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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

the High Courts of Justice London

London

Country

United Kingdom