

This notice in TED website: <http://ted.europa.eu/udl?uri=TED:NOTICE:370429-2014:TEXT:EN:HTML>

**United Kingdom-Swindon: Telecommunications services  
2014/S 209-370429**

**Contract notice**

**Services**

Directive 2004/18/EC

**Section I: Contracting authority**

**I.1) Name, addresses and contact point(s)**

Swindon Borough Council  
Civic Offices, Euclid Street  
For the attention of: Phil Murkin  
SN1 2JH Swindon  
UNITED KINGDOM  
Telephone: +44 7824081180  
E-mail: [superfastbroadband@swindon.gov.uk](mailto:superfastbroadband@swindon.gov.uk)

**Internet address(es):**

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

**Further information can be obtained from:** The above mentioned contact point(s)

**Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:** The above mentioned contact point(s)

**Tenders or requests to participate must be sent to:** The above mentioned contact point(s)

**I.2) Type of the contracting authority**

Regional or local authority

**I.3) Main activity**

General public services

**I.4) Contract award on behalf of other contracting authorities**

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:**

Superfast Broadband.

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

Services  
Service category No 5: Telecommunications services  
NUTS code UKK14

**II.1.3) Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)**

The notice involves a public contract

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

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

Telecommunications services. Data network management and support services. Communications system maintenance services. Maintenance services of telecommunications equipment. Construction and ancillary works for telephone and communication lines. Communications infrastructure. Optical telecommunication cables. Wireless telecommunications system. Telecommunications network. Network operating system. Network equipment. Network infrastructure. Communications network. Internet network. Telecommunications equipment and supplies. Communications equipment. Construction work. Construction work for communication lines. Ancillary works for telecommunications. Telecommunications-infrastructure maintenance services. Installation services of communications equipment. Integrated telecommunications services. Internet services. Satellite-related communications equipment. Mobile-telephone base-stations construction work. Installation of telecommunications equipment. Telephone and data transmission services. Installation services (except software). Telecommunication consultancy services. Information systems or technology strategic review and planning services. Advertising and marketing services. Marketing services. The Swindon Borough Council Broadband Programme is working to extend coverage of superfast broadband (greater than 24 Mbs) across Swindon, in areas beyond the reach of commercially-funded deployments which are unlikely to be covered without public intervention. This procurement requires a wholesale broadband network solution providing wholesale broadband services that retail service providers can use to provide business consumers, residential consumers, and public sector organisations with a range of broadband services for the term. The proposed solution must comply with the BDUK Technology Guidance and must deliver the following: a wholesale broadband service that will be open to all service and communications providers on a non-discriminatory basis for at least 7 years from last installation or 31.12.2017 whichever is the latest; a wholesale broadband service which makes available the greatest download and upload access speeds (data throughput) to greater than 95 % of Swindon premises, (equating to approximately a minimum of 15 303 additional premises within a defined intervention area) by 31.12.2017. Indicative subsidy funding by the Council and BDUK of up to 3 000 000 GBP is to be used as gap funding, as necessary to maximise coverage. The Contractor will be expected to provide substantial investment in the network, and to own and manage the risks associated with developing and operating a wholesale broadband network, including but not limited to take-up risk.

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

64200000, 72315000, 50334400, 50330000, 45232300, 32571000, 32562200, 32510000, 32412100, 32425000, 32420000, 32424000, 32412000, 32412110, 32500000, 32570000, 45000000, 45231600, 45232332, 50332000, 51300000, 64227000, 72400000, 32530000, 45232340, 45314000, 64210000, 51000000, 71316000, 72222000, 79340000, 79342000

II.1.7) **Information about Government Procurement Agreement (GPA)**

The contract is covered by the Government Procurement Agreement (GPA): yes

II.1.8) **Lots**

This contract is divided into lots: no

II.1.9) **Information about variants**

Variants will be accepted: no

II.2) **Quantity or scope of the contract**

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

The contract will run for approximately 10 years between April 2015 and December 2024. The exact duration is dependent on the date of full implementation of the wholesale broadband network solution. The Contractor will be required to provide a wholesale broadband service that will be open to all service and communications providers on a non-discriminatory basis for at least 7 years from the date of full implementation. Any contract(s) entered into as a result of this notice shall be considered as a contract(s) made under English law. Swindon

Borough Council reserves the right not to enter into any agreement or award any contract as a result of this notice and to vary or change or not proceed with this competition at any stage of the procurement process. Swindon Borough Council shall not be responsible for any costs, charges or expenses incurred by any applicant responding to this notice.

Estimated value excluding VAT:

Range: between 2 000 000 and 3 300 000 GBP

**II.2.2) Information about options**

Options: yes

Description of these options: It may be possible that additional funding up to GBP 300 000 becomes available to extend superfast coverage across the Intervention Area during the period of this contract. Should such additional funding become available, then this will be brought into this agreement via the Change Control Procedure. Any decision to include additional funding to this agreement shall be at the sole discretion of Swindon Borough Council.

**II.2.3) Information about renewals**

**II.3) Duration of the contract or time limit for completion**

**Section III: Legal, economic, financial and technical information**

**III.1) Conditions relating to the contract**

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

The Authority reserves the right to require a performance bond, parent company guarantee or another suitable form of security as appropriate.

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

See Tender documents for further details in relation to finance and payment.

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

None specified, save that in the case of a partnership or consortium or other group of more than one legal entity bidding together, the contract will be with one of the parties acting as lead organisation. Where the contract is with a special purpose company with separate legal personality established for the project, the Authority will require sufficient guarantees to be given by each of the participants in that company or their parent companies.

**III.1.4) Other particular conditions**

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: See Tender documents for further information.

**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 the requirements are met: The Authority will apply all the offences listed in Article 45(1) of Directive 2004/18/EC (implemented as Regulation 23(1) of the Public Contract Regulations (PCR) 2006 in the UK) and all of the professional misconducts listed at Article 45(2) of Directive 2004/18/EC (see also Regulation 23(2) in the PCR 2006) to the decision of whether a Candidate is eligible to be invited to tender.

A full list of the Regulation 23(1) and 23(2) criteria are at <http://www.delta-esourcing.com/delta/project/reasonsForExclusion.html#pcr>

Candidates will be required to answer these questions as part of the qualification process. For candidates who are registered overseas, you will need to declare if you have any offences/misconduct under your own countries laws, where these laws are equivalent to the Regulation 23 lists.

Candidates who have been convicted of any of the offences under Article 45(1) are ineligible and will not be selected to bid, unless there are overriding requirements in the general interest for doing so.

Candidates who are guilty of any of the offences, circumstances or misconduct under Article 45(2) may be excluded from being selected to bid at the discretion of the Authority.

See Tender documentation for further information.

III.2.2) **Economic and financial ability**

Information and formalities necessary for evaluating if the requirements are met: See Tender documents for further details in relation to economic and financial capacity.

III.2.3) **Technical capacity**

Information and formalities necessary for evaluating if the requirements are met:

See Tender documents for further details in relation to Technical capacity.

III.2.4) **Information about reserved contracts**

III.3) **Conditions specific to services contracts**

III.3.1) **Information about a particular profession**

III.3.2) **Staff responsible for the execution of the service**

**Section IV: Procedure**

IV.1) **Type of procedure**

IV.1.1) **Type of procedure**

Open

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

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

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) **Information about electronic auction**

An electronic auction will be used: no

IV.3) **Administrative information**

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

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

**Prior information notice**

Notice number in the OJEU: [2014/S 192-339067](#) of 7.10.2014

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: 14.1.2015 - 12:00

Payable documents: no

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

19.1.2015 - 12:00

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

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**  
in days: 120 (from the date stated for receipt of tender)

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

**Section VI: Complementary information**

VI.1) **Information about recurrence**

This is a recurrent procurement: no

VI.2) **Information about European Union funds**

VI.3) **Additional information**

To register your Expression of Interest, please email the contact in I.1., you will be requested to sign a Non Disclosure Agreement, on receipt of a signed Non Disclosure Agreement by Swindon Borough Council, details on how to access the Invitation to Tender via a Data Room will be provided.

To view this notice, please click here:

<https://www.delta-esourcing.com/delta/viewNotice.html?noticeId=116333533>

GO Reference: GO-20141028-PRO-6122038

VI.4) **Procedures for appeal**

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

Swindon Borough Council

Euclid Street

SN2 2JH Swindon

UNITED KINGDOM

VI.4.2) **Lodging of appeals**

Precise information on deadline(s) for lodging appeals: Swindon Borough Council will comply with the requirements relating to standstill periods and applications to the Court in accordance with the provisions of the Public Contracts Regulations 2006 (as amended).

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

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

28.10.2014