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Tender

## **SEFirst Power, Gas and Water Supply Framework Sept 2023**

Sustainable Energy First Limited C/O Maidstone and Tunbridge Wells NHS Trust

F02: Contract notice

Notice identifier: 2023/S 000-025913

Procurement identifier (OCID): ocds-h6vhtk-03f94a

Published 1 September 2023, 4:40pm

### **Section I: Contracting authority**

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

Sustainable Energy First Limited C/O Maidstone and Tunbridge Wells NHS Trust

Maidstone Hospital, Hermitage Lane

Maidstone

ME16 9QQ

#### **Contact**

Tashi Jackson

#### **Email**

[tenders@cirruspurchasing.co.uk](mailto:tenders@cirruspurchasing.co.uk)

#### **Country**

United Kingdom

#### **Region code**

UK - United Kingdom

**NHS Organisation Data Service**

RWF

**Internet address(es)**

Main address

<https://www.mtw.nhs.uk/>

**I.2) Information about joint procurement**

The contract is awarded by a central purchasing body

**I.3) Communication**

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

<https://www.delta-esourcing.com/respond/6CB4627D56>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.delta-esourcing.com/respond/6CB4627D56>

**I.4) Type of the contracting authority**

Body governed by public law

**I.5) Main activity**

Health

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

SEFirst Power, Gas and Water Supply Framework Sept 2023

Reference number

806000814

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

- 09000000 - Petroleum products, fuel, electricity and other sources of energy

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

Supplies

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

Sustainable Energy First (SEFirst) wishes to procure a framework for the use of its clients for the sourcing and placement of energy contracts. The contracting authority for this framework is Maidstone and Tunbridge Wells NHS Trust.

SEFirst is seeking to establish a new framework of multiple suppliers for the supply of Power, Gas and Water across the following 9 lots.

Lot 1: Power - Fixed

Lot 2: Power - Flexible

Lot 3: Power - Consortium

Lot 4: Gas - Fixed

Lot 5: Gas - Flexible

Lot 6: Gas - Consortium

Lot 7: Power Purchase Agreement - Flexible

Lot 8: Power Purchase Agreement - Consortium

Lot 9: Water

It is anticipated that the following numbers of suppliers will be awarded a place on each lot:

Lots 1 to 6: 20 suppliers

Lot 7 and 8: 5 suppliers

Lot 9: 15 suppliers

**BIDDERS CAN BID ON ONE OR MORE LOTS**

The framework is to cover call-off contracts made within England, Scotland and Wales, but excludes Northern Ireland. The framework is available for use by all contracting authorities as defined by Regulation 2 of the Public Contracts Regulations 2015 #102 including, but not limited to, the definable groups referenced in Schedule 4 of the Framework Agreement.

#### **II.1.5) Estimated total value**

Value excluding VAT: £1,500,000,000

#### **II.1.6) Information about lots**

This contract is divided into lots: Yes

Tenders may be submitted for all lots

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

#### **II.2.1) Title**

Power- Fixed

Lot No

1

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

- 09310000 - Electricity

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

NUTS codes

- UK - United Kingdom

Main site or place of performance

UNITED KINGDOM

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

To supply fixed price electricity including unmetered supply points to the contracting authorities authorised to use this Framework Agreement. For the purposes of this tender, 'fixed price electricity' will be defined as electricity which is supplied based on a price which is predominantly fixed for the term of the Call-Off Contract at the point when the Call-Off Contract is awarded and the associated supply agreement entered into with the Framework Supplier.

#### **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: £1,500,000,000

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

Duration in months

48

This contract is subject to renewal

No

#### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: No

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

### **II.2.1) Title**

Power- Flexible

Lot No

2

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

- 09310000 - Electricity

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

NUTS codes

- UK - United Kingdom

Main site or place of performance

UNITED KINGDOM

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

To supply flexible priced electricity including unmetered supply points to the contracting authorities authorised to use this Framework Agreement. For the purposes of this tender, 'flexible priced electricity' will be defined as electricity where the energy element of the price often referred to as the 'commodity price' can be purchased after the Call-Off Contract has been awarded and the Supplier contract entered with the Framework Supplier. It is anticipated that a flexible priced electricity contract will provide for the purchase of the commodity element of the price in tranches or 'clips'. Such clips may potentially be purchased on a seasonal, quarterly, monthly and daily basis.

### **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: £1,500,000,000

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

Duration in months

48

This contract is subject to renewal

No

### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: No

## **II.2) Description**

### **II.2.1) Title**

Power- Consortium

Lot No

3

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

- 09310000 - Electricity

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

NUTS codes

- UK - United Kingdom

Main site or place of performance

UNITED KINGDOM

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

To supply flexible priced electricity including unmetered supply points to the contracting authorities authorised to use this Framework Agreement with these authority's volumes grouped together in a consortium/basket approach. For the purposes of this tender, 'flexible priced electricity' will be defined as electricity where the energy element of the price often referred to as the 'commodity price' can be purchased after the Call-Off Contract has been awarded and the Supplier contract entered with the Framework

Supplier. It is anticipated that a flexible priced electricity contract will provide for the purchase of the commodity element of the price in tranches or 'clips'. Such clips may potentially be purchased on a seasonal, quarterly, monthly and daily basis

### **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: £1,500,000,000

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

Duration in months

48

This contract is subject to renewal

No

### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: No

## **II.2) Description**

### **II.2.1) Title**

Gas- Fixed

Lot No

4

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

- 09123000 - Natural gas

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

NUTS codes

- UK - United Kingdom

Main site or place of performance

UNITED KINGDOM

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

To supply fixed price natural gas supply points to the contracting authorities authorised to use this Framework Agreement. For the purposes of this tender, 'fixed price natural gas' will be defined as natural gas which is supplied based on a price which is predominantly fixed for the term of the Call-Off Contract at the point when the Call-Off Contract is awarded and the associated supply agreement entered into with the Framework Supplier.

#### **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: £1,500,000,000

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

Duration in months

48

This contract is subject to renewal

No

#### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: No

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

#### **II.2.1) Title**

Gas Flexible

Lot No

5

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

- 09123000 - Natural gas

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

NUTS codes

- UK - United Kingdom

Main site or place of performance

UNITED KINGDOM

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

To supply flexible priced natural gas for various supply points to the contracting authorities authorised to use this Framework Agreement. For the purposes of this tender, 'flexible priced natural gas' will be defined as natural gas where the energy element of the price often referred to as the 'commodity price' can be purchased after the Call-Off Contract has been awarded and the Supplier contract entered with the Framework Supplier. It is anticipated that a flexible priced gas contract will provide for the purchase of the commodity element of the price in tranches or 'clips'. Such clips may potentially be purchased on a seasonal, quarterly, monthly and daily basis.

### **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: £1,500,000,000

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

Duration in months

48

This contract is subject to renewal

No

### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: No

## **II.2) Description**

### **II.2.1) Title**

Gas- Consortium

Lot No

6

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

- 09123000 - Natural gas

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

NUTS codes

- UK - United Kingdom

Main site or place of performance

UNITED KINGDOM

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

To supply flexible priced natural gas for various supply points to the contracting authorities authorised to use this Framework Agreement with these authority's volumes grouped together in a consortium/basket approach. For the purposes of this tender, 'flexible priced natural gas' will be defined as natural gas where the energy element of the price often referred to as the 'commodity price' can be purchased after the Call-Off Contract has been awarded and the Supplier contract entered with the Framework Supplier. It is anticipated that a flexible priced gas contract will provide for the purchase of the commodity element of the price in tranches or 'clips'. Such clips may potentially be purchased on a seasonal,

quarterly, monthly and daily basis.

### **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: £1,500,000,000

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

Duration in months

48

This contract is subject to renewal

No

### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: No

## **II.2) Description**

### **II.2.1) Title**

Power Purchase Agreement- Flexible

Lot No

7

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

- 09000000 - Petroleum products, fuel, electricity and other sources of energy

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

NUTS codes

- UK - United Kingdom

Main site or place of performance

UNITED KINGDOM

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

As per the Power Flexible lot, the supplier must be able to shape up and manage an external corporate Power Purchase Agreement into a base load and be able to sleeve this into the supply agreement.

#### **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: £1,500,000,000

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

Duration in months

48

This contract is subject to renewal

No

#### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: No

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

#### **II.2.1) Title**

Power Purchase Agreement- Consortium

Lot No

8

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

- 09000000 - Petroleum products, fuel, electricity and other sources of energy

**II.2.3) Place of performance**

NUTS codes

- UK - United Kingdom

Main site or place of performance

UNITED KINGDOM

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

As per the Power Consortium lot, the supplier must be able to shape up and manage an external corporate Power Purchase Agreement into a base load and be able to sleeve this into the supply agreement.

**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: £1,500,000,000

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

Duration in months

48

This contract is subject to renewal

No

**II.2.10) Information about variants**

Variants will be accepted: No

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

Options: No

## **II.2) Description**

### **II.2.1) Title**

Water

Lot No

9

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

- 41100000 - Natural water

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

NUTS codes

- UK - United Kingdom

Main site or place of performance

UNITED KINGDOM

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

This lot is for the supply of water and/or removal of waste. A fixed price quote is required for contracting authorities authorised to use this Framework agreement who call off from this lot.

### **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: £1,500,000,000

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

Duration in months

48

This contract is subject to renewal

No

#### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: No

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### **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

Any supplier may be disqualified who has been convicted of:

(a) conspiracy within the meaning of Section 1 or 1A of the Criminal Law Act 1977(a) or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983(b) where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime(c);

(b) corruption within the meaning of Section 1(2) of the Public Bodies Corrupt Practices Act 1889(d) or Section 1 of the Prevention of Corruption Act 1906(e),

(c) the common law offence of bribery;

(d) bribery within the meaning of Sections 1, 2 or 6 of the Bribery Act 2010(f), or Section 113 of the Representation of the People Act 1983(g);

(e) where the offence relates to fraud affecting the European Communities' financial

interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities(h):

- (i) the common law offence of cheating the Revenue;
  - (ii) the common law offence of conspiracy to defraud;
  - (iii) fraud or theft within the meaning of the Theft Act 1968(i), the Theft Act (Northern Ireland) 1969(j), the Theft Act 1978(k) or the Theft (Northern Ireland) Order 1978(l);
  - (iv) fraudulent trading within the meaning of Section 458 of the Companies Act 1985(m), Article 451 of the Companies (Northern Ireland) Order 1986(n) or Section 993 of the Companies Act 2006(o);
  - (v) fraudulent evasion within the meaning of Section 170 of the Customs and Excise Management Act 1979(p) or Section 72 of the Value-Added Tax Act 1994(q);
  - (vi) an offence in connection with taxation in the European Union within the meaning of Section 71 of the Criminal Justice Act 1993(r);
  - (vii) destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of Section 20 of the Theft Act 1968(s) or Section 19 of the Theft Act (Northern Ireland) 1969(t);
  - (viii) fraud within the meaning of Section 2, 3 or 4 of the Fraud Act 2006(u); or
  - (ix) the possession of articles for use in frauds within the meaning of Section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of Section 7 of that Act;
- (f) any offence listed:
- (i) in Section 41 of the Counter Terrorism Act 2008(a); or
  - (ii) in Schedule 2 to that act where the court has determined that there is a terrorist connection;
- (g) any offence under Sections 44 to 46 of the Serious Crime Act 2007(b) which relates to an offence covered by subparagraph (f);
- (h) money laundering within the meaning of Sections 340(11) and 415 of the Proceeds of Crime Act 2002(c);
- (i) an offence in connection with the proceeds of criminal conduct within the meaning of

Section 93A, 93B or 93C of the Criminal Justice Act 1988(d) or Article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996(e);

(j) an offence under Section 4 of the Asylum and Immigration (Treatment of Claimants, etc. Act 2004(f));

(k) an offence under Section 59A of the Sexual Offences Act 2003(g);

(l) an offence under Section 71 of the Coroners and Justice Act 2009(h);

(m) an offence in connection with the proceeds of drug trafficking within the meaning of Section 49, 50 or 51 of the Drug Trafficking Act 1994(i); or

(n) any other offence within the meaning of Article 57(1) of the Public Contracts Directive:

(i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or

(ii) created, after the day on which these regulations were made, in the law of England and Wales or Northern Ireland

### **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

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## **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

Envisaged maximum number of participants to the framework agreement: 40

**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

3 October 2023

Local time

12:00pm

**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: 3 (from the date stated for receipt of tender)

**IV.2.7) Conditions for opening of tenders**

Date

3 October 2023

Local time

12:05pm

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## **Section VI. Complementary information**

### **VI.1) Information about recurrence**

This is a recurrent procurement: Yes

Estimated timing for further notices to be published: August 2027

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

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

Royal Courts of Justice

London

WC2A 2LL

Country

United Kingdom

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

Precise information on deadline(s) for review procedures

This tender process will incorporate a minimum 10 calendar day standstill period at the point information on the award is communicated to tenderers. Appeals can be directly raised via the contact points detailed in section VI.4.1 of this Contract Notice. The Public Contracts Regulations 2015 #102 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).