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Contract

**** Contract Award Notice** Contract for Stray Dog Services**

Southend-on-Sea City Council

F03: Contract award notice

Notice identifier: 2024/S 000-017601

Procurement identifier (OCID): ocids-h6vhtk-046dfe

Published 6 June 2024, 1:15pm

Section I: Contracting authority

I.1) Name and addresses

Southend-on-Sea City Council

Civic Centre

SOUTHEND-ON-SEA

SS26ER

Contact

Procurement Advisors

Email

procurementadvisors@southend.gov.uk

Telephone

+44 1702215000

Country

United Kingdom

Region code

UKH31 - Southend-on-Sea

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

<https://procurement.southend.gov.uk/southend/portal.nsf/index.htm>

Buyer's address

<https://procurement.southend.gov.uk/southend/portal.nsf/index.htm>

I.4) Type of the contracting authority

Regional or local authority

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

**** Contract Award Notice**** Contract for Stray Dog Services

II.1.2) Main CPV code

- 98380000 - Dog kennel services

II.1.3) Type of contract

Services

II.1.4) Short description

Southend-on-Sea City Council have appointed a Contractor to provision the Council's Stray Dog Service (the Service). The Service includes, but will not be limited to, the collection of stray dogs from within Council areas, providing of kennelling, reuniting dogs with their owners, collection of fees from reclaiming owners (on behalf of the Council) and the rehoming of dogs.

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: £320,000

II.2) Description

II.2.2) Additional CPV code(s)

- 98380000 - Dog kennel services

II.2.3) Place of performance

NUTS codes

- UKH31 - Southend-on-Sea

II.2.4) Description of the procurement

Southend-on-Sea City Council have appointed a Contractor to provision the Council's Stray Dog Service (the Service). The Service includes, but will not be limited to, the collection of stray dogs from within Council areas, providing of kennelling, reuniting dogs with their owners, collection of fees from reclaiming owners (on behalf of the Council) and the rehoming of dogs.

This was carried out using the negotiated procedure without prior publication.

II.2.5) Award criteria

Price

II.2.11) Information about options

Options: No

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Award of a contract without prior publication of a call for competition in the cases listed below

- The services can be provided only by a particular economic operator for the following reason:
 - absence of competition for technical reasons

Explanation:

The market in this instance has one viable operational contender. This is Acres Way, they are the incumbent provider and have been for many years. We had hoped a 2nd organisation may have thrown their hat into the ring during the recent procurement process (Issued 07/08/2023 (DN677292)). However, this did not happen. The only organisation who expressed an interest in the procurement process was the incumbent.

The costs per annum which were recorded in the related approvals for DN677292 were estimated at £30K.

Unfortunately, the pricing returned as part of DN677292 was substantially higher than was expected. The Tenderer's commercial response for the running of the service, per annum, was estimated to total between £60K to £64K. This considerably higher annual figure, changed the level of advertising and admin required for a compliant procurement process. Specifically, the higher annual cost was in excess of the Find a Tender (FTS) Threshold.

As a result, DN677292 was withdrawn.

A PIN (Publication reference: 2023/S 000-036549) and the equivalent notice on Contracts Finder (CF) were issued confirming the running of a market engagement. The market engagement notices confirmed to the market the withdrawal of DN677292 and the reason why.

Crucially, the market engagement notices also estimated the revised contract value for any procurement process going forward as £300K+. This was confirmed in the accompanying documents, but clearly stated in the notices as well, to ensure the market were fully informed as to the situation.

The market was advised in both notices (FTS and CF) of the importance of registering an interest in the market engagement. In particular "...the information received in response to this notice will be key in assisting the Council to evaluate its options in regard this future procurement process, and the procedure to be used."

The notices also confirmed, "Significant information relating to the nature and requirements of the withdrawn procurement process, and the required Service, are available via the Council's electronic tendering facility (ETF)." This included the Specification, Technical Questionnaire and Commercial Questionnaire from the withdrawn procurement.

The means by which an interested party could take part in the market engagement was as simple as confirming the address of their website.

Despite all of this we received no interest from the market.

This supports the market intelligence which has been the cornerstone of our work on the Stray Dogs Services contract for many years. Namely, due to technical or geographical reasons, there are no other parties, other than the incumbent, who are able to undertake a contract such as ours in the area. This was further supported by the incumbent being the only company to register an interest in DN677292.

Due to the openness and transparency in ensuring the market are fully informed and enabled, but still only receiving interest from one organisation, in response to 3 different notices, the most efficient and effective compliant means of procurement was determined to be justifiably evidenced as the use of Regulation 32 (Use of the negotiated procedure without prior publication).

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

The procurement is covered by the Government Procurement Agreement: No

Section V. Award of contract

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

24 April 2024

V.2.2) Information about tenders

Number of tenders received: 1

Number of tenders received from SMEs: 1

Number of tenders received by electronic means: 1

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

V.2.3) Name and address of the contractor

Acres Way Dog Pound Ltd

Thundersley

Country

United Kingdom

NUTS code

- UKH3 - Essex

Companies House

6587738

The contractor is an SME

Yes

V.2.4) Information on value of contract/lot (excluding VAT)

Initial estimated total value of the contract/lot: £320,000

Total value of the contract/lot: £320,000

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

The High Court

London

Country

United Kingdom