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Award

Cultural Services

Warrington Borough Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-015489

Procurement identifier (OCID): ocds-h6vhtk-0459e7

Published 15 May 2024, 4:26pm

Section I: Contracting authority/entity

I.1) Name and addresses

Warrington Borough Council

Town Hall, Sankey Street

Warrington

WA1 1UH

Contact

Mr Adam Simpson

Email

asimpson@warrington.gov.uk

Telephone

+44 1925443266

Country

United Kingdom

Region code

UKD61 - Warrington

Internet address(es)

Main address

<http://www.warrington.gov.uk/>

Buyer's address

<http://www.warrington.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

Cultural Services

Reference number

DN718023

II.1.2) Main CPV code

- 92500000 - Library, archives, museums and other cultural services

II.1.3) Type of contract

Services

II.1.4) Short description

Culture Warrington (Company number 07974406) are contracted by Warrington Borough Council to manage a number of facilities including Parr Hall, Pyramid Arts Centre and Warrington Museum

and Art Gallery, as well as cultural and heritage services including education services to primary schools and outreach activities.

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: £22,000,000

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKD61 - Warrington

II.2.4) Description of the procurement

Culture Warrington (Company number 07974406) are contracted by Warrington Borough Council to manage a number of facilities including Parr Hall, Pyramid Arts Centre and Warrington Museum

and Art Gallery, as well as cultural and heritage services including education services to primary schools and outreach activities.

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

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:

Culture Warrington are contracted by Warrington Borough Council ("the Council") to manage a

number of facilities including Parr Hall, Pyramid Arts Centre and Warrington Museum

and Art Gallery, as well as delivering cultural and heritage services including education services

to primary schools and outreach activities.

Culture Warrington were established at the same time as LiveWire (Warrington) CIC ("LiveWire"), in May 2012, as a separate charity to deliver these services. Whilst Culture Warrington are a separate entity to LiveWire, they have a number of shared management and central services staff in order to maximise efficiency.

The Council have recently in-housed leisure, life-styles and wellbeing services which were provided by LiveWire and this has caused a requirement to separate some of the shared services. Up until the transfer of services in-house, Culture Warrington purchased these services from LiveWire for an annual fee. As a result of LiveWire no longer delivering these services to Culture Warrington, they have undertaken a review and have confirmed that in order to resource the posts required they will require an uplift of their annual fee by £161,000 per year.

Whilst the original Culture Warrington contract was entered into under the Public Contract Regulations 2006 as a "Part B" contract, any significant modification to the Culture Warrington contract needs to be considered in the context of Public Contract Regulations 2015, specifically regulation 72.

This Voluntary Ex-Ante Transparency Notice is therefore submitted on the basis of the modification of the Culture Warrington contract being a lawful modification under Regulation 72(1)(f) on the grounds that the modification is no more than 10% of the initial contract cost and is below the relevant threshold.

The Culture Warrington contract's annual fee was £1,339,009. On the basis of the contract being for 15 years (that is the length of the contract that the Council and Culture Warrington are now committed to as a minimum), 10% of the initial contract value is therefore £2,008,513.50 ($£1,339,009 \times 15 \text{ years} = £20,085,135 @ 10\%$). As a Light Touch contract, the total permitted value of any uplift under Regulation 72 (1)(f) is therefore up to the Light Touch threshold of £663,540.

Pursuant to Regulation 72(6), which confirms that the value of a modification is the net cumulative value of all modifications to the contract over its duration. The fees paid, or to be paid over the 15 year contract duration, including the proposed fee uplift are below:-

2012/13 - £1,339,009

2013/14 £1,352,391

2014/15 £1,352,391

2015/16 £1,352,391

2016/17 £1,302,391

2017/18 £1,302,391

2018/19 £1,302,391

2019/20 £1,172,391

2020/21 £1,172,391

2021/22 £1,172,391

2022/23 £1,172,391

2023/24 £1,518,590

2024/25 £1,550,391

2025/26 £1,550,391

2026/27 £1,550,391

1 April 2027 - 1 – 14 May 2027 £193,799

The total amount to be paid over 15 years is therefore £20,356,418. This amounts to a total increase in the contract cost of £103,970 and as such is within the level permitted by Regulation 72(1)(f) and is therefore deemed to be a lawful modification.

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

1 April 2024

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

Culture Warrington

Pyramid Arts Centre, Palmyra Square South

Warrington

WA11BL

Country

United Kingdom

NUTS code

- UKD61 - Warrington

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: £20,356,418

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

Warrington Borough Council

Town Hall, Sankey Street

Warrington

WA1 1UH

Email

asimpson@warrington.gov.uk

Country

United Kingdom