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Contract

## **TRUSTnet Contract**

London Grid for Learning Trust

F03: Contract award notice

Notice identifier: 2024/S 000-000561

Procurement identifier (OCID): ocds-h6vhtk-0419c9

Published 8 January 2024, 4:10pm

## **Section I: Contracting authority**

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

London Grid for Learning Trust

9th Floor, 10 Exchange Square, Primrose Street

London

EC2A 2BR

### **Contact**

Mr Terry Brewer

### **Email**

[terry.brewer@lgfl.net](mailto:terry.brewer@lgfl.net)

### **Telephone**

+44 2082555555

### **Country**

United Kingdom

**Region code**

UK - United Kingdom

**Internet address(es)**

Main address

[www.lgfl.net](http://www.lgfl.net)

Buyer's address

[www.lgfl.net](http://www.lgfl.net)

**I.4) Type of the contracting authority**

Body governed by public law

**I.5) Main activity**

Education

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**Section II: Object**

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

**II.1.1) Title**

TRUSTnet Contract

Reference number

DN696853

**II.1.2) Main CPV code**

- 72000000 - IT services: consulting, software development, Internet and support

**II.1.3) Type of contract**

Services

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

This Contract Modification Notice relates to the modification of the TRUSTnet contract between London Grid for Learning Trust (LGfL) and Virgin Media Business Limited (VMB) pursuant to Regulation 72(3) of the Public Contracts Regulations 2015.

Following the publication of a voluntary ex-ante transparency notice (2023/S 000-033683) LGfL has extended the duration of the TRUSTnet contract for a period of 10 years from 2028 – 2038 in respect of the lease of dark fibre infrastructure procured under the original award for the balance of the useful life of that infrastructure. The modification is limited to the lease and maintenance of the dark fibre cabling and does not include any additional services provided by VMB pursuant to the TRUSTnet contract.

LGfL awarded a contract to VMB in 2014 for the supply and management of transmission services, including (but not limited to) leased circuits, dark fibre, wide area Ethernet and xDSL with bandwidths of 10Mbit/s and above. The dark fibre infrastructure, leased as part of the contract has a useful economic life of 25 years, extending considerably beyond the end of the current contract term, which ends in 2028.

LGfL concluded that it was necessary to modify the TRUSTnet contract to allow for the extended lease of the dark fibre infrastructure until 31 December 2038 because any alternative would be uneconomic and would cause significant disruption and inconvenience for users at a time when the users are already experiencing difficult cost pressures. LGfL has determined that a limited modification of the TRUSTnet contract was necessary to protect the interests of those users.

#### **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: £2,000,000

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

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

- 48219000 - Miscellaneous networking software package
- 64000000 - Postal and telecommunications services

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

NUTS codes

- UK - United Kingdom

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

1. LGfL was established in 2001 as a Regional Broadband Authority by the 32 London local authorities and the City of London Council. It was established as a not-for-profit company and a registered charity, and is a body governed by public law. Its purpose is to provide broadband connectivity, Information and Communications Technology and related services to schools in London, LGfL's 'customers'. It currently provides essential services to over 3,000 schools providing education to more than 1.2 million students each year.

2. LGfL awarded a contract to VMB on 25 March 2014 pursuant to Contract Award Notice No. 2013/S 245-427165 for:

a. transmission services, including (but not limited to) leased circuits, dark fibre, wide area Ethernet and xDSL leased circuits and wide area Ethernet services are typically required at bandwidths of 10Mbit/s and above;

b. management services of the Core national, regional and to the edge premises equipment; and

c. supply of telecommunication and telephone services.

3. The contract was awarded for a period of 14 years, subject to periodic contract reviews, and is due to expire on 24 March 2028. Services provided under the contract may continue for a further two years to facilitate transition to a replacement supplier. The dark fibre infrastructure supplied under the terms of the contract award has a useful economic life of 25 years.

4. The dark fibre network is owned by VMB and VMB is solely responsible for its maintenance and repair. It has become necessary for LGfL to extend the lease of the network until the end of its natural life, because a replacement supplier would have to lay new fibre cabling. This would result in material additional cost, leading to duplication of cost for LGfL by replacing fibre that is still operational as well as significant inconvenience and avoidable cost for LGfL's schools and their students. In the latter instance, this would include disruptive works to lay new cabling within school buildings, playgrounds and/or playing fields. Furthermore, based on past experience of previous modernisation programmes, LGfL believes it is unlikely that network could be replaced within the existing transition period.

5. LGfL has determined that a modification of the TRUSTnet contract to allow for a lease until 2038 is permitted under Reg 72(1)(b) both for economic and technical reasons (because an alternative contractor could not maintain VMB's network and would need to

install a replacement, which would be unaffordable and could not be completed within the transition period) and because an alternative would cause significant inconvenience and substantial cost duplication. The value of the extension does not exceed 50% of the value of the original contract.

6. The modification is limited to the lease of the dark fibre cabling, together with services for its repair and maintenance, for the remainder of its useful life until 31 December 2038.

7. The remainder of the services provided under the TRUSTnet contract, including managed services and monitoring overlay requirements, will be re-tendered separately in 2028.

8. The modification will enable LGfL to:

a. exploit the fibre cabling for the full duration of its useful life;

b. contract with alternative suppliers for the provision of overlay services using the dark fibre network;

c. separate procurements for the provision of managed services and the provision of network infrastructure, thereby increasing the scope for future competition on a fair and equal basis; and

d. conduct a procurement for the replacement of the cabling under a timetable that will allow for the timely implementation of a replacement service.

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

Cost criterion - Name: Cost / Weighting: 100

#### **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

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## Section IV. Procedure

### IV.1) Description

#### IV.1.1) Type of procedure

Award of a contract without prior publication of a call for competition in the cases listed below

- Additional deliveries by the original supplier
- New works/services, constituting a repetition of existing works/services

Explanation:

LGfL has concluded that it was necessary to modify the TRUSTnet contract to allow for the extended lease of the dark fibre infrastructure until 31 December 2038 because any alternative would be uneconomic and would cause significant disruption and inconvenience for users at a time when the users are already experiencing difficult cost pressures. LGfL has therefore determined that a limited modification of the TRUSTnet contract is necessary to protect the interests of the users.

#### IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: No

### IV.2) Administrative information

#### IV.2.1) Previous publication concerning this procedure

Notice number: [2023/S 000-033683](#)

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## Section V. Award of contract

### Contract No

DN696853

### Lot No

1

A contract/lot is awarded: Yes

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

### **V.2.1) Date of conclusion of the contract**

19 December 2023

### **V.2.2) Information about tenders**

Number of tenders received: 1

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 0

Number of tenders received by electronic means: 1

The contract has been awarded to a group of economic operators: No

### **V.2.3) Name and address of the contractor**

Virgin Media Limited

500 Brook Drive

Reading

RG2 6UU

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor is an SME

No

### **V.2.4) Information on value of contract/lot (excluding VAT)**

Total value of the contract/lot: £2,000,000

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## **Section VI. Complementary information**

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

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

Royal Courts of Justice

Strand

London

WC2A 2LL

Country

United Kingdom