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Opportunity

## **Framework Agreement for the Provision of Digital Connectivity Services**

North Lanarkshire Council

F02: Contract notice

Notice reference: 2021/S 000-010912

Published: 18 May 2021, 11:05am

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

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

North Lanarkshire Council

Civic Centre, Windmillhill Street

Motherwell

ML1 1AB

#### **Email**

[corporateprocurement@northlan.gov.uk](mailto:corporateprocurement@northlan.gov.uk)

#### **Telephone**

+44 1698403876

#### **Fax**

+44 1698275125

## **Country**

United Kingdom

## **NUTS code**

UKM84 - North Lanarkshire

## **Internet address(es)**

Main address

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

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA00010](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA00010)

## **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

[www.publictendersscotland.publiccontractsscotland.gov.uk](http://www.publictendersscotland.publiccontractsscotland.gov.uk)

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

[www.publictendersscotland.publiccontractsscotland.gov.uk](http://www.publictendersscotland.publiccontractsscotland.gov.uk)

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

[www.publictendersscotland.publiccontractsscotland.gov.uk](http://www.publictendersscotland.publiccontractsscotland.gov.uk)

## **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 Provision of Digital Connectivity Services

Reference number

NLC-CPT-21-016

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

- 72720000 - Wide area network services

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

Services

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

"The Council is embarking on a landmark investment in digital infrastructure and services to ensure it has access to unlock the potential for cost savings, improved productivity, enhanced service delivery and ensuring the Council is at the forefront of being an attractive, modern and inclusive touchpoint for its citizens.

The Council is therefore procuring a long term single supplier Framework Agreement to support the Council's ambition to:

- i) enhance the coverage and reach of gigabit networks across North Lanarkshire,
- ii) drive the take up of gigabit networks,
- iii) create choice and competition for those living, learning, working, investing and visiting

North Lanarkshire, and

iv) ensure North Lanarkshire's digital infrastructure is future proof and will lead to smart and sustainable outcomes.

The Framework Agreement will enable the Council (and any of the contracting authorities identified at Section VI.3) to access the following initial and future ICT services from the Service Provider over the duration of the Framework Agreement:

#### Initial Services

- Wide Area Network (WAN) connectivity (Call-Off 1)
- Fibre connectivity to 'Analogue Sites' (Call-Off 2)
- Fibre connectivity to CCTV sites (Call-Off 3)
- Internet access (Call-Off 4)
- Indoor and public WiFi (Call-Off 5).

Future ICT Services may include:

- Pilot / concept projects.
- Traffic light connectivity
- Active bandwidth services to Analogue only sites
- Enterprise telephony (fixed, cellular, analogue circuit replacement)
- Social / affordable broadband
- Private 5G
- Provision of Public WiFi in Corporate and Education sites
- Internet of Things (IoT) networks and other 'Smart Place' initiatives to support the Councils digital ambition
- Data centre services
- Azure Express Route services

- Security services
- Cloud connectivity
- Remote access
- Network services.

from the Service Provider over the duration of the Framework Agreement.

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

Value excluding VAT: £150,000,000

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

This contract is divided into lots: No

## **II.2) Description**

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

- 64200000 - Telecommunications services
- 72400000 - Internet services
- 72720000 - Wide area network services
- 64210000 - Telephone and data transmission services
- 72000000 - IT services: consulting, software development, Internet and support
- 32410000 - Local area network
- 72710000 - Local area network services
- 64227000 - Integrated telecommunications services
- 72315000 - Data network management and support services
- 72315100 - Data network support services
- 72315200 - Data network management services
- 72222300 - Information technology services
- 32250000 - Mobile telephones
- 72212730 - Security software development services
- 72600000 - Computer support and consultancy services
- 32412110 - Internet network
- 32420000 - Network equipment
- 48000000 - Software package and information systems
- 50312300 - Maintenance and repair of data network equipment

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

NUTS codes

- UKM84 - North Lanarkshire

Main site or place of performance

Across the geographical boundaries of North Lanarkshire Council area.

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

"North Lanarkshire has a vision for inclusive growth and prosperity for all and an ambition for North Lanarkshire to be the place to live, learn, work, invest and visit.

It is to this end that the Council is embarking on a landmark investment in digital infrastructure and services through a procurement of a long term, single supplier Framework Agreement to enhance the provision of digital infrastructure across North Lanarkshire.

The Council require to deliver a step change in connectivity services, primarily through the provision of symmetrical fibre connectivity to its schools, public buildings and strategic assets ensuring that the Council has access to the latest and fastest digital connectivity services, unlocking the potential for cost savings, improved productivity and enhanced service delivery, ensuring that the Council is at the forefront of being an attractive, modern and inclusive touchpoint for its citizens.

The Council intends to utilise the Framework Agreement to support the Council's ambition to:

- i) enhance the coverage and reach of gigabit networks across North Lanarkshire,
- ii) drive the take up of gigabit networks,
- iii) create choice and competition for those living, learning, working, investing and visiting North Lanarkshire, and
- iv) ensure North Lanarkshire's digital infrastructure is future proof and will lead to smart and sustainable outcomes.

The purpose of establishing the Framework Agreement is to source a long term partnership with a

Service Provider to deliver the Council's connectivity needs, both now and well into the future while stimulating the commercial deployment of gigabit capable networks in unserved areas.

Initial call-off contracts under the proposed Framework Agreement will cover the provision of the following connectivity services:

- Wide Area Network (WAN) connectivity (Call-Off 1)
- Fibre connectivity to 'Analogue Sites' (Call-Off 2)
- Fibre connectivity to CCTV sites (Call-Off 3)
- Internet access (Call-Off 4)
- Indoor and public WiFi (Call-Off 5).

It is anticipated that additional services such as concept pilots, mobile telephony, fixed telephony, traffic lights, IoT etc may be required in the future, although the Council does not guarantee the award of future call-off contracts.

The Council reserves the right to modify the scope of ICT Services in the future as our needs evolve.

The estimated value of the Framework Agreement is 150,000,000 GBP over the proposed duration of the Framework Agreement (including all extensions) but there is no guarantee of this level of business and spend through the Framework Agreement.

TUPE - 4.8.1 Candidates should note that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246) ("TUPE") will not apply to the Framework Agreement or for the initial call-off contracts but may potentially apply to future call-off contracts. Further information on TUPE is provided in Section 4.8 of the ITC document.

Further details of this opportunity are set out in the procurement documents.

Please see Section V1.3 for details relating to the SPD and other procurement documents being released at this stage.

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

Quality criterion - Name: Quality / Weighting: 80

Price - Weighting: 20

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

Value excluding VAT: £150,000,000

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

Duration in months

240

This contract is subject to renewal

Yes

Description of renewals

The proposed Framework Agreement will be awarded for an initial period of 15 years, thereafter the Council will have the option to extend the term for a further period of up to a maximum of 5 years. Any period(s) of extension will be at the Council's sole discretion.

### **II.2.9) Information about the limits on the number of candidates to be invited**

Envisaged number of candidates: 5

Objective criteria for choosing the limited number of candidates:



The Council intends to invite 5 Candidates to submit an initial tender.

These 5 Candidates will have:

- a) submitted a compliant submission, comprising a completed SPD;
- b) passed the minimum standards in SPD Part III (Exclusion Grounds);
- c) passed the minimum requirements with respect to:
  - (1) the suitability criteria is SPD Part IV.A;
  - (ii) the economic and financial standing criteria in SPD Part IV.B;
  - (iii) the quality assurance and environmental management standards criteria in SPD Part IV.D; and
  - (iv) the minimum scores in SPD Part IV.C; and
- (d) achieved the first, second, third, fourth and fifth highest total overall weighted score in respect of technical and professional ability (the sum of weighted scores achieved for all of the questions) within Questions Ref 4C1.2 of the SPD.

In the event of a tie for 5th place, all Candidates in 5th place will be invited to submit an Initial Tender, in accordance with Section 7.10.6 of the ITC.

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

Variants will be accepted: No

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

Options: Yes

Description of options

The proposed Framework Agreement will be awarded for an initial period of 15 years, thereafter the Council will have the option to extend the term for a further period of up to a maximum of 5 years. Any period(s) of extension will be at the Council's sole discretion.

#### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

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

Candidates should read and refer to the Instructions to Candidates for completing the SPD document (ITC). Failure to comply with the ITC may result in a Candidate's SPD submission being rejected.

Candidates may be excluded from this competition if they are in any of the situations referred to in regulation 58 of the Public Contracts (Scotland) Regulations 2015.

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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

Candidates shall be required to satisfy minimum standards and to provide proof of suitability:

(a) in response to SPD Question 4A.2 to provide confirmation on that they are registered under the Electronic Communications Code:

<https://www.ofcom.org.uk/phones-telecoms-andinternet/>

information-for-industry/policy/electroniccomm-

code/register-of-persons-with-powersunder-

the-electronic-communications-code

#### **III.1.2) Economic and financial standing**

List and brief description of selection criteria

Candidates shall be required to satisfy minimum standards and to provide proof of economic and financial standing:

(a) in response to SPD Question 4B.1.1 to demonstrate that they have a general yearly turnover of 11,250,000.00 GBP for their latest two financial years where audited accounts are available; and/or

(b) in response to SPD Question 4B.3 - where turnover information within SPD (Scotland) Part 4B.1.1 is not available for the time period requested, the Candidate must have been set up / registered and / or started trading within three (3) years of the date of publication of the Contract Notice; and

(c) If Candidates have indicated in the SPD questions 4B.1.1, 4B.3, 4B5.1 and 4B5.2 that they are reliant on another organisation to satisfy the minimum economic and financial standing criteria (either as part of the wider group or a separate entity), and provided parent company accounts (or accounts of another organisation relied upon for economic and financial standing), they must confirm the following:

1. the parent company (or another organisation) would be willing to provide a guarantee if necessary; or
2. if a parent company (or another organisation) will not provide a guarantee, the Candidate would be able to obtain a guarantee elsewhere (e.g. from a bank).

#### Insurances

(d) in response to SPD Question Ref 4B.5 Candidates must confirm they already have or can commit to obtain prior to commencement of the contract to obtaining the following insurances and associated financial levels:

Employers (Compulsory) Liability = 10000000 GBP in each and every claim;

Public Liability Insurance = 15000000 GBP in each and every claim; and

Professional Indemnity Insurance = 10000000 GBP in each and every claim and in the annual aggregate

In responding to SPD Question Ref 4B.5.1 and 4B.5.2 of the SPD, where the Candidate ticks the box “No, and I cannot commit to obtain it” they shall be marked as FAIL and shall be excluded from the Procurement.

### **III.1.3) Technical and professional ability**

List and brief description of selection criteria

In response to SPD: Question Ref 4C.1.2 Candidates are required to provide examples that demonstrate that they have the relevant experience to deliver the services as described in

section II.2.4 of the Contract Notice.

Candidates are required to provide suitable responses to the questions set out in the ITC(Appendix 3), demonstrating that they have the required minimum standards of eligibility and technical and professional ability.

If the Candidate is a Consortium or Joint Venture or proposes to use Key Sub-Contractors, a single composite response on behalf of all Consortium/Joint Venture members/Key Sub-Contractors must be submitted for Question Ref 4C.1.2.

Question 4C.1.2 carries an overall weighting of 100%. This question is divided into six (6) separate questions listed below. Candidates are required to provide a response to each of the questions. Candidates must achieve a minimum (unweighted) score requirement of two (2) for questions 1a, 1b, 2, 5 and 6. below. There is no minimum score requirement for questions 3 and 4.

In response to Question 4C.8.1 - Candidates will be required to confirm their average annual manpower for the last three years.

In response to SPD Question 4C.8.2 - Candidates will be required to confirm the number of managerial staff in their organisation for the last three years.

In response to SPD Question 4C.10 - Candidates will be required to confirm whether they intend to subcontract any Call-off Contracts and, if so, for what proportion of the Call-off contract.

In response to SPD Question 4D.1 - Quality Assurance Schemes and Environmental Management Standards - Candidates will find further information on the minimum requirements and full assessment criteria for Part 4D of the SPD located within Appendix 1 of the ITC document within the PCS-T System.

Minimum level(s) of standards possibly required

Candidates unable to meet the minimum score requirements for 4C.1.2 will be assessed as a FAIL and will be excluded from the competition:

1a. Technical and Professional Ability (Case Study 1) - (weighting = 5%);

1b. Technical and Professional Ability (Case Study 2)- (weighting = 5%);

2. Operational Capability - (weighting = 10%);

3. Gigabit Broadband - (weighting = 25%);

4. Take up and Community Engagement - (weighting = 25%);
5. Technology, Innovation and Competition - (weighting 15%); and
6. Future Proofing - (weighting 15%).

The responses provided to each question shall be assessed using the following marking scheme:

0 – Unacceptable – Nil or inadequate response. Fails to demonstrate previous experience / capacity / capability relevant to this criterion;

1 – Poor – Response is partially relevant but generally poor.

The response shows some elements of relevance to the criterion but contains insufficient / limited detail or explanation to demonstrate previous relevant experience / capacity / capability;

2 – Acceptable – Response is relevant and acceptable.

The response demonstrates broad previous experience, knowledge and skills / capacity / capability but may lack in some aspects of similarity e.g. previous experience, knowledge or skills may not be of a similar nature;

3 – Good – Response is relevant and good.

The response is sufficiently detailed to demonstrate a good amount of experience, knowledge or skills / capacity / capability relevant to providing similar services to similar clients;

4 – Excellent – Response is completely relevant and excellent overall.

The response is comprehensive, unambiguous and demonstrates thorough experience, knowledge or skills / capacity / capability relevant to providing similar services to similar clients;

Under SPD Questions 4D.1 and 4D.2 Candidates shall be required to insert suitable responses to demonstrate that they have in place appropriate quality, environmental and health and safety management systems.

Candidates should specify their recognised accredited system or own non-accredited system which will ultimately be adopted if awarded the contract.

Subsequently, under SPD, Question Ref.4D.1 and 4D.2

Candidates are required to confirm their compliance and be able to provide the appropriate certification.

The responses to SPD Questions 4D.1 and 4D.2 shall each be assessed on the basis of PASS or FAIL.

Candidates who obtain a FAIL in either of their responses shall not be considered further in this procurement competition.

Minimum level(s) of standards required:

Please refer to the ITC (Appendices 1 and 3). Each of these questions should be answered using the documents attached to each question within the PCS-T system.

## **III.2) Conditions related to the contract**

### **III.2.2) Contract performance conditions**

Where bidders are bidding as part of a group (e.g a consortium), the Council reserves the right to require bidders to assume a specific legal form for the purpose of the award of the Framework Agreement (e.g. establishing a special purpose vehicle ('SPV')).

Furthermore, where a Candidate relies upon the capacities of other entities with regard to criteria relating to economic and financial standing, the Council reserves the right to require that the Candidate and those entities to be jointly and severally liable.

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Competitive procedure with negotiation

#### **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:

The Council recognise its obligations under Reg 33(3) of the PC(S)R 2015 and due to investment required by Service Providers a 15 Year Framework term with the option to extend for a further 5 years at the discretion of the Council should ensure that maximum investment is secured for the delivery of initial and future digital connectivity services.

#### **IV.1.4) Information about reduction of the number of solutions or tenders during negotiation or dialogue**

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated

#### **IV.1.5) Information about negotiation**

The contracting authority reserves the right to award the contract on the basis of the initial tenders without conducting negotiations

#### **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: [2019/S 238-583840](#)

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

Date

17 June 2021

Local time

12:00pm

**IV.2.3) Estimated date of dispatch of invitations to tender or to participate to selected candidates**

1 July 2021

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



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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: The Council currently envisages deciding whether to invoke the available options to extend the Framework Agreement or to procure a new contract approximately eighteen (18) months prior to the expiry of the initial term.

### **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**

Section I.2 – Other contracting authorities who can use the Framework Agreement include, but may not be limited to:

- (a) Fusion Assets Ltd;
- (b) North Lanarkshire Properties LLP;
- (c) Routes to Work;
- (d) North Lanarkshire Municipal Bank Ltd;
- (e) North Lanarkshire affiliated local Housing Associations, including but not limited to West Of Scotland Housing Ass,  
Clyde Valley Housing Ass and Sanctuary Housing Ass; and
- (f) Any other future Council-affiliated ALEOS, established throughout the duration of the proposed FA.

Section I.3 - Access to the procurement documents:

The Instructions to Candidates (ITC) and the other procurement docs being released at this stage can be accessed via PCS-T Supplier Attachment Area.

The draft Invitation to Tender (ITT) is being released at this stage to explain the proposed approach to the procurement process and does not amount to an invitation to submit an Initial Tender.

Additional information on the procurement is located in the PCS-T Supplier Attachment Area.

It is in each Candidate's interest to access the information as soon as possible.

The services described in II.2.4 may be delivered Across the geographical boundaries of North Lanarkshire Council area.

## Part II – Information Concerning the Bidder

A: Information About the Bidder;

B: Information About Representatives of the Bidder;

C: Information About Reliance on the Capacities of Other Entities; and

D: Information Concerning Sub-contractors on Whose Capacity the Bidder Does Not Rely.

Minimum level(s) of standards required:

The information required in Part II of the SPD is for information only and therefore will not be assessed.

Candidates must ensure that they submit appropriate SPDs completed by other members of the group, if they are submitting a SPD as part of a group and others on whose capacity they rely, to satisfy any aspect of the SPD.

## Part VI – Concluding statements

Minimum level(s) of standards required:

Candidates unable to complete this part of the SPD may be excluded from the Procurement.

## Disclaimer

The Council is not liable for any costs incurred, including in respect of expressing an interest, participating in negotiation or in tendering for this opportunity.

The Council reserves the right to terminate the procurement (or any part of it) at its own discretion.

The buyer is using PCS-Tender to conduct this procurement exercise. The Project code is 18666.

For more information

see: <http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2343>

Community benefits are included in this requirement.

For more information

see: <http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2361>

The buyer is using PCS-Tender to conduct this PQQ exercise. The Project code is 18666. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2343>

A sub-contract clause has been included in this contract. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2363>

Community benefits are included in this requirement. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2361>

A summary of the expected community benefits has been provided as follows:

The Council is looking for the delivery of community benefits which support the investment and added value to be delivered through the Framework and which maximise opportunities and achieve social and economic outcomes and impact across North Lanarkshire.

The Council expect this community benefit approach to be an integral component over the lifetime of the procurement, complementing the Added Value outcomes that the Service Provider will bring.

For the purposes of this procurement the Council would expect community benefits within this Contract to be digitally focused, and delivered through the training and development of residents, communities and businesses across North Lanarkshire to enhance digital skills & capabilities.

Futher details will be provided in the procurement documentation..

(SC Ref:652044)

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

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

Court of Session

Parliament House Parliament Square

Edinburgh

EH1 1RQ

Email

[supreme.courts@scotcourts.gov.uk](mailto:supreme.courts@scotcourts.gov.uk)

Telephone

+44 1312252595

Fax

+44 1312406711

Country

United Kingdom

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

Precise information on deadline(s) for review procedures

An economic operator that suffers, or risks suffering, loss or damage attributable to a breach of duty under the Public Contracts (Scotland) Regulations 2015 may bring proceedings in the Sheriff Court or the Court of Session. In accordance with the Public Contracts (Scotland) Regulations 2015, the Council will incorporate a minimum 10 calendar day standstill period from the date information on the award of the Framework Agreement is communicated to bidders.