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Award

Lisanelly Shared Educational Campus Phase 2 (Strule) – Services Contract for an Integrated Consultant Team DE

Department of Education NI

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-028917

Procurement identifier (OCID): ocds-h6vhtk-049991

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Section I: Contracting authority/entity

I.1) Name and addresses

Department of Education NI

Bangor

BT19

Email

construct.info@finance-ni.gov.uk

Telephone

+44 2890816555

Country

United Kingdom

Region code

UK - United Kingdom

Internet address(es)

Main address

<https://etendersni.gov.uk/epps>

Buyer's address

<https://etendersni.gov.uk/epps>

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Education

Section II: Object**II.1) Scope of the procurement****II.1.1) Title**

Lisanelly Shared Educational Campus Phase 2 (Strule) – Services Contract for an Integrated Consultant Team DE

Reference number

2016/S 006-007182

II.1.2) Main CPV code

- 71540000 - Construction management services

II.1.3) Type of contract

Services

II.1.4) Short description

Department of Education (DE), the Contracting Authority is delivering what was known as the Lisanelly (and now known as the Strule) Shared Education Campus. This is a landmark project providing a bespoke state of the art facility to deliver post primary school education in Omagh. The Strule Programme involves the relocation of 5 post primary schools and 1 special school in Omagh onto one purpose built campus site with shared facilities incorporating sports, the arts, media, home economics, design and technology.

The programme has a complex stakeholder matrix which requires a comprehensive stakeholder management plan. Phase 1 of Strule entailed the delivery of the Arvalee Special School. Phase 2 will encompass the relocation of the 5 post primary schools onto the campus, the provision of sports/leisure facilities, the provision of a shared educational centre and other associated facilities and site development works over c.140 acres. The estimated construction works value at the outset was in the order of GBP 150 000 000.

DE sought to appoint (and did appoint) an Economic Operator to provide the services of a Project Management led Integrated Consultancy Team (ICT) for Phase 2 of Strule to include, architecture, cost management, engineering and other associated construction professionals in related disciplines. The ICT was required to develop the existing exemplar design for the campus to RIBA plan of work 2013 Stage 3, to undertake associated studies and surveys and to acquire necessary planning permissions. The ICT was to provide a Technical Advisory role for the development of the Employer's Requirements, procurement and contract management of an Integrated Supply Team (IST) for number of separate construction packages.

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: £9,285,835.25

II.2) Description

II.2.2) Additional CPV code(s)

- 71540000 - Construction management services

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

Main site or place of performance

Omagh Co Tyrone

II.2.4) Description of the procurement

Department of Education (DE), the Contracting Authority is delivering what was known as the Lisanelly (and now known as the Strule) Shared Education Campus. This is a landmark project providing a bespoke state of the art facility to deliver post primary school education in Omagh. The Strule Programme involves the relocation of 5 post primary schools and 1 special school in Omagh onto one purpose built campus site with shared facilities incorporating sports, the arts, media, home economics, design and technology.

During the course of this contact it has been necessary to administer a number of separate variations associated with (1) design development, (2) statutory planning approvals, (3) contamination land (4) the presence of ordnance on the site and (5) unforeseen ground conditions. Given the complex stakeholder arrangements, the programme for the agreement and approvals of the developed design was prolonged. Significant statutory consultation was also required in completing the reserved matters planning application. Areas of unforeseen contamination on the site had to be addressed in a controlled manner to render the site fit for use which included the management of a significant amount of concealed ordnance. These matters required the ICT to carry out additional investigations and supervision of all the necessary works and over a longer period than originally anticipated. The unforeseen ground conditions also called for further investigations and supervision of works over an extended period.

The procurement exercise for the Main Works Contract has also experienced unprecedented issues. These resulted in the Contracting Authority suspending the Main Works Contract procurement in February 2018. It then undertook a reappraisal of the business case and procurement strategy, which required Executive and Ministerial consideration prior to implementation. This process was prolonged due to the collapse of the Stormont Executive, and later the impact of Covid-19.

The Contracting Authority commenced a new competition in December 2021, to identify a suitable contractor to carry out the construction works. Although assisting the Contracting Authority to procure an IST was part of the ICT's original contract, the need to commence a second IST procurement resulted in the ICT having to provide additional services. Due to the lack of an acceptable tender submissions the Contracting Authority exercised the option to use the competitive procedure with negotiation which occasioned further work and delay.

The Main Works Contract has now been entered into and the ICT will be required to manage and supervise the works to completion. The scope of ICT services for management of the Main Works Contract is largely as per the ICT's original contract, although some adjustment will be necessary to accommodate the time shift from the initial programme for delivery of the project.

All modifications to date are considered to be permitted by reg.72 PCR.

If further information is required, please submit all queries to construct.info@finance-ni.gov.uk

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 70

Cost criterion - Name: Cost / Weighting: 30

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

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 procurement falls outside the scope of application of the regulations

Explanation:

WYG Management Services Limited was appointed as the Integrated Consultant Team (ICT) for the Strule Campus in November 2015.

As set out above, additional work required in order to complete the various elements of the contract. A particular instance is that as part of the contracted supervision of site works, the ICT was required to provide significant additional services to supervise the removal of ordnance and the decontamination of land.

The services to be provided by the ICT to completion of the contract are aligned with the original Scope of Service for the procurement.

A further delay was encountered when only one tender was received as part of the procurement process concluded on 29/9/22. This tender was deemed unacceptable within the meaning of reg.26(4)(b) of PCR. Following consideration of the single return a decision was taken to enter a Competitive Procedure with Negotiation (CPN) with Woodvale Lowry Joint Venture in accordance with Regulation 29. The CPN process was supported by additional work by the ICT and conducted over a nine month period with a final Tender submitted on 12/10/23.

A change of ICT at this crucial stage of project delivery would cause significant inconvenience and substantial duplication of costs to the Contracting Authority. It would be a difficulty, costly and time-consuming process for another economic operator to take on the design work carried out by the current ICT to date and to take that through to completion. It would also take time and resources for a new ICT to analyse the key interests of the various stakeholders to ensure that further design development and the construction works aligned with the same. There would be delay to the start date for the MWC until the replacement ICT was familiar with the project to the degree necessary to assist the Contracting Authority in this regard. In light of its skills, experience and resources, there would be a loss of project knowledge and the value of some of the work carried out to date particularly in regard to the outworkings of the CPN process. The significant further delays to project delivery may have

an impact on the ability to conclude the envisaged contract with the MWC and may increase the cost of the same.

There would be an impact on political and stakeholder confidence and agreements. It is likely that there would be a further requirement to reappraise financial and budget approvals that have recently been granted by the Northern Ireland Executive. Additional delays are contrary to the public interest. The regeneration of the subject schools has widespread cross-community support.

All modifications are considered to be permitted by reg.72 PCR and the below modifications are considered to be permitted by reg.72(1)(b):

Inflation adjustment to completion £1,170,840.28

Contingency – £415,000

This notice is therefore also notice of these two modifications as per reg.72(3)

None of the modifications to the contract exceeds 50% of the value of the original contract.

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.2.1) Previous publication concerning this procedure

Notice number: [2016/S 006-007182](#)

Section V. Award of contract/concession

Contract No

1

Title

Lisanelly Shared Educational Campus Phase 2 (Strule) - Services Contract for an Integrated Consultant Team

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

20 November 2015

V.2.2) Information about tenders

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

V.2.3) Name and address of the contractor/concessionaire

WYG Management Services Ltd - now known as Tetra Tech

1 Locksley Business Park, 39 Montgomery Road, Belfast BT6 9UP · 25 mi

Belfast

BT6 9UP

Email

ireland@tetrattech.com

Telephone

+44 2890706000

Country

United Kingdom

NUTS code

- UK - United Kingdom

Internet address

<https://www.tetratecheurope.com/contact-us/>

The contractor/concessionaire is an SME

Yes

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

Initial estimated total value of the contract/lot/concession: £7,000,000

Total value of the contract/lot/concession: £9,285,835.25

V.2.5) Information about subcontracting

The contract/lot/concession is likely to be subcontracted

Value or proportion likely to be subcontracted to third parties

Value excluding VAT: £3,100,000

Proportion: 33 %

Short description of the part of the contract to be subcontracted

Architectural Design and CoW duties

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

Department of Finance, Construction Procurement Delivery Procurement Operations Branch

Department of Finance, Construction Procurement Delivery Procurement Operations Branch Clare House, 303 Airport Road West

Belfast

BT3 9ED

Email

construct.info@finance-ni.gov.uk

Country

United Kingdom

Internet address

<https://www.finance-ni.gov.uk/contact>

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

This procurement is governed by the Public Contracts Regulations 2015 and provides for economic operators who have suffered, or who risk suffering, loss, or damage, as a consequence of an alleged breach of the duty owed in accordance with Regulation 91 to start proceedings in the High Court.. A standstill period will commence at the point information on the award of the contract is communicated to tenderers. That notification will provide information on the award decision. The standstill period, which will be for a minimum of 10 calendar days, provides time for unsuccessful tenderers to challenge the award decision before the contract is entered into.. Any proceedings relating to any perceived non-compliance with the relevant law must be started within 30 days, beginning with the date when the economic operator first knew, or ought to have known that grounds for starting the proceedings had arisen. (A court may extend the time limit to 3 months, where the court

considers that there is a good reason for doing so)..

VI.4.4) Service from which information about the review procedure may be obtained

Department of Finance, Construction Procurement Delivery Procurement Operations
Branch

Department of Finance, Construction Procurement Delivery Procurement Operations
Branch Clare House, 303 Airport Road West

Belfast

BT3 9ED

Email

construct.info@finance-ni.gov.uk

Country

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