

United Kingdom-Abingdon: Business services: law, marketing, consulting, recruitment, printing and security

OJ S 79/2020 22/04/2020

Contract award notice

Services

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: South Oxfordshire District Council (and other Authorities referred to below)

Postal address: 135 Eastern Avenue, Milton

Town: Abingdon

NUTS code: UKJ14 Oxfordshire

Postal code: OX14 4SB

Country: United Kingdom

Contact person: Andrew Down

E-mail: procurement@southandvale.gov.uk

Telephone: +44 1235422300

Internet address(es):Main address: <http://www.southoxon.gov.uk>Address of the buyer profile: <https://www.businessportal.southeastiep.gov.uk>**I.1. Name and addresses**

Official name: Havant Borough Council

Postal address: The Public Seervice Plaza, Civic Centre Road

Town: Havant

NUTS code: UKJ3 Hampshire and Isle of Wight

Postal code: PO9 2AX

Country: United Kingdom

Contact person: David Brown

E-mail: procurement@southandvale.gov.uk

Telephone: +44 2392446524

Internet address(es):Main address: <https://www.havant.gov.uk>**I.1. Name and addresses**

Official name: Vale of White Horse District Council

Postal address: Abbey House, Abbey Close

Town: Abingdon on Thames

NUTS code: UKJ14 Oxfordshire

Postal code: OX14 3JE

Country: United Kingdom

Contact person: Andrew Down

E-mail: procurement@southandvale.gov.uk

Telephone: +44 1235422300

Internet address(es):

Main address: <https://www.whitehorsedc.gov.uk>

I.1. Name and addresses

Official name: Mendip District Council
Postal address: Cannards Grave Road
Town: Shepton Mallet
NUTS code: UKK23 Somerset
Postal code: BA4 5BT
Country: United Kingdom
Contact person: David Clark
E-mail: procurement@southandvale.gov.uk
Telephone: +44 3003038588
Internet address(es):
Main address: <https://www.mendip.gov.uk>

I.1. Name and addresses

Official name: Hart District Council
Postal address: Harlington Way
Town: Fleet
NUTS code: UKJ3 Hampshire and Isle of Wight
Postal code: GU51 4AE
Country: United Kingdom
Contact person: Daryl Phillips
E-mail: procurement@southandvale.gov.uk
Telephone: +44 1252774492
Internet address(es):
Main address: <https://www.hart.gov.uk>

I.2. Information about joint procurement

The contract involves joint procurement

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

5 Councils Corporate Services Project

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

South Oxfordshire District Council, Havant Borough Council, Vale of White Horse District Council, Mendip District Council and Hart District Council ('the Councils') entered into a

contract (for an initial duration of approximately 9 years) with Capita for a range of corporate and transactional services ('the Contract'). The opportunity was advertised under OJEU Notice [2015/S 057-100137](#) and entered into on 4 April 2016. Further details of the original Contract are set out in that OJEU notice.

The Councils intend to enter into a Contract variation agreement with Capita for the purposes of removing the requirement for Human Resources Operational, Payroll and Finance Services from the scope of the original Contract.

II.1.6. Information about lots

This contract is divided into lots: no

II.1.7. Total value of the procurement

Value excluding VAT: 119 430 000,00 GBP

II.2. Description

II.2.2. Additional CPV code(s)

79000000 Business services: law, marketing, consulting, recruitment, printing and security, 79900000 Miscellaneous business and business-related services, 66171000 Financial consultancy services, 66172000 Financial transaction processing and clearing-house services, 79940000 Collection agency services, 75242110 Bailiff services, 75310000 Benefit services, 75130000 Supporting services for the government, 79212400 Fraud audit services, 79211120 Sales and purchases recording services, 79211110 Payroll management services, 79631000 Personnel and payroll services, 79200000 Accounting, auditing and fiscal services, 79210000 Accounting and auditing services, 79211000 Accounting services, 79211200 Compilation of financial statements services, 66600000 Treasury services, 72222300 Information technology services, 72267100 Maintenance of information technology software, 72261000 Software support services, 72253000 Helpdesk and support services, 79632000 Personnel-training services, 79633000 Staff development services, 79414000 Human resources management consultancy services, 79600000 Recruitment services, 79418000 Procurement consultancy services, 79520000 Reprographic services, 79521000 Photocopying services, 79553000 Desktop publishing services, 79810000 Printing services, 79820000 Services related to printing , 79822500 Graphic design services, 79500000 Office-support services, 79342300 Customer services, 79512000 Call centre, 79710000 Security services, 79993000 Building and facilities management services, 79993100 Facilities management services, 98341130 Janitorial services, 98341140 Caretaker services, 70330000 Property management services of real estate on a fee or contract basis, 98351000 Car park management services, 98351100 Car park services, 98351110 Parking enforcement services

II.2.3. Place of performance

NUTS code: UKJ14 Oxfordshire

NUTS code: UKK23 Somerset

Main site or place of performance: Oxfordshire (UKJ14), Somerset (UKK23) and Hampshire (UKJ3, UKJ33).

II.2.4. Description of the procurement

This section provides detail of the reduction of the original Contract.

The reduction in the I-Hub and Human Resources (Advisory) Services resulted in a reduction in Contract value of approximately GBP 700 242 per year for the remainder of the Contract term.

The reduction in the licensing services resulted in a reduction in Contract value of approximately GBP 377 000 per year for the remainder of the Contract term.

The reduction in the Human Resources Operational and Payroll Services would result in a reduction of approximately GBP 1 012 086 per year for the remainder of the Contract term. The reduction in the Finance Services would result in a reduction in Contract value of approximately GBP 634 000 per year for the remainder of the Contract term. The reduction in the Exchequer Services would result in a reduction in Contract value of approximately GBP 1 630 000 per year for the remainder of the Contract term. Continues in Annex D1.

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

II.2.14. Additional information

Continued from II.1.4) — The variation will also confer on the Councils a contractual option to further remove Exchequer Services from the Contract, subject to operational and commercial considerations. The Councils are currently considering their options as to whether they will exercise this right (though, if the Councils elect to do so it is proposed to be effective from 31 March 2021).

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 Official Journal of the European Union in the cases listed below

- The procurement falls outside the scope of application of the directive

Explanation:

The Contract has been reduced as per the information set out in section II.2.4).

Taking into account the value and scale of the original Contract the Councils consider that the proposed modification(s) to reduce the scope of the Contract is not substantial for the purposes of Regulation 72(1)(e) of the PCR in the context of a GBP 140 262 000 Contract spanning 9 years. (The 9 year term represents the Contract duration of the Contract, excluding any extension options). Furthermore, the economic balance of the Contract is moving away from the contractor by the reduction of the service opportunity.

The Councils consider that modifying the Contract in the manner proposed is for operational and commercial reasons to achieve a smooth transition and continuity. This will involve approximately 34 of staff transferring to the Councils.

Capita entered into a subcontract arrangement with Zellis UK Ltd ('Zellis') to deliver the payroll technology aspects of the Contract. The Contract requires Capita in appointing any subcontractors to ensure that it is possible for them to assign, novate or otherwise transfer the rights and obligations under each subcontract that relates exclusively to this Contract to the Councils (clause 15.1(c)). This is to ensure that the Councils are able to have direct access the continuation of those services outside of a prime contractor arrangement.

The Councils consider the above to be an unequivocal review clause/option for the purposes of Regulation 72(1)(d) of the PCR which allows the Councils to novate the subcontracting arrangement between Capita and Zellis so that it is held directly by the Councils and Zellis. The permitted variation will place a legally enforceable obligation on Zellis to provide payroll technology services to the Councils with a synchronised expiry with the Contract. In addition, the Councils consider that it is permissible to utilise the mechanism in the Contract to modify the Zellis contract to incorporate Bureau and Payroll services because the Councils need to have these services in place to deliver vital functions, which cannot be done without these additional services being provided. Also, for technical/IP reasons, Zellis is unlikely to permit a third party to provide equivalent Bureau and Payroll services utilising their existing SaaS platform which will be delivered under the novated Zellis contract. Therefore, modifying the Zellis contract in this manner to provide for these additional services will ensure continuity in service delivery.

The restructuring of the services seeks to ensure the ongoing delivery of public services on a value for money basis.

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

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.2.1. Previous publication concerning this procedure

Notice number in the OJ S: [2015/S 057-100137](#)

IV.2.8. Information about termination of dynamic purchasing system

IV.2.9. Information about termination of call for competition in the form of a prior information notice

Section V: Award of contract

Lot No: 1

Title:

5 Councils Corporate Services Project

A contract/lot is awarded: yes

V.2. Award of contract

V.2.1. Date of conclusion of the contract

30/03/2020

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

Official name: Capita Business Services Ltd

Postal address: 30 Berners Street, Westminster

Town: London

NUTS code: UKI London

Postal code: W1T 3LR
Country: United Kingdom
Telephone: +44 2077991525
The contractor is an SME: no

V.2.4. Information on value of the contract/lot

Total value of the contract/lot: 119 430 000,00 GBP

V.2.5. Information about subcontracting

Section VI: Complementary information

VI.3. Additional information

The estimated value in II.1.7) and V.2.4) refers to the projected value of the diminished Contract value in the event the Councils modify the Contract in accordance with the variations set out in this notice.

Where the Councils do not remove the Exchequer Services but remove the other services from the Contract (as set out in this Contract Award Notice) the estimated value of the modified contract will be GBP 134 436 000.

The value of the Contract with Capita as originally awarded on 4 April 2016 was GBP 140 262 000 as per OJEU ref: [2016/S 088-154829](#).

The Contract has previously been varied by the Councils to remove I-Hub Human Resources (Advisory) Services and Licensing and its current estimated value is GBP 1 000 000 per annum.

Continued from II.2.14) — The possible further reduction of the Exchequer Service forms part of the subject of this notice and this notice therefore seeks to provide further justification and transparency for any future exercise of that option were it to arise.

The Councils (except Mendip District Council) will also be utilising a built-in contract variation mechanism (change control notice) in the Zellis contract (see Annex D1) to add Bureau and Payroll services to the scope of the Zellis contract for up to 5 years at a combined estimated value of approximately GBP 970 000 for the maximum 5 year term.

The bureau service will place a legally enforceable obligation on Zellis to provide a range of tasks to support organisations who manage their own internal payroll function.

The payroll service will place a legally enforceable obligation on Zellis to provide payroll services to be provided for SaaS customers for assistance with payroll activities.

VI.4. Procedures for review

VI.4.1. Review body

Official name: The High Court of Justice
Postal address: The Strand
Town: London
Postal code: WC2A 2LL
Country: United Kingdom

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

In accordance with Regulation 88—104 (Enforcement of duties through the Court) of the Public Contracts Regulations 2015 (as amended) ('PCR').

VI.5. Date of dispatch of this notice

20/04/2020

