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Contract

## **FM21116 - Arbitration Referral and Management Services**

Pubs Code Adjudicator

F03: Contract award notice

Notice identifier: 2021/S 000-031627

Procurement identifier (OCID): ocds-h6vhtk-02be8c

Published 17 December 2021, 2:50pm

### **Section I: Contracting authority**

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

Pubs Code Adjudicator

4th Floor, 23 Stephenson Street

Birmingham

B2 4BJ

#### **Contact**

Rhedyn Griffiths

#### **Email**

[fmprocurement@uksbs.co.uk](mailto:fmprocurement@uksbs.co.uk)

#### **Telephone**

+44 7859078788

#### **Country**

United Kingdom

**NUTS code**

UKG31 - Birmingham

**Internet address(es)**

Main address

[www.uksbs.co.uk](http://www.uksbs.co.uk)

**I.4) Type of the contracting authority**

Body governed by public law

**I.5) Main activity**

General public services

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## **Section II: Object**

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

#### **II.1.1) Title**

FM21116 - Arbitration Referral and Management Services

Reference number

FM21116

#### **II.1.2) Main CPV code**

- 79000000 - Business services: law, marketing, consulting, recruitment, printing and security

#### **II.1.3) Type of contract**

Services

#### **II.1.4) Short description**

UK Shared Business Services Ltd (UK SBS) on behalf of Pubs Code Adjudicator (PCA), wish to appoint a provider for Arbitration Referral and Management Services.

UK SBS is managing this procurement process in accordance with the Public Contracts Regulations 2015 (as amended from time to time) (the "Regulations").

This is a Services Framework Agreement being Procured under Open OJEU Procedure Regulations.

See Section I.3) for access to procurement documentation.

UK SBS will be using the Delta eSourcing Portal for this procurement. The access code is 54D62EEWY3

#### **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: £524,000

### **II.2) Description**

## **II.2.2) Additional CPV code(s)**

- 75100000 - Administration services
- 79422000 - Arbitration and conciliation services
- 80500000 - Training services

## **II.2.3) Place of performance**

NUTS codes

- UKG31 - Birmingham

## **II.2.4) Description of the procurement**

UK Shared Business Services Ltd (UK SBS) on behalf of Pubs Code Adjudicator (PCA), wish to appoint a provider for Arbitration Referral and Management Services.

### **Description**

The Pubs Code Adjudicator (PCA) is the independent regulator responsible for enforcing the statutory Pubs Code (the Code). The Code regulates the relationship between all pub companies (referred to as pub-owning businesses in the Code) owning 500 or more tied pubs in England and Wales and their tied tenants. Tied tenants are those that are obliged to purchase beer from their landlord. They may be tied for other products and services too.

The Code has two over-arching principles - to ensure:

1. fair and lawful dealing by pub companies in relation to their tied tenants
2. that individual tied tenants should not be worse off than they would be if they were free of the tie (the 'no worse off' principle).

The Code imposes (among others) information and transparency obligations on the pub companies. An important element of the Code is the introduction of the option for tied tenants in certain circumstances to request a Market Rent Only (or MRO) option to go 'free of tie'. The Pubs Code came into force on 21 July 2016.

Dispute resolution under the Pubs Code is by way of a referral for arbitration. This contract is for the management of those referrals, including the process for any appointment of an alternative arbitrator.

The PCA is looking to appoint a sole supplier that will take on the end to end case management and administration of the arbitration service. The sole supplier will not be

required to conduct the arbitration themselves but will be responsible for sourcing a suitable arbitrator for appointment by the PCA if appropriate, and in accordance with the exercise of her statutory powers once a referral has been made. The remit of the sole supplier will not end on appointment of an arbitrator and the service provision following this is outlined in the specification.

There are also Arbitrator training and knowledge management requirements covered within this appointment, further details can be found in the specification.

This Framework Agreement is for a duration of 2 years with the option to extend for a further 1 year, and then again for a further 1 year (2+1+1). Bidders are to note that as this opportunity is to establish a framework agreement there will be no guaranteed minimum spend over the duration except the fixed one off payments for set up and maintenance of the service and contract delivery infrastructure, all work will be awarded to the sole supplier when a referral is raised.

A brief summary of the requirement has been provided above, please ensure you review the specification for full details of this requirement. All details relating to this procurement can be found within the Stage One: Overview Section on the Delta eSourcing Portal.

UK SBS is managing this procurement process in accordance with the Public Contracts Regulations 2015 (as amended from time to time).

See Section I.3) for access to procurement documentation.

UK SBS will be using the Delta eSourcing Portal for this procurement. The access code is 54D62EEWY3

#### **II.2.5) Award criteria**

Quality criterion - Name: Quality / Weighting: 70.00%

Price - Weighting: 30.00%

#### **II.2.11) Information about options**

Options: No

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## **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

#### **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: [2021/S 000-014105](#)

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

### **Contract No**

1

### **Title**

Arbitration Referral and Management Services

A contract/lot is awarded: Yes

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

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

29 November 2021

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

Number of tenders received: 4

Number of tenders received from SMEs: 3

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

**V.2.3) Name and address of the contractor**

Chartered Institute of Arbitrators

12 Bloomsbury Square

London

WC1A 2LP

Country

United Kingdom

NUTS code

- UKI - London

The contractor is an SME

Yes

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

Initial estimated total value of the contract/lot: £524,000

Total value of the contract/lot: £524,000

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## Section VI. Complementary information

### VI.4) Procedures for review

#### VI.4.1) Review body

UK Shared Business Services Limited

Swindon

SN2 1FF

Email

[policy@uksbs.co.uk](mailto:policy@uksbs.co.uk)

Telephone

+44 1793867005

Country

United Kingdom

Internet address

[www.uksbs.co.uk](http://www.uksbs.co.uk)