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Award

Operation & Maintenance of the Gull Wing

Suffolk County Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-008677

Procurement identifier (OCID): ocds-h6vhtk-03b5e6

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Section I: Contracting authority/entity

I.1) Name and addresses

Suffolk County Council

Endeavour House, Russell Rd

IPSWICH

IP12BX

Contact

Martin Jennings

Email

martin.jennings@suffolk.gov.uk

Telephone

+44 1473260450

Country

United Kingdom

Region code

UKH14 - Suffolk

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

www.suffolk.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

Operation & Maintenance of the Gull Wing

Reference number

CD1384

II.1.2) Main CPV code

- 63712310 - Bridge operating services
 - IA38 - For mechanical installations

II.1.3) Type of contract

Services

II.1.4) Short description

The Council appointed Farrans to construct the Gull Wing across Lake Lothing in Lowestoft.

Prior to the completion of the construction Suffolk County Council (SCC) intends to appoint Associated British Ports (ABP) to undertake the operation and management and operation of the maintenance of the Gull Wing. ABP shall be given this responsibility for a period of 5 years, with the option to extend for up to a further 5 years. The awarding of the contract shall provide adequate lead in time prior to the bridge becoming operational in order to undertake training and implement a supply chain to undertake maintenance elements of the contract.

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: £18,000,000

II.2) Description

II.2.2) Additional CPV code(s)

- 45233139 - Highway maintenance work
- 45259000 - Repair and maintenance of plant
- 50230000 - Repair, maintenance and associated services related to roads and other equipment
- 50530000 - Repair and maintenance services of machinery
- 50712000 - Repair and maintenance services of mechanical building installations

II.2.3) Place of performance

NUTS codes

- UKH14 - Suffolk

Main site or place of performance

Gull Wing, Lowestoft, Suffolk

II.2.4) Description of the procurement

The operation of and management and operation of the maintenance of the Gull Wing bridge in Lowestoft, Suffolk including but not limited to mechanical and electrical plant, the bridge structure and highway and associated maintenance.

II.2.11) Information about options

Options: No

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Negotiated without a prior call for competition

- 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:

Suffolk County Council has determined that ABP are the only organisation that can successfully operate and manage the maintenance of the Gull Wing. This is due to ABP's unique position as the statutory harbour authority, the operator and first line maintainer of the A47 bascule bridge on behalf of National Highways and the operator of the Lowestoft port.

Lowestoft port is a key economic hub within Lowestoft and Suffolk and the synergies that can be achieved from ABP operating both the existing bascule bridge and the Gull Wing will enable the port to remain efficient and grow the economy of Lowestoft and further afield.

These efficiencies would be impacted by having a separate maintenance contractor(s) to the operator, as they would have conflicting pressures.

1. Separate operator and maintainer of the Gull Wing: There are potentially conflicting commercial pressures from having a separate operator and maintainer which could result in co-ordination difficulties and response times to issues adversely affecting road and marine traffic, and compromising the 120 year design life of the bridge.

2. Separate bridge operators for Gull Wing and existing Bascule Bridge: There are also potential navigational safety risks in having two separate bridge operators within the working port of Lowestoft, in particular the potential for the safety of vessels traversing both bridges being compromised by either coordination failures or a technical failure with equipment on one or other bridge, that is not known or understood by the other operator, this potential is increased due to the proximity of the 2 bridges and that they are both within the port of Lowestoft.

Because of these conflicting pressures Suffolk County Council has concluded that to minimise the disruption upon Lowestoft and the port, ABP are the only organisation able

to manage the maintenance of the Gull Wing in a manner that does not negatively impact on the economy of Lowestoft.

ABP would contract with appropriately qualified third parties to undertake the maintenance of the mechanical, structure and highway elements of the Gull Wing and would be responsible for the timing of these activities to ensure the least disruption.

Because of the above there is no competitive market. As such, Suffolk has decided to commence a negotiation directly with ABP to enter into a new agreement.

Whilst Suffolk CC is confident that its analysis of these circumstances is correct, it remains committed to meeting its public procurement obligations and, in particular, its commitments to transparency and equal treatment. It is therefore filing this notice to ensure that no other service provider believes it could in fact meet the requirements as described above. If you do believe you can, then please contact us via martin.jennings@suffolk.gov.uk for a more detailed discussion.

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

Contract No

CD1384

Title

Operation and Maintenance of the Gull Wing

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

1 March 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

Associated British Ports

London

Country

United Kingdom

NUTS code

- UKI - London

Companies House

ZC000195

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: £18,000,000

Lowest offer: £6,000,000 / Highest offer: £18,000,000 taken into consideration

V.2.5) Information about subcontracting

The contract/lot/concession is likely to be subcontracted

Value or proportion likely to be subcontracted to third parties

Proportion: 40 %

Short description of the part of the contract to be subcontracted

It is expected that the mechanical and electrical, the bridge structure and the highway and associated maintenance elements of the contract will be sub-contracted by ABP to appropriately qualified organisations.

Section VI. Complementary information

VI.3) Additional information

Suffolk County Council reserves the right to procure repeat requirements of a similar nature without a further call for competition pursuant to Regulation 32 of the public contracts Regulations 2015 (or such similar provisions as shall be in force in England & Wales at that time).

VI.4) Procedures for review

VI.4.1) Review body

High Court

London

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

Suffolk County Council incorporates a minimum 10 calendar day standstill period from the point at which information on the award of contract is communicated. If an appeal regarding the award of contract has not been successfully resolved: The Public Contracts Regulations 2015 as amended provide for aggrieved parties who have been harmed or at risk of harm by a breach of the rules, to take action in the High Court (England, Wales and Northern Ireland) Any such action must be brought promptly