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Award

Contract Extension - LB Hillingdon - Highways Term Service Contract

London Borough of Hillingdon

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-010973

Procurement identifier (OCID): ocds-h6vhtk-044fa5

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Section I: Contracting authority/entity

I.1) Name and addresses

London Borough of Hillingdon

Civic Centre, High Street

Uxbridge

UB8 1UW

Contact

Allison Mayo

Email

AMayo@hillingsdon.gov.uk

Country

United Kingdom

Region code

UKI74 - Harrow and Hillingdon

Internet address(es)

Main address

www.hillingdon.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

Contract Extension - LB Hillngdon - Highways Term Service Contract

II.1.2) Main CPV code

- 45233139 - Highway maintenance work

II.1.3) Type of contract

Works

II.1.4) Short description

The London Borough of Hillingdon (the Authority) intends to enter into contract extension with O' Hara Bros Surfacing Limited in relation to a Highways Term Service Contract for highways management and maintenance works (resurfacing of footways, carriageways and pothole repairs, drainage works and street furniture installation), the Underlying Contracts). The Underlying Contracts were originally procured under OJEU Contract Notice 2013/S 127-217050, published on 28 June 2013.

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: £25,000,000

II.2) Description

II.2.2) Additional CPV code(s)

- 34144410 - Gully emptiers
- 45232452 - Drainage works
- 45233000 - Construction, foundation and surface works for highways, roads
- 45233100 - Construction work for highways, roads
- 45233130 - Construction work for highways
- 45233140 - Roadworks
- 45233141 - Road-maintenance works
- 45233142 - Road-repair works
- 45233150 - Traffic-calming works
- 45233161 - Footpath construction work
- 45233162 - Cycle path construction work
- 45233210 - Surface work for highways
- 45233220 - Surface work for roads
- 45233221 - Road-surface painting work
- 45233222 - Paving and asphaltting works
- 45233223 - Carriageway resurfacing works
- 45233340 - Foundation work for footpaths
- 90640000 - Gully cleaning and emptying services

II.2.3) Place of performance

NUTS codes

- UKI74 - Harrow and Hillingdon

II.2.4) Description of the procurement

The Authority appointed the Contractor to provide highways maintenance services pursuant to the Highways Term Service Contract

The Authority intends to enter a deed of contract extension with the Contractor to extend the Highways Term Service Contracts, the effect of which will be the following:

- Highway management and maintenance (resurfacing of footways and carriageways, pothole repairs and drainage works),
- Highway improvement works), town centre improvement, minor bridge maintenance, public realm investment projects,
- Cyclic gully cleansing, residential vehicular crossovers & reactive maintenance and task order works instructed on an ad-hoc basis.
- To extend the expiry date to 31 March 2026

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 VTN gives notice that the Authority is entering into a deed of extension (the "Contract") to extend the duration of the existing highways term service contract between the Authority and the Contractor.

The extension does not seek to introduce new requirements, amendments to the commercial terms or the intended scope of works to be provided under the Term Service Contract and are to be delivered in the same geographical location as the current contract. This will continue as currently drafted (NEC 3 Term Service Contract (June 2005) (with amendments April 2013).

A procurement procedure is not necessary on the basis that the award of the Contract is permitted pursuant to

Regulation 72 (1) (e) and 72(8) of the Public Contracts Regulations 2015. The Contract will have the effect of modifying the Underlying Contracts in accordance with Regulation 72 of the Public Contract Regulations 2015.

The Underlying Contract concern the provision of a range of highway maintenance services management and related services, by the Contractor, in relation to the Authority's Road network.

Namely, the proposed modification is not substantial within the meaning of Regulation 72 (1) (e) and on the basis that:

1. the modification does not render the Underlying Contract materially different in character – the works to be delivered are limited in nature to those already delivered, in the same geographical location and on identical commercial terms to those of that under the Underlying Contract and do not seek to introduce new requirements or amendments to the commercial terms

2. the modification is for a limited period and is intended to facilitate the re-procurement of

opportunities as a whole

3. the Council has satisfied itself that the modification does not introduce conditions which would have (a) allowed for the admission of other candidates, (b) allowed for the acceptance of another tender, or (c) attracted additional participants in the procurement procedure – The Authority has satisfied that, had the Contract been originally advertised to take account of the extension, it is unlikely that this would have changed the outcome of the procurement or resulted in a different cohort of tenderers.

4. the modification does not change the economic balance in favour of the contractor in a manner which was not provided for in the contract – The Authority has satisfied itself that the proposed pricing is on market terms and has been benchmarked this against market knowledge of similar contracts/pricing models and therefore remains reflective of market costs and does not amount to an over-compensation of the services to be provided.

5. The modification extends the scope of the contract considerably – the Authority has satisfied itself that the modification does not extend the scope of the contract considerably as the extension is limited in duration to facilitate the re-procurement process and the specification and commercial terms remain unamended.

6. As per our comments at 1 above, the modification does not extend the scope of the contract. For the reasons set out above, the proposed modification does not constitute a substantial modification and is permitted by Regulation 72 (1) (e) of the Public Contracts Regulations 2015.

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

The procurement is covered by the Government Procurement Agreement: No

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

30 December 2013

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

O' Hara Bros Surfacing Limited

101 Rowlands Avenue, Hatch End

Pinner

HA5 4AW

Country

United Kingdom

NUTS code

- UKI74 - Harrow and Hillingdon

The contractor/concessionaire is an SME

Yes

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

Total value of the contract/lot/concession: £25,000,000

V.2.5) Information about subcontracting

The contract/lot/concession is likely to be subcontracted

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

High Court of England and Wales

London

Country

United Kingdom

VI.4.2) Body responsible for mediation procedures

High Court of England and Wales

London

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

The Contracting Authority will conduct itself in accordance with the Public Contracts Regulations 2015.

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

Cabinet Office

London

Country

United Kingdom