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Award

## **Provision of Planned and Responsive Maintenance and Minor Works - Omagh M&E Lot 1**

the Education Authority

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-030213

Procurement identifier (OCID): ocds-h6vhtk-049cab

Published 20 September 2024, 3:12pm

### **Section I: Contracting authority/entity**

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

the Education Authority

40 Academy Street

Belfast

BT1 2NQ

#### **Email**

[facilities.procure@eani.org.uk](mailto:facilities.procure@eani.org.uk)

#### **Country**

United Kingdom

#### **Region code**

UKN - Northern Ireland

## **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

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## **Section II: Object**

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

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

Provision of Planned and Responsive Maintenance and Minor Works - Omagh M&E Lot 1

Reference number

Omagh M&E Lot 1

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

- 45210000 - Building construction work

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

Works

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

The award of a contract by Education Authority Northern Ireland (EANI) without prior publication of a call for competition in the Official Journal of the European Union, in respect of the continued provision of a Term Service Contract for Maintenance (M&E) and Minor Works in the Western Education and Library Board area (Area 1), Contract Lot 3 as further described in OJEU Contract Notice and as outlined in the previous VEAT issued 28 May 2021, 15 April 2022, 13 December 2022, 7 September 2023, 27 October 2023, 8 February 2024 and 28 March 2024.

#### **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: £4,000,000

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

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

NUTS codes

- UKN - Northern Ireland

Main site or place of performance

Northern Ireland

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

Provision of Planned Maintenance and Response Works for EANI across its property portfolio in the old Western Education and Library Board area, Contract Lot 3 which includes but is not limited to controlled and uncontrolled schools.

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

Options: Yes

Description of options

The previous VEAT Notice 2024/S 000-010439 published on 28 March 2024 detailed EANI's intention to apply a further uplift to the value of the contract of 4,000,000.00 GBP which does not exceed 50 % of the original contract value. This uplift was applied in addition to the 4,000,000 GBP uplift applied and detailed in the preceding VEAT Notice 2024/S 000-004316 published on 8 February 2024. EANI are now required to further increase the value of this contract. The overall nature of contract is not altered and the Modification value does not exceed 50 % of original contract value.

The total value of the extension is 4,000,000.00GBP.

#### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

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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 procurement falls outside the scope of application of the regulations

Explanation:

It has become necessary for EANI to further increase the value of this contract as additional expenditure has been incurred due to an unforeseen additional budget release by which the consequent additional funding facilitated the performance of additional works and the unforeseen demand particularly in respect of response works and for works to accommodate children with Special Education Needs. An unprecedented rise in statutory compliance works and reactive maintenance works that EANI were obligated to undertake has resulted in substantial expenditure.

Furthermore, it was anticipated at the time of publication of the previous VEAT Notice that EANI would have awarded another tender by the date hereof. It was expected this tender award would have resulted in a decreased demand in respect on this contract, however due to unforeseen circumstance, the award has been delayed. Whilst it is anticipate EANI will make the award in the coming weeks, the delay has placed further demand on this contract and necessitated a further uplift of the contract value.

Additionally, the unexpected and recent withdrawal of the contractor responsible for 'Ballymena M&E Lots 1 and 2' has necessitated the reallocation of certain works to this Contract. Works that were originally intended to be carried out under a separate contract shall now be performed under this contract. While this reallocation has not yet caused any immediate financial pressure, it is highly anticipated and in order to pre-empt this significant additional cost, resulting from the reallocation of works to this Contract, it is crucial that a further uplift is applied to the contract value. By doing so, the financial impact of these works can be managed effectively, without causing disruptions to the overall project delivery.

These factors, combined with the continued effect of inflation which were not anticipated at the time of the original Contract Notice or subsequent VEAT Notices, has precipitated a more rapid consumption of the value of the contract stated in the previous VEAT Notice.

The total value of the extension is 4,000,000.00 GBP which does not exceed 50 % of the original contract value. This uplift is applied in addition to the 4,000,000 GBP uplift applied

and detailed in the preceding VEAT Notice 2024/S 000-004316 published on 8 February 2024 and the 4,000,000 GBP uplift detailed in VEAT Notice 2024/S 000-010439 published on 28 March 2024.

The uplift to the contract value also being sought as a precautionary measure to ensure continued service delivery of the SEN placement programme and in particular the potential of further ongoing response maintenance works as may be required before the contract expiry.

Regulation 72(1)(c) permits this increase in value of the Contract, due to unforeseen circumstances which a diligent contracting authority could not have foreseen. In addition the overall nature of the contract is not altered and Modification value is GBP 4 000 000 which does not exceed 50 % of the original contract value. This contingency includes sums to permit work in other Lots (as per the contract and Regulation 72 (1)(a)).

In order to provide continued access to schools and the scale, complexity and nature of the construction works and possible duplication of costs it is not possible to change the current provider. Regulation 72(1)(b) further permits this as a change of provider:

(i) cannot be made for economic and technical reasons as requirements of interchangeability or interoperability of services procured under the original procurement and given the need to ensure continued access to EANI schools and facilities and could result in partial/total closure of schools; and

(ii) will cause significant inconvenience and duplication of costs.

EANI envisages new contract award by no later than 31/08/25.

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

The procurement is covered by the Government Procurement Agreement: Yes

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

A contract/lot is awarded: Yes

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

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

19 September 2024

### **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**

Irwin ME Ltd

Portadown

Email

[info@irwinm-e.com](mailto:info@irwinm-e.com)

Country

United Kingdom

NUTS code

- UKN - Northern Ireland

Internet address

<https://irwinm-e.com/>

The contractor/concessionaire is an SME

Yes

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

Total value of the contract/lot/concession: £4,000,000

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## **Section VI. Complementary information**

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

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

The UK does not have any special review body with responsibility for appeal/mediation procedures in public procurement competitions

Belfast

Country

United Kingdom