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Award

Oxfordshire Fire and Rescue Service (OFRS) and Royal Berkshire Fire and Rescue Service (RBFRS) in partnership on behalf of the Thames Valley Fire Control Service (TVFCS) jointly procured a joint mobilising system and related services. This was for the operational system dealing with 999 calls. The TVFCS now wish to issue a VEAT notice relating to this Contract.

Oxfordshire County Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-000706

Procurement identifier (OCID): ocids-h6vhtk-03964a

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Section I: Contracting authority/entity

I.1) Name and addresses

Oxfordshire County Council

Oxfordshire County Council, 3rd Floor County Hall

Oxford

OX1 1ND

Contact

Mr Martin Hall

Email

martin.hall@oxfordshire.gov.uk

Telephone

+44 7889164706

Country

United Kingdom

Region code

UKJ1 - Berkshire, Buckinghamshire and Oxfordshire

Internet address(es)

Main address

<http://www.oxfordshire.gov.uk>

Buyer's address

<http://www.oxfordshire.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

Oxfordshire Fire and Rescue Service (OFRS) and Royal Berkshire Fire and Rescue Service (RBFRS) in partnership on behalf of the Thames Valley Fire Control Service (TVFCS) jointly procured a joint mobilising system and related services. This was for the operational system dealing with 999 calls. The TVFCS now wish to issue a VEAT notice relating to this Contract.

Reference number

DN648951

II.1.2) Main CPV code

- 72200000 - Software programming and consultancy services

II.1.3) Type of contract

Services

II.1.4) Short description

Pursuant to an OJEU Contract Notice dated 21 September 2021 and an OJEU Contract Award Notice dated 18 December 2013, Oxfordshire County Council/Oxfordshire Fire and Rescue Service (OFRS) and Royal Berkshire Fire and Rescue Authority (RBFRA), together “the Fire Authorities”, jointly procured, and entered into a Contract (the Contract) dated 21 January 2014 with Capita Secure Information Solutions Limited (CSISL) as “the Supplier”, for the provision by CSISL for the Thames Valley Fire Control Service (TVFCS), of a joint Mobilising System and related services. This is for an operational system dealing with 999 calls.

The Contract was for seven years from the “Acceptance Date”, as defined in Schedule 1 to the Contract. That was 10th April 2015. The Contract made provision for extension: Clauses 3.3 and 5. This was for up to a further 8 years. It has been extended, until April 2024.

The Contract also contains provisions for technology refresh: Clauses 4 and 22; and for change control and variation: Clauses 24 and 51 and Schedule 7.

This Notice has three objects. The first is to update the initial Notices so as to take account not only of the initial value but also of the value during extension periods. The second is to reflect a novation that has occurred, referred to at 11.2.4 below. The third is to enable and facilitate technology refresh and consequent modification of the Contract with respect to both the hardware, which is at the end of its operational life, and the Supplier’s linked software, which requires upgrading by the Supplier. It would not be possible to contract another provider to carry out the software upgrade implementation work. Only the Supplier has the necessary technical knowledge to carry out the work. Moreover, there are intellectual property restrictions. The hardware cannot practicably be procured from a different provider. Operational issues would arise, and, in the event of faults, it would at best be difficult to determine whether the issues being experienced were a software or hardware problem. This would give rise to an unacceptable risk in terms of public safety.

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)

- 35000000 - Security, fire-fighting, police and defence equipment
- 48000000 - Software package and information systems
- 72000000 - IT services: consulting, software development, Internet and support

II.2.3) Place of performance

NUTS codes

- UKJ1 - Berkshire, Buckinghamshire and Oxfordshire

II.2.4) Description of the procurement

The TVFCS was contracted in 2013 and accepted after Implementation was concluded in April 2015 giving an effective Contract Start Date of 10th April 2015. The Contracting Authorities now wish to update the original award notice 2013/S 246-429370 to correct ambiguity in the value advised at the time, which only related to the Initial Service Contract Period but did not take account of the value of the extension options that had been advertised ie 96months

The original tender notice 2012/S 185-304339 stated an estimated value excluding VAT of between 600 000 and 1 000 000 GBP but this range failed to take account of the value of the potential extension options.

The subsequent award notice 2013/S 246-429370 stated a total contract value of 870,000 GBP whereas having taken account of all the available options it should have been 1,395,024 GBP.

The Contracting authorities wish to highlight the Change of Ownership that has occurred and the Novation Process that was undertaken as a consequence of this event. The Original Contracting Party was CAPITA SECURE INFORMATION SOLUTIONS LIMITED and following a business sale and a Novation of the Contract, on the 19th of August 2022 the Service Provider became SSS Public Safety Limited. The Novation is compliant with

Public Contract Regulations 2015 (PCR 2015).

Opportunity is also taken to re-affirm the technology refresh options that were envisaged in the advertised opportunity 2012/S 185-304339 and the contractual mechanisms for executing such options as and when they became required. This notice sets out the contractual modification related to a technology refresh and upgrade to the initially provided hardware and software as provided for in the Contract.

Modifications are permitted:

- a) Pursuant to review clauses referred to above and Regulation 72(1)(a) of PCR 2015;
- b) Pursuant to Regulation 72(1)(b) of PCR 2015 and Preamble (108) of Directive 2014/24/EU, as a change of contract cannot be made for technical reasons, in particular inter-changeability and inter-operability with existing equipment earlier procured, and duplication would be caused of both maintenance and support costs; and
- c) Pursuant to Regulation 72(1)(e) and (8) of PCR 2015, as the proposed modifications are not substantial within the meaning thereof.

II.2.5) Award criteria

Quality criterion - Name: Quality - Integration with core ICT Hardware + Software /
Weighting: 50

Price - Weighting: 50

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

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

- The procurement falls outside the scope of application of the regulations

Explanation:

Modifications are permitted:

a) Pursuant to clear, precise and unequivocal review clauses, referred to above, and Regulation 72(1)(a) of PCR 2015;

b) Pursuant to Regulation 72(1)(b) of PCR 2015, as a change of contract cannot be made for the above “technical reasons”, and the value of the modified hardware and software is less than 50% of 1,395,024 GBP; and

c) Pursuant to Regulation 72(1)(e) and (8), as the purported modifications are not “substantial” within that meaning.

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

Notice number: [2013/S 246-429370](#)

Section V. Award of contract/concession

Contract No

DN648951

Lot No

1

Title

Technology Refresh of TVFCS

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

9 January 2023

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

SSS Public Safety Limited

Methuen Park,

Chippenham

SN14 OTW

Country

United Kingdom

NUTS code

- UKJ1 - Berkshire, Buckinghamshire and Oxfordshire

Internet address

www.oxfordshire.gov.uk

The contractor/concessionaire is an SME

No

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

Initial estimated total value of the contract/lot/concession: £870,000

Lowest offer: £870,000 / Highest offer: £2,000,000 taken into consideration

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

High Court of England and Wales

Royal Courts of Justice

London

WC1A 2LL

Email

martin.hall@oxfordshire.gov.uk

Telephone

+44 1865815360

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