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Award

Surfacing Works for Gloucestershire County Council 2022 to 2026 (2026 to 2027)

Gloucestershire County Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2026/S 000-017123

Procurement identifier (OCID): ocids-h6vhtk-065ca1

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Section I: Contracting authority/entity

I.1) Name and addresses

Gloucestershire County Council

Shire Hall, Westgate Street

Gloucester

GL12TG

Contact

Mike McGowan

Email

mike.mcgowan@gloucestershire.gov.uk

Country

United Kingdom

Region code

UKK13 - Gloucestershire

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

<https://www.gloucestershire.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

Surfacing Works for Gloucestershire County Council 2022 to 2026 (2026 to 2027)

II.1.2) Main CPV code

- 45233000 - Construction, foundation and surface works for highways, roads

II.1.3) Type of contract

Works

II.1.4) Short description

This VEAT Notice gives advance public warning that the Authority intends to modify its existing contract titled "Surfacing Works for Gloucestershire County Council 2022 to 2026" solely to extend the contract term beyond its current expiry date. The Authority intends to extend the existing contract for a period of 12 months, from the current expiry date of 31st March 2026, ending on 31st March 2027.

The procurement process for a replacement structural maintenance contract, that was intended to replace the Council's current structural maintenance contract, was halted in Autumn 2025 due to a technical issue that arose with the tender documents.

In considering the next steps, it is considered that it would be prudent to extend the current contract for a period of one year to enable the Council to consider its approach to re-procurement and ensure that the procurement better reflects the emerging, but as yet unclear service requirement arising as a result of the forthcoming Local Government Reorganisation in Gloucestershire which have the potential to impact this County wide service. The long-term position related to Local Government Reorganisation in Gloucestershire remains unclear. The structural make-up of local authorities in the county could have a material impact on how the proposed replacement structural maintenance contract might be structured and operated. Risks therefore exist in progressing with such a high value and high-profile contract whilst there remains considerable 'unknowns'. This could risk locking the Council into a long-term contract and a delivery model now, which might not best suit local need and / or would require re-negotiation once the Local Government Reorganisation position is more fully understood.

The intention is that any replacement structural maintenance contract following this extension will commence on 1st April 2027. The Authority will begin the procurement process for this in April 2026 through the publication of a Market Engagement Notice.

The extension qualifies as a non substantial modification under Regulation 72(1)(e) and Regulation 72(8) of the Public Contracts Regulations 2015.

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: £24,000,000

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKK13 - Gloucestershire

II.2.4) Description of the procurement

The modification is required to ensure continuity of services and to allow more time for a procurement process to be developed in respect of a longer-term replacement contract

which better reflects the requirements of the emerging Local Government Reorganisation position.

The modification is necessary because:

- The Authority requires continuity of service while undertaking market review and preparing a compliant procurement procedure.
- The need for the extension could not reasonably have been foreseen during the original procurement.
- The extension does not exceed thresholds that would render it substantial.

The works are part of the structural maintenance programme for Gloucestershire County Council and will be ordered by Task Order for each individual package/scheme. Works to consist of structural repairs to the County Network including planing off existing surfaces and replacement to the various depths and layers required by the design of each scheme.

Works will also include minor works reactive schemes from Area Managers budgets Depot schemes tend to be smaller in size than schemes in the structural maintenance programme. Works will also include a limited number of patching schemes. Works will

include temporary traffic management, site clearance, adjustment to ironworks, siding, surfacing, ancillary kerbing, road marks and patching. The works will be located across the County.

The intention is that any replacement structural maintenance contract following this extension will commence on 1st April 2027. The Authority will begin the procurement process for this in April 2026 through the publication of a Market Engagement Notice.

II.2.11) Information about options

Options: 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:

The Contracting Authority intends to extend the term of the existing contract under Regulation 72(1)(e) of the Public Contracts Regulations 2015 on the basis that the modification is non substantial. The extension does not alter the overall nature of the contract and satisfies the tests set out in Regulation 72(8). The modification does not render the contract materially different in character, does not introduce conditions that would have allowed for different bidders or results, does not shift the economic balance in favour of the supplier, and does not considerably extend the scope of the contract.

Case law confirms that such changes, where they do not materially alter the character or scope of the contract, fall within the non substantial safe harbour under Regulation 72(1)(e).

The extension is limited in scope and duration and is necessary to ensure continuity of service while the Authority prepares the next procurement stage. No new procurement procedure is required. This VEAT notice is being published voluntarily to ensure transparency.

The extension does not materially alter the nature of the contract, does not change the economic balance in favour of the supplier, and does not considerably extend the scope of the original procurement. These considerations align with the non substantial modification tests applied in Regulation 72(8), consistent with existing caselaw interpretation. The modification proposed is justified under Regulation 72(1)(e) and 72 (8) PCRs on the basis that:

a) Renders the contract materially different in character from the original.

The proposal is a 25% in length and 30% in value change to the original contract. There is no change to the scope of the services. The contract remains for the delivery of highways resurfacing though the provision of materials, equipment and expertise for another year.

b) Introduces conditions which had they been part of the original procurement would have

allowed for the selection of an alternative supplier or would have attracted additional participants.

In all cases this condition is considered in the context of the time the contract was procured and not when it was varied. It is considered unlikely that a five year vs. four-year contract would have altered the outcome - it is unlikely to have attracted different participants, and this proposes no material change to the supplied services.

c) Changes the economic balance of the contract in favour of the contractor in a manner which was not provided for in the initial contract.

There is no change to the payment structure or level of service to be provided. Pricing will be on the same basis as now with a potential inflation increase. The current pricing was based on competitive tender in 2022.

d) Extends the scope of the contract considerably.

Regulation 72 allows a 50% increase in value in limited circumstances. The proposal is a 25% in length, and 30% in value, change to the original contract and no other changes are being made to the scope of services. The scope of services continues to cover existing highways resurfacing works, through the provision of materials, equipment and expertise.

e) Introduces a new contractor other than in accordance with Reg. 72(1)(d).

This is not applicable as the contract remains with the incumbent supplier, Tarmac Trading Services.

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

Title

Surfacing Works for Gloucestershire County Council 2022 to 2026 (2026 to 2027)

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

25 February 2026

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

Tarmac Trading Limited

Birmingham

Country

United Kingdom

NUTS code

- UK - United Kingdom

Companies House

00453791

The contractor/concessionaire is an SME

No

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

Total value of the contract/lot/concession: £24,000,000

Section VI. Complementary information

VI.3) Additional information

This Voluntary ex ante transparency notice is issued voluntarily to enhance transparency while the Authority prepares the future procurement approach.

VI.4) Procedures for review

VI.4.1) Review body

Gloucestershire County Council

Gloucester

Country

United Kingdom