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Award

## **DoJ FSNI Purchase of Helium BIPS for Instrumental Analysis**

DoJ Forensic Science Northern Ireland

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-021564

Procurement identifier (OCID): ocds-h6vhtk-02dbab

Published 1 September 2021, 10:12am

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

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

DoJ Forensic Science Northern Ireland

c/o Construction & Procurement Delivery, Clare House, 303 Airport Road West

Belfast

BT3 9ED

#### **Email**

[justice.cpd@finance-ni.gov.uk](mailto:justice.cpd@finance-ni.gov.uk)

#### **Country**

United Kingdom

#### **NUTS code**

UKN0 - Northern Ireland

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

Main address

<https://www.justice-ni.gov.uk/topics/forensic-science/forensic-science-northern-ireland>

Buyer's address

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

#### **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**

DoJ FSNI Purchase of Helium BIPS for Instrumental Analysis

Reference number

DOJDAC 18/21

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

- 44612100 - Gas cylinders
  - LA21 - For laboratory use

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

Supplies

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

FSNI are establishing a Direct Award Contract for the supply of cylinders of helium gas with a Built In Purification System (BIPS).

#### **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: £170,000

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

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

- 24111300 - Helium

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

NUTS codes

- UKN0 - Northern Ireland

Main site or place of performance

Forensic Science Northern Ireland, Seapark, Carrickfergus, County Antrim

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

FSNI are establishing a Direct Award Contract for the supply of cylinders of helium gas with a Built In Purification System (BIPS)

The instrumentation set up in a number of labs across FSNI demands high purity helium in order to avoid unnecessary maintenance, repair and down time. The instrumentation in question is highly sensitive and can be easily damaged by small impurities being allowed to enter these systems, potentially resulting in loss of results, days of down time for additional maintenance and in some cases expensive repair costs and engineer visits. The instrumentation which requires this high purity helium is used across FSNI and is used in case work. It is imperative that the purity of the gas does not compromise case work results. The issue of constant purity can be eliminated using cylinders that incorporate a Built In Purification System (BIPS Cylinders).

The complex analytical instrumentation used across FSNI has a direct impact on casework turnaround times, target dates and SLAs with FSNI's customers. The availability of this instrumentation is business critical for priority 1 or urgent casework and unnecessary down time could not be tolerated by the organisation.

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

Price

#### **II.2.11) Information about options**

Options: No

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## **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 procurement falls outside the scope of application of the regulations

Explanation:

FSNI first tested the market for Helium with BIPS in 2013 when they tendered for the Supply & Delivery of Gases, this product had to be removed from the tender specification as only one supplier was permitted to supply Helium BIPS. Horizon scanning has continued since then to understand whether there may be an alternative in provision that could provide the same level of purity required and recent market sounding has confirmed that there remains no alternative to the patented product offered by the designated supplier

BIPS cylinders are exclusive to the designated supplier, who developed and own the Built In Purification System. They have this system patented, therefore no other supplier can offer the same or similar products.

All public procurements should comply with NI Public Procurement Policy (NIPPP) and Managing Public Money NI.

The value of this Direct Award Contract (DAC) at £170,000 is above the EU threshold and therefore the Public Contracts Regulations 2015 (as amended) apply. There are derogations under the regulations to award a contract to a single supplier where the supplies or services can only be supplied by a particular supplier for any of the following reasons:-

Where competition is absent for technical reasons (regulation 32(2)(b)(ii); or

i) For reasons connected with the protection of exclusive rights, including intellectual property rights (regulation 32(2)(b)(iii))

but only where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.

In this case as the BIPS system is patented and is further essential to provide the critical quality and purity of gases required for FSNI instrumentation.

In applying the regulation 32 derogation, CPD, on behalf of FSNI, are publishing this voluntary transparency notice in the Find a Tender Service (FTS) Official Journal (the UK's EU Journal equivalent). This notice is being published 10 days before the intended contract award date. FSNI will not enter into or sign any contract document ahead of the issue of the agreed CPD award letter.

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

The procurement is covered by the Government Procurement Agreement: Yes

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

### **Title**

DoJ FSNI Purchase of Helium BIPS for Instrumental Analysis

A contract/lot is awarded: Yes

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

#### **V.2.1) Date of conclusion of the contract**

1 September 2021

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

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

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

Information withheld for security reasons

Information withheld for security reasons

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

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

Total value of the contract/lot/concession: £170,000

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## Section VI. Complementary information

### VI.3) Additional information

Please note that information relating to contractors engaged by the Northern Ireland Department of Justice, and associated bodies, is not published in any publicly accessible forum or publication. This is to protect such contractors, whose security and safety could be threatened by dissident terrorist organisations still active in Northern Ireland if their details

became known. This is consistent with Regulation 50(6)(a).

The estimated contract value is a broad estimate only and includes additional quantum for unforeseen demand and to future

proof. There is no guarantee of any level of business under this contract. The estimate is not deemed to be a condition of contract nor a guarantee of minimum demand or uptake. No

compensation will be payable to a contractor should the actual demand be less than that stated.

The successful contractor's performance on this contract will be managed as per specification and regularly monitored (see Procurement Guidance Note 01/12 Contract Management: <https://www.finance-ni.Gov.uk/sites/default/files/publications/dfp/PGN-010>

12-Contract-Management-Principles-Procedures-25-Sept-2017.PDF). 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 Construction and Procurement Delivery 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 3 years from the date of issue of the notice.

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

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

See VI.4.3 / Review procedure

See VI.4.3 / Review procedure

Country

United Kingdom

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

Precise information on deadline(s) for review procedures

The UK does not have any special review body with responsibility for appeal/mediation procedures in public procurement competitions. Instead, any challenges are dealt with by the High Court, Commercial Division, to which proceedings may be issued regarding alleged breaches of the Public Contracts Regulations 2015.