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Tender

## **FM21116 - Arbitration Referral and Management Services**

Pubs Code Adjudicator

F02: Contract notice

Notice identifier: 2021/S 000-014105

Procurement identifier (OCID): ocds-h6vhtk-02be8c

Published 21 June 2021, 5:15pm

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

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

Pubs Code Adjudicator

Lower Ground, Victoria Square House, Victoria Square

Birmingham

B2 4AJ

#### **Contact**

Rhedyn Griffiths

#### **Email**

[fmprocurement@uksbs.co.uk](mailto:fmprocurement@uksbs.co.uk)

#### **Telephone**

+44 7859078788

**Country**

United Kingdom

**NUTS code**

UKG31 - Birmingham

**Internet address(es)**

Main address

[www.uksbs.co.uk](http://www.uksbs.co.uk)

**I.3) Communication**

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

<https://uksbs.delta-esourcing.com/>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://uksbs.delta-esourcing.com/>

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

Body governed by public law

**I.5) Main activity**

Other activity

Public Procurement

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## **Section II: Object**

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

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

FM21116 - Arbitration Referral and Management Services

Reference number

FM21116

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

- 79000000 - Business services: law, marketing, consulting, recruitment, printing and security

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

Services

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

UK Shared Business Services Ltd (UK SBS) on behalf of Pubs Code Adjudicator (PCA), wish to appoint a provider for Arbitration Referral and Management Services.

UK SBS is managing this procurement process in accordance with the Public Contracts Regulations 2015 (as amended from time to time) (the "Regulations").

This is a Services Framework Agreement being Procured under Open OJEU Procedure Regulations.

See Section I.3) for access to procurement documentation.

UK SBS will be using the Delta eSourcing Portal for this procurement. The access code is 54D62EEWY3

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

Value excluding VAT: £524,000

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

This contract is divided into lots: No

## **II.2) Description**

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

- 75100000 - Administration services
- 79422000 - Arbitration and conciliation services
- 80500000 - Training services

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

NUTS codes

- UKG31 - Birmingham

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

UK Shared Business Services Ltd (UK SBS) on behalf of Pubs Code Adjudicator (PCA), wish to appoint a provider for Arbitration Referral and Management Services.

Description

The Pubs Code Adjudicator (PCA) is the independent regulator responsible for enforcing the statutory Pubs Code (the Code). The Code regulates the relationship between all pub companies (referred to as pub-owning businesses in the Code) owning 500 or more tied pubs in England and Wales and their tied tenants. Tied tenants are those that are obliged to purchase beer from their landlord. They may be tied for other products and services too.

The Code has two over-arching principles - to ensure:

1. fair and lawful dealing by pub companies in relation to their tied tenants
2. that individual tied tenants should not be worse off than they would be if they were free of the tie (the 'no worse off' principle).

The Code imposes (among others) information and transparency obligations on the pub companies. An important element of the Code is the introduction of the option for tied tenants in certain circumstances to request a Market Rent Only (or MRO) option to go 'free of tie'. The Pubs Code came into force on 21 July 2016.

Dispute resolution under the Pubs Code is by way of a referral for arbitration. This contract is for the management of those referrals, including the process for any appointment of an alternative arbitrator.

The PCA is looking to appoint a sole supplier that will take on the end to end case management and administration of the arbitration service. The sole supplier will not be required to conduct the arbitration themselves but will be responsible for sourcing a suitable arbitrator for appointment by the PCA if appropriate, and in accordance with the exercise of her statutory powers once a referral has been made. The remit of the sole supplier will not end on appointment of an arbitrator and the service provision following this is outlined in the specification.

There are also Arbitrator training and knowledge management requirements covered within this appointment, further details can be found in the specification.

This Framework Agreement is for a duration of 2 years with the option to extend for a further 1 year, and then again for a further 1 year (2+1+1). Bidders are to note that as this opportunity is to establish a framework agreement there will be no guaranteed minimum spend over the duration except the fixed one off payments for set up and maintenance of the service and contract delivery infrastructure, all work will be awarded to the sole supplier when a referral is raised.

A brief summary of the requirement has been provided above, please ensure you review the specification for full details of this requirement. All details relating to this procurement can be found within the Stage One: Overview Section on the Delta eSourcing Portal.

UK SBS is managing this procurement process in accordance with the Public Contracts Regulations 2015 (as amended from time to time).

See Section I.3) for access to procurement documentation.

UK SBS will be using the Delta eSourcing Portal for this procurement. The access code is 54D62EEWY3

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

Quality criterion - Name: Quality / Weighting: 70.00%

Price - Weighting: 30.00%

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

Value excluding VAT: £524,000

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

Duration in months

48

This contract is subject to renewal

Yes

Description of renewals

This Framework Agreement is for a duration of 2 years with the option to extend for a further 1 year, and then again for a further 1 year (2+1+1).

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

Variants will be accepted: No

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

Options: No

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

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

### **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

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## **Section IV. Procedure**

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

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

Open procedure

#### **IV.1.3) Information about a framework agreement or a dynamic purchasing system**

The procurement involves the establishment of a framework agreement

Framework agreement with a single operator

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

The procurement is covered by the Government Procurement Agreement: No

### **IV.2) Administrative information**

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

Date

27 July 2021

Local time

11:00am

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

English

#### **IV.2.6) Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 3 (from the date stated for receipt of tender)

#### **IV.2.7) Conditions for opening of tenders**

Date

27 July 2021

Local time

11:01am

Place

Electronically via Delta eSourcing Portal



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## **Section VI. Complementary information**

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

This is a recurrent procurement: No

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

All submissions will be assessed in accordance with the Public

Contracts Regulations 2015, for procurement values that exceed Regulation 5 (Threshold amounts).

Responses must be received by the date in the tender documentation; responses received outside of the deadline or not sent via the Delta eSourcing portal will not be accepted or considered further for this opportunity.

As a user of the Delta eSourcing Portal you will have access to the Delta messaging service which facilitates all messages sent to you and from you in relation to any specific tender event. Please note it is your responsibility to access these messages on a regular basis to ensure you have sight of all relevant information applicable to this opportunity.

The contracting authority expressly reserves the right:

(i) not to award any contract as a result of the procurement process commenced by publication of this notice; and

(ii) to make whatever changes it may see fit to the content and structure of the procurement and in no circumstances will the contracting authority be liable for any costs incurred by any

supplier. If the contracting authority decides to enter into a contract with the successful supplier, this does not mean that there is any guarantee of subsequent contracts being awarded.

Any expenditure, work or effort undertaken prior to contract award is accordingly a matter solely for the commercial

judgement of bidders.

How to apply

UK Shared Business Services Ltd (UK SBS) will be using the Delta eSourcing Portal for this

procurement.

To register on the Delta eSourcing portal please use the link <https://uksbs.deltaesourcing.com> and follow the instructions to register.

If you are already registered on the Delta eSourcing Portal and wish to participate in this procurement, please use the link: <https://uksbs.delta-esourcing.com> and the follow the instructions to 'Login'

Once you are logged into the system you will be able to link yourself into this procurement using the access code: 54D62EEWY3

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

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

UK Shared Business Services Limited

Swindon

SN2 1FF

Email

[policy@uksbs.co.uk](mailto:policy@uksbs.co.uk)

Telephone

+44 1793867005

Country

United Kingdom

Internet address

[www.uksbs.co.uk](http://www.uksbs.co.uk)