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Tender

KMCHS-351 Framework Agreement for the Hire of Civil Engineering Plant, Vehicles and Equipment with and without Operator(s)

The Council of the Borough of Kirklees
City of Bradford Metropolitan District Council
The Borough of Calderdale Council
Leeds City Council
City of Wakefield District Council
City of York Council

F02: Contract notice

Notice identifier: 2021/S 000-025513

Procurement identifier (OCID): ocds-h6vhtk-02eb16

Published 12 October 2021, 4:52pm

Section I: Contracting authority

I.1) Name and addresses

The Council of the Borough of Kirklees

The Town Hall, Ramsden Street

Huddersfield

HD1 2AT

Contact

Corporate Procurement

Email

procurement@kirklees.gov.uk

Telephone

+44 1484221000

Country

United Kingdom

NUTS code

UKE - Yorkshire and the Humber

Internet address(es)

Main address

<http://www.kirklees.gov.uk>

Buyer's address

<https://www.yortender.co.uk>

I.1) Name and addresses

City of Bradford Metropolitan District Council

City Hall, Channing Way

Bradford

BD1 1HY

Email

procurement@kirklees.gov.uk

Country

United Kingdom

NUTS code

UKE - Yorkshire and the Humber

Internet address(es)

Main address

www.bradford.gov.uk

Buyer's address

<https://www.yortender.co.uk>

I.1) Name and addresses

The Borough of Calderdale Council

Town Hall, Crossley Street

Halifax

HX1 1UJ

Email

procurement@kirklees.gov.uk

Country

United Kingdom

NUTS code

UKE - Yorkshire and the Humber

Internet address(es)

Main address

www.calderdale.gov.uk

Buyer's address

<https://www.yortender.co.uk>

I.1) Name and addresses

Leeds City Council

Civic Hall, Calverley Street

Leeds

LS1 1UR

Email

procurement@kirklees.gov.uk

Country

United Kingdom

NUTS code

UKE - Yorkshire and the Humber

Internet address(es)

Main address

www.leeds.gov.uk

Buyer's address

<https://www.yortender.co.uk>

I.1) Name and addresses

City of Wakefield District Council

Town Hall, Woods Street

Wakefield

WF1 2HQ

Email

procurement@kirklees.gov.uk

Country

United Kingdom

NUTS code

UKE - Yorkshire and the Humber

Internet address(es)

Main address

www.wakefield.gov.uk

Buyer's address

<https://www.yortender.co.uk>

I.1) Name and addresses

City of York Council

Hazel Court, James Street

York

YO10 3DS

Email

procurement@kirklees.gov.uk

Country

United Kingdom

NUTS code

UKE - Yorkshire and the Humber

Internet address(es)

Main address

www.york.gov.uk

Buyer's address

<https://www.yortender.co.uk>

I.2) Information about joint procurement

The contract involves joint procurement

I.3) Communication

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

<https://www.yortender.co.uk>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.yortender.co.uk>

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

KMCHS-351 Framework Agreement for the Hire of Civil Engineering Plant, Vehicles and Equipment with and without Operator(s)

Reference number

DN573881

II.1.2) Main CPV code

- 60182000 - Hire of industrial vehicles with driver

II.1.3) Type of contract

Services

II.1.4) Short description

The “Services” under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s) and the Hire Of Civil Engineering Plant, Vehicles and Equipment without Operator(s), within the geographical boundary and administrative areas of the Council and other Contracting Authorities of:

The City of Bradford Metropolitan District Council - Lot 1,

The Borough of Calderdale Council - Lot 2,

The Council of the Borough of Kirklees - Lot 3,

Leeds City Council - Lot 4,

City of Wakefield Metropolitan District Council - Lot 5,

York City Council - Lot 6

and any other Local Authority (as defined in the Local Government Act 1972 (SI 1972/070) within the Yorkshire and Humber Region. Details of the relevant Local Authorities who may participate are illustrated in the Geographical Map in Appendix 3b of File 03 of the Tender Documents.

II.1.5) Estimated total value

Value excluding VAT: £11,850,000

II.1.6) Information about lots

This contract is divided into lots: Yes

Tenders may be submitted for all lots

The contracting authority reserves the right to award contracts combining the following lots or groups of lots:

City of Bradford Metropolitan Council - Lot 1, The Borough of Calderdale Council - Lot 2, Kirklees Council - Lot3, Leeds City Council - Lot 4, City of Wakefield Metropolitan District Council - Lot 5, City of York Council - Lot 6.

II.2) Description

II.2.1) Title

City of Bradford Metropolitan District Council - Hire of Civil Engineering Plant, Vehicles and Equipment with and without Operator(s)

Lot No

1

II.2.2) Additional CPV code(s)

- 43300000 - Construction machinery and equipment
- 45500000 - Hire of construction and civil engineering machinery and equipment with operator

II.2.3) Place of performance

NUTS codes

- UKE41 - Bradford

Main site or place of performance

Bradford

II.2.4) Description of the procurement

The “Services” under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s) and the Hire Of Civil Engineering Plant, Vehicles and Equipment without Operator(s), within the geographical boundary and administrative areas as described at II.1.4 of this notice.

This Lot relates to the administrative area of:

The City of Bradford Metropolitan District Council - Lot 1,

and any other Local Authority (as defined in the Local Government Act 1972 (SI 1972/070) within the Yorkshire and Humber Region. Details of the relevant Local Authorities who may participate are illustrated in the Geographical Map in Appendix 3b of File 03 of the Tender Documents.

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://www.yortender.co.uk/procontract/supplier.nsf>).

II.2.5) Award criteria

Price

II.2.6) Estimated value

Value excluding VAT: £50,000

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

Duration in months

24

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twelve (12) month period from 1st December 2021 to 30th November 2022 with an option to extend the Framework for a further twelve (12) months up to 30th November 2023.

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2.14) Additional information

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

II.2) Description

II.2.1) Title

The Borough of Calderdale Council - Hire of Civil Engineering Plant, Vehicles and Equipment with and without Operator(s)

Lot No

2

II.2.2) Additional CPV code(s)

- 43300000 - Construction machinery and equipment
- 45500000 - Hire of construction and civil engineering machinery and equipment with operator

II.2.3) Place of performance

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Calderdale

II.2.4) Description of the procurement

The “Services” under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s) and the Hire Of Civil Engineering Plant, Vehicles and Equipment without Operator(s), within the geographical boundary and administrative areas as described at II.1.4 of this notice.

This Lot relates to the administrative area of:

The Borough of Calderdale Council - Lot 2,

and any other Local Authority (as defined in the Local Government Act 1972 (SI 1972/070) within the Yorkshire and Humber Region. Details of the relevant Local Authorities who may participate are illustrated in the Geographical Map in Appendix 3b of File 03 of the Tender Documents.

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://www.yortender.co.uk/procontract/supplier.nsf>).

II.2.5) Award criteria

Price

II.2.6) Estimated value

Value excluding VAT: £200,000

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

Duration in months

24

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twelve (12) month period from 1st December 2021 to 30th November 2022 with an option to extend the Framework for a

further twelve (12) months up to 30th November 2023.

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2.14) Additional information

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

II.2) Description

II.2.1) Title

Kirklees Council - Hire of Civil Engineering Plant, Vehicles and Equipment with and without Operator(s)

Lot No

3

II.2.2) Additional CPV code(s)

- 43300000 - Construction machinery and equipment
- 45500000 - Hire of construction and civil engineering machinery and equipment with operator

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 “Services” under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s) and the Hire Of Civil Engineering Plant, Vehicles and Equipment without Operator(s), within the geographical boundary and administrative areas as described at II.1.4 of this notice.

This Lot relates to the administrative area of:

The Council of the Borough of Kirklees - Lot 3,

and any other Local Authority (as defined in the Local Government Act 1972 (SI 1972/070) within the Yorkshire and Humber Region. Details of the relevant Local Authorities who may participate are illustrated in the Geographical Map in Appendix 3b of File 03 of the Tender Documents.

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://www.yortender.co.uk/procontract/supplier.nsf>).

II.2.5) Award criteria

Price

II.2.6) Estimated value

Value excluding VAT: £3,100,000

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

Duration in months

24

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twelve (12) month period from 1st December 2021 to 30th November 2022 with an option to extend the Framework for a further twelve (12) months up to 30th November 2023.

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2.14) Additional information

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

II.2) Description

II.2.1) Title

Leeds City Council - Hire of Civil Engineering Plant, Vehicles and Equipment with and without Operator(s)

Lot No

4

II.2.2) Additional CPV code(s)

- 43300000 - Construction machinery and equipment
- 45500000 - Hire of construction and civil engineering machinery and equipment with operator

II.2.3) Place of performance

NUTS codes

- UKE42 - Leeds

Main site or place of performance

Leeds

II.2.4) Description of the procurement

The “Services” under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s) and the Hire Of Civil Engineering Plant, Vehicles and Equipment without Operator(s), within the geographical boundary and administrative areas as described at II.1.4 of this notice.

This Lot relates to the administrative area of:

Leeds City Council - Lot 4,

and any other Local Authority (as defined in the Local Government Act 1972 (SI 1972/070) within the Yorkshire and Humber Region. Details of the relevant Local Authorities who may participate are illustrated in the Geographical Map in Appendix 3b of File 03 of the Tender Documents.

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://www.yortender.co.uk/procontract/supplier.nsf>).

II.2.5) Award criteria

Price

II.2.6) Estimated value

Value excluding VAT: £5,500,000

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

Duration in months

24

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twelve (12) month period from 1st December 2021 to 30th November 2022 with an option to extend the Framework for a further twelve (12) months up to 30th November 2023.

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2.14) Additional information

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

II.2) Description

II.2.1) Title

City of Wakefield Metropolitan District Council - Hire of Civil Engineering Plant, Vehicles and Equipment with and without Operator(s)

Lot No

5

II.2.2) Additional CPV code(s)

- 43300000 - Construction machinery and equipment
- 45500000 - Hire of construction and civil engineering machinery and equipment with operator

II.2.3) Place of performance

NUTS codes

- UKE45 - Wakefield

Main site or place of performance

Wakefield

II.2.4) Description of the procurement

The “Services” under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s) and the Hire Of Civil Engineering Plant, Vehicles and Equipment without Operator(s), within the geographical boundary and administrative areas as described at II.1.4 of this notice.

This Lot relates to the administrative area of:

City of Wakefield Metropolitan District Council - Lot 5,

and any other Local Authority (as defined in the Local Government Act 1972 (SI 1972/070) within the Yorkshire and Humber Region. Details of the relevant Local Authorities who may participate are illustrated in the Geographical Map in Appendix 3b of File 03 of the Tender Documents.

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://www.yortender.co.uk/procontract/supplier.nsf>).

II.2.5) Award criteria

Price

II.2.6) Estimated value

Value excluding VAT: £2,000,000

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

Duration in months

24

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twelve (12) month period from 1st December 2021 to 30th November 2022 with an option to extend the Framework for a further twelve (12) months up to 30th November 2023.

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2.14) Additional information

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

II.2) Description

II.2.1) Title

City of York Council - Hire of Civil Engineering Plant, Vehicles and Equipment with and without Operator(s)

Lot No

6

II.2.2) Additional CPV code(s)

- 43300000 - Construction machinery and equipment
- 45500000 - Hire of construction and civil engineering machinery and equipment with operator

II.2.3) Place of performance

NUTS codes

- UKE21 - York

Main site or place of performance

York

II.2.4) Description of the procurement

The "Services" under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s) and the Hire Of Civil Engineering Plant, Vehicles and Equipment without Operator(s), within the geographical boundary and administrative areas as described at II.1.4 of this notice.

This Lot relates to the administrative area of:

York City Council - Lot 6

and any other Local Authority (as defined in the Local Government Act 1972 (SI 1972/070) within the Yorkshire and Humber Region. Details of the relevant Local Authorities who may participate are illustrated in the Geographical Map in Appendix 3b of File 03 of the Tender Documents.

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://www.yortender.co.uk/procontract/supplier.nsf>).

II.2.5) Award criteria

Price

II.2.6) Estimated value

Value excluding VAT: £1,000,000

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

Duration in months

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twelve (12) month period from 1st December 2021 to 30th November 2022 with an option to extend the Framework for a further twelve (12) months up to 30th November 2023.

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2.14) Additional information

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

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

In accordance with (i) Article 57 and 59 to 61 of Directive 2014/24/EU and (ii) Regulations 57 to 61 of the Public Contract Regulations 2015 (SI 2015/102), and as set out in the selection questionnaire ("SQ") available from the address as set out in Section (I.1) of this notice above, the Council of the Borough of Kirklees acting as the principal contracting authority reserves the right to refuse any economic operator's application and to exclude its tender from the evaluation in any of the circumstances as follows:-

(i) in the event the completed SQ, supporting information and/or any other tender submissions are incomplete, inaccurate or misleading or otherwise not submitted in accordance with the requirements set out in the SQ or any of the other Tender Documents; and/or; (ii) for any reason specified in Regulation 57 (Exclusion Grounds) of the Public Contracts Regulations 2015 (SI 2015/102), which requires or permits the principal contracting authority not to select or to treat any economic operator as an ineligible economic operator; and/or (iii) economic operators scoring "Fail" in the SQ will not be selected for consideration of their tender submission.

III.1.2) Economic and financial standing

Selection criteria as stated in the procurement documents

III.1.3) Technical and professional ability

Selection criteria as stated in the procurement documents

III.2) Conditions related to the contract

III.2.2) Contract performance conditions

The performance of the Orders by the economic operator during the Framework Period will be subject to review by the principal contracting authority and the other contracting authorities, carried out in accordance with the tender documents which are available to download at <https://www.yortender.co.uk/procontract/supplier.nsf>.

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Open procedure

IV.1.3) Information about a framework agreement or a dynamic purchasing system

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

In the case of framework agreements, provide justification for any duration exceeding 4 years:

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

Date

12 November 2021

Local time

1:00pm

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

IV.2.7) Conditions for opening of tenders

Date

12 November 2021

Local time

1:05pm

Place

Kirklees

Information about authorised persons and opening procedure

Representatives of the Corporate Procurement Team.

Section VI. Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: Yes

Estimated timing for further notices to be published: Following the conclusion of this Framework, these Services will be re-procured

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 principal contracting authority (i.e. the Council of the Borough of Kirklees) is the only contracting authority that will enter into any framework agreement with the successful economic operators. The other contracting authorities listed in Section I.2 of this Notice above shall be permitted to use the Framework Agreement to call-off contracts in relation to the lot relevant to each individual contracting authority. In addition, the Framework Agreement may be used by any of the other “Local Authorities” (as defined under the Local Government Act 1972 (SI 1972/070)) within the Yorkshire and Humber Region. A map and list of the other Local Authorities permitted to use the Framework Agreement can be found in Appendix 3a of File 03 of the procurement documentation (available to download at <https://www.yortender.co.uk/procontract/supplier.nsf>). The principal contracting authority considers that this Framework Agreement may be suitable for economic operators that are small or medium enterprises (“SMEs”). However, any

selection of economic operators will be based solely on the criteria set out for the procurement, and the Framework Agreement will be awarded on the basis of the most economically advantageous tender based on lowest price only. The award criteria is set out in the procurement documentation (available to download at <https://www.yortender.co.uk/procontract/supplier.nsf>). With regards to the estimated total value of services for the entire duration of the Framework Agreement, please note the values stipulated in Section II.1.5 of this Notice above covers the potential spend of all the participating contracting authorities, throughout the duration of the Framework Agreement. Notwithstanding the range of values stipulated in Section II.1.5, however, for the avoidance of doubt please note that:

- i) The estimates given in Section II.1.5 of this Notice are strictly estimated values only.
- ii) Any information supplied in the Tender Documents as to the likely volumes of services or the times when they are likely to be required are given purely as indication of past experiences of the contracting authorities.
- iii) Furthermore, please note that estimates given in Section II.1.5 of this Notice are based on third party estimates of anticipated future workloads during the Framework Period as at the date of this Notice, and the principal contracting authority gives no warranty as to the accuracy to said data.
- iv) The anticipated usage of this Framework Agreement is unknown at present. Tenderers should note that it is not possible to establish an exact future workload and it is therefore not possible to guarantee that all or any of the successful economic operators with whom the principal contracting authority enters into the Framework Agreement will in fact be called upon to execute Services on behalf of the principal contracting authority or any of the other contracting authorities. Unless otherwise specifically stated elsewhere in the Tender Documents, there is no minimum or maximum value/quantity of Services that may be ordered on any one occasion and the rates tendered must therefore reflect the likelihood of varying magnitude of Orders and types of Services
- v) No contracting authority is bound to enter into any Order or other contract following discussions or other representations and no contracting authority shall incur any liability in respect of any failure to enter into any Service Contract or in connection with the total volume, type of Services or value of Services anticipated by any of the economic operators or which any economic operator is asked to carry out.

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

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 principal contracting authority will incorporate a minimum ten (10) calendar day standstill period at the point that information on the conclusion of the Framework Agreement 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 Framework Agreement. 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 Framework Agreement 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 Framework agreement 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 Framework Agreement has been awarded, the Court may only award damages or, where the contract award procedures have not been followed correctly, declare the Framework Agreement to be ineffective.