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Tender

## **DAERA AFBI Commercialisation of AFBI-bred forage grass varieties**

Agri-Food and Biosciences Institute

F24: Concession notice

Notice identifier: 2022/S 000-012561

Procurement identifier (OCID): ocds-h6vhtk-0337af

Published 16 May 2022, 8:38am

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

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

Agri-Food and Biosciences Institute

C/O Construction and Procurement Delivery, 303 Airport Road West

Belfast

BT3 9ED

#### **Contact**

Colin Best

#### **Email**

[colin.best@finance-ni.gov.uk](mailto:colin.best@finance-ni.gov.uk)

#### **Country**

United Kingdom

#### **Region code**

UKN06 - Belfast

**Internet address(es)**

Main address

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

Buyer's address

<https://www.finance-ni.gov.uk/topics/procurement>

**I.3) Communication**

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

<https://etendersni.gov.uk/epps>

Additional information can be obtained from the above-mentioned address

Applications or, where applicable, tenders must be submitted electronically via

<https://etendersni.gov.uk/epps>

**I.4) Type of the contracting authority**

Body governed by public law

**I.5) Main activity**

General public services

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

DAERA AFBI Commercialisation of AFBI-bred forage grass varieties

Reference number

ID4225815

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

- 66151000 - Financial market operational services

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

Services

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

The Agri-Food and Biosciences Institute (AFBI) is Northern Ireland's largest science and technology organisation and an internationally renowned multidisciplinary scientific organisation, based at seven locations across Northern Ireland. AFBI is a Non-Departmental Public Body (NDPB) established under the Agriculture (Northern Ireland) Order, 2004. The Institute undertakes an assigned work programme on behalf of the Department of Agriculture, Environment and Rural Affairs (DAERA) that comprises statutory, analytical, and diagnostic/surveillance testing, together with research & development (R&D) and the provision of specialist advice in the fields of agriculture, animal health and welfare, plant science, food safety and innovation, marine and fisheries, the natural environment and Agri-food and rural economics.

The AFBI grass breeding programme, based in Loughgall, Northern Ireland, produces locally-adapted ryegrass varieties for a range of forage grass markets, but primarily for the UK/ROI markets. The AFBI forage grass breeding programme is split into two programmes: the strategic programme and the commercialisation programme. The early stage strategic programme is funded by DAERA, and produces germplasm for incorporation into new synthetics. The commercialisation programme tests near-market stage synthetics prior to national list testing and subsequent commercialisation.

AFBI requires a commercialisation partner in order for AFBI-bred varieties to be tested for market performance prior to national/recommended list testing, and ultimately for seed from AFBI-bred varieties to reach target markets: NI is the priority market. In compliance with the Concession Contracts Regulations 2016, AFBI therefore intends to run a tender

exercise for commercialisation rights to all future AFBI-bred varieties for the purposes of testing, production and marketing of these varieties. AFBI will retain ownership of all IP arising from the future forage grass breeding programme. The contract arising from this tender will provide an exclusive global licence to produce, market and sell all AFBI-bred forage grass synthetics not yet sown by the current commercial partner as Pre-basic seed arising from the AFBI forage grass breeding programme from contract initiation. The Commercialisation Rights will commence on any variety when seed is sown to produce a crop of Pre-basic seed. Commercial rights to synthetics not selected by the partner shall revert to AFBI.

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

Value excluding VAT: £50,000,000

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

This concession is divided into lots: No

### **II.2) Description**

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

- 77100000 - Agricultural services

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

NUTS codes

- UKN - Northern Ireland

Main site or place of performance

As required by AFBI and the contract demands, within Northern Ireland and potentially beyond.

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

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

Concession is awarded on the basis of the criteria stated in the procurement documents

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

Value excluding VAT: £50,000,000

#### **II.2.7) Duration of the concession**

Duration in months

180

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## **Section III. Legal, economic, financial and technical information**

### **III.1) Conditions for participation**

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

Selection criteria as stated in the procurement documents

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

Selection criteria as stated in the procurement documents

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## **Section IV. Procedure**

### **IV.2) Administrative information**

#### **IV.2.2) Time limit for submission of applications or receipt of tenders**

Date

14 June 2022

Local time

3:00pm

#### **IV.2.4) Languages in which tenders or requests to participate may be submitted**

English

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## **Section VI. Complementary information**

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

This is a recurrent procurement: No

### **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**

Neither CPD nor the Agri-Food and Biosciences Institute (AFBI) can provide any guarantee as to the level of business under this contract. The commercial nature of this requirement is such that it will operate with, and will incur, no direct costs to AFBI. The estimated value stated is a nominal figure, which does not take into account the Contractor's marketing / production costs, and payments that will be made to AFBI. The figure stated must not be assumed as accurate or an indicator as to potential revenue for the Contractor.

In order to gain a competitive advantage in the assessment process, Tenderers are reminded that the commercial viability of their proposals will be evaluated and, if deemed necessary, may be subject to negotiation, prior to the awarding of any new contract for the rights to AFBI-bred ryegrasses. Tenderers are also reminded that this will be a Concessions Contract, where the consideration will be the Contractor's right to financially exploit the subject matter of the contract. The Contractor will be exposed to an operational financial risk, involving the possibility of not recouping investments, and with no guarantees of breaking even or making profits.

Contract monitoring: the successful contractor's performance on the contract will be regularly monitored. Contractors not delivering on contract requirements is a serious matter. It means the public purse is not getting what it is paying for. If a contractor fails to reach satisfactory levels of contract performance they will be given a specified time to improve. If, after the specified time, they still fail to reach satisfactory levels of contract performance, the matter will be escalated to senior management in CPD for further action. If this occurs and their performance still does

not improve to satisfactory levels within the specified period, it may be regarded as an act of grave professional misconduct and they may be issued with a notice of written warning

and notice of unsatisfactory performance and this contract may be terminated. The issue of a notice of written warning and notice of unsatisfactory performance will result in the contractor being excluded from all procurement competitions being undertaken by Centres of Procurement Expertise on behalf of bodies covered by the Northern Ireland Procurement Policy for a period of up to 12 months from the date of issue of the notice. The authority. expressly reserves the rights:

(i) not to award any contract as a result of the procurement process commenced by publication of this notice;

(ii) to make whatever changes it may see fit to the content and structure of the tendering competition;

(iii) to award (a) contract(s) in respect of any part(s) of the services covered by this notice; and

(iv) to award contract(s) in stages.

And under no circumstances will the authority be liable for any costs incurred by candidates.

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

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

The UK does not have any such bodies with responsibility for appeal/mediation procedures.

N/A

Country

United Kingdom

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

Precise information on deadline(s) for review procedures

CPD will comply with the Concessions Contracts Regulations 2016 and, where appropriate, will incorporate a standstill period (i.e. a minimum of 10 calendar days) at the point information on the award of the contract is communicated to tenderers. That notification will provide full information on the award decision. This provides time for unsuccessful tenderers to challenge the award decision before the contract is entered into.

