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Tender

P0989 - Highway Maintenance and Management PFI Contract Restructuring Support

Birmingham City Council

F02: Contract notice

Notice identifier: 2022/S 000-026649

Procurement identifier (OCID): ocds-h6vhtk-036ad6

Published 23 September 2022, 10:28am

Section I: Contracting authority

I.1) Name and addresses

Birmingham City Council

10 Woodcock Street

Birmingham

B4 7WB

Contact

Corporate Procurement Services

Email

etendering@birmingham.gov.uk

Country

United Kingdom

NUTS code

UKG31 - Birmingham

Internet address(es)

Main address

www.finditinbirmingham.com

Buyer's address

www.in-tendhost.co.uk/birminghamcc

I.3) Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at

www.in-tendhost.co.uk/birminghamcc

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted to the above-mentioned address

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

P0989 - Highway Maintenance and Management PFI Contract Restructuring Support

Reference number

P0989

II.1.2) Main CPV code

- 79100000 - Legal services

II.1.3) Type of contract

Services

II.1.4) Short description

Birmingham City Council invites tenders for advisory services for restructuring of the council's Highway Maintenance and Management PFI contract, together with consequences that arise out of the restructuring of the contract. More information can be found in the tender documentation available to download as follows.

II.1.5) Estimated total value

Value excluding VAT: £4,100,000

II.1.6) Information about lots

This contract is divided into lots: No

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKG31 - Birmingham

II.2.4) Description of the procurement

The restructuring support contract is expected to commence in December 2022 & will

expire on 30 June 2024 and will be awarded to one lead supplier.

II.2.5) Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

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

Duration in months

19

This contract is subject to renewal

No

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

Section III. Legal, economic, financial and technical information

III.1) Conditions for participation

III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions

Further details will be provided in the tender documentation

III.1.2) Economic and financial standing

Selection criteria as stated in the procurement documents

III.1.3) Technical and professional ability

Selection criteria as stated in the procurement documents

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Open procedure

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

The procurement involves the establishment of a framework agreement

Framework agreement with a single operator

In the case of framework agreements, provide justification for any duration exceeding 4 years:

n/a

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: Yes

IV.2) Administrative information

IV.2.2) Time limit for receipt of tenders or requests to participate

Date

24 October 2022

Local time

12:00pm

IV.2.4) Languages in which tenders or requests to participate may be submitted

English

IV.2.7) Conditions for opening of tenders

Date

24 October 2022

Local time

12:00pm

Section VI. Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: No

VI.3) Additional information

BACKGROUNDThe council entered into a 25-year PFI contract in June 2010 to provide highway maintenance and management services on its 2,500+km highway network. The contract is with Birmingham Highways Ltd (BHL), which delivers the Services through a subcontractor. The Highway Maintenance and Management PFI (HMMPFI) contract is the primary means through which the council discharges its statutory duties (predominantly under Highways Act, 1980 and New Roads and Streetworks Act, 1991) to maintain public highways for which it is the relevant authority. The HMMPFI contract was subject to a settlement in June 2019 whereby: i. The subcontractor was replaced with an interim subcontractor; and ii. The council worked with BHL to: (a) restructure the contract; and (b) procure a long-term replacement subcontractor. The procurement of a long-term replacement subcontractor is currently underway, with dialogue due to complete at the end of November 2022. The restructuring of the contract is expected to be completed in

February 2023, subject to:i. Receiving compliant and acceptable tenders;ii. Approval of the council's revised business case with government; andiii. Approval from BHL's senior creditors.Subject to this process, the long-term replacement subcontract is expected to be signed in April 2023 and commence on 1 September 2023. Scope of this contractThis restructuring support contract relates to advisory services for restructuring of the council's Highway Maintenance and Management PFI contract, together with consequences that arise out of the restructuring of the contract. Such consequences include (but are not exclusively limited to):i. Advice to the council relating to alternative positions should it not be possible to complete a restructuring of the contract;ii. The council's funding for highway maintenance and management services from HM Government;iii. Mobilisation for longer-term highway maintenance and management services;iv. Any litigation related to the contract or successor arrangements.The restructuring support contract is expected to commence in December 2022 & will expire on 30 June 2024The Council will be using its free to use e-tendering system (in-tend) for the administration of this procurement process and potential suppliers must register with the system to be able to express an interest. If you wish to express an interest in this opportunity please click on the following link to access <https://in-tendhost.co.uk/birminghamcc/> and submit your details to register. You will then be able to login and download all relevant quotation documentation. If you are unable to register with In-tend or have any questions or problems on how to use this web site please either email us at: cps@birmingham.gov.uk .Your completed tender submission should be returned by noon on 24th October 2022 via the 'in-tend' system <https://in-tendhost.co.uk/birminghamcc>

VI.4) Procedures for review

VI.4.1) Review body

High Court of England & Wales

Royal Courts of Justice, Strand

London

WC2A 2LL

Country

United Kingdom