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Tender

## **Firmus Energy Construction and Maintenance Works and Services Contract**

Firmus Energy (Distribution) Limited

F05: Contract notice – utilities

Notice identifier: 2023/S 000-036650

Procurement identifier (OCID): ocds-h6vhtk-040e44

Published 13 December 2023, 1:42pm

### **Section I: Contracting entity**

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

Firmus Energy (Distribution) Limited

A4-A5 Fergusons Way Kilbegs Road

ANTRIM

BT414LZ

#### **Email**

[periodcontract@firmusenergy.co.uk](mailto:periodcontract@firmusenergy.co.uk)

#### **Country**

United Kingdom

#### **Region code**

UKN0D - Antrim and Newtownabbey

## **Companies House**

05375370

## **Internet address(es)**

Main address

[www.firmusenergy.co.uk](http://www.firmusenergy.co.uk)

## **I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at

<https://www.firmusenergy.co.uk/publications/category/tender-opportunities/specific/firmus-energy-construction-tender-2023>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted to the above-mentioned address

## **I.6) Main activity**

Production, transport and distribution of gas and heat

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## **Section II: Object**

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

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

Firmus Energy Construction and Maintenance Works and Services Contract

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

- 45231221 - Gas supply mains construction work

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

Works

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

firmus energy intends (subject to the terms of the Invitation to Negotiate) to enter into a Framework Agreement with two Contractors, a 'primary' Contractor and a 'reserve' Contractor. All Works required will be awarded to the first ranked Tenderer ('primary' Contractor) to complete in accordance with the terms of the Framework Agreement. The second ranked Tenderer will (subject to the terms of the Invitation to Negotiate) be appointed as a 'reserve' Contractor who may, at firmus energy's discretion, be appointed to undertake the entirety of the Works in the event that the 'primary' Contractor is unable or unwilling to undertake the Works for any reason during the term of the Framework Agreement.

This opportunity is divided into two (2) Lots, as follows:

Lot 1:

- Framework Agreement duration - initial three (3) year period, with the option for firmus energy to extend the Framework Agreement on two (2) subsequent occasions of up to twelve (12) months each.
- Performance Bond with a limit of liability of at least £800,000
- Retention at 15% up to a limit of £800,000, with that limit capable of reducing by 50% at the end of the second year of the Term (as defined in the Framework Agreement)
- Parent Company Guarantee

- Domestic owner occupied connections to be completed within D+15 (D representing the date of handover by firmus energy)
- Contractor to carry out digitising of mains and Industrial and Commercial (I&C) services in accordance with section 1.2.6 of the Specification.

Lot 2:

- Framework Agreement duration - initial five (5) year period, with the option for firmus energy to extend the Framework Agreement on one (1) subsequent occasion of up to twelve (12) months.
- No performance bond required
- Retention at 15% up to a limit of £300,000, with that limit capable of reducing by 1/3 at the end of the third year of the Term (as defined in the Framework Agreement)
- Parent Company Guarantee
- Domestic owner occupied connections to be completed within D+20
- Firmus energy to digitise the as laid drawings into its Gas Network Information Management System (GIS).

Save as set out above, and within the terms of the draft Framework Agreement and the Specification, the Works required under each Lot shall be the same. Applicants are permitted to apply for one or both Lots, with no limit on the number of Lots which may be applied for. Applicants should note however in this regard that:

- firmus energy will not award a Framework Agreement for both Lots. It is firmus energy's intention, following conclusion of this Procurement and subject to the terms of the Invitation to Negotiate, to either award a Framework Agreement to the top two (2) ranked compliant Tenderers for Lot 1 and terminate Lot 2; or award a Framework Agreement to the top two (2) ranked compliant Tenderers for Lot 2 and terminate Lot 1. The draft Invitation to Negotiate for the Procurement details the criterion and process to be adopted to determine whether firmus energy awards a Framework Agreement for Lot 1 or Lot 2; and
- firmus energy will only invite the top 4 ranked Applicants for each Lot (as shortlisted at this PQQ stage) to tender. Applicants will only be invited to tender for those Lots which they have selected and for which they have been shortlisted. Applicants therefore must take care when completing the PQQ in accordance with the PQQ instructions.

Estimated annual contract value is circa £10-£11M therefore, dependent on which lot firmus energy awards a Framework Agreement for, estimated total contract value may be in the

region of £66000000 over a full potential 6 year contract period.

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

Value excluding VAT: £66,000,000

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

This contract is divided into lots: Yes

Tenders may be submitted for all lots

Maximum number of lots that may be awarded to one tenderer: 1

## **II.2) Description**

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

Option A

Lot No

1

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

- 44100000 - Construction materials and associated items
- 45231100 - General construction work for pipelines
- 45231110 - Pipelaying construction work
- 45231111 - Pipeline lifting and relaying
- 45231112 - Installation of pipe system
- 45231220 - Construction work for gas pipelines
- 45231221 - Gas supply mains construction work
- 45231223 - Gas distribution ancillary work
- 45333100 - Gas regulation equipment installation work

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

NUTS codes

- UKN0 - Northern Ireland

Main site or place of performance

- Derry/Londonderry
- Limavady
- Coleraine
- Ballymoney
- Ballymena
- Antrim
- Craigavon (including Lurgan and Portadown)
- Armagh
- Banbridge
- Newry

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

- Framework Agreement duration - initial three (3) year period, with the option for firmus energy to extend the Framework Agreement on two (2) subsequent occasions of up to twelve (12) months each.
- Performance Bond with a limit of liability of at least £800,000
- Retention at 15% up to a limit of £800,000, with that limit capable of reducing by 50% at the end of the second year of the Term (as defined in the Framework Agreement)
- Parent Company Guarantee
- Domestic owner occupied connections to be completed within D+15 (D representing the date of handover by firmus energy)

- Contractor to carry out digitising of mains and Industrial and Commercial (I&C) services in accordance with section 1.2.6 of the Specification.

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

Price is not the only award criterion and all criteria are stated only in the procurement documents

### **II.2.6) Estimated value**

Value excluding VAT: £55,000,000

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

Duration in months

60

This contract is subject to renewal

No

### **II.2.9) Information about the limits on the number of candidates to be invited**

Envisaged number of candidates: 4

Objective criteria for choosing the limited number of candidates:

As set out in the Pre-Qualification Questionnaire

### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: Yes

## Description of options

It is anticipated that the Framework Agreement will commence on 9 April 2024 and continue thereafter for an initial period of three (3) years, with the option for firmus energy to extend the Framework Agreement on two (2) subsequent occasions of up to twelve (12) months each.

## II.2) Description

### II.2.1) Title

Option B

Lot No

2

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

- 44100000 - Construction materials and associated items
- 45231100 - General construction work for pipelines
- 45231110 - Pipelaying construction work
- 45231111 - Pipeline lifting and relaying
- 45231112 - Installation of pipe system
- 45231220 - Construction work for gas pipelines
- 45231221 - Gas supply mains construction work
- 45231223 - Gas distribution ancillary work
- 45333100 - Gas regulation equipment installation work

### II.2.3) Place of performance

NUTS codes

- UKN0 - Northern Ireland

Main site or place of performance

- Derry/Londonderry
- Limavady
- Coleraine
- Ballymoney
- Ballymena
- Antrim
- Craigavon (including Lurgan and Portadown)
- Armagh
- Banbridge
- Newry

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

- Framework Agreement duration - initial five (5) year period, with the option for firmus energy to extend the Framework Agreement on one (1) subsequent occasion of up to twelve (12) months.
- No performance bond required
- Retention at 15% up to a limit of £300,000, with that limit capable of reducing by 1/3 at the end of the third year of the Term (as defined in the Framework Agreement)
- Parent Company Guarantee
- Domestic owner occupied connections to be completed within D+20
- Firmus energy to digitise the as laid drawings into its Gas Network Information Management System (GIS).

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

Price is not the only award criterion and all criteria are stated only in the procurement documents

### **II.2.6) Estimated value**

Value excluding VAT: £66,000,000

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

Duration in months

72

This contract is subject to renewal

No

### **II.2.9) Information about the limits on the number of candidates to be invited**

Envisaged number of candidates: 4

Objective criteria for choosing the limited number of candidates:

As set out in the Pre-Qualification Questionnaire

### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: Yes

Description of options

It is anticipated that the Framework Agreement will commence on 9 April 2024 and continue thereafter for an initial period of five (5) years, with the option for firmus energy to extend the Framework Agreement on one (1) subsequent occasion of up to twelve (12) months.

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## **Section III. Legal, economic, financial and technical information**

### **III.1) Conditions for participation**

#### **III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions

As stated in the procurement documents

#### **III.1.2) Economic and financial standing**

Selection criteria as stated in the procurement documents

#### **III.1.3) Technical and professional ability**

Selection criteria as stated in the procurement documents

#### **III.1.4) Objective rules and criteria for participation**

List and brief description of rules and criteria

As stated in the procurement documents

#### **III.1.6) Deposits and guarantees required**

firmus energy reserves the right to require bonds, deposits, guarantees or other forms of undertaking or security to ensure proper contractual performance.

#### **III.1.7) Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them**

As set out in the procurement and contract documents

#### **III.1.8) Legal form to be taken by the group of economic operators to whom the contract is to be awarded**

Subject to the status and involvement of the parties, firmus energy may require the parties to commit to joint and several liability in respect of the framework agreement. Alternatively firmus energy may require the lead operator to take total responsibility or a consortium to

form a legal entity before entering into any framework agreement.

## **III.2) Conditions related to the contract**

### **III.2.2) Contract performance conditions**

As set out in the framework agreement

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Negotiated procedure with prior call for competition

#### **IV.1.3) Information about a framework agreement or a dynamic purchasing system**

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

Envisaged maximum number of participants to the framework agreement: 2

#### **IV.1.4) Information about reduction of the number of solutions or tenders during negotiation or dialogue**

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated

#### **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: [2023/S 000-031227](#)

**IV.2.2) Time limit for receipt of tenders or requests to participate**

Date

9 January 2024

Local time

12:00pm

**IV.2.4) Languages in which tenders or requests to participate may be submitted**

English

**IV.2.6) Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 6 (from the date stated for receipt of tender)

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## Section VI. Complementary information

### VI.1) Information about recurrence

This is a recurrent procurement: No

### VI.3) Additional information

This framework agreement is being procured competitively in accordance with the Utilities Contracts Regulations 2016 (as amended). The procedure to be followed for this procurement is the negotiated procedure. Tenderers who wish to participate in this procurement will be required to provide their contact details to [periodcontract@firmusenergy.co.uk](mailto:periodcontract@firmusenergy.co.uk) upon downloading the procurement documents. Tenderers who fail to provide their details or register in this manner will not receive any clarifications or updated information provided by firmus energy during the procurement process.

The costs of responding to this notice and participation in the process will be borne by each tenderer. All discussions and correspondence will be deemed strictly subject to contract until a formal contract is entered into. The formal framework agreement shall not be binding until it has been signed and dated by the duly authorised representatives of the relevant parties.

### VI.4) Procedures for review

#### VI.4.1) Review body

High Court of Justice in Northern Ireland

Royal Courts of Justice, Chichester Street

Belfast

BT1 3JF

Email

[office@courtsni.gov.uk](mailto:office@courtsni.gov.uk)

Country

United Kingdom

