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COUNTRY:	UK
PHONE:	+44 8452930459
E-mail:	ojeu.administrative@due-north.com
NOTIFICATION TECHNICAL:	/
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Voluntary ex ante transparency notice

Services

Directive 2014/24/EU

Section I: Contracting authority/entity

- I.1) **Name and addresses**
 Bath and North East Somerset Council
 Guildhall, High Street
 Bath
 BA1 5AW
 United Kingdom
 Contact person: Mr Steve Phelps
 Telephone: +44 1225477030
 E-mail: steve_phelps@bathnes.gov.uk
 NUTS code: UKK12
Internet address(es):
 Main address: www.bathnes.gov.uk
 Address of the buyer profile: www.bathnes.gov.uk
- I.4) **Type of the contracting authority**
 Regional or local authority
- I.5) **Main activity**
 General public services

Section II: Object

- II.1) **Scope of the procurement**
- II.1.1) **Title:**
 Energy at Home Delivery Partner 2016
 Reference number: DN217480
- II.1.2) **Main CPV code**
 45000000
- II.1.3) **Type of contract**
 Services
- II.1.4) **Short description:**
 The B&NES Energy at Home Partnership intends to appoint Dyson Energy Services Limited as its Delivery Partner to deliver retrofit installation works to private sector households and non-domestic properties in the Bath & North East Somerset area. The organisation will potentially also provide finance, either directly or via other organisations, such as Energy Company Obligation grant, to householders and businesses.
 The primary customer of this contract is Bath & North East Somerset Council. Curo and Bath & West Community Energy have indicated that they may wish to use this contract. This contract may also be used by any local authority in the South West region of England
- 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: 14 000 000.00 GBP

II.2) Description

II.2.1) Title:

II.2.2) Additional CPV code(s)

44420000

44190000

44111000

II.2.3) Place of performance

NUTS code: UKK12

II.2.4) Description of the procurement:

The B&NES Energy at Home Partnership intends to appoint Dyson Energy Services Limited as its Delivery Partner to deliver retrofit installation works to private sector households and non-domestic properties in the Bath & North East Somerset area. The organisation will potentially also provide finance, either directly or via other organisations, such as Energy Company Obligation grant, to householders and businesses.

The primary customer of this contract is Bath & North East Somerset Council. Curo and Bath & West Community Energy have indicated that they may wish to use this contract. This contract may also be used by any local authority in the South West region of England

II.2.5) Award criteria

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: no

II.2.14) Additional information

Section IV: Procedure

IV.1) Description

IV.1.1) Type of procedure

Negotiated procedure without prior publication

- 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:

Existing supplier has terminated the contract because of financial difficulties caused by pressures beyond its control.

The same fate has befallen at least 2 other suppliers in this market over recent years, depleting the market to an extremely low level

The chosen partner, Dyson Energy Services, is alone in the market place with regard to its alternative approach to the issues that have caused the financial pressures

The risks of not awarding the contract via direct negotiation include:

- reputational damage from a break in service delivery
- current customers (residents) would be particularly affected
- a negative impact on our relationships with other local authorities and other projects

The Retrofit Delivery contract could be regarded as not an OJEU contract. There is no payment to the contractor for the services of this contract; in fact the contractor pays the Council. As such it would not require an OJEU

process. However, the original procurement was an OJEU level process: this was a choice in order to get the best outcome. At the time the market was an unknown quantity and OJEU provided a useful way to access that market. The Council is much better informed about the sector and that intelligence suggest there is no supplier market for this service.

The Council has grounds under section 32 of the PCR 2015 to directly award the contract. The basis is the original procurement, which only received one submission from the recently terminated contractor. Subsequent market intelligence which suggests the supplier market has further decreased since the procurement process

IV.1.3) Information about framework agreement

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

Section V: Award of contract/concession

V.2) Award of contract/concession

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

02/11/2016

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

Dyson Energy Service Limited

01956726

Dyson House, Armytage Road

Brighouse

HD6 1PT

United Kingdom

NUTS code: UKK12

The contractor/concessionaire will be an SME: no

V.2.4) Information on value of the contract/lot/concession (excluding VAT)

Total value of the contract/lot/concession: 14 000 000.00 GBP

V.2.5) Information about subcontracting

Section VI: Complementary information

VI.3) Additional information:

VI.4) Procedures for review

VI.4.1) Review body

Bath and North East Somerset Council

Guildhall, High Street

Bath

BA1 1AS

United Kingdom

E-mail: steve_phelps@bathnes.gov.uk

Internet address: www.supplyingthesouthwest.org.uk

VI.4.2) Body responsible for mediation procedures

VI.4.3) **Review procedure**

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

VI.5) **Date of dispatch of this notice:**

04/11/2016