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Contract

# N/A

Ministry of Justice

F03: Contract award notice
Notice identifier: 2023/S 000-027402
Procurement identifier (OCID): ocds-h6vhtk-03eed0
Published 15 September 2023, 4:27pm

## Section I: Contracting authority

### I.1) Name and addresses

Ministry of Justice

102 Petty France

London

SW1H 9AJ

**Email**

CCMD_DandT_and_PS_Commercial_Support_Requests@justice.gov.uk

**Telephone**

+44 02033343555

**Country**

United Kingdom

**Region code**

UK - United Kingdom

**Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

[www.justice.gov.uk](www.justice.gov.uk)

# I.4) Type of the contracting authority

Ministry or any other national or federal authority

# I.5) Main activity

General public services

# Section II: Object

## II.1) Scope of the procurement

### II.1.1) Title

N/A

Reference number

prj_9910

### II.1.2) Main CPV code

- 72000000 - IT services: consulting, software development, Internet and support

### II.1.3) Type of contract

Services

### II.1.4) Short description

The supply of Application maintainence and support services.

### 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: £60,340,000

## II.2) Description

### II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

Main site or place of performance

Nationally to include MoJ headquarters, HM Courts and tribunals

### II.2.4) Description of the procurement

o provide:

i) application maintenance and support for ~35 business-critical applications the majority of

which are used by HM Courts and Tribunal Service; and

ii) potential application development and enhancement services, as and when required. The

applications vary in size, complexity, component technologies, user numbers, interfaces with

other applications, security requirements, service and support hours, business criticality and

hosting arrangements. Most of the applications are classed as "heritage applications" due to

their age. Many are business critical case management or case progression systems used by

the courts and are typically complex and bespoke. Applications may be removed from scope

as they are retired or replaced under new supplier arrangements.

**II.2.5) Award criteria**

Price

**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 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

- The services can be provided only by a particular economic operator for the following reason:

  - absence of competition for technical reasons

Explanation:

The authority relies on Regulation 32(2)(b)(ii) (Use of negotiated procedure without prior

publication) of the Public Contracts Regulations 2015 namely: the services can only be

provided by a particular economic operator, the incumbent supplier (CGI IT UK Limited), who

has been providing the services forming the subject matter of this contract under a contract

with the authority for the last 8 years three months which is due to expire on 31.08.23,

because competition is absent for technical reasons, and no reasonable alternative

substitute exists and the absence of competition is not the result of an artificial narrowing

down of the parameters of the procurement for the following reasons.

(a) no other supplier has the necessary technical knowledge and experience to provide the

services, because:

i) most of the applications are bespoke and 'heritage applications' with many over 18 years

old. The heritage applications are difficult to maintain because of their age and complexity

and the extent to which they have been changed over the years and require very specialist

technical knowledge and experience, e.g. skills/experience in using aged programming

languages such as Fortran, COBOL, Pascal and C. The number of people with the skills,

knowledge and experience to maintain and/or enhance them is limited outside CGI, which

has developed significant knowledge and experience of how the applications were built and

developed and how they operate and interface with each other; and

ii) delivering the services relies on non-live development and test environments, and

management access to the live environments, both to provide ongoing support and to

undertake application development/enhancement. For a replacement supplier to provide

the services, they would need access to the same/equivalent existing non-live development

and test environments. To build and implement equivalent development and test

environments would take around 12 months and be challenging, expensive and risky without

the necessary application knowledge/experience. A replacement supplier would additionally

need to establish infrastructure, connectivity and processes to allow secure management

access to the live environments, e.g. to investigate maintenance issues or for boarding

purposes i.e. to deploy new applications/code.

(b) even if it was theoretically possible that another supplier(s) did have the necessary

technical knowledge/experience, which the authority does not consider to be the case, it is

estimated to take a minimum of 18-24 months for a procurement to be run and any

replacement supplier(s) to be able to deliver the services (6 to 12 months to run a

competition to award to another supplier depending on the route/process and around 12 months to transition) whereas the services are required from 01.09.2023.

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

The procurement is covered by the Government Procurement Agreement: No

## IV.2) Administrative information

**IV.2.1) Previous publication concerning this procedure**

Notice number: 2023/S 000-023462

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# Section V. Award of contract

## Title

Application Maintenance and Support Services

A contract/lot is awarded: Yes

## V.2) Award of contract

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

25 August 2023

**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**

CGI Uk ltd

20 Fenchurch Street, 14th Floor

London

EC3M 3BY

Country

United Kingdom

NUTS code

- UK - United Kingdom

National registration number

00947968

The contractor is an SME

No

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

Total value of the contract/lot: £60,340,000

**V.2.5) Information about subcontracting**

The contract is likely to be subcontracted

Value or proportion likely to be subcontracted to third parties

Proportion: 13 %

Short description of the part of the contract to be subcontracted

Support and maintenance of applications.

# Section VI. Complementary information

## VI.3) Additional information

The initial term of the contract is for 12 months with an option to extend for a further period of 12 months. The contract enables the authority to terminate services at its convenience and partially and it is envisaged that a number of applications will be removed from scope over the term as they are retired/replaced and as in-house software delivery capability is developed. The authority intends to commence a competitive procurement process for the maintenance/support of the remaining applications during the initial term.

The estimated maximum contract value for this contract (£60,340,000 GBP) is based on estimated service charges of £31,200,000 GBP with the remaining value discretionary spend on potential project work, and assumes the option to extend the term is exercised. The project work is optional and is not guaranteed, the extension may not be necessary, and applications may be removed from scope over the term, so the actual cost of this contract may be lower than the estimated maximum contract value.

## VI.4) Procedures for review

### VI.4.1) Review body

High Courts of Justice

Strand

London

WC2A 2LL

Country

United Kingdom