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Contract

## **DAERA AFBI Commercialisation of AFBI-bred forage grass varieties**

Agri-Food and Biosciences Institute

F25: Concession award notice

Notice identifier: 2022/S 000-031376

Procurement identifier (OCID): ocids-h6vhtk-0337af

Published 7 November 2022, 11:29am

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

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

Agri-Food and Biosciences Institute

C/O Construction and Procurement Delivery, 303 Airport Road West

BELFAST

BT3 9ED

#### **Email**

[justice.cpd@finance-ni.gov.uk](mailto:justice.cpd@finance-ni.gov.uk)

#### **Country**

United Kingdom

#### **Region code**

UK - United Kingdom

#### **Internet address(es)**

Main address

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

Buyer's address

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

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

Body governed by public law

#### **I.5) Main activity**

General public services

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## **Section II: Object**

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

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

DAERA AFBI Commercialisation of AFBI-bred forage grass varieties

Reference number

ID 4225815

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

- 66151000 - Financial market operational services

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

Services

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

The Agri-Food and Biosciences Institute (AFBI) is Northern Ireland's largest science and technology organisation and an internationally renowned multidisciplinary scientific organisation, based at seven locations across Northern Ireland. In line with our Vision of "Advancing the local and global agri food sectors through scientific excellence", AFBI works with a range of partners to provide scientific solutions to the global challenges of climate change, food security and environmental protection. Our staff undertake scientific

research, surveillance, and analytical and diagnostic testing for a wide range of customers in the fields of sustainable agricultural systems, animal health and welfare, plant science, food innovation and safety, environmental protection, fisheries and aquatic ecosystems and agricultural and rural economics. AFBI is a Non-Departmental Public Body (NDPB) established under the Agriculture (Northern Ireland) Order, 2004. The Institute undertakes an assigned work programme on behalf of the Department of Agriculture, Environment and Rural Affairs (DAERA) that comprises statutory, analytical, and diagnostic/surveillance testing, together with research and development and the provision of specialist advice in the fields of agriculture, animal health and welfare, plant science, food safety and innovation, marine and fisheries, the natural environment and agri-food and rural economics. The AFBI grass breeding programme, based in Loughgall, Northern Ireland, produces locally-adapted ryegrass varieties for a range of forage grass markets, but primarily for the NI as well as the GB/ROI markets. The programme, which has been in place since 1952, has a long history, and a strong reputation in the marketplace. The AFBI programme has been extremely successful. As of 2020/21, there were 19 different AFBI-bred ryegrass varieties on the Irish and UK recommended lists. There were also a number of varieties on recommended lists in other European countries. The average annual number of AFBI varieties that have been accepted onto Recommended Lists over the past 10 years is 2.6, demonstrating the consistent performance of new AFBI varieties. The current programme focuses on the production of intermediate and late diploid and tetraploid perennial ryegrass varieties for both silage and grazing, as well as varieties of the hybrid type. The AFBI forage grass breeding programme is split into two programmes: the strategic programme and the commercialisation programme. The early stage strategic programme is funded by DAERA, and produces germplasm for incorporation into new synthetics. The commercialisation programme tests near-market stage synthetics prior to national list testing and subsequent commercialisation. AFBI requires a commercialisation partner in order for AFBI-bred varieties to be tested for market performance prior to national/recommended list testing, and ultimately for seed from AFBI-bred varieties to reach target markets. In compliance with the Concession Contracts Regulations 2016, AFBI therefore intends to run a tender exercise for commercialisation rights to all future AFBI-bred varieties for the purposes of testing, production and marketing of these varieties.

#### **II.1.5) Estimated total value**

Value excluding VAT: £100,000,000

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

This concession is divided into lots: No

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

Value excluding VAT: £100,000,000

## **II.2) Description**

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

- 77100000 - Agricultural services

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

NUTS codes

- UKN - Northern Ireland

Main site or place of performance

As required by AFBI and the contract demands, within Northern Ireland and potentially beyond.

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

The Agri-Food and Biosciences Institute (AFBI) is Northern Ireland's largest science and technology organisation and an internationally renowned multidisciplinary scientific organisation, based at seven locations across Northern Ireland. In line with our Vision of "Advancing the local and global agri food sectors through scientific excellence", AFBI works with a range of partners to provide scientific solutions to the global challenges of climate change, food security and environmental protection. Our staff undertake scientific research, surveillance, and analytical and diagnostic testing for a wide range of customers in the fields of sustainable agricultural systems, animal health and welfare, plant science, food innovation and safety, environmental protection, fisheries and aquatic ecosystems and agricultural and rural economics. AFBI is a Non-Departmental Public Body (NDPB) established under the Agriculture (Northern Ireland) Order, 2004. The Institute undertakes an assigned work programme on behalf of the Department of Agriculture, Environment and Rural Affairs (DAERA) that comprises statutory, analytical, and diagnostic/surveillance testing, together with research and development and the provision of specialist advice in the fields of agriculture, animal health and welfare, plant science, food safety and innovation, marine and fisheries, the natural environment and agri-food and rural economics. The AFBI grass breeding programme, based in Loughgall, Northern Ireland, produces locally-adapted ryegrass varieties for a range of forage grass markets, but primarily for the NI as well as the GB/ROI markets. The programme, which has been in place since 1952, has a long history, and a strong reputation in the marketplace. The AFBI programme has been extremely successful. As of 2020/21, there were 19 different AFBI-bred ryegrass varieties on the Irish and UK recommended lists. There were also a number of varieties on recommended lists in other European countries. The average annual number of AFBI varieties that have been accepted onto Recommended Lists over the past 10 years is 2.6, demonstrating the consistent performance of new AFBI varieties. The current programme focuses on the production of intermediate and late diploid and tetraploid perennial ryegrass varieties for both silage and grazing, as well as varieties of

the hybrid type. The AFBI forage grass breeding programme is split into two programmes: the strategic programme and the commercialisation programme. The early stage strategic programme is funded by DAERA, and produces germplasm for incorporation into new synthetics. The commercialisation programme tests near-market stage synthetics prior to national list testing and subsequent commercialisation. AFBI requires a commercialisation partner in order for AFBI-bred varieties to be tested for market performance prior to national/recommended list testing, and ultimately for seed from AFBI-bred varieties to reach target markets. In compliance with the Concession Contracts Regulations 2016, AFBI therefore intends to run a tender exercise for commercialisation rights to all future AFBI-bred varieties for the purposes of testing, production and marketing of these varieties.

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

Concession is awarded on the basis of the criteria described below:

- Criterion: AC4 Fixed Payment Funding (45)
- Criterion: AC1 Bring AFBI-bred forage grass seed to the market in Northern Ireland (25)
- Criterion: AC5 Royalty Payments (20)
- Criterion: AC2 Support for national list and recommended list applications (5)
- Criterion: AC3 Access to additional testing sites/disease testing (5)

#### **II.2.7) Duration of the concession**

Duration in months

180

#### **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) Form of procedure**

Award procedure with prior publication of a concession notice

#### **IV.1.11) Main features of the award procedure**

Award procedure was fully detailed in the published tender documentation.

### **IV.2) Administrative information**

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

Notice number: [2022/S 000-012561](#)

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

### **Title**

ID4225815 / AFBI Commercialisation of AFBI-bred Forage Grass Varieties

A concession/lot is awarded: Yes

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

#### **V.2.1) Date of concession award decision**

24 October 2022

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

Number of tenders received: 2

Number of tenders received from SMEs: 1

Number of tenders received from tenderers from other EU Member States: 1

Number of tenders received from tenderers from non-EU Member States: 0

Number of tenders received by electronic means: 2

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

**V.2.3) Name and address of the concessionaire**

Barenbrug Holland B.V.

Stationsstraat 40

Nijmegen

6515 AB

Telephone

+24 3488100

Country

Netherlands

NUTS code

- NL - Netherlands

Internet address

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

The concessionaire is an SME

No

**V.2.4) Information on value of concession and main financing terms (excluding VAT)**

Initial estimated total value of the contract/lot/concession: £50,000,000

Total value of the concession/lot: £100,000,000

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## **Section VI. Complementary information**

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

Neither CPD nor the Agri-Food and Biosciences Institute (AFBI) can provide any guarantee as to the level of business under this contract. The commercial nature of this requirement is such that it will operate with, and will incur, no direct costs to AFBI. Any estimated values stated are nominal figures, which do not take into account the Contractor's marketing / production costs, and payments that will be made to AFBI. Any figures stated in the contract notice or this award notice must not be assumed as accurate or an indicator as to potential revenue for the Contractor. The estimate is not deemed to be a condition of contract nor a guarantee of minimum demand or uptake. No compensation will be payable to the Contractor should the actual demand be less than that stated.. . Contract monitoring: the successful Contractor's performance on the contract will be regularly monitored. Contractors not delivering on contract requirements is a serious matter. It means the public purse is not getting what it is paying for. If a Contractor fails to reach satisfactory levels of contract performance they will be given a specified time to improve. If, after the specified time, they still fail to reach satisfactory levels of contract performance, the matter will be escalated to senior management in CPD for further action. If this occurs and their performance still does not improve to satisfactory levels within the specified period, it may be regarded as an act of grave professional misconduct and they may be issued with a notice of written warning and notice of unsatisfactory performance and this contract may be terminated. The issue of a. notice of written warning and notice of unsatisfactory performance will result in the Contractor being excluded from all procurement competitions being undertaken by Centres of Procurement Expertise on behalf of bodies covered by the Northern Ireland Procurement Policy for a period of up to 12 months from the date of issue of the notice. The authority expressly reserves the rights:.. (i) not to award any contract as a result of the procurement process commenced by publication of this notice;. (ii) to make whatever changes it may see fit to the content and structure of the tendering competition;. (iii) to award (a) contract(s) in respect of any part(s) of the services covered by this notice; and. (iv) to award contract(s) in stages.. . And under no circumstances will the authority be liable for any costs incurred by candidates.

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

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

See VI.4.3 / Review procedure

See VI.4.3 / Review procedure

Country



United Kingdom

#### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

The UK does not have any special review body with responsibility for appeal/mediation. procedures in public procurement competitions. Instead, any challenges are dealt with by. the High Court, Commercial Division, to which proceedings may be issued regarding alleged breaches of the Concessions Contracts Regulations 2016.