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Contract

## **Provision of Planned and Responsive Maintenance and Minor Works - Ballymena M&E Lot 1**

Education Authority NI

F20: Modification notice

Notice identifier: 2022/S 000-017360

Procurement identifier (OCID): ocds-h6vhtk-032e3b

Published 24 June 2022, 2:21pm

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

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

Education Authority NI

40 Academy Street

Belfast

BT1 2NQ

#### **Email**

[facilities.procure@eani.org.uk](mailto:facilities.procure@eani.org.uk)

#### **Country**

United Kingdom

#### **NUTS code**

UK - United Kingdom

#### **Internet address(es)**

Main address

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

Buyer's address

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

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## **Section II: Object**

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

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

Provision of Planned and Responsive Maintenance and Minor Works - Ballymena M&E Lot 1

Reference number

Ballymena M&E Lot 1

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

- 45210000 - Building construction work

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

Works

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

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

NUTS codes

- UKN - Northern Ireland

#### **II.2.4) Description of the procurement at the time of conclusion of the contract:**

Provision of planned and responsive maintenance works for EANI across its property portfolio in the old North Eastern Education and Library Board area, Contract Lot 1 which includes but is not limited to controlled and uncontrolled schools

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

Start date

25 June 2022

End date

30 September 2023

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

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

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## **Section IV. Procedure**

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

#### **IV.2.1) Contract award notice concerning this contract**

Notice number: [2022/S 000-010143](#)

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## **Section V. Award of contract/concession**

### **Contract No**

Ballymena M&E Lot 1

### **Title**

Provision of Planned and Responsive Maintenance and Minor Works - Ballymena M&E Lot 1

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract/concession award decision:**

12 April 2022

#### **V.2.2) Information about tenders**

The contract/concession has been awarded to a group of economic operators: No

**V.2.3) Name and address of the contractor/concessionaire**

LM Services NI Ltd

Belfast

Email

[info@lmservicesni.com](mailto:info@lmservicesni.com)

Country

United Kingdom

NUTS code

- UKN - Northern Ireland

Internet address

<http://lmservicesni.com/>

The contractor/concessionaire is an SME

Yes

**V.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)**

Total value of the procurement: £4,000,000

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## **Section VI. Complementary information**

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

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

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

Ballymena

Country

United Kingdom

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## **Section VII: Modifications to the contract/concession**

### **VII.1) Description of the procurement after the modifications**

#### **VII.1.1) Main CPV code**

- 45210000 - Building construction work

#### **VII.1.3) Place of performance**

NUTS code

- UKN - Northern Ireland

#### **VII.1.4) Description of the procurement:**

The award of a contract by Education Authority Northern Ireland (EANI) without prior

publication of a call for competition in the Official Journal of the European Union, in respect

of the continued provision of Contract Lot 1: Term Service Contracts for Mechanical and

Electrical Maintenance Works in the old North Eastern Education and Library Board area

(Area 1), Contract Lot 1 as further described in OJEU Contract Notice and as outlined in the

previous VEAT issued on 15 April 2022.

### **VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession**

Start date

25 June 2022

End date

30 September 2023

### **VII.1.6) Information on value of the contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession:

£4,000,000

### **VII.1.7) Name and address of the contractor/concessionaire**

LM Services NI Ltd

Belfast

Email

[info@lmservicesni.com](mailto:info@lmservicesni.com)

Country

United Kingdom

NUTS code

- UKN - Northern Ireland

Internet address

<http://lmservicesni.com/>

The contractor/concessionaire is an SME

Yes

## **VII.2) Information about modifications**

### **VII.2.1) Description of the modifications**

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

An extension to 31 May 2023 with the further option for EANI, in its absolute discretion, to extend for four months to 30 September 2023.

The total value of the extension is £4,000,000 GBP.

Further information in VII.2.2 below.

### **VII.2.2) Reasons for modification**

Need for modification brought about by circumstances which a diligent contracting authority/entity could not foresee.

Description of the circumstances which rendered the modification necessary and explanation of the unforeseen nature of these circumstances:

Regulation 72(1)(c) permits this extension due to unforeseen circumstances which a diligent

contracting authority could not have foreseen, overall nature of contract is not altered and

Modification value is GBP 4 000 000 which does not exceed 50 % of original contract value.

This contingency includes sums to permit work in other Lots (as per the contract and

Regulation 72 (1) (a)). To secure continuity, Task Orders issued on/after 1 July 2021 as per

VEAT (2021/S 105-278055) are adjusted for inflation, calculated with the BCIS Measured

Term Contract Updating Percentages. Inflation from mid-point of original contract to 31

March 2021 is: PSA SOR ELEC11 Rate A, Rate B/D/E, Rate C 12.6 pct, 14.1 pct and 13.9 pct

respectively, applies to Sections 1, 2, 3, 4 and 5 of Price List; Rate B/D/E applies to Section

3; PSA SOR MECH11 Rate A, Rate B/D/E, Rate C 20.7 pct, 12.2 pct and 13.9 pct

respectively,

applies to Sections 1, 2 and 3; Rate B/D/E applies to Section 3; PSA SOR BCE09 14.3 pct

applies to Section 4 Item OT010.370 to 460. Inflation after 1 April 2021 is changed in BCIS

MTC Updating Percentages from 31 March 2021 indices based on TO issue date/latest published index. For travel expenses for Response Task Orders issued outside of the Lot received on or after 1 June 2022, an additional amount for travel has been included. It is the

EA's intention, upon receipt of the compelling evidence, to consider the review of certain prices in the price lists for specific elements of which the impact of inflation is higher than what could have reasonably and diligently anticipated. This includes: Aluminium window systems and associated items comprising glazing, flashings and insulated panels, Aluminium

curtain walling and associated items comprising glazing, flashings and insulated panels, Aluminium doors and associated items comprising sidelights and fanlights, Coated macadam

roads and pavings and associated items comprising regulating courses, Asphalt roads and

pavings and associated items comprising chippings, Proprietary coloured safety sports surfacings (wet-pour) and associated items comprising logos, patterns, graphics. Metal fencing comprising chain link, anti-intruder chain link, steel palisade security, roll-top, rigid mesh panel, steel ball-stop and rotating barrier, and associated items comprising straining posts and single and double gates (excluding work to old fencing) copper cabling comprising

HV/LV cables, standard power cables 600/1000V, armoured and armoured: fire resistant,

sizes exceeding 500mm<sup>2</sup> one core, 185mm<sup>2</sup> two core, 120mm<sup>2</sup> three core and 95mm<sup>2</sup> four

core (Rate A only) Copper cabling comprising HV/LV cables: standard power cables 1900/3300V, armoured, sizes exceeding 150mm<sup>2</sup> one core and 120mm<sup>2</sup> two core (Rate A only).

Regulation 72(1)(b) further permits this extension as a change of provider:

(i) cannot be made for economic and technical reasons as requirements of interchangeability

or interoperability of services procured under the original procurement and given the need to

ensure continued access to EANI schools and facilities and could result in partial/total closure of schools; and

(ii) will cause significant inconvenience and duplication of costs.

EANI envisages new contract award by 30/09/23.

### **VII.2.3) Increase in price**

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptations and average inflation)

Value excluding VAT: £18,750,000

Total contract value after the modifications

Value excluding VAT: £22,750,000