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Tender

## **Framework Agreement for the Hire of Civil Engineering Plant, Vehicles and Equipment without Operator(s)**

Kirklees Council

City of Bradford Metropolitan District Council

The Borough of Calderdale Council

Leeds City Council

City of York Council

F02: Contract notice

Notice identifier: 2024/S 000-005389

Procurement identifier (OCID): ocds-h6vhtk-043b27

Published 19 February 2024, 2:15pm

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

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

Kirklees Council

Town Hall, Ramsden Street

York

HD1 2TA

#### **Email**

[highways.contracts@kirklees.gov.uk](mailto:highways.contracts@kirklees.gov.uk)

#### **Telephone**

+44 1484221000

**Country**

United Kingdom

**Region code**

UKE44 - Calderdale and Kirklees

**Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

<http://www.kirklees.gov.uk>

Buyer's address

<https://yortender.eu-supply.com>

**I.1) Name and addresses**

City of Bradford Metropolitan District Council

City Hall, Channing Way

Bradford

BD1 1HY

**Email**

[highways.contracts@kirklees.gov.uk](mailto:highways.contracts@kirklees.gov.uk)

**Country**

United Kingdom

**Region code**

UKE41 - Bradford

**Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

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

Buyer's address

<https://vortender.eu-supply.com>

**I.1) Name and addresses**

The Borough of Calderdale Council

Town Hall, Crossley Street

Halifax

HX1 1UJ

**Email**

[highways.contracts@kirklees.gov.uk](mailto:highways.contracts@kirklees.gov.uk)

**Country**

United Kingdom

**Region code**

UKE44 - Calderdale and Kirklees

**Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

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

Buyer's address

<https://yortender.eu-supply.com>

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

Leeds City Council

Civic Hall, Calverley Street

Leeds, West Yorkshire

LS1 1UR

### **Email**

[highways.contract@kirklees.gov.uk](mailto:highways.contract@kirklees.gov.uk)

### **Country**

United Kingdom

### **Region code**

UKE42 - Leeds

### **Justification for not providing organisation identifier**

Not on any register

### **Internet address(es)**

Main address

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

Buyer's address

<https://yortender.eu-supply.com>

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

City of York Council

Hazel Court, James Street

York

YO10 3DS

### **Email**

[highways.contracts@kirklees.gov.uk](mailto:highways.contracts@kirklees.gov.uk)

### **Country**

United Kingdom

### **Region code**

UKE21 - York

### **Justification for not providing organisation identifier**

Not on any register

### **Internet address(es)**

Main address

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

Buyer's address

<https://yortender.eu-supply.com>

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

The contract involves 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://yortender.eu-supply.com>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://yortender.eu-supply.com>

#### **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**

Framework Agreement for the Hire of Civil Engineering Plant, Vehicles and Equipment without Operator(s)

Reference number

KMCHS-392

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

- 71500000 - Construction-related services

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

Services

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

The Council of the Borough of Kirklees (the "Council") is conducting this procurement process using the open procedure in accordance with the Public Contracts Regulations 2015 ("PCR"). The procurement documentation has been made available following the publication of the

Contract Notice on the UK e-notification service.

This framework is being procured to replace the 'Without Operator' element on the previous Framework (KMCHS-351) which expired on 30th November 2023.

Tenders are invited by the Council and the Other Contracting Authorities from Suppliers with relevant experience and ability to demonstrate sufficient capacity for the provision of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator.

This framework will be available across the region of Yorkshire and Humberside, and will be used by the following Contracting Authorities:

The City of Bradford Metropolitan District Council - Lot 1,

The Borough of Calderdale Council - Lot 2,

The Council of the Borough of Kirklees - Lot 3,

Leeds City Council - Lot 4,

York City Council - Lot 5

The framework will be advertised on YORtender (tender platform) - <https://yortender.eu-supply.com>

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

Value excluding VAT: £5,300,000

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

This contract is divided into lots: Yes

Tenders may be submitted for all lots

## **II.2) Description**

### **II.2.1) Title**

City of Bradford Metropolitan District Council - Hire of Civil Engineering Plant, Vehicles and Equipment without Operator(s)

Lot No

1

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

- 42410000 - Lifting and handling equipment
- 43300000 - Construction machinery and equipment
- 44000000 - Construction structures and materials; auxiliary products to construction (except electric apparatus)
- 45000000 - Construction work

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



NUTS codes

- UKE41 - Bradford

Main site or place of performance

Geographical Area of Bradford

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

The "Services" under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment without Operator(s), within the geographical area as outlined in Appendix 3b - Geographical Map.

This Lot relates to the administrative area of:

The City of Bradford Metropolitan District Council - Lot 1,

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://yortender.eu-supply.com>)

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

Price

#### **II.2.6) Estimated value**

Value excluding VAT: £200,000

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

Start date

1 May 2024

End date

30 April 2028

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twenty-four (24) month period from 1st May 2024 to 30th April 2026 with an option to extend the Framework for two further twelve (12) month periods until 30th April 2028.

### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: No

### **II.2.14) Additional information**

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

## **II.2) Description**

### **II.2.1) Title**

The Borough of Calderdale Council - Hire of Civil Engineering Plant, Vehicles and Equipment without Operator(s)

Lot No

2

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

- 42410000 - Lifting and handling equipment
- 43300000 - Construction machinery and equipment
- 44000000 - Construction structures and materials; auxiliary products to construction (except electric apparatus)

- 45000000 - Construction work

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

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Geographical Area of Calderdale

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

The "Services" under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment without Operator(s), within the geographical area as outlined in Appendix 3b - Geographical Map.

This Lot relates to the administrative area of:

The Borough of Calderdale Council - Lot 2,

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://yortender.eu-supply.com>)

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

Price

### **II.2.6) Estimated value**

Value excluding VAT: £300,000

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

Start date

1 May 2024

End date

30 April 2028

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twenty-four (24) month period from 1st May 2024 to 30th April 2026 with an option to extend the Framework for two further twelve (12) month periods until 30th April 2028.

### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: No

### **II.2.14) Additional information**

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

## **II.2) Description**

### **II.2.1) Title**

Kirklees Council - Hire of Civil Engineering Plant, Vehicles and Equipment without Operator(s)

Lot No

3

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

- 42410000 - Lifting and handling equipment
- 43300000 - Construction machinery and equipment

- 44000000 - Construction structures and materials; auxiliary products to construction (except electric apparatus)
- 45000000 - Construction work

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

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Geographical Area of Kirklees

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

The "Services" under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment without Operator(s), within the geographical area as outlined in Appendix 3b - Geographical Map.

This Lot relates to the administrative area of:

The Council of the Borough of Kirklees - Lot 3,

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://yortender.eu-supply.com>)

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

Price

### **II.2.6) Estimated value**

Value excluding VAT: £400,000

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

Start date

1 May 2024

End date

30 April 2028

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twenty-four (24) month period from 1st May 2024 to 30th April 2026 with an option to extend the Framework for two further twelve (12) month periods until 30th April 2028.

### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: No

### **II.2.14) Additional information**

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

## **II.2) Description**

### **II.2.1) Title**

Leeds City Council - Hire of Civil Engineering Plant, Vehicles and Equipment without Operator(s)

Lot No

4

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

- 42410000 - Lifting and handling equipment
- 43300000 - Construction machinery and equipment
- 44000000 - Construction structures and materials; auxiliary products to construction (except electric apparatus)
- 45000000 - Construction work

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

NUTS codes

- UKE42 - Leeds

Main site or place of performance

Geographical Area of Leeds

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

The "Services" under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment without Operator(s), within the geographical area as outlined in Appendix 3b - Geographical Map.

This Lot relates to the administrative area of:

Leeds City Council - Lot 4,

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://yortender.eu-supply.com>)

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

Price

### **II.2.6) Estimated value**

Value excluding VAT: £4,000,000

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

Start date

1 May 2024

End date

30 April 2028

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twenty-four (24) month period from 1st May 2024 to 30th April 2026 with an option to extend the Framework for two further twelve (12) month periods until 30th April 2028.

## **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: No

## **II.2.14) Additional information**

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

## **II.2) Description**

### **II.2.1) Title**

City of York Council - Hire of Civil Engineering Plant, Vehicles and Equipment without Operator(s)

Lot No



5

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

- 42410000 - Lifting and handling equipment
- 43300000 - Construction machinery and equipment
- 44000000 - Construction structures and materials; auxiliary products to construction (except electric apparatus)
- 45000000 - Construction work

**II.2.3) Place of performance**

NUTS codes

- UKE21 - York

Main site or place of performance

Geographical Area of York

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

The "Services" under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment without Operator(s), within the geographical area as outlined in Appendix 3b - Geographical Map.

This Lot relates to the administrative area of:

York City Council - Lot 6,

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://yortender.eu-supply.com>)

**II.2.5) Award criteria**

Price

## **II.2.6) Estimated value**

Value excluding VAT: £400,000

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

Start date

1 May 2024

End date

30 April 2028

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twenty-four (24) month period from 1st May 2024 to 30th April 2026 with an option to extend the Framework for two further twelve (12) month periods until 30th April 2028.

## **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: No

## **II.2.14) Additional information**

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

## **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

In accordance with (i) Article 57 and 59 to 61 of Directive 2014/24/EU and (ii) Regulations 57 to 61 of the Public Contract Regulations 2015 (SI 2015/102), and as set out in the selection questionnaire ("SQ") available from the address as set out in Section (I.1) of this notice above, the Council of the Borough of Kirklees acting as the principal contracting authority reserves the right to refuse any Contractor's application and to exclude its tender from the evaluation in any of the circumstances as follows:

(i) in the event the completed SQ, supporting information and/or any other tender submissions are incomplete, inaccurate or misleading or otherwise not submitted in accordance with the requirements set out in the SQ or any of the other Tender Documents; and/or;

(ii) for any reason specified in Regulation 57 (Exclusion Grounds) of the Public Contracts Regulations 2015 (SI 2015/102), which requires or permits the principal contracting authority not to select or to treat any Contractor as an ineligible Contractor; and / or

(iii) Contractors scoring "Fail" in the SQ will not be selected for consideration of their tender submission.

Section 7 - Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015.

Answering "Yes" to question 7.1 and "No" to Question 7.2 will result in exclusion unless the Contractor:

(1) can demonstrate that you are legally exempt from the requirement to comply with the annual reporting requirements contained within section 54 of the Act; or

(2) commit to comply with such reporting requirements within 6 months of the date of your submitted questionnaire.

#### **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**

The performance of the Orders by the economic operator during the Framework Period will be subject to review by the principal contracting authority and the other contracting authorities, carried out in accordance with the tender documents which are available to download at <https://yortender.eu-supply.com>

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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 several operators

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

Date

20 March 2024

Local time

1:00pm

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

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

Date

20 March 2024

Local time

1:01pm

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## **Section VI. Complementary information**

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

This is a recurrent procurement: Yes

### **VI.2) Information about electronic workflows**

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

### **VI.3) Additional information**

The contracting authority (i.e. the Council of the Borough of Kirklees) considers that this Framework Agreement may be suitable for economic operators that are small or medium enterprises ("SMEs"). However, any selection of economic operators will be based solely on the criteria set out for the procurement, and the Framework Agreement will be awarded on

the basis of the most economically advantageous tender based on lowest price only. The award criteria is set out in the procurement documentation (available to download at <https://vortender.eu-supply.com>). With regards to the estimated total value of works for the entire duration of the Framework Agreement, please note the values stipulated in Section II.1.5 of this Notice above covers the potential spend of Council of the Borough of Kirklees, throughout the duration of the Framework Agreement. Notwithstanding the range of values stipulated in Section II.1.5, however, for the avoidance of doubt please note that:

- i) The estimates given in Section II.1.5 of this Notice are strictly estimated values only.
- ii) Any information supplied in the Tender Documents as to the likely volumes of works or the times when they are likely to be required are given purely as indication of past experiences of the Council.
- iii) The anticipated usage of this Framework Agreement is unknown at present. Tenderers should note that it is not possible to establish an exact future workload and it is therefore not possible to guarantee that all or any of the successful economic operators with whom Kirklees Council enters into the Framework Agreement will in fact be called upon to execute Services on behalf of the Council. Unless otherwise specifically stated elsewhere in the Tender Documents, there is no minimum or maximum value/quantity of Services that may be ordered on any one occasion and the rates tendered must therefore reflect the likelihood of varying magnitude of Services and types of Services.
- iv) The Council is not bound to enter into any Services Order or other contract following discussions or other representations and the Council shall not incur any liability in respect of any failure to enter into any Service Contract or in connection with the total volume, type of Services or value of Services anticipated by the economic operators or which any economic operator is asked to carry out.

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

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

High Court of England and Wales

The Strand, Westminster

Country

United Kingdom

### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

In accordance with Regulation 86 (Notices of decisions to award a contract or conclude a framework agreement), Regulation 87 (Standstill periods) and Chapter 6 (Applications to Court) of the Public Contract Regulations 2015 (SI 2015/102), the principal contracting authority has incorporated a minimum ten (10) calendar day standstill period at the point that information on the conclusion of the Framework Agreement was communicated to Contractors. This period allowed any unsuccessful Contractor(s) to seek further debriefing from the contracting authority before the award (or non-award) of the Framework

Agreement. Such additional information should have been (and can still be) requested from the address at Sections I.1 and I.3 of this Notice above. If an appeal regarding the award (or non-award) of the Framework Agreement has not been successfully resolved, then the Regulations 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 started within thirty (30) days beginning with the date when the aggrieved party first knew or sought to have grounds for starting the proceedings had arisen. The Court may extend the time limited for starting proceedings where the Court considers that there is a good reason for doing so, but not so as to permit proceedings to be started more than three (3) months after that date. Where the Framework agreement has not been awarded, the Court may order the setting aside of the award decision or re-order the contracting authority to amend any document and may award damages. If however the Framework Agreement has been awarded, the Court may only award damages or, where the contract award procedures have not been followed correctly, declare the Framework Agreement to be ineffective.