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Tender

## **191\_24 Electricity (Half Hourly Metered, Non-Half Hourly and Unmetered Supply)**

ESPO

F02: Contract notice

Notice identifier: 2022/S 000-005124

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

Published 24 February 2022, 11:56am

The closing date and time has been changed to:

**29 April 2022, 12:00pm**

See the [change notice](#).

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

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

ESPO

Barnsdale Way, Grove Park, Enderby

Leicester

LE19 1ES

#### **Contact**

Energy Procurement Team

#### **Email**

[tenders@espo.org](mailto: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=b9b2e77e-452b-ec11-810e-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=b9b2e77e-452b-ec11-810e-005056b64545>

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

Regional or local authority

**I.5) Main activity**

Other activity

Local Authority Services

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## **Section II: Object**

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

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

191\_24 Electricity (Half Hourly Metered, Non-Half Hourly and Unmetered Supply)

Reference number

191\_24 (ProContract internal Ref. DN573980)

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

- 09300000 - Electricity, heating, solar and nuclear energy

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

Supplies

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

This replaces the previous Prior Information Notice where tender documentation is now available (please however note the confidential requirements below).

ESPO wish to create a four-year single supplier Framework Agreement for the provision of wholesale electricity supplies, with ESPO acting as an intermediary to buy electricity in the wholesale market on behalf of central government, local authorities, public and third sector organisations within England, Wales and Scotland.

ESPO will impose on economic operators requirements aimed at protecting the confidential nature of information made available throughout the procurement procedure (as permitted by Regulation 21(3)) and, before receiving that information, economic operators will be required to complete and return a Confidentiality Agreement, which will be available once economic operators have expressed an interest in the tender opportunity.

To express an interest: (a) Go to <https://www.eastmidtenders.org/>; (b) Register (if not already registered on ProContract); (c) Search for tender opportunity '191\_24' (via "View Opportunities from the 'EastMidsTenders' Portal"); d) Express an interest.

#### **II.1.5) Estimated total value**

Value excluding VAT: £960,000,000

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

This contract is divided into lots: No

## **II.2) Description**

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

- 09310000 - Electricity

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

NUTS codes

- UK - United Kingdom

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

ESPO wish to create a four-year single supplier Framework Agreement for the provision of wholesale electricity supplies, with ESPO acting as an intermediary to buy electricity in the wholesale market on behalf of central government, local authorities, public and third sector organisations within England, Wales and Scotland.

ESPO will impose on economic operators requirements aimed at protecting the confidential nature of information made available throughout the procurement procedure (as permitted by Regulation 21(3)) and, before receiving that information, economic operators will be required to complete and return a Confidentiality Agreement, which will be available once economic operators have expressed an interest in the tender opportunity.

To express an interest: (a) Go to <https://www.eastmidstenders.org/>; (b) Register (if not already registered on ProContract); (c) Search for tender opportunity '191\_24' (via "View Opportunities from the 'EastMidsTenders' Portal"); d) Express an interest.

### **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

1 October 2024

End date

30 September 2028

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: No

**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

Suppliers must hold, and maintain for the duration of the Framework Agreement, an Electricity Supply Licence granted by OFGEM.

#### **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**

Supplier must hold and maintain an Electricity Supply Licence granted by OFGEM throughout the duration of the Framework Agreement.

Upon award of contract, the successful Suppliers rating, as determined by use of a recognised credit rating agency, will be sampled and used as a baseline for contract monitoring. This rating will be monitored for variance against the baseline at least every month. In the case of any negative variances against the baseline, this will be investigated by ESPO accordingly.

The successful Supplier must agree and adhere to a number of Mandatory Requirements, Service Levels and Key Performance Indicators which are provided in the tender documentation.

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## **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 a single operator

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: [2021/S 000-025440](#)

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

Originally published as:

Date

22 April 2022

Local time

12:00pm

Changed to:

Date

29 April 2022

Local time

12:00pm

See the [change notice](#).

#### **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: 4 (from the date stated for receipt of tender)

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

Date

22 April 2022

Local time

12:00pm

Information about authorised persons and opening procedure

ESPO will impose on economic operators requirements aimed at protecting the confidential nature of information made available throughout the procurement procedure (as permitted by Regulation 21(3)) and, before receiving that information, economic operators will be required to complete and return a Confidentiality Agreement, which will be available once economic operators have expressed an interest in the tender opportunity.

To express an interest: (a) Go to <https://www.eastmidtenders.org/>; (b) Register (if not already registered on ProContract); (c) Search for tender opportunity '191\_24' (via "View Opportunities from the 'EastMidsTenders' Portal"); d) Express an interest.



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## **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 <https://www.espo.org/amfile/file/download/file/9608/>) 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: <https://www.espo.org/legal>.

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.

### **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.