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Award

## **CT0102 - DLO Minor Works**

Northern Ireland Housing Executive

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-034288

Procurement identifier (OCID): ocds-h6vhtk-02eea6

Published 5 December 2022, 9:36am

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

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

Northern Ireland Housing Executive

2 Adelaide Street

Belfast

BT2 8BP

#### **Email**

[Christopher.Brown@nihe.gov.uk](mailto:Christopher.Brown@nihe.gov.uk)

#### **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**

Regional or local authority

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

Housing and community amenities

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## **Section II: Object**

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

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

CT0102 - DLO Minor Works

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

- 45210000 - Building construction work

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

Works

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

The Contracting Authority has appointed Contractors for the provision of comprehensive minor works following a competitive procurement Competition.

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

This contract is divided into lots: Yes

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

Value excluding VAT: £4,911,105

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

#### **II.2.1) Title**

Belfast

Lot No

1

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

- 45200000 - Works for complete or part construction and civil engineering work

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

NUTS codes

- UKN - Northern Ireland

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

The Contracting Authority has appointed a Contractor for the provision of comprehensive minor works in this lot following a competitive procurement Competition.

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

Options: Yes

Description of options

The Contracting Authority has the option, at its sole discretion, to extend the service period for a further two periods of up to 12 months or part thereof. For the avoidance of doubt, such an extension of the contract shall not be taken as any indication that any Task Orders/Job Requests will be raised during the extended term.

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

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

### **II.2.14) Additional information**

This contract was awarded on 21st December 2021 following a competitive procurement process conducted on eTendersNI. The modification communicated to the market within this Voluntary Ex Ante Transparency Notice does not apply to the value of lot 1 Belfast.

## **II.2) Description**

### **II.2.1) Title**

South Portadown and Craigavon

Lot No

2

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

- 45200000 - Works for complete or part construction and civil engineering work

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

NUTS codes

- UKN - Northern Ireland

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

The Contracting Authority has appointed a Contractor for the provision of comprehensive minor works in this lot following a competitive procurement Competition.

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

Options: Yes

Description of options

The Contracting Authority has the option, at its sole discretion, to extend the service period for a further two periods of up to 12 months or part thereof. For the avoidance of doubt, such an extension of the contract shall not be taken as any indication that any Task Orders/Job Requests will be raised during the extended term.

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

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

#### **II.2.14) Additional information**

This Lot Contract was awarded on 21st December 2021 following a competitive procurement process conducted on eTendersNI. The Contracting Authority intends to exercise its right under Regulation 72 (1)(c) of the Public Contract Regulations 2015 to modify the total value of this Lot Contract (£741,750) by 50% (+ £370,875). This means the total value of the Lot Contract will now be £1,112,625. The Contracting Authority does not consider this modification to alter the overall nature of the Contract. Refer to 'Annex D1 – General procurement' within this notice for details.

## 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:

The Contracting Authority awarded each Lot Contract detailed herein on 21st December 2021 following a competitive procurement process conducted on eTendersNI. The Contracting Authority extended each Lot Contract on 18th August 2022. Each Lot Contract is now due to expire at midnight on 5th January 2024.

Unprecedented industrial action commenced after the Contracting Authority applied the extension. The industrial action is causing a significant reduction of available key personnel within the workforce of the Contracting Authority's Direct Labour Organisation's (the "DLO") to undertake the statutory response maintenance works. Mamo Building Services Ltd ("Mamo") agreed to provide backup support at the start of the industrial action in September. The additional expenditure associated with this backup support provision is projected to breach the total value specified in the original Contract Award Notice of Lot Contract (Lot 2 'South (Portadown and Craigavon)'), in which Mamo are the incumbent Contractor, in early 2023 before the current expiry date. The provision of this requirement is critical to enable the Contracting Authority to discharge its statutory housing duty. The DLO explored and subsequently discounted potential options intended to mitigate the risk of an intolerable gap in these essential works. The Contracting Authority therefore intends to exercise its right under Regulation 72(1)(c) of the Public Contract Regulations 2015 to modify the total value of Lot Contract: Lot 2 South (Portadown and Craigavon) in which Mamo are the incumbent Contractor. The proposed modification shall increase the total value of Lot 2 South (Portadown and Craigavon) by 50% (+ £370,875) from the original value of £741,750 (as shown in the section V.2.4 of the Contract Award Notice) to £1,112,625. For the avoidance of doubt, the modification relates to the total value of Lot 2 South (Portadown and Craigavon). The value of Lot 1 Belfast is not being modified. DLO plans for the modified value of Lot 2 'South (Portadown and Craigavon) to enable works to continue until approximately April 2023, unless the industrial action is extended, in which case the modified total value may spend out much quicker. The Contracting Authority therefore anticipates current Lot Contracts: Lot 1

Belfast and Lot 2 Lot 2 'South (Portadown and Craigavon) of CT0102 may come to an end before their extended expiry dates but prior to the start of the replacement contract(s).

DLO only received confirmation of the industrial action, and the associated duration, nine days before industrial action commenced. The Contracting Authority has never before experienced industrial action of this magnitude, the duration of which is well outside the norm and completely unforeseeable (September - ongoing at time of publication of this notice). This modification does not materially alter the nature of the contract, nor does it introduce any conditions that would have allowed for the admission or acceptance of a different tender. Furthermore, the modification does not exceed 50% of the value of the original contract.

No change to the scope of works required within the contract will occur during the contract period. The works associated with the additional expenditure are necessary to prevent a catastrophic stoppage of works by sustaining a compliant mechanism enabling Mamo to continue delivering this statutory, strategically critical requirement whilst the Contracting Authority undertakes a compliant procurement project for replacement Minor Works contracts (which is expected to be advertised in the new year)

#### **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: [2022/S 000-000296](#)

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

### **Lot No**

2

### **Title**

South (Portadown and Craigavon)

A contract/lot is awarded: Yes

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

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

21 December 2021

#### **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**

MAMO BUILDING SERVICES LIMITED

18 Ballyards Road, Milford, Armagh

Armagh

BT60 3NS

Email

[paddy@mamobuildingservices.com](mailto:paddy@mamobuildingservices.com)

Telephone

+44 02837526331

Country

United Kingdom



NUTS code

- UK - United Kingdom

Internet address

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

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: £750,000

Total value of the contract/lot/concession: £1,112,625

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## **Section VI. Complementary information**

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

The value specified in section II.1.7) Total value of the procurement in field: 'Value excluding VAT' (£4,911,105.00) is the total value of the original procurement (both Lots) with no modification applied and was shown in the original Contract Award Notice. The original total value of Lot 2 South (Portadown and Craigavon) (£741,750.00) was specified in the original Contract Award Notice and has been modified as explained in this Voluntary Ex Ante Transparency Notice. The total value of the Lot 1 Belfast as disclosed in the original Contract Award Notice is: £4,169,355. The value shown herein at section V.2.4) Information on value of the contract/lot/concession (excluding VAT) in field 'Total final value of the contract/lot/concession' is the modified value for Lot 2 South (Portadown and Craigavon). The combined total of Lot 1 Belfast and the modified total of Lot 2 South (Portadown and Craigavon) is £5,281,980.

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

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

Royal Courts of Justice

Chichester Street

Belfast

Country

United Kingdom