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Contract

## **Provision of Planned and Responsive Maintenance and Minor Works - Belfast Building Lot 2**

the Education Authority

F20: Modification notice

Notice identifier: 2024/S 000-018814

Procurement identifier (OCID): ocds-h6vhtk-04520a

Published 18 June 2024, 4:57pm

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

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

the Education Authority

40 Academy Street

Belfast

BT1 2NQ

#### **Email**

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

#### **Country**

United Kingdom

#### **Region code**

UKN - Northern Ireland

#### **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 - Belfast Building Lot 2

Reference number

Belfast Building Lot 2

#### **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 Building Maintenance and Minor Works to be carried

out in schools and associated facilities located in the Education Authority (Belfast Region)

Area Lot 2.

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

Start date

19 June 2024

End date

31 August 2025

## **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: [2024/S 000-012065](#)

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

### **Contract No**

2024/S 000-012065

### **Title**

Provision of Planned and Responsive Maintenance and Minor Works - Belfast Building Lot 2

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

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

12 April 2024

#### **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**

Maurice Flynn and Sons Ltd

Belfast

Email

[business@mauriceflynn.com](mailto:business@mauriceflynn.com)

Country

United Kingdom

NUTS code

- UKN - Northern Ireland

Internet address

<https://www.mauriceflynn.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: £10,000,000

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## Section VI. Complementary information

### VI.3) Additional information

It has become necessary for EANI to further increase the value and extend the period of this contract to 31 August 2025. EANI published VEAT Notice 2024/S 000-004315 on 8 February 2024 detailing their intention to extend to the value and time of the Contract. This was required as additional expenditure has been incurred due to an unforeseen additional budget release by which the consequent additional funding facilitated the performance of additional works and the unforeseen demand particularly in respect of response works and for works to accommodate children with Special Education Needs. These factors, combined with the continued effect of inflation which were not anticipated at the time of the original Contract Notice or subsequent VEAT Notices, has precipitated a more rapid consumption of the value of the contract stated in the previous VEAT Notice. . This extension of the contract is also required due to delays in the ongoing procurement process, which has had the ramification of consequent delays on the next phases of the procurement, which could not have been reasonably foreseen and which has resulted in the requirement to increase the value and period of this contract. . In addition to extending the value and time of the Contract, EANI issued a further VEAT Notice 2024/S 000-012065 dated 12 April 2024 outlining their intention, upon receipt of 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. The overall nature of contract is not altered. The relevant percentage indices to be applied in respect of each exceptional item are set out in the previously published VEAT Notice 2024/S 000-012065. . In applying for a price uplift in respect of these Exceptional items, the Contractor will have the choice to either claim the rates in the Price List applying the appropriate indexation percentage or claim under the Defined Costs. If the price of an Exceptional Item has been previously agreed, the Contractor may continue to claim at this rate. The Contractor is not required to produce evidence if they do not wish to avail of the Defined Costs. . Regulation 72(1)(c) permits the above modifications, including the change to the uplift mechanism for exceptional items, the increase in value of the Contract and the extension of the Contract, due to unforeseen circumstances which a diligent contracting authority could not have foreseen. In addition the overall nature of the contract is not altered and Modification value is GBP 10 000 000 which does not exceed 50 % of the original contract value. This contingency includes sums to permit work in other Lots (as per the contract and Regulation 72 (1)(a)). . The uplift to the contract value also being sought as a precautionary measure to ensure continued service delivery of the SEN placement programme and in particular the potential of further ongoing response maintenance works as may be required before the contract expiry. . In order to provide continued access to schools and the scale, complexity and nature of the construction works and possible duplication of costs it is not possible to change the current provider. Regulation 72(1)(b) further permits this 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 no later than 31/08/25 and the contract extension shall permit the contracting authority to terminate the contract before this date upon the provision of three months' notice.

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

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

The UK does not have any special review body with responsibility for appeal/mediation procedures in public procurement competitions

Belfast

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 a Term Service Contract for Building Maintenance and Minor Works (Belfast Region) Lot 2 as further described in OJEU Contract Notice and as outlined

in the previous VEAT issued on 28 May 2021, 15 April 2022, 13 December 2022, 7 September 2023, 27 October 2023, 8 February 2024 and 12 April 2024.

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

Start date

19 June 2024

End date

31 August 2025

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

Total value of the contract/lot/concession:

£10,000,000

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

Maurice Flynn and Sons Ltd

Belfast

Email

[business@mauriceflynn.com](mailto:business@mauriceflynn.com)

Country

United Kingdom

NUTS code

- UKN - Northern Ireland

Internet address

<https://www.mauriceflynn.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):

The previous VEAT 2024/S 000-004315 issued on 8 February 2024 extended this contract until 31 August 2025 with an option for the EANI to terminate, at its sole discretion, the contract by providing the contractor with written notice of its intention to terminate the contract. The VEAT also detailed an increase to the value of the contract of 10,000,000.00 GBP which does not exceed 50 % of the original contract value.

This Notice concerns the above modifications along with the previous VEAT Notice 2024/S 000-012065 issued on 12 April 2024 detailing EANI's intention, upon receipt of 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.

The overall nature of contract is not altered.

The total value of the extension is 10,000,000.00GBP.

Further information in VI.3 Additional Information section

### **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:

See information in VI.3 Additional Information section

### **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: £46,150,000

Total contract value after the modifications

Value excluding VAT: £56,150,000

