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Award

## **Provision of Planned and Responsive Maintenance and Minor Works - Omagh Building Lot 1**

the Education Authority

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-010442

Procurement identifier (OCID): ocids-h6vhtk-043892

Published 28 March 2024, 6:57pm

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

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

the 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**

UKN - Northern Ireland

#### **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 - Omagh Building Lot 1

Reference number

Omagh Building Lot 1

#### **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 in the old Western Education and Library Board area (Area 1), Contract Lot 3 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, September 2023 and 8 February 2024.

#### **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: £1

### **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 Maintenance Works for EANI across its property portfolio in the old Western Education and Library Board area (Area 1), Contract Lot 3 which includes but is not limited to controlled and uncontrolled schools.

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

Options: Yes

Description of options

The previous VEAT 2024/S 000-004318 issued on 8 February 2024 extended this contract until 31 August 2025 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 concerns EA's intention, upon receipt of compelling evidence, to consider the review of certain prices in the price lists for specific elements of which the impact of inflation is higher than what could have reasonably and diligently anticipated. The overall nature of contract is not altered.

#### **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:

To secure continuity, Task Orders issued on/after 1 July 2021 as per VEAT (2022/S 000-010145) are adjusted for inflation, calculated with the BCIS Measured Term Contract Updating Percentages. Inflation from mid-point of original contract to 31 March 2021 is: PSA SOR ELEC11 Rate A, Rate B/D/E, Rate C 7.6 pct, 14.1 pct and 13.9 pct respectively, applies to Sections 1, 2, 3 and 4 of Price List; Rate B/D/E applies to Section 3; PSA SOR MECH11 Rate A, Rate B/D/ E, Rate C 20.7 pct, 12.2 pct and 13.9 pct respectively, applies to Sections 1, 2 and 3; Rate B/D/E applies to Section 3; PSA SOR BCE09 14.3 pct applies to Section 4 Item OT010.370 to 460. Inflation after 1 April 2021 is changed in BCIS MTC Updating Percentages from 31 March 2021 indices based on TO issue date/latest published index. For travel expenses for Response Task Orders issued outside of Lot received on or after 1 June 2022, an additional amount for travel has been included.

It is the EA's intention, upon receipt of compelling evidence, to consider the review of certain prices in the price lists for specific elements of which the impact of inflation is higher than what could have reasonably and diligently anticipated. This includes:

Aluminium window systems and associated items comprising glazing, flashings and insulated panels (excluding works to existing aluminium window systems and associated items such as taking out, repairs and the like);

Aluminium curtain walling and associated items comprising glazing, flashings and insulated panels (excluding works to existing aluminium curtain walling and associated items such as taking out, repairs and the like);

Aluminium doors and associated items comprising sidelights and fanlights (excluding works to existing aluminium doors and associated items such as taking out, repairs and the like);

Coated macadam roads and pavings and associated items comprising regulating courses (excluding labours and repairs to coated macadam and associated items);

Asphalt roads and pavings and associated items comprising chippings (excluding labours and repairs to asphalt and associated items);

Proprietary coloured safety sports surfacings (wet-pour) and associated items comprising logos, patterns, graphics and the like; and

Metal fencing comprising chain link, anti-intruder chain link, steel palisade security, roll-top, rigid mesh panel, steel ball-stop and rotating barrier, and associated items comprising straining posts and single and double gates (excluding work to old fencing including taking out, repairs and the like)

#### **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: [2024/S 000-004318](#)

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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**

28 March 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**

IMAC Educational Support Services Ltd

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Email

[enquiries@imacgroup.co.uk](mailto:enquiries@imacgroup.co.uk)

Country

United Kingdom

NUTS code

- UKN - Northern Ireland

Internet address

<https://imacgroup.co.uk/>

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: £1

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## **Section VI. Complementary information**

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

For the avoidance of doubt, the Exceptional Items listed above are for new works only. All works to existing items including but not limited to taking out, taking up, resecuring, work in repairs and the like, are excluded from the Exceptional Items. In applying for a price uplift in respect of these Exceptional items, the Contractor will have the choice to either claim the rates in the Price List applying the appropriate indexation percentage or claim under the Defined Costs. If the price of an Exceptional Item has been previously agreed, the Contractor may continue to claim at this rate. The Contractor is not required to produce evidence if they do not wish to avail of the Defined Costs. . . Regulation 72(1)(c) permits this extension due to unforeseen circumstances which a diligent contracting authority could not have foreseen and the overall nature of the contract is not altered. In particular, due to the inherent complexity of the procurement process, it is taking much longer than could have reasonably been anticipated and despite the best efforts of EANI, the process remains ongoing. . . In order to provide continued access to schools and the scale, complexity and nature of the construction works and possible duplication of costs it is not possible to change the current provider. Regulation 72(1)(b) further permits this 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.

### **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