

This is a published notice on the Find a Tender service: <https://www.find-tender.service.gov.uk/Notice/023871-2023>

Contract

## **SOL - WMPSN2**

SOLIHULL METROPOLITAN BOROUGH COUNCIL

F20: Modification notice

Notice identifier: 2023/S 000-023871

Procurement identifier (OCID): ocds-h6vhtk-03efe7

Published 15 August 2023, 12:28pm

### **Section I: Contracting authority/entity**

#### **I.1) Name and addresses**

SOLIHULL METROPOLITAN BOROUGH COUNCIL

Council House, Manor Square

Solihull

B913QB

#### **Contact**

Corporate Procurement Service

#### **Email**

[procurementteam@solihull.gov.uk](mailto:procurementteam@solihull.gov.uk)

#### **Country**

United Kingdom

#### **Region code**

UKG32 - Solihull

**Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

<https://www.solihull.gov.uk/>

Buyer's address

[www.csw-jets.co.uk](http://www.csw-jets.co.uk)

---

**Section II: Object**

**II.1) Scope of the procurement**

**II.1.1) Title**

SOL - WMPSN2

Reference number

SOL - 8805

**II.1.2) Main CPV code**

- 32400000 - Networks

**II.1.3) Type of contract**

Supplies

**II.2) Description**

**II.2.3) Place of performance**

NUTS codes

- UKG - West Midlands (England)

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

Solihull Council led the procurement of WMPSN through the Government Procurement Service National Framework Agreement RM860 (Public Services Network) in 2013, to drive down the costs of networking provision through economies of scale. 19 West Midlands public sector bodies (Partners) have utilised the contract since then. The Original (WMPSN1) contract expired after a seven-year term in November 2020.

As the number of Partners in WMPSN is reducing and the contract value is decreasing as Partners move away, Solihull Council awarded a short-term contract (WMPSN2) via Regulation 32 of the Public Contract Regulations to Virgin Media Business to ensure continuity of supplies to the remaining Partners. This modification will allow for Solihull Council and its partners to complete exercises for a new requirement.

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

Duration in months

36

---

## **Section IV. Procedure**

### **IV.2) Administrative information**

#### **IV.2.1) Contract award notice concerning this contract**

Notice number: [2019/S 135-332376](#)

---

## **Section V. Award of contract/concession**

### **Contract No**

SOL - 8805

### **Title**

SOL - West Midlands Public Services Network (WMPSN2)

### **V.2) Award of contract/concession**

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

16 November 2020

### **V.2.2) Information about tenders**

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

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

Virgin Media Business Limited

Hampshire

Country

United Kingdom

NUTS code

- UKJ37 - North Hampshire

Companies House

01785381

The contractor/concessionaire is an SME

No

### **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: £10,000,000

---

## **Section VI. Complementary information**

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

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

High Court

London

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**

- 32400000 - Networks

#### **VII.1.3) Place of performance**

NUTS code

- UKG - West Midlands (England)

#### **VII.1.4) Description of the procurement:**

SMBC is undertaking a modification of the contract during its term to incumbent supplier, Virgin Media Business. This procurement has been conducted pursuant to Directive 2014/24/EU of the European Parliament and of the Council. Article 72, 1(b) - Contracts and framework agreements may be modified without a new procurement procedure in accordance with this Part in any of the following cases- (b) for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor-

(i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, or

(ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority,

The WMPSN2 contract will run for 12 months from November 18th 2023 to November 17th 2024.

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

Duration in months

12

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

Total value of the contract/lot/concession:

£10,000,000

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

Virgin Media Business Limited

Hampshire

Country

United Kingdom

NUTS code

- UKJ37 - North Hampshire

Companies House

01785381

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):

The modification is limited to extending the contract duration for a further 12months limiting spend to up to 50% of the initial contract value.

The service specification, terms and conditions of contract, service level agreement and annual charge rates have not been modified. Therefore, the modification of the contract is not deemed to be substantial, as defined in Regulation 72.1 (8).

In accordance with Regulation 72.1 (b) the modification of the contract shall not exceed 50% of the value of the original contract.

#### **VII.2.2) Reasons for modification**

Need for additional works, services or supplies by the original contractor/concessionaire.

Description of the economic or technical reasons and the inconvenience or duplication of cost preventing a change of contractor:

A large amount of resource has been invested by Partners in implementing WAN and associated technology over the course of the WMPSN1 contract. The purpose of the WMPSN2 contract was to secure the extension of existing supplies and installations from the incumbent supplier, for a reduced number of Partners. A change of supplier at this stage would result in incompatibility and disproportionate technical difficulties for Solihull and the WMPSN Partners. A significant number of circuits have been laid in the ground by VMB over the course of WMPSN and are in good working order. Changing supplier could involve current circuits being replaced by new circuits which would cause disproportionate technical difficulties for Partners in a short-term contract. With the advent of Local Full Fibre Network and 5G, both of which opens options for Partners to procure solutions for future connectivity requirements. Therefore, Partners will only require a short-term extension of no longer than 18 months to complete exercises and move away from WMPSN2, pursuant to the contract term allowed under Directive 2014/24/EU, Article 72, 1(b)

The proposed modification does not alter the overall nature of the contract as the only element of the contract to be changed is the duration. The service specification, terms and conditions of contract, service level agreement and annual charge rates have not been modified.

The increase in duration would not cause the overall price to exceed 50% of the value of the original contract

### **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: £10,000,000

Total contract value after the modifications

Value excluding VAT: £15,000,000