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Tender

## **HCC - 04/23 - The Provision of a Highways and Environment Professional Services Contract**

Hertfordshire County Council

F02: Contract notice

Notice identifier: 2023/S 000-010371

Procurement identifier (OCID): ocids-h6vhtk-034346

Published 11 April 2023, 2:52pm

### **Section I: Contracting authority**

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

Hertfordshire County Council

Pegs Lane

Hertford

SG13 8DE

#### **Contact**

Strategic Procurement Group

#### **Email**

[zoe.upson@hertfordshire.gov.uk](mailto:zoe.upson@hertfordshire.gov.uk)

#### **Telephone**

+44 01707292463

#### **Country**

United Kingdom

**NUTS code**

UKH23 - Hertfordshire

**Internet address(es)**

Main address

[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)

Buyer's address

<https://in-tendhost.co.uk/supplyhertfordshire.aspx/Home>

**I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at

<https://in-tendhost.co.uk/supplyhertfordshire.aspx/Home>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted to the above-mentioned address

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

Regional or local authority

**I.5) Main activity**

General public services

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## **Section II: Object**

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

#### **II.1.1) Title**

HCC - 04/23 - The Provision of a Highways and Environment Professional Services Contract

Reference number

HCC2341703

#### **II.1.2) Main CPV code**

- 71000000 - Architectural, construction, engineering and inspection services

#### **II.1.3) Type of contract**

Services

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

Hertfordshire County Council (the "Authority") wishes to appoint a professional services provider to deliver professional services related to public highways (the "Contract"). The Authority is looking to forge a long-term collaborative relationship with a service provider that delivers a Contract that actively supports the Authority's corporate objectives and enhances the county of Hertfordshire. The Authority wishes to facilitate the appointed service provider to identify and implement innovative solutions, establishing a new way of delivering the services to maximise the potential for success for both itself and the appointed service provider throughout the lifetime of the Contract. The professional services are currently delivered through the Authority's existing professional services contract (based on the NEC3 Professional Services Contract) which is due to expire on 30 September 2024.

#### **II.1.5) Estimated total value**

Value excluding VAT: £290,000,000

#### **II.1.6) Information about lots**

This contract is divided into lots: No

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

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

- 71000000 - Architectural, construction, engineering and inspection services

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

NUTS codes

- UKH23 - Hertfordshire

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

The Authority wishes to put in place a new, flexible arrangement to facilitate the appointment of a service provider to deliver the Contract. This process commenced with a pre-market engagement exercise notified to the market by PIN ref 2022/S 000-015520. This was supplemented by a note to the market of the intention to procure the Contract before the highways service term maintenance contract ("HST Contract") and a further round of pre-market engagement – in February 2023. This Contract Notice marks the commencement of the procurement for a professional services provider. The service provider will be expected to deliver various services (each of which is described in greater detail in the Project Information Memorandum) including: Core Operational Supporting Services comprising the services that support delivery of the core highways service and primarily face the HST Contract, as well as broader service-wide contract management and independent network management support functions. This includes: • Asset Management & Structural Maintenance Services • Routine Maintenance Services • Network Management Services • Contract Management Services Strategy Development & Implementation Services Covering the professional services required to develop the service's strategic transport approaches, planning and overseeing their implementation, and working with partners and developers to align their delivery accordingly. This includes: • Technical Support and Development Services • Strategy Development Services • Transport Infrastructure Implementation Services • Development Management Services The Authority intends to focus on the following: • A service delivered in line with Hertfordshire's Sustainability Strategy, playing a key role in delivering the strategy's ambitions both in its organisations and the behaviour it encourages; • Managing, improving and maintaining the network for all users, encouraging and enabling active and sustainable travel; • Sustaining a financially resilient service that delivers best value with the resources available; • Optimising service efficiency and maximising income from commercialisation and external funding. The Authority wishes for the appointed service provider to raise initiatives for providing a commercially astute service; • Embracing best practice, innovations and new technologies, enabling the service to continuously evolve and improve; • Attracting, developing, empowering and retaining the best people capable of driving a dynamic and agile service; • Engaging effectively to understand and meet the needs of citizens and communities; • Developing and sustaining a collaborative partnership that delivers the objectives of all. The Authority is keen to understand how it can better facilitate collaborative working across the highways service and in its supply

chain; and• A sensible and fair procurement process - the Authority is committed to complying with the public procurement regime. The Project Information Memorandum and Scope accompanying this notice contains additional detail on the services which shall be required from the service provider. Delivery of all services under the Contract must be in line with the Authority's commitments to social value and sustainability. The Contract is intended to provide a dynamic, flexible basis on which the Authority and service provider can work together to explore innovative, sustainable and progressive approaches to managing and improving the highways network in Hertfordshire. The form of Contract is expected to be the NEC4 Professional Services Contract with bespoke amendments to be discussed with Bidders during the negotiation stages of the procurement process. The pricing approach is currently being developed and will also form part of discussions on the Contract during the negotiation phase of the procurement process.

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

Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **II.2.6) Estimated value**

Value excluding VAT: £290,000,000

#### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

60

This contract is subject to renewal

Yes

Description of renewals

It is anticipated that the Contract term will be up to a maximum of 14 years comprised of an initial minimum term of 5 years followed by optional extension periods up to a maximum aggregate duration of 14 years. The duration and number of extension(s) beyond the initial minimum term of 5 years shall be determined at the Authority's absolute discretion.

#### **II.2.9) Information about the limits on the number of candidates to be invited**

Envisaged number of candidates: 3

Objective criteria for choosing the limited number of candidates:

Please refer to the Selection Questionnaire.

#### **II.2.10) Information about variants**

Variants will be accepted: No

#### **II.2.11) Information about options**

Options: Yes

Description of options

The Contract shall include, but not be limited to, the following options:• to extend the initial minimum term of the Contract from 5 years up to a maximum aggregate of 14 years. • use by Hertfordshire's District & Borough Councils, these being Broxbourne Borough Council, Dacorum Borough Council, East Herts District Council, Hertsmere Borough Council, North Hertfordshire District Council, St Albans City & District Council, Stevenage Borough Council, Three Rivers District Council, Watford Borough Council, Welwyn-Hatfield Borough Council. Such options shall be included in the Contract and shall be developed as part of the negotiation process with those Bidders selected to participate in that phase.

#### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

#### **II.2.14) Additional information**

The Authority intends to put in place a flexible, dynamic arrangement which can adapt and evolve to meet the Authority's changing requirements and objectives during the Contract term. The Authority will explore the duration of any extensions as part of the negotiation process with those Bidders selected to participate in that phase of the competition.

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## **Section III. Legal, economic, financial and technical information**

### **III.1) Conditions for participation**

#### **III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions

Selection criteria as stated in the procurement documents

#### **III.1.2) Economic and financial standing**

Selection criteria as stated in the procurement documents

#### **III.1.3) Technical and professional ability**

Selection criteria as stated in the procurement documents

### **III.2) Conditions related to the contract**

#### **III.2.2) Contract performance conditions**

The Contract will include a performance regime aligned to the Authority's strategic and operational objectives. The service provider will be required to reach defined benchmarks in several areas. Failure to reach those benchmarks will result in compensation to the Authority. Compensation will vary in scale, depending on the scale of the failure, ultimately resulting in the Authority's right to terminate for default. The Authority will be looking to develop a dynamic relationship with the service provider facilitating evolution of the performance framework in line with wider contract evolution. This may include development of shared KPIs with the Authority and the HST Contractor where collaboration across all three parties is essential to robust service delivery. Additionally, delivery of all services under the Contract must comply with and be delivered in accordance with the Authority's sustainability and social value commitments. Further information is in the procurement documents.

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Competitive procedure with negotiation

#### **IV.1.4) Information about reduction of the number of solutions or tenders during negotiation or dialogue**

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated

#### **IV.1.5) Information about negotiation**

The contracting authority reserves the right to award the contract on the basis of the initial tenders without conducting negotiations

#### **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: [2022/S 000-015520](#)

#### **IV.2.2) Time limit for receipt of tenders or requests to participate**

Date

19 May 2023

Local time

12:00pm

#### **IV.2.3) Estimated date of dispatch of invitations to tender or to participate to selected candidates**

12 June 2023

#### **IV.2.4) Languages in which tenders or requests to participate may be submitted**

English



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## **Section VI. Complementary information**

### **VI.1) Information about recurrence**

This is a recurrent procurement: No

### **VI.2) Information about electronic workflows**

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

### **VI.3) Additional information**

Selection Questionnaire responses and tenders are to be completed electronically using the Portal: <https://in-tendhost.co.uk/supplyhertfordshire.aspx/Home>. Please note that a 'request to participate' for the purposes of this Contract Notice (in particular, Section IV.2.2) is by completion and return of the Selection Questionnaire by the stated deadline. Candidates will remain responsible for all costs and expenses incurred by them or by any third party acting under instructions from Candidates in connection with taking part in this procurement, regardless of whether such costs arise as a direct or indirect consequence of any amendments made to the procurement documents by the Authority at any time. The Authority is mindful of the issues presented by conflicts of interest and will be proactively managing any actual or potential conflicts that may arise during this procurement. The Authority reserves the right at any time to: i) reject any or all responses and to cancel or withdraw this procurement at any stage; ii) award a Contract without prior notice; iii) change the basis, the procedures and the time-scales set out or referred to within the procurement documents; iv) require a Candidate to clarify any submissions in writing and/or provide additional information (failure to respond adequately may result in disqualification); v) terminate the procurement process; and/or vi) amend the terms and conditions of the selection and evaluation process. All discussions and correspondence will be deemed strictly subject to contract until a formal Contract is entered into. The formal Contract shall not be binding until it has been signed and dated by the duly authorised representatives of both parties. The estimated total value of the Contract (identified in II.2.5) is only an estimate at this stage. No guarantee is given as to the actual value in any given year or in totality as the estimated value is subject to a degree of uncertainty due to the flexible approach being adopted. That approach anticipates service change and continuous improvement, variations in the annual budget for the Highways Service, fluctuations in the availability of central Government funding and the significant impact that inflation could have on costs under the Contract. As a result, potential bidders should be aware that this means that the total value of the Contract could change

including the potential to exceed the figure provided in II.2.5. The Authority is expecting to launch a separate procurement for a HST Contract towards the end of this year. On the basis of the Authority's current proposed timetable, it is expected that the HST Contract procurement will launch when this Contract is anticipated to be at Final Tender stage. While Candidates are welcome to bid for both opportunities, the same organisation will not be able to win both contracts, as the professional services service provider will have a role in assisting the Authority with the contract management of the HST Contract provider, including assisting with performance management and auditing, creating a potential conflict of interest if a single bidder were successful for both opportunities. Consequently, if a Candidate participating in both procurements is awarded Preferred Bidder status for the professional services contract, then their involvement in the HST Contract procurement would automatically be deemed to have come to an end at that point. Given the timing of the two procurements, this means a Candidate should have a reasonable understanding as to whether or not they are likely to be successful for the professional services contract before the HST Contract moves into its latter, more detailed stages. If you are experiencing problems In-Tend offer a help section which includes a dedicated UK support desk which can be contacted via email: [support@in-tend.co.uk](mailto:support@in-tend.co.uk) or Telephone: +44 1144070065 for any website/technical questions, Monday to Friday, 8:30-17:00.

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

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

Royal Courts of Justice

The Strand

London

WC24 2LL

Country

United Kingdom

##### **VI.4.2) Body responsible for mediation procedures**

Royal Courts of Justice

The Strand

London

WC24 2LL

Country

United Kingdom

#### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

The Authority will incorporate a minimum 10 calendar day (when using electronic means) standstill period at the point information on the award of the Contract is communicated to bidders. This period allows unsuccessful bidders to challenge the decision to award a Contract before a Contract is executed/signed (as appropriate). Part 3 of the Public Contracts Regulations 2015 ('Regulations') provides 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 and within the time limits as defined in Part 3 of the Regulations. Where a Contract has not been entered into the court may order the setting aside of the award decision or order the contracting authority to amend any document and may award damages. If the Contract has been entered into the court has the options to award damages and/or to shorten or order the Contract ineffective.

#### **VI.4.4) Service from which information about the review procedure may be obtained**

Royal Courts of Justice

The Strand

London

WC24 2LL

Country

United Kingdom