

**UK-London: construction work**

**2009/S 127-185226**

**CONTRACT NOTICE**

**Works**

**SECTION I: CONTRACTING AUTHORITY**

**I.1) NAME, ADDRESSES AND CONTACT POINT(S):**

London Borough of Hackney, Town Hall, Mare Street, Hackney, Attn: Procurement Admin, UK-London E8 1EA .  
Tel. +44 2083563448. E-mail: [procurement.admin@hackney.gov.uk](mailto:procurement.admin@hackney.gov.uk).

**Internet address(es):**

General address of the contracting authority: [www.hackney.gov.uk](http://www.hackney.gov.uk).

**Further information can be obtained at:** London Borough of Hackney and Hackney Homes Ltd, Christopher Addison House, 72 Wilton Way, Contact: Hackney Homes Asset Management Division, Attn: Nick Walker, UK-London E8 1BJ . Tel. +44 2083562912. E-mail: [nick.walker@hackneyhomes.org.uk](mailto:nick.walker@hackneyhomes.org.uk). Fax +44 2083562104.

**Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained at:** London Borough of Hackney and Hackney Homes Ltd, Christopher Addison House, 72 Wilton Way, Contact: Hackney Homes Asset Management Division, Attn: Nick Walker, UK-London E8 1BJ . Tel. +44 2083562912. E-mail: [nick.walker@hackneyhomes.org.uk](mailto:nick.walker@hackneyhomes.org.uk). Fax +44 2083562104.

**Tenders or requests to participate must be sent to:** London Borough of Hackney and Hackney Homes Ltd, Christopher Addison House, 72 Wilton Way, Contact: Hackney Homes Asset Management Division, Attn: Nick Walker, UK-London E8 1BJ . Tel. +44 2083562912. E-mail: [nick.walker@hackneyhomes.org.uk](mailto:nick.walker@hackneyhomes.org.uk). Fax +44 2083562104.

**I.2) TYPE OF THE CONTRACTING AUTHORITY AND MAIN ACTIVITY OR ACTIVITIES:**

Regional or local authority.

General public services.

The contracting authority is purchasing on behalf of other contracting authorities: no.

**SECTION II: OBJECT OF THE CONTRACT**

**II.1) DESCRIPTION**

**II.1.1) Title attributed to the contract by the contracting authority:**

Hackney Homes Procurement 2010.

**II.1.2) Type of contract and location of works, place of delivery or of performance:**

Works.

Design and execution.

Main site or location of works: London Borough of Hackney.

NUTS code: UKI12.

**II.1.3) The notice involves:**

The establishment of a framework agreement.

**II.1.4) Information on framework agreement:**

Framework agreement with several operators.

Maximum number of participants to the framework agreement envisaged: 4.

Duration of the framework agreement: Duration in year(s): 48.

Estimated total value of purchases for the entire duration of the framework agreement:  
Estimated value excluding VAT: 348 000 000 GBP.

**II.1.5) Short description of the contract or purchase(s):**

The London Borough of Hackney (the Authority) in March 2009 was the landlord of 31 525 dwellings located within the borough, comprising 22 850 units of tenanted stock and 8 675 leasehold units. It is the sole shareholder of Hackney Homes, an Arms Length Management Organisation (ALMO) that is responsible under the terms of its management agreement with the Authority for bringing up these dwellings to, and maintaining them at, the Government's Decent Homes Standard, as appropriate. Hackney Homes will be managing the delivery and administration of the contracts with the successful partners on behalf of the Authority.

The Authority is seeking to establish framework agreements for the decent homes works, major works, planned works and maintenance and associated works listed below with up to four Constructor partners. The intention is that the majority of the works will be apportioned equally between three/four Constructor partners.

The framework agreements will govern the letting of the contracts for the works. Call-offs will be made throughout the life of the framework agreements, including during the final year. It is envisaged that call-offs will be based on the PPC2000 (amended 2008) form of contract. It is anticipated that the framework agreements will be for four (4) years from mid 2010 or as soon as possible afterwards .

The appointed Constructor partners will be expected to complete the Authority's Decent Homes Phase III and from 2012, the successor major works programmes. They will also be required to take responsibility for planned maintenance works and services for the remaining duration of the framework agreements when existing contracts expire from 2010-11 onwards. As such, the scope of the works will be Decent Homes internal and external works, major planned renewals, improvements and repair internal and external, planned electrical works, planned mechanical works, door entry installations and replacements, home and estate security works, installation or planned replacement of CCTV cameras, replacement of estate roads and footpaths, lift installation, renewal and major component replacement, planned replacement or planned major works to cold water tanks, installation and renewal of communal TV aerial systems, installation or planned replacement of individual heating and communal heating systems, planned preventative maintenance to external building elements (including cyclical painting) and other related works.

The appointed Constructor partners will be contractually responsible for the assembly and management of commonly agreed multi-disciplinary supply chains that will be needed to deliver the works, with respect to the achievement of all specified outputs/outcomes. The Authority will, however, maintain performance and quality monitoring of these supply chain(s), facilitating a common approach to the appointment or dismissal of supply chain members, working to a common price and on common conditions, through a strategic alliance between the Constructor partners and the Authority, with Hackney Homes acting as managing agent for the Authority.

**II.1.6) Common procurement vocabulary (CPV):**

45000000, 45453000, 50711000, 45331100, 45313100, 45421151, 45330000.

**II.1.7) Contract covered by the Government Procurement Agreement (GPA):**

Yes.

**II.1.8) Division into lots:**

No.

**II.1.9) Variants will be accepted:**

No.

**II.2) QUANTITY OR SCOPE OF THE CONTRACT**

**II.2.1) Total quantity or scope:**

It is estimated that the total value over the four year period will be 348 000 000 GBP. It is envisaged that this will include the following: 80 000 000 GBP on planned maintenance, 180 000 000 GBP on Decent Homes and 88 000 000 GBP on capital works.

II.2.2) **Options:**

No.

II.3) **DURATION OF THE CONTRACT OR TIME-LIMIT FOR COMPLETION:**

Duration in months: 48 (from the award of the contract).

**SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION**

III.1) **CONDITIONS RELATING TO THE CONTRACT**

III.1.1) **Deposits and guarantees required:**

Details about any deposits, guarantees, parent company guarantees, collateral warranties, and performance bonds required by the Authority will be set out in the Contract Documents.

III.1.2) **Main financing conditions and payment arrangements and/or reference to the relevant provisions regulating them:**

Details of any financing conditions or payment arrangements will be as set out in the Contract Documents.

III.1.3) **Legal form to be taken by the group of economic operators to whom the contract is to be awarded:**

Constructor partner(s) bidding as a consortium will be expected to assume joint and several liability within a legal entity in order to sign up to the contract(s).

III.1.4) **Other particular conditions to which the performance of the contract is subject:**

Yes.

Under this programme the Constructor partners (and their supply chain partners) will be required to actively participate in the achievement of social, economic and/or environmental policy objectives relating to recruitment, training and supply chain initiatives. Accordingly, contract performance conditions may relate in particular to social, economic and environmental considerations.

The successful constructor partners will be required to actively participate in forming a joint supply chain for use by all constructor partners engaged by the Authority and Hackney Homes on its strategic alliance. Works will not commence until the joint supply chain has been established.

Constructor partners will be also be required to operate a Project Bank Account payment system with the Authority for the direct payment of supply chain partners in accordance with the PPC2000 (as amended) contract conditions.

III.2) **CONDITIONS FOR PARTICIPATION**

III.2.1) **Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers:**

Information and formalities necessary for evaluating if requirements are met: Constructor partners will be required in a Pre-Qualification Questionnaire to confirm and certify that none of the conditions set out in Regulation 23 of the UK Public Contracts Regulations 2006 (S.I. 2006:5) apply to their organisation or their expression of interest.

III.2.2) **Economic and financial capacity:**

Information and formalities necessary for evaluating if requirements are met: Constructor partners will be required to complete a Pre-Qualification Questionnaire consistent with the provision of Directive 2004/18/EC. The Pre-Qualification Questionnaire is available from the address set out at section I above and must be returned by the date anticipated in section IV.3.4.

Minimum level(s) of standards possibly required: Shortlisted Constructor partners will be required to demonstrate minimum levels of financial capacity and stability consistent with the successful procurement and management of diverse multi-million pound improvement and maintenance programmes including the direct management of diverse supply chains in accordance with Hackney Homes' key drivers of programming, coordination, supervision, delivery and outcomes. Full requirements will be set out in the Pre-Qualification Questionnaire and may include but not necessarily be limited to provision of financial turnover and accounts and professional indemnity cover.

III.2.3) **Technical capacity:**

Information and formalities necessary for evaluating if requirements are met:

Constructor partners will be required to complete a Pre-Qualification Questionnaire consistent with the provision of Directive 2004/18/EC. The Pre-Qualification Questionnaire is available from the address set out at section I above and must be returned by the date anticipated in section IV.3.4.

Minimum level(s) of standards possibly required:

Shortlisted Constructor partners will be required to demonstrate the technical capacity to procure, manage and deliver a diverse multi-million pound, multi-year improvement and maintenance programmes, including the direct management of diverse supply chains in accordance with the key drivers of programming, coordination, supervision, delivery and achievement of outcomes. Full requirements will be set out in the Pre-Qualification Questionnaire.

III.2.4) **Reserved contracts:**

No.

III.3) **CONDITIONS SPECIFIC TO SERVICES CONTRACTS**

III.3.1) **Execution of the service is reserved to a particular profession:**

No.

III.3.2) **Legal entities should indicate the names and professional qualifications of the staff responsible for the execution of the service:**

No.

**SECTION IV: PROCEDURE**

IV.1) **TYPE OF PROCEDURE**

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

Competitive dialogue.

IV.1.2) **Limitations on the number of operators who will be invited to tender or to participate:**

Envisaged minimum number: 8. Maximum number: 10

Objective criteria for choosing the limited number of candidates: This will be set out in contract documents however candidates should note that the Authority intends to use successive stages under the Competitive Dialogue procurement process. Organisations expressing an interest in the programme will be invited to submit a Pre-Qualification Questionnaire which will be evaluated by the Authority and Hackney Homes using the selection criteria set out in the contract documents. This process will allow the Authority and Hackney Homes to shortlist to an envisaged maximum of 10 bidders to be invited to participate in Dialogue. Following submission of Outline Solutions, the Authority and Hackney Homes intend to invite a maximum of 6 bidders to continue the Competitive Dialogue process and submit Detailed Solutions.

IV.1.3) **Reduction of the number of operators during the negotiation or dialogue:**

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

IV.2) **AWARD CRITERIA**

IV.2.1) **Award criteria:**

The most economically advantageous tender in terms of the criteria stated in the specifications, in the invitation to tender or to negotiate or in the descriptive document.

IV.2.2) **An electronic auction will be used:**

No.

IV.3) **ADMINISTRATIVE INFORMATION**

IV.3.1) **File reference number attributed by the contracting authority:**

HPS/HH/0018.

IV.3.2) **Previous publication(s) concerning the same contract:**

**Prior information notice**

Notice number in OJ: [2008/S 244-324669](#) of 12.12.2008.

IV.3.3) **Conditions for obtaining specifications and additional documents or descriptive document:**

Time limit for receipt of requests for documents or for accessing documents: 3.8.2009.

Payable documents: no.

IV.3.4) **Time-limit for receipt of tenders or requests to participate:**

4.8.2009.

IV.3.5) **Date of dispatch of invitations to tender or to participate to selected candidates:**

10.9.2009.

IV.3.6) **Language(s) in which tenders or requests to participate may be drawn up:**

English.

IV.3.7) **Minimum time frame during which the tenderer must maintain the tender:**

IV.3.8) **Conditions for opening tenders:**

Place: Keltan House, London E8 4RU.

Persons authorised to be present at the opening of tenders: no.

**SECTION VI: COMPLEMENTARY INFORMATION**

VI.1) **THIS IS A RECURRENT PROCUREMENT:**

No.

VI.2) **CONTRACT RELATED TO A PROJECT AND/OR PROGRAMME FINANCED BY EU FUNDS:**

No.

VI.3) **ADDITIONAL INFORMATION:**

TUPE may apply in relation to the transfer of some or all of the in-house workforce engaged in the cyclical repair and decoration planned maintenance programme. Further Information will be provided regarding TUPE arrangements on the contract documents, and will be subject to consultation with staff.

The Authority reserves the right not to award a framework agreement or contract or to award (a) framework agreement(s) and/or contract(s) for part or parts of the works only.

VI.4) **PROCEDURES FOR APPEAL**

VI.4.1) **Body responsible for appeal procedures:**

See VI.4.2.

VI.4.2) **Lodging of appeals:**

Precise information on deadline(s) for lodging appeals: This authority will incorporate a minimum 10 calendar day standstill period at the point information on the award of the contract is communicated to tenderers. This

period allows unsuccessful tenderers to seek further debriefing from the contracting authority before the contract is entered into. Applicants have two working days from notification of the award decision to request additional debriefing and that information has to be provided a minimum of 3 working days before expiry of the standstill period. Such additional information should be requested from the address in section 1.1 If an appeal regarding the award of a contract has not been successfully resolved the Public Contracts Regulations 2006 provide for aggrieved parties who have been harmed or are at risk of harm by 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 3 months). Where a contract has not been entered into the court may order the settling aside of the award decision or order the authority to amend any document and may award damages. If the contract has been entered into the court may only award damages.

VI.4.3) **Service from which information about the lodging of appeals may be obtained:**

VI.5) **DATE OF DISPATCH OF THIS NOTICE:**  
3.7.2009.