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Tender

## **KMCCW-014 The Supply and Delivery of Prepared and Unprepared fresh fruit, vegetables and dairy products**

The Council of the Borough of Kirklees

F02: Contract notice

Notice identifier: 2021/S 000-026046

Procurement identifier (OCID): ocds-h6vhtk-02ed2b

Published 19 October 2021, 9:04am

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

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

The Council of the Borough of Kirklees

Town Hall, Ramsden Street

Huddersfield

HD1 2NF

#### **Contact**

Mr Robert Baines

#### **Email**

[robert.baines@kirklees.gov.uk](mailto:robert.baines@kirklees.gov.uk)

#### **Telephone**

+44 1484221000

#### **Country**

United Kingdom

**NUTS code**

UKE44 - Calderdale and Kirklees

**Internet address(es)**

Main address

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

Buyer's address

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

**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**

KMCCW-014 The Supply and Delivery of Prepared and Unprepared fresh fruit, vegetables and dairy products

Reference number

DN570324

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

- 03200000 - Cereals, potatoes, vegetables, fruits and nuts

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

Supplies

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

Single source contract for the supply and delivery of prepared and unprepared fresh fruit, vegetables and dairy products to various locations and establishments throughout the Kirklees district in West Yorkshire. UK

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

Value excluding VAT: £4,200,000

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

This contract is divided into lots: No

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

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

- 15500000 - Dairy products

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

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

The Council of the Borough of Kirklees, West Yorkshire, UK

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

Contract for the supply and delivery of prepared and unprepared fresh fruit, vegetables and dairy products to various locations and establishments throughout the Kirklees district in West Yorkshire UK

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

Quality criterion - Name: Quality / Weighting: 30

Quality criterion - Name: Social Value / Weighting: 10

Price - Weighting: 60

#### **II.2.6) Estimated value**

Value excluding VAT: £4,200,000

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

Duration in months

60

This contract is subject to renewal

Yes

Description of renewals

It is anticipated that the contract will commence on 1 April 2022 and will be put in place for a period of two (2) years to 31 March 2024. The Council may extend the contract for three (3) further twelve (12) month periods to 31 March 2027.

#### **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**

This exercise is an open procedure in accordance with the requirements under Regulation 27

of the Public Contracts Regulations 2015 (SI 2015/102) for the purpose of procuring the

Goods described in the procurement documents which can be found at

[www.yortender.co.uk](http://www.yortender.co.uk)

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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

In accordance with: (i) Article 57 to 60 of Directive 2014/24/EU of the European Parliament

and of the European Council; and (ii) Regulations 57 to 60 of the Public Contracts 2015 (SI

2015/102) (the 'Regulations'), which require or permit the contracting authority not to select or to treat as ineligible, economic operators, the contracting authority reserves the right to exclude any economic operator whom they deem to not satisfy any criteria outlined within the scoring matrices contained within the standard selection questionnaire ('SQ') within the

Tenderers' Submission Document, which is available to download at:

<https://www.yortender.co.uk/procontract/supplier.nsf> or is available at the address set out

in Sections I.1) and I.3) of this Notice above

### **III.1.2) Economic and financial standing**

List and brief description of selection criteria

Selection criteria as stated in the procurement documents.

See Section 4 of the SQ (available to download at [www.yortender.co.uk](http://www.yortender.co.uk)):

Economic operators must be able to submit either a copy of the audited accounts for the most recent two (2) years if requested. If it cannot, then it must provide either:

a) a statement of the turnover, Profit and Loss Account/ Income Statement, Balance

Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year

of trading for this organisation;

b) a statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position; or

c) alternative means of demonstrating financial status if any of the above are not available

(e.g. forecast of turnover for the current year and a statement of funding provided by the

owners and/or the bank, charity accruals accounts or an alternative means of demonstrating

financial status).

Economic operators must also confirm whether or not they are part of a wider group (e.g.

a

subsidiary of a holding/parent company), and if so must provide confirmation of:

a) the name of the organisation;

b) the relationship to the economic operator completing the SQ; the organisation's company

accounts (if available); and confirmation on whether or not this organisation would be willing

to provide a guarantee if necessary, and if not would the economic operator be able to obtain

a guarantee elsewhere (e.g. from a bank)

Insurance -

See Section 8.1 of the SQ (available to download at: <https://www.yortender.co.uk>).

Economic operators are asked to self-certify whether they already have, or can commit to obtain, prior to the commencement date of the Contract, the levels of insurance cover indicated below:

a) Employer's (Compulsory) Liability Insurance £10,000,000 (in relation to any one claim or

series of claims);

b) Public Liability Insurance, including Product Liability Insurance £10,000,000 (in relation to any one claim or series of claims); and

c) Product Liability Insurance £10,000,000 (in relation to any one claim or series of claims).

Minimum level(s) of standards possibly required

Finance

See Section 4 of the Selection Questionnaire (available to download at

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

The rationale applied will be economic operators being able to supply any one of the documents listed in Section 4.1 (a) to (c) in order to demonstrate financial standing as requested under Section 4 of the SQ. Failure by an economic operator to supply on request either a copy of the

audited accounts for the most recent two (2) years or any one of the document listed in (a)

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(c) in Section 4.1 of the SQ may also result in exclusion. Further, any answers which leads the

contracting authority, acting reasonably, to conclude (considering the risk that the relevant answer suggests about the economic operator's ability to properly perform the Contract)

that it would be inappropriate to select the economic operator on this occasion may result in

exclusion. In addition, if an economic operator indicates in Section 5 of the SQ that its parent

or holding company is prepared to guarantee the performance of the economic operator's company, the information provided in response to Sections 5.1 to 5.3 will be used in the financial assessment of the economic operator.

Insurance -

See 8.1 of the SQ (available to download at:

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

Failure to indicate 'Yes' to any of the required insurances stated in Section 8.1 will result in

exclusion.

### **III.1.3) Technical and professional ability**

List and brief description of selection criteria

Relevant experience-

Economic operators are asked to provide examples of relevant experience in accordance with the requirements set out within Section 6 of the SQ (available to download at:

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



Minimum level(s) of standards possibly required

Relevant experience –

See Section 6 of the SQ (available to download at: <https://www.yortender.co.uk>).

Pass - The Candidate has provided EITHER:

a) at least one example of a previous contract that meets the minimum requirements set out

in Section 6, and demonstrates to the reasonable satisfaction of the contracting authority

that the economic operator possesses the relevant general technical expertise and

professional experience to be entrusted with this Contract;

OR

b) a satisfactory reason as to why the economic operator is unable to provide any examples

of previous contracts that are relevant to the contracting authority's requirements under the

Contract, and that meets the minimum requirements set out in Section 6.3 of the SQ.

HOWEVER, economic operators are asked to note that:

c) If economic operators need to use more than one example to demonstrate that they possess the relevant general technical expertise and professional experience, they may do

so up to a maximum of three (3) examples.

d) The contracting authority reserves the right to confirm the accuracy of any information provided in response to Section 6 of the SQ with any named customer contact(s). Any replies from any named customer contact(s) which lead the contracting authority, acting reasonably, to doubt any significant representations made in the economic operator's

responses to Section 6 may result in exclusion.

Fail - The economic operator:

a) has failed to provide any examples of any previous contracts in response to Section 6 of

the SQ;

AND

b) has failed to provide a satisfactory reason as to why they were unable to provide any examples;

c) the examples given in response to Section 6 of the SQ do not demonstrate to the reasonable satisfaction of the contracting authority that the economic operator possesses the relevant general technical expertise and professional experience to be entrusted this Contract.

## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Open procedure

#### **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

8 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

8 November 2021

Local time

1:00pm

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## **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**

Provided that the tender is submitted fully in accordance with the requirements set out within the Specification and the remaining sections of the procurement documents, the contract will be awarded on the basis of the Most Economically Advantageous Tender based

on 30% quality, 10% Social Value and 60% Price.

Further specifics on the above award criteria can be found in the procurement documentation that is available to access at [www.yortender.co.uk](http://www.yortender.co.uk)

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

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

High Court of England and Wales

N/A

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), Regulation 87 (Standstill periods) and Chapter 6 (Applications to Court) of the Public Contracts Regulations 2015 (SI 2015/102), the contracting authority incorporated a minimum ten (10) calendar day standstill period at the point that information on the award of

the Contract was communicated to economic operators. This period allowed any unsuccessful economic operator(s) to seek further debriefing from the contracting authority

before the award of the Contract to the successful economic operators. Such additional information should be requested from the address at Sections I.1 and I.3 of this Notice above. If an appeal regarding the award of the Contract has not been successfully resolved,

then the Public Contracts Regulations 2015 (SI 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). 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