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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](mailto: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

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## **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\\_Decision\\_Details/mid/391/Id/bbbf18ce-3356-472e-a3cc-1f66db979195/Default.aspx](https://birmingham.cmis.uk.com/birmingham/Decisions/tabid/67/ctl/ViewCMIS_Decision_Details/mid/391/Id/bbbf18ce-3356-472e-a3cc-1f66db979195/Default.aspx)

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## 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\\_Decision\\_Details/mid/391/Id/bbbf18ce-3356-472e-a3cc-1f66db979195/Default.aspx](https://birmingham.cmis.uk.com/birmingham/Decisions/tabid/67/ctl/ViewCMIS_Decision_Details/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

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## **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\\_Decision\\_Details/mid/391/Id/bbbf18ce-3356-472e-a3cc-1f66db979195/Default.aspx](https://birmingham.cmis.uk.com/birmingham/Decisions/tabid/67/ctl/ViewCMIS_Decision_Details/mid/391/Id/bbbf18ce-3356-472e-a3cc-1f66db979195/Default.aspx) and

representation at board level with BHL.

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## **Section VI. Complementary information**

### **VI.4) Procedures for review**

#### **VI.4.1) Review body**

Royal Courts of Justice

the High Courts of Justice London

London

Country

United Kingdom