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Tender

Framework Agreement for the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s)

Kirklees Council
City of Bradford Metropolitan District Council
The Borough of Calderdale Council
Leeds City Council
City of Wakefield District Council
City of York Council

F02: Contract notice

Notice identifier: 2023/S 000-029967

Procurement identifier (OCID): ocids-h6vhtk-040b0e

Published 11 October 2023, 12:52pm

Section I: Contracting authority

I.1) Name and addresses

Kirklees Council

Town Hall, Ramsden Street

Huddersfield

HD1 2TA

Email

highways.contracts@kirklees.gov.uk

Telephone

+44 1484221000

Country

United Kingdom

Region code

UKE44 - Calderdale and Kirklees

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

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

Buyer's address

<https://yortender.eu-supply.com>

I.1) Name and addresses

City of Bradford Metropolitan District Council

City Hall, Channing Way

Bradford

BD1 1HY

Email

highways.contracts@kirklees.gov.uk

Telephone

+44 1484221000

Country

United Kingdom

Region code

UKE41 - Bradford

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

www.bradford.gov.uk

Buyer's address

<https://yortender.eu-supply.com>

I.1) Name and addresses

The Borough of Calderdale Council

Town Hall, Crossley Street

Halifax

HX1 1UJ

Email

highways.contracts@kirklees.gov.uk

Telephone

+44 1484221000

Country

United Kingdom

Region code

UKE44 - Calderdale and Kirklees

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

www.calderdale.gov.uk

Buyer's address

<https://yortender.eu-supply.com>

I.1) Name and addresses

Leeds City Council

Civic Hall, Calverley Street

Leeds, West Yorkshire

LS1 1UR

Email

highways.contract@kirklees.gov.uk

Country

United Kingdom

Region code

UKE42 - Leeds

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

www.leeds.gov.uk

Buyer's address

<https://yortender.eu-supply.com>

I.1) Name and addresses

City of Wakefield District Council

Town Hall, Woods Street

Wakefield

WF1 2HQ

Email

highways.contracts@kirklees.gov.uk

Telephone

+44 1484221000

Country

United Kingdom

Region code

UKE45 - Wakefield

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

www.wakefield.gov.uk

Buyer's address

<https://yortender.eu-supply.com>

I.1) Name and addresses

City of York Council

Hazel Court, James Street

York

YO10 3DS

Email

highways.contracts@kirklees.gov.uk

Country

United Kingdom

Region code

UKE21 - York

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

www.york.gov.uk

Buyer's address

<https://yortender.eu-supply.com>

I.2) Information about joint procurement

The contract involves 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://yortender.eu-supply.com>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://yortender.eu-supply.com>

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

Framework Agreement for the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s)

Reference number

KMCHS-391

II.1.2) Main CPV code

- 60182000 - Hire of industrial vehicles with driver

II.1.3) Type of contract

Services

II.1.4) Short description

The Council of the Borough of Kirklees (the "Council") is conducting this procurement process using the open procedure in accordance with the Public Contracts Regulations 2015 ("PCR"). The procurement documentation has been made available following the publication of the Contract Notice on the UK e-notification service.

This framework is being procured to replace the 'With Operator' element on the current Framework (KMCHS-351) which expires on 30th November 2023.

Tenders are invited by the Council and the Other Contracting Authorities from Suppliers with relevant experience and ability to demonstrate sufficient capacity for the provision of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator.

This framework will be available across the region of Yorkshire and Humberside, and will be used by the following Contracting Authorities

The City of Bradford Metropolitan District Council - Lot 1,

The Borough of Calderdale Council - Lot 2,

The Council of the Borough of Kirklees - Lot 3,

Leeds City Council - Lot 4,

City of Wakefield Metropolitan District Council - Lot 5,

York City Council - Lot 6

The framework will be advertised on YORtender (tender platform) - <https://yortender.eu-supply.com> (<https://yortender.eu-supply.com>)

II.1.5) Estimated total value

Value excluding VAT: £13,920,000

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

City of Bradford Metropolitan District Council - Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s)

Lot No

1

II.2.2) Additional CPV code(s)

- 43300000 - Construction machinery and equipment
- 45500000 - Hire of construction and civil engineering machinery and equipment with operator

II.2.3) Place of performance

NUTS codes

- UKE41 - Bradford

II.2.4) Description of the procurement

The "Services" under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s), within the geographical area as outlined in Appendix 3b - Geographical Map.

This Lot relates to the administrative area of:

The City of Bradford Metropolitan District Council - Lot 1,

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://yortender.eu-supply.com> (<https://yortender.eu-supply.com>))

II.2.5) Award criteria

Price

II.2.6) Estimated value

Value excluding VAT: £120,000

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

Start date

1 January 2024

End date

31 December 2025

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twenty-four (24) month period from 1st January 2024 to 31st December 2025 with an option to extend the Framework for two further twelve (12) month periods until 31st December 2027.

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.14) Additional information

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

II.2) Description

II.2.1) Title

The Borough of Calderdale Council - Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s)

Lot No

2

II.2.2) Additional CPV code(s)

- 43300000 - Construction machinery and equipment
- 45500000 - Hire of construction and civil engineering machinery and equipment with operator

II.2.3) Place of performance

NUTS codes

- UKE44 - Calderdale and Kirklees

II.2.4) Description of the procurement

The "Services" under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s), within the geographical area as outlined in Appendix 3b - Geographical Map.

This Lot relates to the administrative area of:

The Borough of Calderdale Council - Lot 2,

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://yortender.eu-supply.com> (<https://yortender.eu-supply.com>))

II.2.5) Award criteria

Price

II.2.6) Estimated value

Value excluding VAT: £300,000

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

Start date

1 January 2024

End date

31 December 2025

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twenty-four (24) month period from 1st January 2024 to 31st December 2025 with an option to extend the Framework for two further twelve (12) month periods until 31st December 2027.

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.14) Additional information

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

II.2) Description

II.2.1) Title

Kirklees Council - Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s)

Lot No

3

II.2.2) Additional CPV code(s)

- 43300000 - Construction machinery and equipment
- 45500000 - Hire of construction and civil engineering machinery and equipment with operator

II.2.3) Place of performance

NUTS codes

- UKE44 - Calderdale and Kirklees

II.2.4) Description of the procurement

The "Services" under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s), within the geographical area as outlined in Appendix 3b - Geographical Map.

This Lot relates to the administrative area of:

The Council of the Borough of Kirklees - Lot 3,

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://yortender.eu-supply.com>) (<https://yortender.eu-supply.com>)

II.2.5) Award criteria

Price

II.2.6) Estimated value

Value excluding VAT: £6,200,000

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

Start date

1 January 2024

End date

31 December 2025

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twenty-four (24) month period from 1st January 2024 to 31st December 2025 with an option to extend the Framework for two further twelve (12) month periods until 31st December 2027.

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.14) Additional information

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

II.2) Description

II.2.1) Title

Leeds City Council - Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s)

Lot No

4

II.2.2) Additional CPV code(s)

- 43300000 - Construction machinery and equipment
- 45500000 - Hire of construction and civil engineering machinery and equipment with operator

II.2.3) Place of performance

NUTS codes

- UKE42 - Leeds

II.2.4) Description of the procurement

The "Services" under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s), within the geographical area as outlined in Appendix 3b - Geographical Map.

This Lot relates to the administrative area of:

Leeds City Council - Lot 4,

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://yortender.eu-supply.com>)

(<https://yortender.eu-supply.com>)

II.2.5) Award criteria

Price

II.2.6) Estimated value

Value excluding VAT: £6,500,000

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

Start date

1 January 2024

End date

31 December 2025

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twenty-four (24) month period from 1st January 2024 to 31st December 2025 with an option to extend the Framework for two further twelve (12) month periods until 31st December 2027.

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.14) Additional information

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

II.2) Description

II.2.1) Title

City of Wakefield Metropolitan District Council - Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s)

Lot No

5

II.2.2) Additional CPV code(s)

- 43300000 - Construction machinery and equipment
- 45500000 - Hire of construction and civil engineering machinery and equipment with operator

II.2.3) Place of performance

NUTS codes

- UKE45 - Wakefield

II.2.4) Description of the procurement

The "Services" under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s), within the geographical area as outlined in Appendix 3b - Geographical Map.

This Lot relates to the administrative area of:

City of Wakefield Metropolitan District Council - Lot 5,

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://yortender.eu-supply.com> (<https://yortender.eu-supply.com>))

II.2.5) Award criteria

Price

II.2.6) Estimated value

Value excluding VAT: £400,000

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

Start date

1 January 2024

End date

31 December 2025

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twenty-four (24) month period from 1st January 2024 to 31st December 2025 with an option to extend the Framework for two further twelve (12) month periods until 31st December 2027.

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.14) Additional information

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

II.2) Description

II.2.1) Title

City of York Council - Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s)

Lot No

6

II.2.2) Additional CPV code(s)

- 43300000 - Construction machinery and equipment
- 45500000 - Hire of construction and civil engineering machinery and equipment with operator

II.2.3) Place of performance

NUTS codes

- UKE21 - York

II.2.4) Description of the procurement

The "Services" under a proposed Framework Agreement will consist of the Hire of Civil Engineering Plant, Vehicles and Equipment with Operator(s), within the geographical area as outlined in Appendix 3b - Geographical Map.

This Lot relates to the administrative area of:

York City Council - Lot 6,

Economic Operators may price for one, or more, or all of the lots as detailed at Section II.1.4 of this notice. All of the other contracting authorities shall be hereafter defined as the "contracting authorities" for whom the principal contracting authority (i.e. the Council of the Borough of Kirklees) will act as the contract administrator in relation to the Framework Agreement (available to download at: <https://yortender.eu-supply.com>) (<https://yortender.eu-supply.com>)

II.2.5) Award criteria

Price

II.2.6) Estimated value

Value excluding VAT: £400,000

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

Start date

1 January 2024

End date

31 December 2025

This contract is subject to renewal

Yes

Description of renewals

The Framework is intended to run for an initial twenty-four (24) month period from 1st January 2024 to 31st December 2025 with an option to extend the Framework for two further twelve (12) month periods until 31st December 2027.

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.14) Additional information

Tenderers may price an item(s) in any category or categories within one, more or all of the Lots detailed. There will be no limitation to the number of Lots or categories awarded to any one Supplier.

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 and 59 to 61 of Directive 2014/24/EU and (ii) Regulations 57 to 61 of the Public Contract Regulations 2015 (SI 2015/102), and as set out in the selection questionnaire ("SQ") available from the address as set out in Section (I.1) of this notice above, the Council of the Borough of Kirklees acting as the principal contracting authority reserves the right to refuse any Contractor's application and to exclude its tender from the evaluation in any of the circumstances as follows:

(i) in the event the completed SQ, supporting information and/or any other tender

submissions are incomplete, inaccurate or misleading or otherwise not submitted in accordance with the requirements set out in the SQ or any of the other Tender

Documents; and/or;

(ii) for any reason specified in Regulation 57 (Exclusion Grounds) of the Public Contracts Regulations 2015(SI 2015/102), which requires or permits the principal contracting authority not to select or to treat any Contractor as an ineligible Contractor; and / or

(iii) Contractors scoring "Fail" in the SQ will not be selected for consideration of their tender submission.

Section 7 - Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015.

Answering "Yes" to question 7.1 and "No" to Question 7.2 will result in exclusion unless the Contractor:

(1) can demonstrate that you are legally exempt from the requirement to comply with the annual reporting requirements contained within section 54 of the Act; or

(2) commit to comply with such reporting requirements within 6 months of the date of your submitted questionnaire.

III.1.2) Economic and financial standing

Selection criteria as stated in the procurement documents

III.1.3) Technical and professional ability

List and brief description of selection criteria

Selection criteria as stated in the tender documents.

III.2) Conditions related to the contract

III.2.2) Contract performance conditions

The performance of the Orders by the economic operator during the Framework Period will be subject to review by the principal contracting authority and the other contracting authorities, carried out in accordance with the tender documents which are available to download at <https://yortender.eu-supply.com>.

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

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

13 November 2023

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

13 November 2023

Local time

1:01pm

Section VI. Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: Yes

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

The contracting authority (i.e. the Council of the Borough of Kirklees) considers that this Framework Agreement may be suitable for economic operators that are small or medium enterprises ("SMEs"). However, any selection of economic operators will be based solely on the criteria set out for the procurement, and the Framework Agreement will be awarded on the basis of the most economically advantageous tender based on lowest price only. The award criteria is set out in the procurement documentation (available to download at <https://yortender.eu-supply.com>). With regards to the estimated total value of works for the entire duration of the Framework Agreement, please note the values stipulated in Section II.1.5 of this Notice above covers the potential spend of Council of the Borough of Kirklees, throughout the duration of the Framework Agreement. Notwithstanding the range of values stipulated in Section II.1.5, however, for the avoidance of doubt please note that:

- i) The estimates given in Section II.1.5 of this Notice are strictly estimated values only.
- ii) Any information supplied in the Tender Documents as to the likely volumes of works or the times when they are likely to be required are given purely as indication of past experiences of the Council.
- iii) The anticipated usage of this Framework Agreement is unknown at present. Tenderers should note that it is not possible to establish an exact future workload and it is therefore not possible to guarantee that all or any of the successful economic operators with whom Kirklees Council enters into the Framework Agreement will in fact be called upon to execute Services on behalf of the Council. Unless otherwise specifically stated elsewhere in the Tender Documents, there is no minimum or maximum value/quantity of Services that may be ordered on anyone occasion and the rates tendered must therefore reflect the likelihood of varying magnitude of Services and types of Services.
- iv) The Council is not bound to enter into any Services Order or other contract following

discussions or other representations and the Council shall not incur any liability in respect of any failure to enter into any Service Contract or in connection with the total volume, type of Services or value of Services anticipated by the economic operators or which any economic operator is asked to carry out.

VI.4) Procedures for review

VI.4.1) Review body

High Court of England and Wales

The Strand, Westminster

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 agreement), Regulation 87 (Standstill periods) and Chapter 6 (Applications to Court) of the Public Contract Regulations 2015 (SI 2015/102), the principal contracting authority has incorporated a minimum ten (10) calendar day standstill period at the point that information on the conclusion of the Framework Agreement was communicated to Contractors. This period allowed any unsuccessful Contractor(s) to seek further debriefing from the contracting authority before the award (or non-award) of the Framework

Agreement. Such additional information should have been (and can still be) requested from the address at Sections I.1 and I.3 of this Notice above. If an appeal regarding the award (or non-award) of the Framework Agreement has not been successfully resolved, then the Regulations 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 Framework agreement has not been awarded, the Court may order the setting aside of the award decision or reorder the contracting authority to amend any document and may award damages. If however the Framework Agreement has been awarded, the Court may only award damages or, where the contract award procedures have not been followed correctly, declare the Framework Agreement to be ineffective.

