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Contract

## **Leisure Development Partner for the UK Leisure Framework 2022-2026**

Denbighshire Leisure Ltd

F20: Modification notice

Notice identifier: 2023/S 000-037105

Procurement identifier (OCID): ocds-h6vhtk-02b360

Published 18 December 2023, 12:24pm

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

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

Denbighshire Leisure Ltd

8-11 Trem-y-Dyffryn, Colomendy Industrial Estate

Denbigh

LL165TX

#### **Contact**

Andy Moreland

#### **Email**

[andy.moreland@denbighshireleisure.co.uk](mailto:andy.moreland@denbighshireleisure.co.uk)

#### **Telephone**

+44 1824706724

#### **Country**

United Kingdom

**NUTS code**

UK - United Kingdom

**Internet address(es)**

Main address

<https://denbighshireleisure.co.uk/>

Buyer's address

[https://www.sell2wales.gov.wales/search/Search\\_AuthProfile.aspx?ID=AA79520](https://www.sell2wales.gov.wales/search/Search_AuthProfile.aspx?ID=AA79520)

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## **Section II: Object**

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

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

Leisure Development Partner for the UK Leisure Framework 2022-2026

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

- 45212000 - Construction work for buildings relating to leisure, sports, culture, lodging and restaurants

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

Works

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

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

- 45211350 - Multi-functional buildings construction work
- 66120000 - Investment banking services and related services
- 37480000 - Machinery or apparatus for leisure equipment
- 45212000 - Construction work for buildings relating to leisure, sports, culture, lodging and restaurants
- 45212100 - Construction work of leisure facilities

- 45212110 - Leisure centre construction work
- 66000000 - Financial and insurance services
- 66122000 - Corporate finance and venture capital services
- 71200000 - Architectural and related services
- 79340000 - Advertising and marketing services
- 92610000 - Sports facilities operation services
- 92620000 - Sport-related services
- 30100000 - Office machinery, equipment and supplies except computers, printers and furniture
- 30200000 - Computer equipment and supplies
- 37400000 - Sports goods and equipment
- 37410000 - Outdoor sports equipment
- 37420000 - Gymnasium equipment
- 37430000 - Boxing equipment
- 37440000 - Fitness equipments
- 37460000 - Target and table games and equipments
- 37470000 - Golf and bowling equipments
- 45112711 - Landscaping work for parks
- 45212140 - Recreation installation
- 45212150 - Cinema construction work
- 45212172 - Recreation centre construction work
- 45212180 - Ticket offices construction work
- 45212210 - Single-purpose sports facilities construction work
- 37416000 - Leisure equipment
- 45212211 - Ice rink construction work
- 45212212 - Construction work for swimming pool
- 45212213 - Sport markings works

- 45212220 - Multi-purpose sports facilities construction work
- 45212221 - Construction work in connection with structures for sports ground
- 45212222 - Gymnasium construction work
- 45212224 - Stadium construction work
- 45212225 - Sports hall construction work
- 45212230 - Installation of changing rooms
- 45212300 - Construction work for art and cultural buildings
- 45212320 - Construction work for buildings relating to artistic performances
- 45212321 - Auditorium construction work
- 45212322 - Theatre construction work
- 45212330 - Library construction work
- 45212331 - Multimedia library construction work
- 45212400 - Accommodation and restaurant buildings
- 45212410 - Construction work for lodging buildings
- 45212420 - Construction work for restaurants and similar facilities
- 45212421 - Restaurant construction work
- 45212422 - Canteen construction work
- 45212423 - Cafeteria construction work
- 45212500 - Kitchen or restaurant conversion
- 45212600 - Pavilion construction work
- 48100000 - Industry specific software package
- 51100000 - Installation services of electrical and mechanical equipment
- 71240000 - Architectural, engineering and planning services
- 71241000 - Feasibility study, advisory service, analysis
- 71250000 - Architectural, engineering and surveying services
- 71420000 - Landscape architectural services

- 73000000 - Research and development services and related consultancy services
- 79341000 - Advertising services
- 79342000 - Marketing services
- 79342320 - Customer-care services
- 80511000 - Staff training services
- 79410000 - Business and management consultancy services

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

NUTS codes

- UK - United Kingdom
- UKL13 - Conwy and Denbighshire
- UKN - Northern Ireland
- UKC - North East (England)
- UKD - North West (England)
- UKE - Yorkshire and the Humber
- UKF - East Midlands (England)
- UKG - West Midlands (England)
- UKH - East of England
- UKI - London
- UKJ - South East (England)
- UKK - South West (England)
- UKL - Wales
- UKM - Scotland

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

DLL has appointed a Single Contractor under a UK wide public sector Framework Agreement to assist with the development of new and the redevelopment of existing Leisure / Sports related facilities and services.

The scope of the works and services to be delivered within this framework agreement is as follows and detailed previously in this notice:

- Undertaking feasibility studies and the production of robust Business Plans for the development of Leisure Related Facilities and Services
- Leisure related Facilities design
- Construction of Leisure related Facilities
- Provision of private funding for Leisure Facilities and Services
- Marketing, Branding and Sales development for Leisure Facilities and Services
- Income share

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

Start date

15 March 2022

End date

14 March 2026

In the case of framework agreements, provide justification for any duration exceeding 4 years

Not applicable in this instance.

#### **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: [2021/S 000-016294](#)

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

### **Contract No**

2022-009208

### **Title**

Leisure Development Partner for the UK Leisure Framework 2022-2026

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

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

15 March 2022

#### **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**

Alliance Leisure Services Ltd

24 Angel Crescent

Bridgwater

TA63EW

Email

[info@allianceleisure.co.uk](mailto:info@allianceleisure.co.uk)

Telephone

+44 1454877558

Country

United Kingdom

NUTS code

- UK - United Kingdom

Internet address

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

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: £2,000,000,000

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## **Section VI. Complementary information**

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

Denbighshire Leisure Limited has engaged with the market with this opportunity. The opportunity was for a potential development partner to work with Denbighshire Leisure Limited in elevating this next iteration of the Framework to even greater heights than the previous two iterations.

The previous iterations of the Framework to date have been hugely successful and past projects can be viewed on the current iterations of the Frameworks website (<https://leisureframework.co.uk/case-studies/>).

Bidders were provided the opportunity to ask questions around potentially bidding for the Framework, and to express an interest in the Framework, by contacting Andy Moreland on [andy.moreland@denbighshireleisure.co.uk](mailto:andy.moreland@denbighshireleisure.co.uk) and detailing their questions. This enabled potential bidders to determine whether they wanted to proceed with their bid.

As part of the process DLL were clear they were looking for one partner to deliver or manage the delivery of all aspects of the Framework, and were not seeking expressions of interest from organisations who could only deliver one aspect of the services e.g. design only, construct only, finance only etc.

(WA Ref:136596)

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

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



Denbighshire Leisure Limited

8-11 Trem Y Dyffryn, Colomendy Industrial Estate

Denbigh

LL16 5TX

Email

[andy.moreland@denbighshireleisure.co.uk](mailto:andy.moreland@denbighshireleisure.co.uk)

Country

United Kingdom

Internet address

<https://denbighshireleisure.co.uk/>

#### **VI.4.2) Body responsible for mediation procedures**

The High Court of England and Wales

Cardiff

DX 99500

Country

United Kingdom

Internet address

<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/complaints-procedure>

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

Precise information on deadline(s) for review procedures

The contracting Authority has incorporated within its procedures a minimum 10 calendar day standstill period(or 15 days where non-electronic or fax methods are used) which has been notified to all bidders and interested parties.

The award decision notice specified the criteria for the award of the contract/framework agreement, the reasons for the decision, including the characteristics and relative advantages, the name and score of the successful tender: and it specified when the standstill period was expected to end or the date before which the contracting authority will not conclude the contract/framework agreement.

The appeal process was incorporated regarding the award of the contract, and no such notifications have been received to date. The Public Contracts (Amendment) Regulations 2009 provide for aggrieved parties who have been harmed or at risk of a breach of the rules to take action in the High Court (England, Wales and Northern Ireland)

Any such action must be brought promptly (generally within 30 days)

The court may order the setting aside of the award decision or may order the Contracting Authority to amend any document and may award damages.

If a framework agreement has been entered into the Court may make a declaration of ineffectiveness or may order that the duration of any relevant specific contract be shortened and additionally may award damages. The time limit for seeking such a declaration is generally 30 days from notification of the award (either by award decision notification or contract award notice depending upon the circumstances).

#### **VI.4.4) Service from which information about the review procedure may be obtained**

Denbighshire Leisure Limited

8-11 Trem Y Dyffryn, Colomendy Industrial Estate

Denbigh

LL16 5TX

Email

[andy.moreland@denbighshireleisure.co.uk](mailto:andy.moreland@denbighshireleisure.co.uk)

Country

United Kingdom

Internet address

<https://denbighshireleisure.co.uk/>

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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**

- 45212000 - Construction work for buildings relating to leisure, sports, culture, lodging and restaurants

#### **VII.1.2) Additional CPV code(s)**

- 45211350 - Multi-functional buildings construction work
- 66120000 - Investment banking services and related services
- 37480000 - Machinery or apparatus for leisure equipment
- 45212000 - Construction work for buildings relating to leisure, sports, culture, lodging and restaurants
- 45212100 - Construction work of leisure facilities
- 45212110 - Leisure centre construction work
- 66000000 - Financial and insurance services
- 66122000 - Corporate finance and venture capital services
- 71200000 - Architectural and related services
- 79340000 - Advertising and marketing services
- 92610000 - Sports facilities operation services
- 92620000 - Sport-related services
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- 37420000 - Gymnasium equipment
- 37430000 - Boxing equipment
- 37440000 - Fitness equipments
- 37460000 - Target and table games and equipments

- 37470000 - Golf and bowling equipments
- 45112711 - Landscaping work for parks
- 45212140 - Recreation installation
- 45212150 - Cinema construction work
- 45212172 - Recreation centre construction work
- 45212180 - Ticket offices construction work
- 45212210 - Single-purpose sports facilities construction work
- 37416000 - Leisure equipment
- 45212211 - Ice rink construction work
- 45212212 - Construction work for swimming pool
- 45212213 - Sport markings works
- 45212220 - Multi-purpose sports facilities construction work
- 45212221 - Construction work in connection with structures for sports ground
- 45212222 - Gymnasium construction work
- 45212224 - Stadium construction work
- 45212225 - Sports hall construction work
- 45212230 - Installation of changing rooms
- 45212300 - Construction work for art and cultural buildings
- 45212320 - Construction work for buildings relating to artistic performances
- 45212321 - Auditorium construction work
- 45212322 - Theatre construction work
- 45212330 - Library construction work
- 45212331 - Multimedia library construction work
- 45212400 - Accommodation and restaurant buildings
- 45212410 - Construction work for lodging buildings
- 45212420 - Construction work for restaurants and similar facilities

- 45212421 - Restaurant construction work
- 45212422 - Canteen construction work
- 45212423 - Cafeteria construction work
- 45212500 - Kitchen or restaurant conversion
- 45212600 - Pavilion construction work
- 48100000 - Industry specific software package
- 51100000 - Installation services of electrical and mechanical equipment
- 71240000 - Architectural, engineering and planning services
- 71241000 - Feasibility study, advisory service, analysis
- 71250000 - Architectural, engineering and surveying services
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- 73000000 - Research and development services and related consultancy services
- 79341000 - Advertising services
- 79342000 - Marketing services
- 80511000 - Staff training services
- 79410000 - Business and management consultancy services

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

NUTS code

- UK - United Kingdom
- UKC - North East (England)
- UKD - North West (England)
- UKE - Yorkshire and the Humber
- UKF - East Midlands (England)
- UKG - West Midlands (England)
- UKH - East of England
- UKI - London

- UKJ - South East (England)
- UKK - South West (England)
- UKL - Wales
- UKL13 - Conwy and Denbighshire
- UKN - Northern Ireland
- UKM - Scotland

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

DLL has appointed a Single Contractor under a UK wide public sector Framework Agreement to assist with the development of new and the redevelopment of existing Leisure / Sports related facilities and services.

The scope of the works and services to be delivered within this framework agreement is as follows and detailed previously in this notice:

- Undertaking feasibility studies and the production of robust Business Plans for the development of Leisure Related Facilities and Services
- Leisure related Facilities design
- Construction of Leisure related Facilities
- Provision of private funding for Leisure Facilities and Services
- Marketing, Branding and Sales development for Leisure Facilities and Services
- Income share

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

Start date

15 March 2026

End date

14 March 2028

In the case of framework agreements, provide justification for any duration exceeding 4 years:

Extension is in accordance with Reg 72 (1)(a) for a period of 2 years. This is duly justified as the criteria for such had been provided for in the initial procurement documents in review clauses. In accordance with Reg 33(3) the justification is linked to the subject matter, and is required to fulfil other lawful obligations committed to during the course of the Framework.

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

Total value of the contract/lot/concession:

£2,000,000,000

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

Alliance Leisure Services Ltd

24 Angel Crescent

Bridgwater

TA63EW

Telephone

+44 1454877558

Country

United Kingdom

NUTS code

- UK - United Kingdom

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):

The Framework Agreement is being extended in accordance with Reg 72 (1)(a) and for the purposes of transparency is being published herein, albeit in accordance with Reg 72(3) this is not necessary. The extension is for a period of 2 years which means that the Framework Agreement will operate until 2028. The reason for this extension under Reg 72 (1)(a) is duly justified as the criteria for such an extension had been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which stated the scope and nature of possible modification as well as the conditions under which they could be used, and in accordance with Reg 33(3) the justification is linked to the subject matter of the contract, in that DLL have identified that an extension is required to fulfil other lawful obligations it has committed to during the course of the Framework.

### **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:

Please note that both of the sections within VII.2.2 are not applicable in the given circumstances. The modification being made relates to a modification under Reg 72 (1)(a) and is an extension of the framework agreement in compliance with Reg. 33(3).

### **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: £2,000,000,000

Total contract value after the modifications

Value excluding VAT: £2,000,000,000