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Tender

## **PRIMARY CONTRACTOR FRAMEWORK 2021 - PORTSMOUTH & SUB REGION**

PORTSMOUTH CITY COUNCIL

F02: Contract notice

Notice identifier: 2021/S 000-007945

Procurement identifier (OCID): ocids-h6vhtk-02a67a

Published 15 April 2021, 3:50pm

The closing date and time has been changed to:

**1 June 2021, 10:00am**

See the [change notice](#).

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

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

PORTSMOUTH CITY COUNCIL

City Council

Portsmouth

PO12BG

#### **Contact**

Procurement Service

#### **Email**

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

**Telephone**

+44 2392688235

**Country**

United Kingdom

**NUTS code**

UKJ3 - Hampshire and Isle of Wight

**Internet address(es)**

Main address

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

**I.3) Communication**

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

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

Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at

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

**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**

PRIMARY CONTRACTOR FRAMEWORK 2021 - PORTSMOUTH & SUB REGION

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

- 45210000 - Building construction work

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

Works

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

Portsmouth City Council - the "Council" - is inviting tenders from contractors for inclusion on a new Primary Contractor Framework. Contractors must have the ability to be able to undertake a range of multi-disciplinary project work on a Principal Contractor basis.

The Framework will serve as the primary route to procure building maintenance and to a lesser degree construction projects for Building Services within the Council, with works generally being undertaken to the Council's portfolio of nearly 15,000 social housing properties and 900 corporate assets.

The target date for award of the framework agreement is 16th July 2021 with commencement following on 16th August 2021. The Framework will be established for a period of 4 years.

The framework agreement will be established via evaluation of tenders submitted for Phase 1 works on Dunsmore Close flats 26-44, which comprises of a repair and improvement scheme to Local Authority blocks of flats.

Upon completion of Phase 1, the Council reserve the right to directly award a further two phases of works for additional blocks of flats for Dunsmore Close to the successful tenderer. The estimated value for the works are -

- Phase 1 - £350K
- Phase 2 - £800K

- Phase 3 - £450K

The tender return deadline is Friday 21st May 2021 at 10:00.

The highest ranking contractor plus the next ranking contractors up to a maximum total number of 12 will be appointed onto the framework agreement and be split onto a primary and secondary tier of contractors.

Typically works include but are not limited to;

- External and communal decoration
- Window replacement
- Roofing replacement
- Fire Door replacement
- Electrical works
- Fencing
- External repair to brickwork and concrete structures

Other projects may involve but are not limited to;

- Conversion of properties
- Refurbishment of properties
- Extensions
- Disabled adaptations
- Construction projects

It is forecast that the majority of projects, around 80% based upon historical demand, will be to the Councils social housing portfolio where residents usually remain in occupation for the duration of works. Although only a forecast subject to variation, the remaining 20% of projects are likely to be in relation to maintenance / construction of properties within the Councils varied corporate property portfolio, this includes properties such as;

- Schools

- Libraries
- Leisure centres
- Social Care Facilities
- Depots
- Commercial Buildings
- Community Centres
- Cultural assets
- Shops

It is anticipated that over the 4 year period up to £60m of PCC projects may be procured through the Framework based upon the agreed maintenance budget for 2021/22 and predicted budgets for future years.

Factoring in potential additional use by the PCC and use from other contracting authorities that will be able to access the framework agreement, either directly or via PCC, it is anticipated that the maximum spend on the Framework could be as much £100m, although no commitment can be made in this respect.

Typically the majority of projects will range from £100k - £250k however there will be frequent occurrences where project values are below £100k ranging up to above £1.5m. It is not proposed to set minimum or maximum project values as whilst the contract value ranges may differ the core work is of a similar nature.

The framework will have a primary and secondary tier, whilst allowing for award of call off contracts via mini-competition and direct award against a range of options. Further details on who can access the framework, the contract award provisions and operation see section II.2.4.

The procurement will be undertaken in accordance with the Open Procedure as defined within the Public Contracts Regulations (2015).

Application is via submission of completed tender via the Council's e-sourcing system accessible via: <https://in-tendhost.co.uk/portsmouthcc.aspx/home> which will be used to administrate the procurement process.

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

Value excluding VAT: £100,000,000

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

This contract is divided into lots: No

## **II.2) Description**

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

- 44112000 - Miscellaneous building structures
- 44115000 - Building fittings
- 45100000 - Site preparation work
- 45210000 - Building construction work
- 45260000 - Roof works and other special trade construction works
- 45300000 - Building installation work
- 45400000 - Building completion work
- 45500000 - Hire of construction and civil engineering machinery and equipment with operator
- 50700000 - Repair and maintenance services of building installations
- 71200000 - Architectural and related services
- 71300000 - Engineering services
- 71420000 - Landscape architectural services
- 71500000 - Construction-related services
- 71600000 - Technical testing, analysis and consultancy services

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

NUTS codes

- UKJ31 - Portsmouth
- UKJ32 - Southampton
- UKJ34 - Isle of Wight
- UKJ35 - South Hampshire

- UKJ36 - Central Hampshire
- UKJ37 - North Hampshire

Main site or place of performance

#### Framework Access

In addition to use on Council assets, the Framework may be used by the Council when undertaking projects on behalf of other public sector clients within South Hampshire and the Isle of Wight. The Framework may also be accessed directly by the following Contracting Authorities:

- Portsmouth City Council
- Havant Borough Council
- Fareham Borough Council
- Gosport Borough Council
- University of Portsmouth
- Solent NHS Trust (and its successors)
- Isle of Wight Council

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

Portsmouth City Council - the "Council" - is inviting tenders from contractors for inclusion on a new Primary Contractor Framework. Contractors must have the ability to be able to undertake a range of multi-disciplinary project work on a Principal Contractor basis.

The Framework will serve as the primary route to procure building maintenance and to a lesser degree construction projects for Building Services within the Council, with works generally being undertaken to the Councils portfolio of nearly 15,000 social housing properties and 900 corporate assets.

The target date for award of the framework agreement is 16th July 2021 with commencement following on 16th August 2021. The Framework will be established for a period of 4 years.

The framework agreement will be established via evaluation of tenders submitted for Phase 1 works on Dunsmore Close flats 26-44, which comprises of a repair and

improvement scheme to Local Authority blocks of flats. Upon completion of Phase 1, the Council reserve the right to directly award a further two phases of works for additional blocks of flats for Dunsmore Close to the successful tenderer. The estimated value for the works are -

- Phase 1 - £350K
- Phase 2 - £450K
- Phase 3 - £800K

The project will be let on an individual basis to the tendering contractor who achieves the highest score following assessment of submitted bids under a JCT Intermediate Contract 2016. That contractor plus the next ranking contractors up to a maximum total number of 12 will be appointed onto the framework agreement and be split onto a primary and secondary tier of contractors.

#### Framework Scope

Typically works will involve planned maintenance activities to properties including but not limited to;

- External and communal decoration
- Window replacement
- Roofing replacement
- Fire Door replacement
- Electrical works
- Fencing
- External repair to brickwork and concrete structures

In addition to planned maintenance works other projects may involve but are not limited to;

- Conversion of properties
- Refurbishment of properties
- Extensions



- Disabled adaptations
- Construction projects

It is forecast that the majority of projects, around 80% based upon historical demand, will be to the Councils social housing portfolio where residents usually remain in occupation for the duration of works. Although only a forecast subject to variation, the remaining 20% of projects are likely to be in relation to maintenance / construction of properties within the Councils varied corporate property portfolio, this includes properties such as;

- Schools
- Libraries
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#### Framework Access

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- Portsmouth City Council
- Havant Borough Council
- Fareham Borough Council
- Gosport Borough Council
- University of Portsmouth

- Solent NHS Trust (and its successors)
- Isle of Wight Council

### Framework Value Estimates & Demand Pipelines

It is anticipated that over the 4 year period up to £60m of PCC projects may be procured through the Framework based upon the agreed maintenance budget for 2021/22 and predicted budgets for future years. Factoring in potential additional use by the PCC and use from other contracting authorities that will be able to access the framework agreement, either directly or via PCC, it is anticipated that the maximum spend on the Framework could be as much £100m, although no commitment can be made in this respect.

Typically the majority of projects will range from £100k - £250k however there will be frequent occurrences where project values are below £100k ranging up to above £1.5m. It is not proposed to set minimum or maximum project values as whilst the contract value ranges may differ the core work is of a similar nature.

### Tiering and Performance Overview

The framework agreement will be comprised of a primary and secondary tier in order to provide contingency and ongoing competition. It is envisaged that the primary tier will be made up of a minimum of 6 contractors and the secondary tier will also be made up of a minimum of 6 contractors. Framework rankings and placement in tiers will be in accordance with tender evaluation scores achieved at establishment of the framework agreement.

The Council may increase the number of contractors on the primary tier over the course of the agreement and may also undertake re-tiering exercises whereby contractors from both tiers will be invited to submit bids which following evaluation will set new rankings and tier allocation. Unless under exceptional circumstances the Council does not envisage undertaking such an exercise more than once within a 12 month period.

Contractor rankings and tiering may also be affected by performance scores achieved for framework projects. Tier 1 contractors who routinely do not bid for projects and / or who routinely submit uncompetitive bids may be demoted to Tier 2.

### Framework Award Procedures and Operation

The framework will allow for award of call off contracts via mini-competition and direct award against a range of options.

Mini-competitions will generally be run just using the primary tier but may be run across

both tiers for re-tiering exercises, times of reduced capacity and for non-standard works which may include for specialist works, geographical considerations, alternate contracting strategies etc. at the discretion of the Council.

Sifting briefs may be included for within mini-competitions for non-standard works which will establish a specific shortlist for the call off contract or may create a framework sub-lot for the non-standard work type in questions which can be subsequently used for further call offs, whether via mini-competition or direct award.

Direct awards may be made on a ranked basis or repeat work / work expansion basis. Where direct awards are made on a ranked basis this may be on the basis of a single contract award to the highest ranked contractor or multiple contract awards on a sliding scale value / preference basis by contractor rank.

Repeat work direct awards may be made to a contractor who has recently undertaken works of a very similar nature, either for the Council or for any other UK contracting authority. Work expansion direct awards may be made where the contractor is already in contract with the Council and further works are identified which may be brought into the scope of the contract.

Whilst it is anticipated that most call off contracts will be subject to JCT Minor Works or JCT Intermediate terms the full suite of JCT and NEC4 contracts may be utilised. Whilst most works will be let on a fully designed construct only basis contracts may also be let via a range of other strategies including for not limited to 2 stage open book design & build partner contracting, single stage design & build, single stage build only with contractor design portions, etc.

#### Dunsmore Close - Phase 1

Within Dunsmore Close there are 3 no. blocks of flats, with Phase 1 of the works starting on block 26-44. The tenders received for Dunsmore Close - Phase 1 works will be evaluated and subsequently decided the framework tiering decisions for future call off contracts.

The block comprises of 10no.flats and maisonettes that are let for social housing. The project scope is fully defined within the specification and associated documents contained within the tender pack The works consist of general repairs and maintenance works to the external and communal areas of the building fabric, key activities include;

- Replacement roof
- Concrete repairs
- External decoration

- Installation of emergency lighting
- Replacement fire doors
- Fire upgrading works

The target date for onsite commencement of works is 16th August 2021 with completion targeted for 17th December 2021. The value of Phase 1 of the works is estimated at approx. £350k.

The remaining two blocks (2-24 and 46-102) are in similar condition and require similar works to block 26-44. An initial evaluation of these blocks has been undertaken and it is anticipated that project costs for block 2-24, Phase 2, would be in the region of £800k and for block 46-102, Phase 3, costs would be in the region of £450k.

In accordance with the proposed direct award function that will be incorporated into the new Framework, the Council may look to directly award the additional phases of works to the Phase 1 contractor, subsequent to satisfactory contractor performance for the works to block 26-44 and a negotiated contract price based upon the tendered rates for block 26-44.

The Council will establish the framework agreement in accordance with the Open Procedure as defined within the Public Contracts Regulations (2015) following the timetable set out below:

- FTS Notice & Tender Issue - 15-04-2021
- Bidder Session - 27-04-2021 at 13:00
- Deadline for framework operation clarifications - 30/04/2021
- Clarification Deadline - 11-05-2021 23.:59
- Tender Return Deadline - 21-05-2021 14:00
- Notification of Evaluation Results and Standstill / S20 Commencement - 14-06-2021
- End of Standstill Period - 25-06-2021 @ 23:59
- End of S20 Notice Period - 08-07-2021
- Dunsmore Contract & Framework Award - 09-07-2021

Application is via submission of completed tender via the Council's e-sourcing system

accessible via: <https://in-tendhost.co.uk/portsmouthcc.aspx/home> which will be used to administrate the procurement process.

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

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

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

Value excluding VAT: £100,000,000

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

Duration in months

48

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

Individual call off contracts may be extended in line with the relevant call off terms used and the direct award provisions set out within the framework agreement.

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

Included in the tender pack is the Primary Contractor - Framework Overview Document that provides a detailed review of the framework tiering, general operation and performance measures. The following areas are covered in further detail -

- Historical Usage
- Future Use

- Framework Operation
  - o Tiering
  - o Re-tiering of Framework
  - o Suspension, Barring, Insolvency
  - o Yearly Review
  - o Competitive Re-Tiering
  - o Requirement to bid
  - o Excessively High Bids
- Awarding Work
- Call-Off Process - Standard Works
- Call Off Process - Non-Standard Works
- Call-Off Process - Direct Award
- Framework Management
- Procurement Compliance
  - o Accounts
  - o Insurance
  - o Quality Assurance Accreditations
  - o Health and Safety Accreditations
  - o Social Value
- Contractor Performance
  - o KPI Scoring
  - o Use of KPI's - performance monitoring

- o Demotion to tier 2
- o Expulsion from Framework
- o Use of KPI's - tender weighting
- Rebate

Tenderers must refer to the Primary Contractor - Framework Overview Document for full details on each of the sections outlined above. Below is a summary of the key performance and social value criteria

### Tiering System

A framework tiering system will be established with a Primary tier made up of the highest scoring 6 contractors and a Secondary tier of the next highest 6 contractors on a ranked basis.

However, the Council reserve the right to increase the number of contractors on either the primary or secondary tier dependent on the disparity in tender submissions following evaluation of all bids received.

### Call Off Options

The majority of call off contracts will be let via traditional single stage tender mini-competition. However, alternative procurement strategies may also be utilised. Contracts may be let via direct award in certain circumstances -

- On a ranked basis
- Repeat work basis
  - o On a repeat work basis based on previous award decisions and contractors performance
  - o On a repeat work basis where a contractor has demonstrated significant relevant delivery experience from their portfolio of works in relation to the project scope
- Incorporating additional works into an existing contract

There will be no upper or lower value constraints in respect of project contracts let via the framework.

### Project Call Off Key Performance Indicators

Key Performance Indicators (KPIs) will be used to assess the Contractor's on-going performance over the lifetime of the framework.

Each project will receive 1 overall KPI score. A holistic approach will be taken when determining a score with general themes of assessment will include but not limited to:

- Time
- Cost
- Quality
- Health and Safety
- Customer Perception
- Innovation
- Contractual Compliance

Each project will be scored from 0-5 with the score representative of the following performance:

0 - Unacceptable Performance - grounds for immediate suspension / removal from the framework.

1 - Poor - significant issues have arisen. Potential temporary suspension.

2 - Fair - works completed a satisfactory level however a significant number of smaller issues arose or one significant issue occurred.

3 - Satisfactory - met the contractual obligation

4 - Good - met and on occasion exceeded contractual expectations.

5 - Excellent - performed above general contracted requirement by bringing added value and exceeded expectations in multiply areas.

KPI information for all projects will be fed back to the Councils framework manager who will monitor performance across the agreement.

#### Framework Level Performance Monitoring

Contractors KPI scores will be monitored throughout the duration of the Framework.



It is expected that contractors will score 3 or above to demonstrate their competence. Where a contractor consistently scores less than 3 then the Framework Manager may investigate the issues further.

If performance do not improve over a sustained period this may result in demotion to a lower tier or suspension from the Framework.

Where a contractor is awarded a KPI score of 0 or 1 the Framework manager will consider taking formal action, including:

- Written warning
- Improvement notice
- Dropped to a lower tier
- Suspension from the framework
- Termination from the framework

#### Use of KPI's - Tender Weighting

In order to reward good performance from contractors, when tendering for projects the average of contractors KPI scores over their previous 3 projects will form 10% of the future tender evaluation.

Where a contractor has not completed any projects their baseline KPI score for the tender evaluation with 3.

Where a contractor has not completed 3 projects to give a full average, an average of their last 2 or 1 projects will be used.

#### Social Value

In the initial setup of the Framework 10% of contractors overall tender score will be based upon their response to providing social value to PCC and the wider Portsmouth community.

In order to ensure that contractors adhere to their proposals then social value demonstrated by each contractor will be reviewed on a yearly basis. Contractors will be required to submit a report/evidence against their initial social value responses.

Initial tender scores can subsequently be increased or decreased, which will consequently contractor's position in the tierings could go up or down.

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## **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.2.3) Information about staff responsible for the performance of the contract**

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract

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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

Envisaged maximum number of participants to the framework agreement: 12

#### **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**

Originally published as:

Date

21 May 2021

Local time

10:00am

Changed to:

Date

1 June 2021

Local time

10:00am

See the [change notice](#).

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

English

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

Date

21 May 2021

Local time

10:01am

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## **Section VI. Complementary information**

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

This is a recurrent procurement: Yes

Estimated timing for further notices to be published: Spring 2025

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

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

The High Court of Justice

The Strand

London

WC2A 2LL

Country

United Kingdom

Internet address

<https://www.justice.gov.uk/>