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Awarded contract

Supply of tree seedlings using tape based system

Forestry and Land Scotland

F15: Voluntary ex ante transparency notice

Notice reference: 2022/S 000-011231

Published: 29 April 2022, 4:14pm

Section I: Contracting authority/entity

I.1) Name and addresses

Forestry and Land Scotland

Great Glen House, Leachkin Road

Inverness

IV3 8NW

Email

procurement@forestryandland.gov.scot

Telephone

+44 3000676000

Country

United Kingdom

NUTS code

UKM - Scotland

Internet address(es)

Main address

<https://forestryandland.gov.scot>

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA30371

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Environment

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Supply of tree seedlings using tape based system

Reference number

FLS-0001-C

II.1.2) Main CPV code

- 03450000 - Tree-nursery products

II.1.3) Type of contract

Supplies

II.1.4) Short description

FLS have sponsored a CivTech Pre-Commercial Procurement project since 2019 to develop better nursery technology. One of the key technologies to be developed as part of that process was use of a tape based system.

Changes to the market mean that the provider of this technology is no longer able to access the intellectual property, and that a different supplier has exclusivity to use this technology.

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: £215,200

II.2) Description

II.2.2) Additional CPV code(s)

- 03450000 - Tree-nursery products

II.2.3) Place of performance

NUTS codes

- UKM62 - Inverness & Nairn and Moray, Badenoch & Strathspey

Main site or place of performance

FLS Newton Nursery

II.2.4) Description of the procurement

This contract will be for the supplier to grow 2 million young tree seedlings and to plant these at FLS' nursery at Newton.

II.2.11) Information about options

Options: No

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

Negotiated without a prior call for competition

- The works, supplies or services can be provided only by a particular economic operator for the following reason:
 - protection of exclusive rights, including intellectual property rights

Explanation:

The award of this contract without prior publication meets the test of Regulation 33(1)(b) based on the supplier has been granted exclusivity to use their background intellectual property.

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: Yes

Section V. Award of contract/concession

Contract No

FLS-0001-C

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

14 April 2022

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

Tape4Trees Ltd

Toft Tunnel Farm, Flatters

Brothertoft. Boston

PE20 3SJ

Country

United Kingdom

NUTS code

- UK - United Kingdom

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: £215,200

Section VI. Complementary information

VI.3) Additional information

(SC Ref:690783)

VI.4) Procedures for review

VI.4.1) Review body

The Inverness Justice Centre

Longman Road

Inverness

IV1 1AH

Email

inverness@scotcourts.gov.uk

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

An economic operator that suffers, or is at risk of suffering, loss or damage attributable to a breach of duty under the Public Contracts (Scotland) Regulations 2015 or the Procurement Reform (Scotland) Act 2014 , may bring proceedings in the Sheriff Court or the Court of Session.

Court of Session

Parliament House

Parliament Square

Edinburgh

EH1 1RQ

0131 225 2595

supreme.courts@scotcourts.gov.uk