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Contract

# **Legal Services supporting Councils Highway Maintenance** and Management contract

BIRMINGHAM CITY COUNCIL

F03: Contract award notice

Notice identifier: 2024/S 000-022882

Procurement identifier (OCID): ocds-h6vhtk-0483c4

Published 23 July 2024, 3:24pm

# **Section I: Contracting authority**

#### I.1) Name and addresses

**BIRMINGHAM CITY COUNCIL** 

**BIRMINGHAM** 

B47WB

#### **Email**

cps@birmingham.gov.uk

#### Country

**United Kingdom** 

#### Region code

UKG31 - Birmingham

#### Justification for not providing organisation identifier

Not on any register

#### Internet address(es)

Main address

https://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

Legal Services supporting Councils Highway Maintenance and Management contract

Reference number

P0989 2024-1

#### II.1.2) Main CPV code

• 79100000 - Legal services

#### II.1.3) Type of contract

Services

#### II.1.4) Short description

Specialist external advocacy, legal advice and support relating to the Councils Highway Maintenance and Management contract

#### 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: £4,500,000

## II.2) Description

#### II.2.3) Place of performance

**NUTS** codes

• UKG - West Midlands (England)

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

Specialist external advocacy, legal advice and support relating to the Highway Maintenance and Management contract.

#### II.2.5) Award criteria

Price

#### II.2.11) Information about options

Options: No

#### II.2.14) Additional information

This is an award without prior publication due to the circumstances in paragraph b(ii) of Regulation 32(2)(c) of the Public Contract Regulations (2015) in that in the circumstances for reasons of extreme urgency brought about by events unforeseeable by the Council (the unforeseen litigation), the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with.

Contract duration is for the period of up to 24 months. Thereafter the services will be competitively re-procured.

#### More info can be found at

https://birmingham.cmis.uk.com/birmingham/Decisions/tabid/67/ctl/ViewCMIS\_DecisionDetails/mid/391/Id/bbbf18ce-3356-472e-a3cc-1f66db979195/Default.aspx

## 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

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

#### **Explanation:**

This is an award without prior publication due to the circumstances in paragraph b(ii) of Regulation 32(2)(c) of the Public Contract Regulations (2015) in that in the circumstances for reasons of extreme urgency brought about by events unforeseeable by the Council (the unforeseen litigation connected to the DfT's late decision to withdraw PFI credits for the HMMPFI contract and the Council's decision to issue Judicial Review (JR) proceedings on 2 January 2024 ), the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with.

Contract duration is for the period of up to 24 months. Thereafter the services will be competitively re-procured.

#### More info can be found at

https://birmingham.cmis.uk.com/birmingham/Decisions/tabid/67/ctl/ViewCMIS\_DecisionDetails/mid/391/Id/bbbf18ce-3356-472e-a3cc-1f66db979195/Default.aspx

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

The procurement involves the establishment of a framework agreement

#### 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

A contract/lot is awarded: Yes

## V.2) Award of contract

#### V.2.1) Date of conclusion of the contract

17 July 2024

## V.2.2) Information about tenders

Number of tenders received: 1

The contract has been awarded to a group of economic operators: No

#### V.2.3) Name and address of the contractor

DLA Piper UK LLP

160 Aldersgate Street

London

EC1A 4HT

Country

**United Kingdom** 

**NUTS** code

• UKI - London

Companies House

OC307847

The contractor is an SME

No

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

Total value of the contract/lot: £4,500,000

#### V.2.5) Information about subcontracting

The contract is likely to be subcontracted

Short description of the part of the contract to be subcontracted

- (i) legal advice connected to the insurance element of the PFI contract; and
- (ii) independent advisor connected to the June 2019 multi-party settlement described in reports attached to

https://birmingham.cmis.uk.com/birmingham/Decisions/tabid/67/ctl/ViewCMIS\_DecisionDetails/mid/391/Id/bbbf18ce-3356-472e-a3cc-1f66db979195/Default.aspx and representation at board level with BHL.

# **Section VI. Complementary information**

## VI.4) Procedures for review

VI.4.1) Review body

Royal Courts of Justice

he High Courts of Justice London

London

Country

**United Kingdom**