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Contract

## **The Provision of Home Independence and Warmth**

Leeds City Council - PACS

F03: Contract award notice

Notice identifier: 2023/S 000-027934

Procurement identifier (OCID): ocds-h6vhtk-03ce01

Published 21 September 2023, 3:27pm

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

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

Leeds City Council - PACS

Civic Hall

Leeds

LS11UR

#### **Contact**

Clarissa Houlton

#### **Email**

[clarissa.houlton@leeds.gov.uk](mailto:clarissa.houlton@leeds.gov.uk)

#### **Telephone**

+44 1135351836

#### **Country**

United Kingdom

**Region code**

UKE42 - Leeds

**Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

<https://www.leeds.gov.uk>

Buyer's address

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

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

Regional or local authority

**I.5) Main activity**

General public services

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## **Section II: Object**

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

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

The Provision of Home Independence and Warmth

Reference number

75397

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

- 85000000 - Health and social work services

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

Services

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

Award a contract to deliver the Home Independence and Warmth contract, following the successful completion of a procurement exercise. The service will support people to stay independent in their homes for longer by addressing risks associated with falling and / or warmth.

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

This contract is divided into lots: No

#### **II.1.7) Total value of the procurement (excluding VAT)**

Value excluding VAT: £3,601,835

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

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

- 85000000 - Health and social work services

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

NUTS codes

- UKE42 - Leeds

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

Award a contract to deliver the Home Independence and Warmth contract, following the successful completion of a procurement exercise. The service will support people to stay independent in their homes for longer by addressing risks associated with falling and / or warmth.

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

Cost criterion - Name: Most Economically Advantageous / Weighting: 100

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

Options: Yes

Description of options

Extension of 24 months available in any combination.

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## Section IV. Procedure

### IV.1) Description

#### IV.1.1) Type of procedure

Award of a contract without prior publication of a call for competition in the cases listed below

- The services can be provided only by a particular economic operator for the following reason:
  - absence of competition for technical reasons

Explanation:

The potential risk of challenge that there are no real technical reasons justifying the use of the negotiated procedure without publication of a notice in accordance with the Public Contracts Regulations 2015, and that the Council is simply seeking to circumvent the application of the procurement rules was considered when seeking approval for this procurement by clearly setting out the technical reasons that justified the use of Regulation 32 (2) (b) (ii), and the risk was felt to be low.

In addition, risks can be diminished somewhat by the publication of a voluntary transparency notice on Find a Tender after the decision to award the contract has been taken and then waiting 10 days to see if any challenges are made. If no challenges are made the chances of a claim for ineffectiveness being brought are significantly reduced and would only be successful if the Council had used the negotiated procedure without publication of a notice incorrectly. Further, publishing such a notice will also start time running for any other potential claim for breach of the Regulations, which must be brought within 30 days of the date that an aggrieved party knew or ought to have known that a breach had occurred. The Voluntary Notice was published on FTS on 19th May 2023 and no challenge was received following the publication.

#### IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: No

### IV.2) Administrative information

#### IV.2.1) Previous publication concerning this procedure

Notice number: [2023/S 000-014388](#)

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

### **Contract No**

75397

### **Title**

The Provision of Home Independence and Warmth

A contract/lot is awarded: Yes

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

#### **V.2.1) Date of conclusion of the contract**

21 September 2023

#### **V.2.2) Information about tenders**

Number of tenders received: 1

The contract has been awarded to a group of economic operators: No

#### **V.2.3) Name and address of the contractor**

Care and Repair (Leeds) Limited

323 Roundhay Road

Leeds

LS8 4HT

Country

United Kingdom

NUTS code

- UKE42 - Leeds

Companies House

25858R

The contractor is an SME

Yes

**V.2.4) Information on value of contract/lot (excluding VAT)**

Initial estimated total value of the contract/lot: £3,601,835

Total value of the contract/lot: £3,601,835

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## **Section VI. Complementary information**

### **VI.3) Additional information**

The authority will incorporate a minimum 10 calendar day standstill period at the point information on the award of the contract is communicated to tenderers. This period allows unsuccessful tenderers to seek further information from the contracting authority before the contract is entered into.

Such additional information should be requested from the addressee found in I.1. If an appeal regarding the award of a contract has not been successfully resolved the Public Contracts Regulations 2015 (SI 2015 No 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 brought promptly (within 30 days beginning with the date when the economic operator first knew or ought to have known that grounds for such action had arisen).

Where a contract has not been entered into the court may order the setting aside of the award decision or order the authority to amend any document and may award damages. Following the correct implementation of a 10 day standstill period and publication of appropriate notices the court may only award damages once the contract has been entered into".

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

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

The High Court of Justice

Strand

London

WC2A 2LL

Country

United Kingdom