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Contract

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

the Education Authority

F20: Modification notice

Notice identifier: 2024/S 000-024267

Procurement identifier (OCID): ocids-h6vhtk-043890

Published 2 August 2024, 11:35am

### **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**

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 - Omagh M&E Lot 1

Reference number

Omagh 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 Maintenance and Response Works for EANI across its property

portfolio in the old Western Education and Library Board area, Contract Lot 3 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

3 August 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 000-010439](#)

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

### **Contract No**

Omagh ME Lot 1

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

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

28 March 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**

Irwin ME Ltd

Portadown

Email

[info@irwinm-e.com](mailto:info@irwinm-e.com)

Country

United Kingdom

NUTS code

- UKN - Northern Ireland

Internet address

<https://irwinm-e.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.3) Additional information**

It has become necessary for EANI to further increase the value of this contract 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. The total value of the extension is 4,000,000.00 GBP which does not exceed 50 % of the original contract value. This uplift is applied in addition to the 4,000,000 GBP uplift applied and detailed in the previous VEAT Notice 2024/S 000-004316 published on 8 February 2024. . 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. . Regulation 72(1)(c) permits this increase in value 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 4 000 000 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)). . 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 Maintenance (M&E) and Minor Works in the Western Education and Library Board area (Area 1), Contract Lot 3 as further

described in OJEU Contract Notice and as outlined in the previous VEAT issued 28 May 2021, 15 April 2022, 13 December 2022, 7 September 2023, 27 October 2023, 8 February 2024 and 28 March 2024.

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

Start date

1 June 2022

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:

£4,000,000

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

Irwin ME 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):

This Modification Notice concerns VEAT Notice 2024/S 000-010439 issued on 28 March 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. As well as modifying the uplift mechanisms available to Contractors for certain exceptional items, this VEAT also detailed EANI's intention to apply a further uplift to the value of the contract of 4,000,000.00 GBP which does not exceed 50 % of the original contract value. This uplift is applied in addition to the 4,000,000 GBP uplift applied and detailed in the previous VEAT Notice 2024/S 000-004316 published on 8 February 2024.

The overall nature of contract is not altered.

The total value of the extension is 4,000,000.00GBP.

Further information in section VI.3) Additional Information

### **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 section VI.3) Additional Information

### **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: £33,250,000

Total contract value after the modifications

Value excluding VAT: £37,250,000