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Tender

DPS - Commercial Property Agency Appointments (Including appointments for Dunsbury Park)

PORTSMOUTH CITY COUNCIL

F02: Contract notice

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Section I: Contracting authority

I.1) Name and addresses

PORTSMOUTH CITY COUNCIL

Portsmouth City Council

Portsmouth

PO1 2BG

Contact

Procurement Service

Email

procurement@portsmouthcc.gov.uk

Telephone

+44 2392688235

Country

United Kingdom

NUTS code

UKJ31 - Portsmouth

Internet address(es)

Main address

www.portsmouth.gov.uk

I.3) Communication

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

<https://in-tendhost.co.uk/portsmouthcc/asp/Home>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://in-tendhost.co.uk/portsmouthcc/asp/Home>

Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at

<https://in-tendhost.co.uk/portsmouthcc/asp/Home>

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

DPS - Commercial Property Agency Appointments (Including appointments for Dunsbury Park)

II.1.2) Main CPV code

- 70300000 - Real estate agency services on a fee or contract basis

II.1.3) Type of contract

Services

II.1.4) Short description

Portsmouth City Council ('the council') is inviting requests to participate from suitably qualified suppliers to be admitted to a dynamic purchasing system (DPS) to provide Commercial Property Agency Services.

Applicants must be registered with and act in compliance with the standards set out by Royal Institution of Chartered Surveyors (RICS) or equivalent.

In order to meet urgent need for services to support delivery of Dunsbury Park via the appointment of joint agencies, tenders are being sought from the market for these appointments in parallel with the establishment of the DPS.

Joint agencies will be appointed in respect of Dunsbury Park. One contract for a regional agency and another for a national agency. Agencies can apply for either of both opportunities, however an agency will only be awarded one contract.

The Council is targeting to have the DPS operational, and agents appointed to Dunsbury Park by 17th December 2021.

The total value of the DPS is currently estimated to be £1,000,000. Agency fees for Dunsbury park are estimated to be in the region of £600,000. Agency fees for other sites within the Council's property portfolio are estimated to be in the region on £400,000.

The DPS agreement will run for an initial term of 4 years which may be extended as required on a rolling basis at the sole option of the Council.

The duration of call-off contracts awarded from the DPS will be dependent on the needs of the specific requirement and will be clearly stated within the appointment documentation.

In respect of the Dunsbury Park appointments the initial contract term will be for the period of 3 years, extendable in increments to be agreed to a maximum total term of 6 years.

The terms and conditions for participation in the DPS will be Portsmouth City Council's standard DPS agreement. The terms and conditions for the call-off contracts will be Portsmouth City Council's standard contract for commercial property agents.

Once the DPS is established, a number of call-off mechanisms will be available to the Council to use, which can be summarised as:

- Mini competition - with or without use of initial sifting brief
- Direct award - with or without negotiation

In accordance with RICS guidelines (RICS Guidance Notes), agencies appointed to contracts under this DPS are required, over the term of the appointment, to immediately report any conflicts of interest.

The procurement timetable for establishment of the DPS and award of the Dunsbury Park (DP) appointments is set out below:

- Contract notice published on Find-a-Tender Service - Tuesday 16th November 2021
- Documents available on In-tend - Tuesday 16th November 2021
- Supplier briefing - Monday 22nd November 2021 10:00 - 11:00
- Deadline for requests for clarifications - Friday 26th November 2021 at 17:00
- Deadline for submissions of DPS applications and Dunsbury Park (DP) bids - Monday 6th December 2021 at 12:00
- Interviews for DP appointments - Thursday 9th & Friday 10th December 2021
- Establishment of DPS & award of DP appointments - Friday 17th December 2021
- Voluntary Standstill for DP appointment - 17th December 2021 - 20th December 2021

Applicants who wish to attend the supplier briefing should send their requests via InTend

correspondence ideally by no later than 19th November 2021. The briefing will be provided remotely via Microsoft Teams.

The Call for Applications and associated documentation can be accessed via the Council's e-sourcing solution InTend which will be used to administrate the procurement process and subsequent operation of the DPS. The system is free to use and can be accessed via the link below:

<https://in-tendhost.co.uk/portsmouthcc.aspx/home>

Application is via completion and submission of completed SSQ and Dunsbury Park specific Quality Assessment Questions & Pricing Information documentation via InTend by the deadline stated above.

II.1.5) Estimated total value

Value excluding VAT: £1,000,000

II.1.6) Information about lots

This contract is divided into lots: No

II.2) Description

II.2.2) Additional CPV code(s)

- 70110000 - Development services of real estate
- 70120000 - Buying and selling of real estate
- 70130000 - Letting services of own property
- 70200000 - Renting or leasing services of own property
- 70310000 - Building rental or sale services
- 70320000 - Land rental or sale services
- 70330000 - Property management services of real estate on a fee or contract basis
- 71315300 - Building surveying services
- 71355000 - Surveying services

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

Main site or place of performance

The Commercial Property Agency Appointment DPS will only be available for the Council to access and will not be open to any other UK contracting authorities to use.

The DPS is being established in order to appoint commercial property agents to actively promote the letting of vacant business/employment space at sites within the Council's current and future nationwide property portfolio.

II.2.4) Description of the procurement

DPS SCOPE OF SERVICES

The general scope of services that the Council may utilise the DPS includes for, but is not limited to, the following:

- Provide premarketing advice report to the Council for agreement on strategy.
- Market offices/industrial premise within the Council's property portfolio on a sole or joint agency basis.
- Provide marketing advice and market updates.
- Provide regular formal marketing updates and weekly reports on viewings and follow up.
- Secure Occupiers of acceptable financial covenant strength on the most advantageous lease terms to create an appropriate tenant mix for place making.
- Assist the Asset Manager in seeing disposals through to lease completion with the Council's chosen legal team.

DPS APPLICATION PROCESS

All initial applications to the DPS will be processed and evaluated in accordance with the entry criteria outlined within the Call for Applications document.

Any candidate applying to join the DPS after the initial DPS return deadline will have their application assessed against the same criteria. Suppliers applying after the initial DPS return deadline are required to alert the council to the submission using the correspondence function in Intend.

Once the DPS is established and operational, subsequent applications will generally be

assessed within the 10 working days required under Regulation 34 (16) of the Public Contracts Regulations (2015) but may be extended on occasion to 15 working days as allowed for under Regulation 34 (17).

In the unlikely event that the timescales for assessment set out above cannot be met, the Council will not call off contracts from the DPS until all outstanding applications have been properly assessed.

DPS CALL OFF PROCESSES

MINI-COMPETITION

A mini competition may be used where further testing of the market is required to ensure innovation, quality of services and cost competitiveness.

For standard mini-competition processes all suppliers will be invited to participate.

The council will administrate all mini-competition processes using its InTend e-sourcing system.

However, where the requirement is of a specialist nature, or where there are a large number of suppliers, a sifting brief may be used to reduce the number of participants.

A sifting brief will include a description of the project / services required, any additional participation requirements and the evaluation criteria that responses will be assessed against. The brief will be published to all suppliers who will have the opportunity to demonstrate their capability and capacity to undertake the required services.

Sifting brief responses will be evaluated in accordance with the evaluation criteria set out within the brief. Successful suppliers will be invited to participate in the mini-competition procedure. The assessment of responses will be used to produce a reduced shortlist of suppliers who will then be invited to submit mini-competition tenders.

Suppliers will generally be given at least 10 calendar days to submit their tender, although this timeframe may vary depending on the nature of the project. In exceptional circumstances suppliers participating in the mini competition may be given a maximum of 5 calendar days to submit their tender, which may or may not include for use of a sifting brief within this timescale.

Mini-competition documentation will include:

- Specification
- Evaluation criteria

- Timetable
- Submission requirements
- Terms and conditions

Mini-competition bids will be evaluated and call off contracts awarded in accordance with the criteria published within the mini-competition documents.

The council will notify suppliers whether or not they have been successful and provide feedback to unsuccessful suppliers upon request.

The council may opt to include for a voluntary standstill period subject to reduced time periods, although there will be no obligation upon it to do so and the inclusion of a voluntary standstill period would not give rise to application of any of the remedies available to suppliers under the Public Contracts Regulations (2015).

DIRECT AWARD

A direct award mechanism may be utilised on the following grounds:

- Repeat work basis - this applies where a supplier has undertaken a similar commission and has demonstrated suitable experience and knowledge through the delivery of this commission. This applies not only to repetition of work let via the DPS, but also of work known to have been carried out by the supplier for other clients.
- Consideration of supplier information - this applies where a supplier is selected upon the basis of particular sector experience, capability and capacity demonstrated within the optional additional information included for within the suppliers most recent submission of DPS information
- Work development basis - this applies where a supplier is commissioned to undertake an initial set of activities, which subsequently identifies further sets of activities where it would be beneficial to the council to maintain continuity of supplier.
- Time of the essence - this applies where the fulfilment of requirements is required on an urgent basis due to, for example, supplier failure, time limited economic opportunities, etc.

For direct awards the Council may consider the following when deciding upon which supplier to select:

- Supplier bidding performance

- Supplier delivery performance
- Supplier specific sector experience
- Supplier capacity

The Council may request information from suppliers which will assist with undertaking an objective decision on which supplier to select for a direct award call off contract without giving rise to call off via assessed mini-competition process.

A direct award may be pursued with or without the use of further negotiation.

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: £1,000,000

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

Duration in months

48

This contract is subject to renewal

Yes

Description of renewals

The DPS agreement will run for an initial term of 4 years which may be extended as required on a rolling basis at the sole option of the Council.

The duration of call-off contracts awarded from the DPS will be dependent on the needs of the specific requirement and will be clearly advertised within the appointment documentation.

The Joint Agency Dunsbury Appointment will be for an initial period of 3 years with possibility of extending the term on a rolling basis in increments to be agreed, subject to the agreement and performance of both parties, to a maximum term of 6 years.

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.14) Additional information

SCHEDULE OF DIVERGENCES FROM PUBLIC CONTRACTS REGULATIONS (2015)

The Council will establish the DPS in general compliance with Regulation 34 of the Public Contracts Regulations (2015), however due to time being of the essence and for market reasons the Council have made a number of divergences from the regulations, which the Council wish to bring to the attention of suppliers.

It is the Council's position that in subsequently submitting applications for inclusion onto the DPS that the divergences transparently stated below have been accepted and therefore cannot be subsequently challenged via the seeking of remedies set out within Part 3 of the Public Contracts Regulations (2015).

In establishing the DPS the Council will not be applying from Regulation 34 (5) which requires that the DPS is to established in accordance with the Restricted Procedure as, due to time of the essence requirements in relation to the Council's development of Dunsbury Park, the Council is inviting tenders for the Dunsbury Park appointments in parallel with establishing the overall DPS rather than inviting tenders for these appointments following establishment of the DPS.

The Council is also diverging from Regulation 34 (9) through reducing the initial time limits for application from 30 calendar days to 21 days in order to meet need at Dunsbury Park within the required timescales.

The Council may also depart from Regulation 34 (21) from time to time via the use of an initial sifting brief assessment for call off contracts let via mini-competition as set out within Section II.2.4. above.

The Council may depart from Regulations 34 (21), (22), (23) and (24) from time to time when opting to award call off contracts via direct award to a supplier selected by the Council via application of the criteria set out within the call off process set out within Section II.2.4. above.

Suppliers will have the option of submitting additional information which may include but is not limited to the information types listed below at point of application or future update.

- Commission percentage/s
- Company information, sectors and experience
- Agent CVs, rates and availability

This will enable to development of the DPS on an e-catalogue basis in general accordance with Regulation 36 (11 - 13) which will assist in informing and streamlining direct award call off contract processes.

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

Applicants must be registered with and act in compliance with the standards set out by Royal Institution of Chartered Surveyors (RICS) or equivalent.

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.2.1) Information about a particular profession

Execution of the service is reserved to a particular profession

Reference to the relevant law, regulation or administrative provision

Applicants must be registered with and act in compliance with the standards set out by Royal Institution of Chartered Surveyors (RICS) or equivalent.

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Restricted procedure

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

The procurement involves the setting up of a dynamic purchasing system

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

6 December 2021

Local time

12:00pm

IV.2.4) Languages in which tenders or requests to participate may be submitted

English

Section VI. Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: No

VI.4) Procedures for review

VI.4.1) Review body

The High Court of Justice

The Strand

London

WC2A 2LL

Country

United Kingdom