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Contract

## **Provision of Planned and Responsive Maintenance and Minor Works - Ballymena M&E Lot 2**

the Education Authority

F20: Modification notice

Notice identifier: 2023/S 000-031869

Procurement identifier (OCID): ocids-h6vhtk-03faf3

Published 27 October 2023, 4:03pm

### **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/home.do>

Buyer's address

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

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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 - Ballymena M&E Lot 2

Reference number

Ballymena M&E Lot 2

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

- 45210000 - Building construction work

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

Works

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

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

NUTS codes

- UKN - Northern Ireland

#### **II.2.4) Description of the procurement at the time of conclusion of the contract:**

Provision of planned and responsive maintenance works for EANI across its property portfolio in the old North Eastern Education and Library Board area, Contract Lot 2 which includes but is not limited to controlled and uncontrolled schools.

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

Start date

30 October 2023

End date

31 May 2024

## **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.2) Administrative information**

#### **IV.2.1) Contract award notice concerning this contract**

Notice number: [2023/S 000-026522](#)

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

### **Contract No**

Ballymena ME Lot 2

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

#### **V.2.1) Date of conclusion of the contract/concession award decision:**

7 September 2023

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

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

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

LM Services NI Ltd

Belfast

Email

[info@lmservicesni.com](mailto:info@lmservicesni.com)

Country

United Kingdom

NUTS code

- UKN - Northern Ireland

Internet address

<http://lmservicesni.com/>

The contractor/concessionaire is an SME

Yes

**V.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)**

Total value of the procurement: £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

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## **Section VII: Modifications to the contract/concession**

### **VII.1) Description of the procurement after the modifications**

#### **VII.1.1) Main CPV code**

- 45210000 - Building construction work

#### **VII.1.3) Place of performance**

NUTS code

- UKN - Northern Ireland

#### **VII.1.4) Description of the procurement:**

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 Contract Lot 1: Term Service Contracts for Mechanical and Electrical Maintenance Works in the old North Eastern Education and Library Board area (Area 2), Contract Lot 2 as further described in OJEU Contract Notice and as outlined in the

previous VEAT issued on 13 December 2022.

#### **VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession**

Start date

30 October 2023

End date

31 May 2024

#### **VII.1.6) Information on value of the contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession:

£4,000,000

### **VII.1.7) Name and address of the contractor/concessionaire**

LM Services NI Ltd

Belfast

Email

[info@lmservicesni.com](mailto:info@lmservicesni.com)

Country

United Kingdom

NUTS code

- UKN - Northern Ireland

Internet address

<http://lmservicesni.com/>

The contractor/concessionaire is an SME

Yes

### **VII.2) Information about modifications**

#### **VII.2.1) Description of the modifications**

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

An extension to the value of the contract of 4,000,000.00 GBP which does not exceed 50 % of the original contract value. The EANI does not intend to extend the time of this contract beyond the modification referenced in VEAT 2022/S 000-035189 published on 13 December 2022. Rather, this publication is to increase the value of the contract.

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

Further information in VII.2.2 below.

Due to circumstances which could not have been foreseen at the time of publication of the previous VEAT Notice, EANI are now required to further increase the value of this contract. This is required as additional expenditure has been incurred due to increased

demand for Special Educational Needs (SEN) placements, which were not anticipated at the time of the original Contract Notice or subsequent VEAT Notices. 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. The EANI does not intend to extend the time of this contract beyond the modification referenced in VEAT 2022/S 000-035189 published on 13 December 2022. Rather, this publication is to increase the value of the contract. (See continued below VII.2.2.)

### **VII.2.2) Reasons for modification**

Need for modification brought about by circumstances which a diligent contracting authority/entity could not foresee.

Description of the circumstances which rendered the modification necessary and explanation of the unforeseen nature of these circumstances:

To secure continuity, the provisions of the contract as referenced in VEAT 2022/S 000-035189 and VEAT 2022/S 000-010142 remain. Regulation 72(1)(c) permits this extension due to unforeseen circumstances which a diligent contracting authority could not have foreseen, overall nature of contract is not altered and Modification value is GBP 4 000 000 which does not exceed 50 % of original contract value. This contingency includes sums to permit work in other Lots (as per the contract and Regulation 72 (1)(a)). Regulation 72(1) (b) further permits this extension 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 31/05/24.

### **VII.2.3) Increase in price**

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptations and average inflation)

Value excluding VAT: £25,750,000

Total contract value after the modifications

Value excluding VAT: £29,750,000

