasing system

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

In the case of framework agreements, provide justification for any duration exceeding 4 years:

### 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: <u>2022/S 000-002235</u>

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

Date

21 March 2022

Local time

12:00pm

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

English

### IV.2.6) Minimum time frame during which the tenderer must maintain the tender

Duration in months: 3 (from the date stated for receipt of tender)

### IV.2.7) Conditions for opening of tenders

Date

21 March 2022

Local time

12:00pm

## **Section VI. Complementary information**

### VI.1) Information about recurrence

This is a recurrent procurement: No

### VI.3) Additional information

As a Central Purchasing Body as defined in the Public Contracts Regulations 2015, the Framework Agreement is open for use by Public Bodies (defined at <a href="https://www.espo.org/amfile/file/download/file/9608/">https://www.espo.org/amfile/file/download/file/9608/</a>) that also fall into one of the following classifications of user throughout all administrative regions of the UK: Local Authorities; Educational Establishments (including Academies); Central Government Departments and Agencies; Police, Fire & Rescue and Coastguard Emergency Services; NHS and HSC Bodies, including Ambulance Services; Registered Charities; Registered Social Landlords; The Corporate Office of the House of Lords, The Corporate Officer of the House of Commons; or any public body established by or under the Scotland Act 1998 or any Act of the Scottish Parliament. Details of the classification of end user establishments and geographical areas are available at: <a href="https://www.espo.org/legal">https://www.espo.org/legal</a>

ESPO has established a commercial trading company, ESPO Trading Limited, whose target clients are third sector organisations such as national and local charities, public sector mutual organisations and other organisations involved in the delivery of services to or for the public sector. The successful Supplier may be asked to enter into an additional separate framework agreement (the Second Framework) with ESPO Trading Limited on materially similar terms to that found in the tender pack to be entered into by ESPO itself.

Any Second Framework agreement will be a purely commercial agreement and will, for the avoidance of doubt, not be governed by the Public Contract Regulations 2015 or other public procurement legislation. ESPO Trading Limited may enter into the second framework agreement with the successful supplier and make it available to third sector clients who themselves are not required to follow the Public Contracts Regulations 2015 or other public procurement legislation. Accordingly, this is provided for bidders' information only.

An eAuction process may be used to award subsequent call off contracts following the reopening of competition among the parties to the Framework Agreement.

### VI.4) Procedures for review

VI.4.1) Review body

The Royal Court of Justice

The Strand

London

WC2A 2LL

Country

**United Kingdom** 

### VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

ESPO will incorporate a minimum 10 calendar day standstill period at the point information on the award of the contract is communicated to tenderers. Applicants who are unsuccessful shall be informed by ESPO as soon as possible after the decision has been made as to the reasons why the applicant was unsuccessful. If an appeal regarding the award of the contract has not been successfully resolved, The Public Contracts Regulations 2015 (SI 2105 No. 102) provide for aggrieved parties who have been harmed or are at risk of harm by breach of the rules to take legal action. Any such action must be brought within the applicable limitation period. Where a contract has not been entered into, the Court may order the setting aside of the award decision or order for any document to be amended and may award damages, make a declaration of ineffectiveness, order for a fine to be paid, and/or order the duration of the contract be shortened. The purpose of the standstill period referred to above is to allow the parties to apply to the Courts to set aside the award decision before the contract is entered into.