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Award

Holiday Activity & Food (HAF) Programme 2021 - contract variation for programme management enabling partner

Birmingham City Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-014528

Procurement identifier (OCID): ocds-h6vhtk-02c033

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Section I: Contracting authority/entity

I.1) Name and addresses

Birmingham City Council

BIRMINGHAM

B47WB

Email

cps@birmingham.gov.uk

Telephone

+44 1213030349

Country

United Kingdom

NUTS code

UKG - West Midlands (England)

Internet address(es)

Main address

www.birmingham.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**

Holiday Activity & Food (HAF) Programme 2021 - contract variation for programme management enabling partner

II.1.2) Main CPV code

- 85100000 - Health services

II.1.3) Type of contract

Services

II.1.4) Short description

For the provision of Holiday Activities and Food (HAF) programme management service, to include additional services required by the Department of Education (DfE) as part of the condition of grant.

The additional services required through a contract variation include:

- Monitoring and Evaluation;
- Training/Education;
- Food logistics.

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: £400,000

II.2) Description

II.2.2) Additional CPV code(s)

- 85100000 - Health services

II.2.3) Place of performance

NUTS codes

- UKG - West Midlands (England)

II.2.4) Description of the procurement

For the provision of Holiday Activities and Food (HAF) programme management service, to include additional services required by the Department of Education (DfE) as part of the condition of grant.

The additional services required through a contract variation include:

- Monitoring and Evaluation;
- Training/Education;
- Food logistics.

II.2.11) Information about options

Options: Yes

Description of options

Option to extend until Easter 2022.

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Negotiated without a prior call for competition

- Extreme urgency brought about by events unforeseeable for the contracting authority

Explanation:

Regulation 72 of the Public Contract Regulations allows variations to contracts providing certain criteria are met. In this instance Regulation 72.1 (c) applies as follows:

where all of the following conditions are fulfilled:-

- (i) the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
- (ii) the modification does not alter the overall nature of the contract;
- (iii) any increase in price does not exceed 50% of the value of the original contract or framework agreement.

The unforeseen nature of these circumstances is set out as follows:

- The Council is not part of the DfE's national evaluation programme and therefore will need to embed its own monitoring and evaluation into the programme. During/after process. The DfE's announcement came too late in the procurement process (contract award stage) to allow the Council to scope the new requirements and include it as part of the procurement. This was not foreseen at the tender stage.
- Since the launch of the Community Grants Programme on 17 May 2021, it has become apparent that a significant number of the small grassroots organisations will need additional training and support to delivery safe and high-quality activities and food during the school holidays. An initial training needs analysis has identified the need for training in safeguarding and food safety. This was not foreseen at the tender stage.
- Initial market engagement with food providers on the (YPO) framework, completed at the end of May, highlighted a number of risks in relation to the coordination of food/meal provision across the city to children and young people participating in the HAF programme, on free school meals. The management of these risks will require additional management oversight and coordination. This was not foreseen at the tender stage.

For Regulation 72.1(c) to be met the variation must not exceed 50% of the original contract value. In this instance the variation does exceed 50% and therefore the Council needs to take a view on the risk of challenge from the market as compared with the risk of not having the Holiday Activities.

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

31 May 2021

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

StreetGames UK Ltd

61 Mosley Street, 4th Floor Woolwich House

Manchester

M2 3HZ

Country

United Kingdom

NUTS code

- UK - United Kingdom

Internet address

www.streetgames.org

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: £400,000

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

High Court of England and Wales

Royal Courts of Justice, Strand

London

WC2A 2LL

Country

United Kingdom