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Award

Provision of Planned and Responsive Maintenance and Minor Works - Ballymena M&E Lot 2

the Education Authority

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-010449

Procurement identifier (OCID): ocids-h6vhtk-043895

Published 28 March 2024, 7:17pm

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

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

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Provision of Planned and Responsive Maintenance and Minor Works - Ballymena M&E Lot 2

Reference number

Ballymena M&E Lot 2

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 Contract Lot 1: Term Service Contracts for Mechanical and Electrical Maintenance Works in the old North Eastern Education and Library Board area (Area 2), Contract Lot 2 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 North Eastern Education and Library Board area, Contract Lot 2 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 000-004321 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

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 000-010142) 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:

Copper cabling comprising HV/LV cables: standard power cables 600/1000V, armoured and armoured: fire resistant, sizes exceeding 500mm² one core, 185mm² two core, 120mm² three core and 95mm² four core (Rate A only), Copper cabling comprising HV/LV cables: standard power cables 1900/3300V, armoured, sizes exceeding 150mm² one core and 120mm² two core (Rate A only), Surface trunking: steel; standard; one / two compartment; size 50 x 50 / 75 x 75 / 100 x 50 / 100 x 100; including lids and extra over items, i.e. accessories (Rate A only), 600 / 1000 V: armoured insulated cable to BS 7846:

fire resistant to BS 6387 category CWZ, BS EN 50200 PH60, BS 8434-1 30 minutes, BS EN 60332-1-2, BS EN 60332-3-24: low emission of smoke and corrosive gases when affected by fire to BS EN 61034-2, BS EN 60754-1 and 2; four core; size 10mm² / 16mm² / 25mm² (Rate A only), Insulation; aluminium foil; joints sealed with tape and banded around pipe and fittings; all sizes / thickness (Rate A only), Flexible conduit; metallic; steel; size 20mm (Rate A only), Cable tray; perforated galvanised steel; plain flange edge; light / medium / heavy duty; width 50mm / 100mm / 150mm including ventilated cover and extra over items, i.e. accessories (Rate A only), Cable tray; wire basket; zinc plated steel; not exceeding 30mm deep / 30 to 60mm deep / 60 to 110mm deep; width 50mm / 100mm / 150mm; including extra over items, i.e. accessories (Rate A only), 450 / 750 V: wiring cable: insulated and sheathed flame retardant to BS EN 60332-1-2: low emission of smoke and corrosive gases when affected by fire to BS EN 61034-2 and BS EN 60754-1 and 2; single core to BS 7211: flame retardant to BS EN 60332-1-2; two / three / four core screened: flame retardant to BS EN 60332-1-2 and BS EN 60332-3-4: size 1.5mm² or greater (Rate A only), 600 / 1000 V: armoured insulated cable to BS 7846: fire resistant to BS 6387 category CWZ, BS EN 50200 PH60, BS 8434-1 30 minutes, BS EN 60332-1-2, BS EN 60332-3-24: low emission of smoke and corrosive gases when affected by fire to BS EN 61034-2, BS EN 60754-1 and 2; 3 / 4 core; 1.5mm² or greater (Rate A only), 600 / 1000 V: mains power cable: thermosetting insulated: steel wire armoured; three / four core; 6.0mm² or greater (Rate A only) and Radiators: panel: steel; single and double convector; all sizes (Rate A only)

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 000-004321](#)

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

LM Services NI Ltd

Belfast

Email

info@lmservicesni.com

Country

United Kingdom

NUTS code

- UKN - Northern Ireland

Internet address

<http://lmservicesni.com/>

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

Section VI. Complementary information

VI.3) Additional information

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