

This is a published notice on the Find a Tender service: <https://www.find-tender.service.gov.uk/Notice/014184-2024>

Tender

## **250\_24 Road Repair Materials**

ESPO

F02: Contract notice

Notice identifier: 2024/S 000-014184

Procurement identifier (OCID): ocds-h6vhtk-0433da

Published 2 May 2024, 11:47am

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

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

ESPO

Barnsdale Way, Grove Park, Enderby

LEICESTER

LE19 1ES

#### **Contact**

Food, Communities and Technology Procurement Team

#### **Email**

[tenders@espo.org](mailto:tenders@espo.org)

#### **Country**

United Kingdom

#### **Region code**

UKF22 - Leicestershire CC and Rutland

**Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

<https://www.espo.org/>

**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

<https://www.eastmidstenders.org/>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.eastmidstenders.org/>

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

Regional or local authority

**I.5) Main activity**

Other activity

Local Authority Services

---

## **Section II: Object**

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

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

250\_24 Road Repair Materials

Reference number

250\_24

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

- 44113700 - Road-repair materials

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

Supplies

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

ESPO intends to establish a national framework for the supply and delivery of Road Repair Materials, including Bitumen Emulsions, Propriety Emulsion Products, Polymer Modified Binder & Emulsion, Rapid Set Products and Joint Sealant Products.

To tender:

(a) Go to <https://www.eastmidstenders.org/>; (b) Register (if not already registered on ProContract); (c) Search for tender opportunity '250\_24' (via "View Opportunities" from the 'EastMidsTenders' Portal); (d) Express an interest (if not already completed via the previously Published PIN); (e) Download the tender documents (from the ProContract Activity summary screen, once an Expression of interest has been completed).

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

Value excluding VAT: £10,000,000

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

This contract is divided into lots: Yes

Tenders may be submitted for all lots

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

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

Lot 1 - Emulsion Products

Lot No

1

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

- 44113610 - Bitumen
- 44113800 - Road-surfacing materials
- 44113810 - Surface dressing
- 44113900 - Road-maintenance materials

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

NUTS codes

- UK - United Kingdom

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

This lot is for emulsion products which includes but is not limited to tack coat emulsion, cold applied surface dressing emulsion, hot applied surface dressing emulsion, slow set slurry sealing emulsion, polymer modified bitumen emulsion, Cold joint paint, blown bitumen, 40/60 pen bitumen, K3 stabilizer and Spray injection patching emulsion.

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

Price is not the only award criterion and all criteria are stated only in the procurement documents

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

Value excluding VAT: £2,000,000

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

Start date

1 August 2024

End date

31 July 2026

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: Yes

Description of options

The framework agreement has the option to extend for up to a further 24 months. The total estimated value stated in Section II.1.5 includes the option period.

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

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

Lot 2 - Packed Highway Products

Lot No

2

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

- 19522000 - Resins
- 24327400 - Resin products
- 35322400 - Mortars
- 43413000 - Concrete or mortar mixers
- 44113610 - Bitumen

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

NUTS codes

- UK - United Kingdom

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

This lot is for Rapid Set Products which includes but is not limited to: mortar, bedding mortar, polyester resin mortar, epoxy resin mortar, rapid set concrete, rapid set flowable fibre modified concrete, rapid hardening post fix 2-part concrete, rapid hardening single part concrete, temporary cold-lay instant road repair material, permanent pothole repair material and soil stabiliser.

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

Price is not the only award criterion and all criteria are stated only in the procurement documents

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

Value excluding VAT: £4,000,000

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

Start date

1 August 2024

End date

31 July 2026

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: Yes

Description of options

The framework agreement has the option to extend for up to a further 24 months. The total estimated value stated in Section II.1.5 includes the option period.

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

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

Lot 3 - Joint Sealant Products

Lot No

3

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

- 39812500 - Sealants
- 44113610 - Bitumen
- 44113900 - Road-maintenance materials

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

NUTS codes

- UK - United Kingdom

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

This lot is for Joint Sealant Products which includes but is not limited to: hot applied bitumen overbanding, hot applied bitumen crack sealant, hot applied bitumen joint sealant, Rubber joint sealant for horizontal joints and cracks and cold applied thixotropic bitumen emulsion for application to vertical surfaces.

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

Price is not the only award criterion and all criteria are stated only in the procurement documents

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

Value excluding VAT: £1,500,000

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

Start date

1 August 2024

End date

31 July 2026

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: Yes

Description of options

The framework agreement has the option to extend for up to a further 24 months. The total estimated value stated in Section II.1.5 includes the option period.

## **II.2) Description**

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

Lot 4 - Other Bituminous Based Products

Lot No

4

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

- 14213000 - Macadam, tarmac and tar sands
- 24959100 - Aerosols
- 39812500 - Sealants
- 44113610 - Bitumen
- 44113900 - Road-maintenance materials

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

NUTS codes

- UK - United Kingdom

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



This lot is for Other Bituminous Based Products which includes but is not limited to: joint and edge sealant spray, Bitumen cold joint sealer & tack coat spray and deferred set bitumen macadam.

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

Price is not the only award criterion and all criteria are stated only in the procurement documents

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

Value excluding VAT: £2,500,000

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

Start date

1 August 2024

End date

31 July 2026

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: Yes

Description of options

The framework agreement has the option to extend for up to a further 24 months. The total estimated value stated in Section II.1.5 includes the option period.

---

## **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

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

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

As part of the on-going contract management process, throughout the period of the Framework Agreement, ESPO shall monitor the financial stability of the awarded Supplier by reference to credit rating agency reports. ESPO shall obtain a credit score for the Supplier on or before the Framework start date as a base score and where a significant change in the credit score is identified over the life of the Framework Agreement, ESPO reserves the right to investigate the reasons for this significant change. Depending on the severity of the changes, it will be at the sole discretion of ESPO to suspend or even permanently remove the Supplier from the Framework.

---

## **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.2.1) Previous publication concerning this procedure**

Notice number: [2024/S 000-002290](#)

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

Date

4 June 2024

Local time

12:00pm

### **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

4 June 2024

Local time

12:01pm

---

## **Section VI. Complementary information**

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

This is a recurrent procurement: No

### **VI.3) Additional information**

As a Central Purchasing Body as defined in the Public Contracts Regulations 2015, the Framework Agreement is open for use by Public Bodies (defined at <https://www.espo.org/amfile/file/download/file/9608/>) that also fall into one of the following classifications of user throughout all administrative regions of the UK: Local Authorities; Educational Establishments (including Academies); Central Government Departments and Agencies; Police, Fire & Rescue and Coastguard Emergency Services; NHS and HSC Bodies, including Ambulance Services; Registered Charities; Registered Social Landlords; The Corporate Office of the House of Lords, The Corporate Officer of the House of Commons; or any public body established by or under the Scotland Act 1998 or any Act of the Scottish Parliament. Details of the classification of end user establishments and geographical areas are available at: <https://www.espo.org/legal>.

ESPO has established a commercial trading company, ESPO Trading Limited, whose target clients are third sector organisations such as national and local charities, public sector mutual organisations and other organisations involved in the delivery of services to or for the public sector. The successful Supplier may be asked to enter into an additional separate framework agreement (the Second Framework) with ESPO Trading Limited on materially similar terms to that found in the tender pack to be entered into by ESPO itself.

Any Second Framework agreement will be a purely commercial agreement and will, for the avoidance of doubt, not be governed by the Public Contract Regulations 2015 or other public procurement legislation. ESPO Trading Limited may enter into the second framework agreement with the successful supplier and make it available to third sector clients who themselves are not required to follow the Public Contracts Regulations 2015 or other public procurement legislation. Accordingly, this is provided for bidders information only.

An eAuction process may be used to award subsequent call off contracts following the reopening of competition among the parties to the Framework Agreement.

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

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

The Royal Court of Justice

The Strand

LONDON

WC2A 2LL

Country

United Kingdom

Internet address

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

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

Precise information on deadline(s) for review procedures

ESPO will incorporate a minimum 10 calendar day standstill period at the point information on the award of the contract is communicated to tenderers. Applicants who are unsuccessful shall be informed by ESPO as soon as possible after the decision has been made as to the reasons why the applicant was unsuccessful. If an appeal regarding the award of the contract has not been successfully resolved, The Public Contracts Regulations 2015 (SI 2105 No. 102) provide for aggrieved parties who have been harmed or are at risk of harm by breach of the rules to take legal action. Any such action must be brought within the applicable limitation period. Where a contract has not been entered into, the Court may order the setting aside of the award decision or order for any document to be amended and may award damages, make a declaration of ineffectiveness, order for a fine to be paid, and/or order the duration of the contract be shortened. The purpose of the standstill period referred to above is to allow the parties to apply to the Courts to set aside the award decision before the contract is entered into.