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Award

Highways Maintenance Services – Contract A – Highways Management and Public Realm Projects

Westminster City Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2025/S 000-003686

Procurement identifier (OCID): ocids-h6vhtk-04db88

Published 4 February 2025, 3:17pm

Section I: Contracting authority/entity

I.1) Name and addresses

Westminster City Council

64 Victoria Street

London

SW1E 6QP

Email

nsaunders@westminster.gov.uk

Country

United Kingdom

Region code

UKI32 - Westminster

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

<https://www.westminster.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

Highways Maintenance Services – Contract A – Highways Management and Public Realm Projects

II.1.2) Main CPV code

- 45233000 - Construction, foundation and surface works for highways, roads

II.1.3) Type of contract

Works

II.1.4) Short description

Provision of reactive and planned Highways Maintenance Services in Westminster City Council's administrative area. This VEAT notice is in respect of a proposed extension to the contract awarded in 2014. It is not the award of a new contract. See additional information at Sections II.2.4 and IV.1.1.

Contract A

Highways Management, Maintenance and Public Realm Projects – This includes reactive

repairs as well as planned resurfacing, repaving and major public realm schemes.

Please note that Contract A incorporate the original contract D responsibilities for Gully Services in 2017. Original value of this contract was £3.2m.

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: £13,610,000

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKI32 - Westminster

II.2.4) Description of the procurement

The Council is not awarding a new contract, it is modifying an existing contract awarded to FM Conway Ltd ("FM Conway") on 1st April 2014 to extend the term of the contract by a further six months . See further information at IV.1.1.

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:

This notice does not relate to the award of a new contract, but rather the modification of an existing contract described at Section II.2.4 above (the “2014 Contract”).

The 2014 Contract was a call-off from a single supplier framework which had been procured by Westminster City Council (‘the Council’). The 2014 Contract was for an overall term of twelve years to expire is due to expire on 31st of March 2026.

The proposed contract modification is limited to an amendment to the service period to provide for an additional six months to 30th September 2026 and ancillary amendments to give effect to that change. The services to be delivered by the Contractor will remain substantially the same. The extension of the 2014 Contract for the further six months will be on the basis of the existing pricing and payment mechanisms provided for in the contract.

The estimated value of the six month extension is £13,610,000 against a spend to date value of £408,200,000. The actual value of the spend during the six month extension will depend on the volume and specifics of the works and services ordered under the contract during the six month period.

Further detail regarding the proposed contract extension can be found in the decision report available here: [Decision - Highways Contract Update | Westminster City Council](#)

The Council considers that the proposed modification to the 2014 Contract is not ‘substantial’ pursuant to Regulation 72(1)(e) Public Contracts Regulations 2015 (‘PCR’). Accordingly, the modification may lawfully be agreed between the parties and implemented without the need to conduct a fresh procurement procedure.

Regulations 72(1)(e) and 72(8) PCR have been satisfied for the following reasons:

- The character of the 2014 Contract and the services to be delivered by the Contractor will remain substantially the same and the 2014 Contract is not rendered materially different in character from the one originally concluded.
- The 2014 Contract was a call-off from a single supplier framework and the extended contract term would have made no difference to the outcome of the procurement had it been part of the initial procurement procedure.
- The proposed extension is for a six month period only and does not considerably extend the scope of the 2014 Contract which was for an overall term of 12 years.
- The proposed extension is on the basis of existing contract pricing and payment mechanisms and does not change the economic balance of the 2014 Contract in favour of the Contractor in a manner not provided for in the 2014 Contract.
- There is to be no replacement of the contractor to whom the Council had initially awarded the 2014 Contract.

Further, the Council considers that it may also rely on Regulation 72(1)(b) PCR for the six-month extension.

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

The procurement is covered by the Government Procurement Agreement: Yes

Section V. Award of contract/concession

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

4 February 2025

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

FM Conway Ltd

Conway House

Sevenoaks

TN14 5EL

Country

United Kingdom

NUTS code

- UKI - London

The contractor/concessionaire is an SME

No

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

Total value of the contract/lot/concession: £13,610,000

V.2.5) Information about subcontracting

The contract/lot/concession is likely to be subcontracted

Section VI. Complementary information

VI.3) Additional information

The Council will be shortly be publishing a Contract Notice to tender for a new highways maintenance contract

VI.4) Procedures for review

VI.4.1) Review body

High court

London

Country

United Kingdom