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Award

## **Hard Landscape Products**

Torbay Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-035896

Procurement identifier (OCID): ocds-h6vhtk-03928c

Published 19 December 2022, 4:17pm

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

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

Torbay Council

Town Hall, Castle Circus

Torquay

TQ1 3DR

#### **Contact**

Mr Adam Harmer

#### **Email**

[procurement.team@torbay.gov.uk](mailto:procurement.team@torbay.gov.uk)

#### **Telephone**

+44 1803207242

#### **Country**

United Kingdom

**Region code**

UKK42 - Torbay

**Internet address(es)**

Main address

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

Buyer's address

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

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

Regional or local authority

**I.5) Main activity**

General public services

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**Section II: Object**

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

**II.1.1) Title**

Hard Landscape Products

Reference number

DN646153

**II.1.2) Main CPV code**

- 44100000 - Construction materials and associated items

**II.1.3) Type of contract**

Supplies

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

TDA, a wholly owned company of Torbay Council, is proposing to purchase paving and granite kerbs and blocks specifically for the Torquay Harbour and Strand Public Realm scheme in order to de-risk the construction project for an appointed contractor.

#### **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: £410,000

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

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

- 44900000 - Stone for construction, limestone, gypsum and slate

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

NUTS codes

- UKK42 - Torbay

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

The purpose of this notice is to inform the market that TDA, a wholly owned company of Torbay Council, is proposing to purchase paving and granite kerbs and blocks specifically for the Torquay Harbour and Strand Public Realm project in order to de-risk the construction project for an appointed contractor.

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

Options: No

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

The procurement is related to a project and/or programme financed by European Union funds: Yes

Identification of the project

UK Government's Towns Fund

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## Section IV. Procedure

### IV.1) Description

#### IV.1.1) Type of procedure

Negotiated without a prior call for competition

- No tenders or no suitable tenders/requests to participate in response to restricted procedure
- The works, supplies or services can be provided only by a particular economic operator for the following reason:
  - absence of competition for technical reasons

Explanation:

Following two unsuccessful procurement processes for the appointment of a contractor to deliver the Torquay Harbour and Strand Public Realm project, TDA, acting on behalf of Torbay Council, have made the decision to directly purchase the hard landscaping materials required in order to reduce contractor risk and to improve the market readiness of any further tender exercise to appoint a contractor.

Due to the current volatility of the market, the lead time and the price for the specified materials has risen significantly. Following a value engineering exercise in October 2022, the original granite paving was removed from the scheme as the price was no longer affordable. The best match to replace the original granite specified has been identified as Kellen paving slabs, which can only be supplied directly by one supplier.

A call-off has been run under the Cirrus Consortium Materials Framework in accordance with regulation 33 of the Public Contract Regulations 2015 and a response was received from a nationwide builders merchant but this compliant route to market resulted in a quote that was in excess of the available budget and approximately 16% more expensive than purchasing the materials directly from Hardscape Ltd. The option to purchase the required materials compliantly via this route has hence been explored and subsequently disregarded due to it not being financially in the best interests of Torbay Council.

This proposed strategy is advantageous to the Council for the following reasons:

The material cost is a large part of the overall budget and procuring the materials directly reduces inflation risk to the budget; and

The scheme programme will be reduced if the materials are ordered early January 2023

with an expected delivery date to coincide with main contract on-site start date. If materials are included within the main contractor appointment, the order would not be placed until March 2023, which would lead to a delay in the start of the scheme on site and a potential increase in the cost of the materials.

#### **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**

### **Title**

Hard Landscape Products

A contract/lot is awarded: Yes

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

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

15 December 2022

#### **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**

Hardscape Products Limited

Ashworth House, 14 Deakins Business Park Blackburn Road

Egerton, Bolton

BL7 9RP

Email

[dlowe@hardscape.co.uk](mailto:dlowe@hardscape.co.uk)

Country

United Kingdom

NUTS code

- UKD - North West (England)

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: £410,000

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## **Section VI. Complementary information**

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

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

Royal Courts of Justice

7 Rolls Building, Fetter Lane

London

EC4A 1NL

Email

[tcc.issue@justice.gov.uk](mailto:tcc.issue@justice.gov.uk)

Telephone

+44 2079477156

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United Kingdom