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Tender

Kirklees Cultural Heart Venue Operator Procurement

Kirklees Council

F02: Contract notice

Notice identifier: 2022/S 000-022491

Procurement identifier (OCID): ocds-h6vhtk-035e88

Published 15 August 2022, 4:50pm

The closing date and time has been changed to:

31 October 2022, 12:00pm

See the [change notice](#).

Section I: Contracting authority

I.1) Name and addresses

Kirklees Council

Town Hall

HUDDERSFIELD

HD1 2HQ

Contact

Jane Lockwood

Email

procurement@kirklees.gov.uk

Telephone

+44 1484221000

Country

United Kingdom

Region code

UKE44 - Calderdale and Kirklees

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

www.kirklees.gov.uk

Buyer's address

<https://yortender.eu-supply.com>

I.3) Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at

<https://yortender.eu-supply.com>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://yortender.eu-supply.com>

Tenders or requests to participate must be submitted to the above-mentioned address

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

Kirklees Cultural Heart Venue Operator Procurement

Reference number

KMCFM-020

II.1.2) Main CPV code

- 79993100 - Facilities management services

II.1.3) Type of contract

Services

II.1.4) Short description

The Council is seeking to procure, through a competitive dialogue process, an experienced and qualified commercial operator to manage a new venue being developed by the Council as part of its Huddersfield Cultural Heart programme.

The Cultural Heart programme is a key Council-led regeneration scheme in Huddersfield Town Centre. This is part of a wider blueprint for Huddersfield Town Centre to create:

- A vibrant culture, art, leisure and nightlife offer;
- thriving businesses;
- a great place to live; and
- improved access and enhanced public spaces.

II.1.5) Estimated total value

Value excluding VAT: £62,500,000

II.1.6) Information about lots

This contract is divided into lots: No

II.2) Description

II.2.2) Additional CPV code(s)

- 39222000 - Catering supplies
- 50000000 - Repair and maintenance services
- 55120000 - Hotel meeting and conference services
- 55410000 - Bar management services
- 55520000 - Catering services
- 70332200 - Commercial property management services
- 79950000 - Exhibition, fair and congress organisation services
- 92300000 - Entertainment services

II.2.3) Place of performance

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Kirklees

II.2.4) Description of the procurement

The Council's initial preferred deal structure is a long-term lease arrangement though other operating models will be considered as part of the competitive dialogue process. This is an exciting opportunity for an organisation to partner with the Council.

Through this procurement, the Council is seeking to:

- Procure a long-term operating partner for the new venue (c.25 years, though term to be confirmed through the procurement process) to:
 - o to contribute to the venue fit-out and then the long-term operation of the facility
 - o enter into a Fully Repairing and Insuring (FRI) lease basis (this is the initial intention

though the Council will consider alternatives as part of the procurement process); and

- o potentially programme the outdoor event space.

At this stage, the above list of services is indicative only and contains the broad categorisation of services rather than particulars. Bidders should assume that the services actually required will broadly be within the scope of services listed above but will also include extensions to related or ancillary services within each categorisation. The actual scope of services required may also be narrower than that set out above.

Similarly, while the initial estimated term of the arrangement is expected to be 25 years, the actual period will be confirmed during the procurement process.

The procurement is intended to cover the scope of the arrangement as set out in this notice and the accompanying procurement documents.

Please also note that the estimated contract value is based on the venue turnover across the maximum contract term. The final value will depend on the scope of the final services required and bidders should presume that this value will cover the services listed and those ancillary to the principal services required on a project of a comparable scale (including any extensions of scope set out in this notice).

To help to ensure that sufficient interest in the contract will be generated, the services being procured will not be divided into separate lots.

Interested bidders should note that there will be additional procurements for operation of other facilities as part of the Cultural Heart programme and bidding for this contract will not exclude a bidder (including the successful bidder from this procurement) from those subsequent procurement processes, which will be determined by application of evaluation criteria set out in the procurement documents related to those processes.

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: £62,500,000

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

Duration in months

300

This contract is subject to renewal

Yes

Description of renewals

The contract period specified, 25 years, is an indicative period only. Actual contract period will be determined through the competitive dialogue process.

II.2.9) Information about the limits on the number of candidates to be invited

Maximum number: 4

Objective criteria for choosing the limited number of candidates:

As stated in the Procurement Documents

II.2.10) Information about variants

Variants will be accepted: Yes

II.2.11) Information about options

Options: No

Section III. Legal, economic, financial and technical information

III.1) Conditions for participation

III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions

Information and formalities necessary for evaluating if requirements are met in accordance with Regulations 57-58 of the Public Contracts Regulations 2015 is set out in the Selection Questionnaire which is available at: <https://yortender.eu-supply.com>

III.1.2) Economic and financial standing

List and brief description of selection criteria

Information and formalities necessary for evaluating if requirements are met in accordance with Regulations 57-58 of the Public Contracts Regulations 2015 is set out in the Selection Questionnaire which is available at: <https://yortender.eu-supply.com>

III.1.3) Technical and professional ability

List and brief description of selection criteria

Information and formalities necessary for evaluating if requirements are met in accordance with Regulations 57-58 of the Public Contracts Regulations 2015 is set out in the Selection Questionnaire which is available at: <https://yortender.eu-supply.com>

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Competitive dialogue

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

Originally published as:

Date

14 September 2022

Local time

12:00pm

Changed to:

Date

31 October 2022

Local time

12:00pm

See the [change notice](#).

IV.2.3) Estimated date of dispatch of invitations to tender or to participate to selected candidates

5 December 2022

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: 12 (from the date stated for receipt of tender)

Section VI. Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: No

VI.2) Information about electronic workflows

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

VI.3) Additional information

The Council conducted an initial Soft Market Testing (SMT) exercise in April 2022, pursuant to Regulation 40 of the Public Contracts Regulations 2015. The SMT was carried out in order to discuss the project and its objectives, as well as the Council's expectations in respect of the venue operation with interested organisations.

Participation in the SMT exercise is not a requirement for future progress in the procurement.

Additional CPV Codes:

50000000 5 Repair and maintenance services

70332000 7 Non-residential property services

70332200 9 Commercial property management services

79993000 1 Building and facilities management services

79993100 2 Facilities management services

92000000 1 Recreational cultural and sporting services

92300000 4 Entertainment services

92312000 1 Artistic services

92312100 2 Theatrical producers singer groups

92312110 5 Theatrical producer entertainment services

92312120 8 Singer group entertainment services

92312130 1 Band entertainment services

92312140 4 Orchestral entertainment services

92312240 5 Services provided by entertainers

92312250 8 Services provided by individual artists

92320000 0 Arts facility operation services

92340000 6 Dance and performance entertainment services

92622000 7 Sports event organisation services

VI.4) Procedures for review

VI.4.1) Review body

High Court of England and Wales

The Strand, Westminster

London

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

Precise information on deadline(s) for review procedures in accordance with Regulation 86 (Notices of decisions to award a contract or conclude a framework agreement), Regulation 87 (Standstill periods) and Chapter 6 (Applications to Court) of the Public Contract Regulations 2015 (SI 2015/102), the contracting authority will incorporate a minimum ten (10) calendar day standstill period at the point that information on the award of the contract is communicated to economic operators.

This period allows any unsuccessful economic operator(s) to seek further debriefing from the contracting authority before the award (or non-award) of the contract. Such additional

information can be requested from the address at Sections I.1 and I.3 of this Notice above.

If an appeal regarding the award (or non-award) of the contract is not successfully resolved, then the Regulations provide for aggrieved parties who have been harmed or are at risk of harm by a breach of the rules to take action in the High Court (England, Wales and Northern Ireland). Any such action must be started within thirty (30) days beginning with the date when the aggrieved party first knew or sought to have grounds for starting the proceedings had arisen. The Court may extend the time limited for starting proceedings where the Court considers that there is a good reason for doing so, but not so as to permit proceedings to be started more than three (3) months after that date. Where the contract has not been awarded, the Court may order the setting aside of the award decision or order the contracting authority to amend any document and may award damages. If, however the contract has been awarded, the Court may only award damages or, where the contract award procedures have not been followed correctly, declare the contract to be ineffective.