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Contract

WGCD Adverse Weather Forecasting Service Framework

Welsh Government - Commercial Delivery

F20: Modification notice

Notice identifier: 2024/S 000-016117

Procurement identifier (OCID): ocds-h6vhtk-046987

Published 22 May 2024, 10:24am

Section I: Contracting authority/entity

I.1) Name and addresses

Welsh Government - Commercial Delivery

T'yr Afon, Bedwas Road

Caerphilly

CF83 8WT

Email

commercialprocurement.buildings@gov.wales

Country

United Kingdom

NUTS code

UKL - Wales

Internet address(es)

Main address

<https://gov.wales/public-sector-procurement>

Buyer's address

https://www.sell2wales.gov.wales/search/Search_AuthProfile.aspx?ID=AA27760

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

WGCD Adverse Weather Forecasting Service Framework

Reference number

WGCD-BU-114-22

II.1.2) Main CPV code

- 71351600 - Weather-forecasting services

II.1.3) Type of contract

Services

II.2) Description

II.2.2) Additional CPV code(s)

- 71351600 - Weather-forecasting services

II.2.3) Place of performance

NUTS codes

- UKL - Wales

II.2.4) Description of the procurement at the time of conclusion of the contract:

This modification notice relates to an increase in the original contract value of the WGCD Adverse Weather Forecasting Services Framework. These services are required to manage and operate the road network in Wales during adverse weather conditions.

The modification is being made by the Welsh Government's Commercial Delivery Division

(WGCD). The WGCD acted on behalf of the Welsh public sector to establish a collaborative framework agreement for Adverse Weather Forecasting Services.

Key customers for this agreement are the Welsh Government and its trunk road agencies; and the majority of Welsh local authorities but the agreement can be used by any eligible Welsh public sector or third-party organisations.

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

Duration in months

48

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.2) Administrative information

IV.2.1) Contract award notice concerning this contract

Notice number: [2022/S 022-120643](#)

Section V. Award of contract/concession

Contract No

WGCD-BU-114-22

Title

WGCD Adverse Weather Forecasting Service Framework

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract/concession award decision:

11 July 2022

V.2.2) Information about tenders

The contract/concession has been awarded to a group of economic operators: Yes

V.2.3) Name and address of the contractor/concessionaire

DTN LLC

11400 Rupp Dr, New Street

Burnsville

55337

Telephone

+44 8004754755

Country

United States

NUTS code

- US - United States

The contractor/concessionaire is an SME

No

V.2.3) Name and address of the contractor/concessionaire

MetDesk

Hale Court, Hale Road, Wendover

Aylesbury

HP226NJ

Telephone

+44 7903005034

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

Yes

V.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)

Total value of the procurement: £1,650,000

Section VI. Complementary information

VI.3) Additional information

(WA Ref:141522)

VI.4) Procedures for review

VI.4.1) Review body

High Court

Royal Courts of Justice, The Strand

London

WC2A 2LL

Telephone

+44 2079477501

Country

United Kingdom

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

Welsh Government Commercial Delivery Division

T'yr Afon, Bedwas Road

Caerphilly

CF83 8WT

Email

commercialprocurement.buildings@gov.wales

Country

United Kingdom

Section VII: Modifications to the contract/concession

VII.1) Description of the procurement after the modifications

VII.1.1) Main CPV code

- 71351600 - Weather-forecasting services

VII.1.3) Place of performance

NUTS code

- UKL - Wales

Main site or place of performance

Wales

VII.1.4) Description of the procurement:

This modification notice is to increase the contract value of the WGCD Adverse Weather Framework Agreement. This agreement covers the provision of adverse weather forecasting services and related services which are critical to the safe management and operation of the road network in Wales.

VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession

Duration in months

48

VII.1.6) Information on value of the contract/lot/concession (excluding VAT)

Total value of the contract/lot/concession:

£1,650,000

VII.1.7) Name and address of the contractor/concessionaire

METDESK LTD

METDESK LTD, 3 Station Approach

Wendover

HP226BN

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

Yes

VII.1.7) Name and address of the contractor/concessionaire

DTN LLC

11400 Rupp Dr, New Street

Burnsville

55337

Country

United States

NUTS code

- US - United States

The contractor/concessionaire is an SME

No

VII.2) Information about modifications

VII.2.1) Description of the modifications

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

This modification is to increase the published contract value of the WGCD Adverse Weather Forecasting Services Framework by 550,000 GBP

Explanation:

The Adverse Weather Forecasting Services Framework will reach the end of its four year term in September 2026. This modification will ensure that the framework spend remains compliant within the published contract value over the remaining duration of the framework. The modification will ensure continuity of supply of services that are critical to the safe operation of the Welsh road network.

The modification to the Framework is permissible under Regulation Reg 72 (1) (c) Public Contracts Regulations 2015. Under this Regulation amendments can be made to the framework if the following conditions are met:

- (i) the need for the 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.

Our assessment has concluded that these conditions have been met as follows:

- (i) there has been greater customer usage of the framework than was originally estimated following pre-tender stakeholder engagement which the WGCD could not have foreseen;
- (ii) the modification does not alter the overall nature of the contract;
- (iii) the increase of 550,000 GBP does not exceed 50% of the original framework value

VII.2.2) Reasons for modification

Need for modification brought about by circumstances which a diligent contracting authority/entity could not foresee.

Description of the circumstances which rendered the modification necessary and explanation of the unforeseen nature of these circumstances:

The WGCD undertook significant customer engagement with its established category forum group and analysis of historical spend data on the previous iteration of the WGCD Adverse Weather Forecasting Services Framework in order to agree the estimated original contract value as detailed in the tender award notice. However customer usage of the framework has been greater than the original estimate which the WGCD could not have foreseen. As such this modification is required to ensure that the framework spend remains compliant within the published contract value over the remaining duration of the

framework.

VII.2.3) Increase in price

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptations and average inflation)

Value excluding VAT: £1,100,000

Total contract value after the modifications

Value excluding VAT: £1,650,000