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Opportunity

## **Framework Agreement for Street Lighting and Signing Maintenance Works**

Kirklees Council

City of Bradford Metropolitan District Council

City of York Council

F02: Contract notice

Notice reference: 2022/S 000-012484

Published: 13 May 2022, 1:00pm

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

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

Kirklees Council

Town Hall, Ramsden Street

Huddersfield

HD1 2TA

#### **Contact**

Andy Holt

#### **Email**

[highways.contracts@kirklees.gov.uk](mailto:highways.contracts@kirklees.gov.uk)

#### **Telephone**

+44 1484221000

**Country**

United Kingdom

**NUTS code**

UKE44 - Calderdale and Kirklees

**Internet address(es)**

Main address

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

Buyer's address

<https://uk.eu-supply.com/ctm/Company/CompanyInformation/Index/104104>

**I.1) Name and addresses**

City of Bradford Metropolitan District Council

City Hall, Channing Way

Bradford

BD1 1HY

**Contact**

Andy Holt

**Email**

[highways.contracts@kirklees.gov.uk](mailto:highways.contracts@kirklees.gov.uk)

**Telephone**

+44 1484221000

**Country**

United Kingdom

**NUTS code**

UKE41 - Bradford

**Internet address(es)**

Main address

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

**I.1) Name and addresses**

City of York Council

Hazel Court, James Street

York

YO10 3DS

**Contact**

Andy Holt

**Email**

[highways.contracts@kirklees.gov.uk](mailto:highways.contracts@kirklees.gov.uk)

**Telephone**

+44 1484221000

**Country**

United Kingdom

**NUTS code**

UKE21 - York

## **Internet address(es)**

Main address

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

## **I.2) Information about joint procurement**

The contract involves joint procurement

## **I.3) Communication**

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

<https://uk.eu-supply.com>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://uk.eu-supply.com>

## **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 Street Lighting and Signing Maintenance Works

Reference number

KMCHS-363

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

- 45316110 - Installation of road lighting equipment

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

Works

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

The Works will consist of Street Lighting and Signing Maintenance Works for the Yorkshire Highway Alliance, which will consist of the provision of labour and plant (only), and including traffic management on both highway and non-highway sites within the geographical boundary administrative areas of the Council and other Contracting Authorities of: The City of Bradford Metropolitan District Council - Lot 1, The Council of the Borough of Kirklees - Lot 3, York City Council - Lot 6 and any other "Local Authority" (as defined in the Local Government Act 1972 (SI 1972/070) within the Yorkshire and Humber Region. Details of the relevant Local Authorities who may participate under this Framework Contract are illustrated in the Geographical Map in Appendix 1 of File 05 of the Tender Documents.

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

Value excluding VAT: £2,500,000

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

This contract is divided into lots: Yes

Tenders may be submitted for all lots

The contracting authority reserves the right to award contracts combining the following lots

or groups of lots:

The contracting authority reserves the right to award contracts combining the following lots or groups of lots:

City of Bradford Metropolitan Council - Lot 1, Kirklees Council - Lot 3, City of York Council - Lot 6.

## **II.2) Description**

### **II.2.1) Title**

City of Bradford Metropolitan Council

Lot No

1

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

- 31000000 - Electrical machinery, apparatus, equipment and consumables; lighting
- 34990000 - Control, safety, signalling and light equipment
- 45316110 - Installation of road lighting equipment
- 50232100 - Street-lighting maintenance services
- 50232110 - Commissioning of public lighting installations

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

NUTS codes

- UKE41 - Bradford

Main site or place of performance

Geographical area of Bradford, West Yorkshire

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

The Works will consist of the Street Lighting and Signing Maintenance Works for the Yorkshire Highway Alliance, which will consist of the provision of labour and plant (only), and including traffic management on both highway and non-highway sites within the geographical boundary administrative areas of the Council and other Contracting Authorities of: The City of Bradford Metropolitan District Council - Lot 1, The Council of the Borough of

Kirklees - Lot 3, York City Council - Lot 6 and any other "Local Authority" (as defined in the Local Government Act 1972 (SI 1972/070) within the Yorkshire and Humber Region. Details of the relevant Local Authorities who may participate under this Framework Contract are illustrated in the Geographical Map in Appendix 1 of File 05 of the Tender Documents.

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

Price

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

Value excluding VAT: £400,000

### **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: No

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

Tenderers must price all items within each series for each Lot but please note the Contractor may price One, or More or All Lots. There will be no limitation to the number of Lots awarded to any one Contractor. Based on lowest price as per Clause 5 of Schedule 1 of the Framework Agreement published with the other procurement documentation.

## **II.2) Description**

### **II.2.1) Title**

The Council of the Borough of Kirklees

Lot No

3

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

- 31000000 - Electrical machinery, apparatus, equipment and consumables; lighting
- 34990000 - Control, safety, signalling and light equipment
- 45316110 - Installation of road lighting equipment
- 50232100 - Street-lighting maintenance services
- 50232110 - Commissioning of public lighting installations

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

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Geographical area of Kirklees, West Yorkshire

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

The Works will consist of the Street Lighting and Signing Maintenance Works for the Yorkshire Highway Alliance, which will consist of the provision of labour and plant (only), and including traffic management on both highway and non-highway sites within the geographical boundary administrative areas of the Council and other Contracting Authorities of: The City of Bradford Metropolitan District Council - Lot 1, The Council of the Borough of Kirklees - Lot 3, York City Council - Lot 6 and any other "Local Authority" (as defined in the Local Government Act 1972 (SI 1972/070) within the Yorkshire and Humber Region. Details of the relevant Local Authorities who may participate under this Framework Contract are illustrated in the Geographical Map in Appendix 1 of File 05 of the Tender Documents.

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

Price

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

Value excluding VAT: £2,000,000



## **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: No

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

Tenderers must price all items within each series for each Lot but please note the Contractor may price One, or More or All Lots. There will be no limitation to the number of Lots awarded to any one Contractor. Based on lowest price as per Clause 5 of Schedule 1 of the Framework Agreement published with the other procurement documentation.

## **II.2) Description**

### **II.2.1) Title**

City of York Council

Lot No

6

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

- 31000000 - Electrical machinery, apparatus, equipment and consumables; lighting
- 34990000 - Control, safety, signalling and light equipment
- 45316110 - Installation of road lighting equipment
- 50232100 - Street-lighting maintenance services
- 50232110 - Commissioning of public lighting installations

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

NUTS codes

- UKE21 - York

Main site or place of performance

Geographical area of York, North Yorkshire

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

The Works will consist of the Street Lighting and Signing Maintenance Works for the Yorkshire Highway Alliance, which will consist of the provision of labour and plant (only), and including traffic management on both highway and non-highway sites within the geographical boundary administrative areas of the Council and other Contracting Authorities of: The City of Bradford Metropolitan District Council - Lot 1, The Council of the Borough of Kirklees - Lot 3, York City Council - Lot 6 and any other "Local Authority" (as defined in the Local Government Act 1972 (SI 1972/070) within the Yorkshire and Humber Region. Details of the relevant Local Authorities who may participate under this Framework Contract are illustrated in the Geographical Map in Appendix 1 of File 05 of the Tender Documents.

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

Price

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

Value excluding VAT: £100,000

### **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: No

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

Tenderers must price all items within each series for each Lot but please note the Contractor may price One, or More or All Lots. There will be no limitation to the number of Lots awarded to any one Contractor. Based on lowest price as per Clause 5 of Schedule 1 of the Framework Agreement published with the other procurement documentation.

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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

List and brief description of conditions:

In accordance with (i) Article 57 and 59 to 61 of Directive 2014/24/EU and (ii) Regulations 57 to 61 of the Public Contract Regulations 2015 (SI 2015/102), and as set out in the selection questionnaire ("SQ") available from the address as set out in Section (I.1) of this notice above, the Council of the Borough of Kirklees acting as the principal contracting authority reserves the right to refuse any economic operator's application and to exclude its tender from the evaluation in any of the circumstances as follows:

(i) in the event the completed SQ, supporting information and/or any other tender submissions are incomplete, inaccurate or misleading or otherwise not submitted in accordance with the requirements set out in the SQ or any of the other Tender Documents; and/or;

(ii) for any reason specified in Regulation 57 (Exclusion Grounds) of the Public Contracts Regulations 2015(SI 2015/102), which requires or permits the principal contracting authority not to select or to treat any economic operator as an ineligible economic operator; and / or

(iii) economic operators scoring "Fail" in the SQ will not be selected for consideration of their tender submission.

Section 7 - Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015.

Answering "Yes" to question 7.1 and "No" to Question 7.2 will result in exclusion unless the economic operator:

(1) can demonstrate that you are legally exempt from the requirement to comply with the annual reporting requirements contained within section 54 of the Act; or

(2) commit to comply with such reporting requirements within 6 months of the date of your submitted questionnaire.

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

List and brief description of selection criteria

Economic operators must complete Part 3: Sections 4 of the SQ.

Responses to this Section 4 shall be primarily for information purposes only. However, all economic operators must supply one set of evidence to demonstrate financial standing as required under this Section 4. Any answers which leads the Council, acting reasonably, to conclude (considering the risk that the relevant answer suggests about the Applicant's ability to properly perform the Framework Agreement) that it would be inappropriate to select the Applicant on this occasion will result in exclusion.

Economic operators must complete Part 3: Section 5 of the SQ if they have indicated in the SQ at Question 1.2 that they are part of a wider group and their parent or holding company is prepared to guarantee the performance of their Company then the information provided in response to Questions 5.1 to 5.3 may be used in the financial assessment of the applicant.

INSURANCE.

Economic operators must complete Part 3: Section 8.4 of the SQ.

Economic operators are asked to self-certify whether they already have, or can commit to obtain, prior to the commencement date of the Framework Agreement, the levels of insurance cover indicated below:

a) Employer's (Compulsory) Liability Insurance 10 000 000 GBP (in relation to any one claim or series of claims); and

b) Public Liability Insurance 10 000 000 GBP (in relation to any one claim or series of

claims).

Minimum level(s) of standards possibly required

INSURANCE.

Failure to indicate "Yes" to Question 8.4 will result in exclusion.

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

List and brief description of selection criteria

Economic operators must complete Part 3: Section 6 of the SQ.

Economic operators must provide details of up to three (3) contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise ("VCSE") that are relevant to the principal contracting authority's requirements. VCSEs may include samples of grant-funded work. Contracts for supplies or services should have been performed during the past three (3) years. Works Contracts may be from the past five (5) years. The named contact provided should be able to provide written evidence to the principal contracting authority to confirm the accuracy of the information provided below. Consortia bids should provide relevant examples of where the consortium has delivered similar requirements; if this is not possible (e.g. the Consortium is newly formed or a Special Purpose Vehicle ("SPV") will be created for this contract) then three (3) separate examples should be provided between the principal member(s) of the proposed Consortium or SPV (three (3) examples are not required from each member). Where the economic operator is a SPV, or a Managing Agent not intending to be the main provider of the supplies or services, the information requested should be provided in respect of the main intended provider(s) or sub-contractor(s) who will deliver the contract. If the economic operator cannot provide at least one (1) example for Questions 6.1 see Question 6.3, in no more than five hundred (500) words, economic operators must provide an explanation for this e.g. is economic operator's organisation a new start-up or have you provided services in the past but not under a contract.

Minimum level(s) of standards possibly required

Section 6 - Relevant experience and contract examples:

Responses to Section 6 will be scored as follows:

Pass - The economic operator has provided either:

1. at least one example of a previous contract that meets the minimum requirements set out in Section 6, and demonstrates to the reasonable satisfaction of the principal contracting

authority that the economic operator possesses the relevant general technical expertise and professional experience to be entrusted with the principal contracting authority's contractor

OR.

2. a satisfactory reason as to why the economic operator is unable to provide any examples of previous contracts that are relevant to the principal contracting authority's requirements under this Procurement, and that meets the minimum requirements set out in Question 6.3.

However, economic operators are asked to note that:

(i) If economic operators need to use more than one example to demonstrate that they possess the relevant general technical expertise and professional experience, they may do so up to a maximum of three (3) examples.

(ii) The principal contracting authority reserves the right to confirm the accuracy of any information provided in response to Section 6 with any named customer contact(s).

(iii) Any replies from any named customer contact(s) which lead the principal contracting authority, acting reasonably, to doubt any significant representations made in the economic operator's responses to Section 6 may result in exclusion.

Fail - The economic operator:

1. has failed to provide any examples of any previous contracts in response to Section 6; and has failed to provide a satisfactory reason as to why they were unable to provide any examples;

OR.

2. the examples given in response to Section 6 do not demonstrate to the satisfaction of the principal contracting authority that the economic operator possesses the relevant general technical expertise and professional experience to be entrusted with the principal contracting authority's Contract.

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

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

The performance of the Task Orders by the economic operator during the Framework Period will be subject to review by the principal contracting authority and the other contracting authorities, carried out in accordance with the tender documents which are available to download at <https://www.yortender.eu-supply.co.uk>

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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

#### **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**

Date

15 June 2022

Local time

1:00pm

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

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

Date

15 June 2022

Local time

5:00pm

Information about authorised persons and opening procedure

Open using Electronic Tendering portal record following the date and time above and recorded by a member of the Procurement Team.

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## **Section VI. Complementary information**

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

This is a recurrent procurement: Yes

### **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**

The principal contracting authority (i.e. the Council of the Borough of Kirklees) is the only contracting authority that will enter into any framework agreement with the successful economic operators. The other contracting authorities listed in Section I.1 of this Notice above shall be permitted to use the Framework Agreement to call-off contracts in relation to the Lot relevant to each individual contracting authority. In addition, the Framework Agreement may be used by any of the other "Local Authorities" (as defined under the Local Government Act 1972 (SI 1972/070)) within the Yorkshire and Humber Region. A map and list of the other Local Authorities permitted to use the Framework Agreement can be found in Appendix 1 of File 01 of the procurement documentation (available to download at <https://www.yortender.co.uk/procontract/supplier.nsf>).

The contracting authority considers that this framework agreement may be suitable for



economic operators that are small or medium enterprises ('SMEs'). However, any selection of economic operators will be based solely on the criteria set out for the procurement, and the framework agreement will be awarded to the most economically advantageous tenders on the basis of most economically advantageous tender.

The procurement documentation can be found at: <https://vortender.eu-supply.com>

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

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

High Court of England and Wales

N/A

Country

United Kingdom

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

Precise information on deadline(s) for review procedures

In accordance with Regulation 86 (Notices of decisions to award a contract or conclude a framework), Regulation 87 (Standstill periods) and Chapter 6 (Applications to Court) of the Public Contracts Regulations 2015 (SI 2015/102), the contracting authority will incorporate a minimum ten (10) calendar day standstill period at the point that information on the award of the Contract is communicated to economic operators. This period allows any unsuccessful economic operator(s) to seek further debriefing from the contracting authority before the award of the Contract to the successful economic operators. Such additional information should be requested from the address at Sections I.1 and I.3 of this Notice above. If an appeal regarding the award of the Contract has not been successfully resolved, then the Public Contracts Regulations 2015 (SI 2015/102) provide for aggrieved parties who have been harmed or are at risk of harm by a breach of the rules to take action in the High Court (England, Wales and Northern Ireland). Any such action must be started within thirty (30) days beginning with the date when the aggrieved party first knew or sought to have grounds for starting the proceedings had arisen. The Court may extend the time limited for starting proceedings where the Court considers that there is a good reason for doing so, but not so as to permit proceedings to be started more than three (3) months after that date. Where the Contract has not been awarded, the Court may order the setting aside of the award decision or order the contracting authority to amend any document and may award damages. If however the Contract has been awarded, the Court may only award damages or, where the contract award procedures have not been followed correctly, declare the Contract to be ineffective.

