

**United Kingdom-Birmingham: Repair, maintenance and associated services related to roads and other equipment**

OJ S 120/2014 26/06/2014

Contract notice

Services

Directive 2004/18/EC

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: Highways Agency

Postal address: 199 Wharfside Street

Town: Birmingham

Postal code: B1 1RN

Country: United Kingdom

For the attention of: Jaswant Parpagga

E-mail: [jaswant.parpagga@highways.gsi.gov.uk](mailto:jaswant.parpagga@highways.gsi.gov.uk)

Telephone: +44 1216872556

**Internet address(es):**General address of the contracting authority: [www.highways.gov.uk](http://www.highways.gov.uk)**Additional information can be obtained from:**

the abovementioned address

**Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:**

the abovementioned address

**Tenders or requests to participate must be submitted:** the abovementioned address**I.2. Type of the contracting authority**

National or federal agency/office

**I.3. Main activity**

General public services

**I.4. Contract award on behalf of other contracting authorities**

The contracting authority is purchasing on behalf of other contracting authorities: no

**Section II: Object of the contract**

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**II.1. Description****II.1.1. Title attributed to the contract by the contracting authority**

North East Regional Technology Maintenance Contract (RTMC- Competition D).

**II.1.2. Type of contract and place of performance or delivery**

Services

Service category No 1: Maintenance and repair services

Main site or place of performance: The North East comprises those parts of the network broadly defined by the Highways Agency maintenance Areas 12 and 14 within the counties of Lincolnshire, South Yorkshire, West Yorkshire, North Yorkshire, East Riding of Yorkshire, Durham, Cleveland, Tyne and Wear and Northumberland.

#### Area 12 Routes:

A180 from the A16 in Grimsby (North East Lincolnshire) to junction 5 of the M180 near Barnetby (North Lincolnshire).

A160 from the A1173 at Immingham (North Lincolnshire) to its intersection with the A180 near Habrough (North East Lincolnshire). M180, entire length. M181, entire length. M18, entire length. A1 from the A614 near Blyth (Nottinghamshire) to Darrington (West Yorkshire).

M1 from junction 30 near Barlborough (Nottinghamshire) to its intersection with the M62 at junction 42 of the M1 near Ouzlewell Green (West Yorkshire).

A61 from junction 36 of the M1 near Hoyland (South Yorkshire) to its intersection with the A616 near Upper Tankersley (South Yorkshire).

A616 from where it meets junction 35a of the M1 to where it meets the A628 near Fullshaw (South Yorkshire).

A57 from the M67 to where it meets the A628 near Mottram in Longdendale (Greater Manchester).

A628 from the A57 near Mottram in Longdendale (Greater Manchester) to the A616 near Fullshaw (South Yorkshire).

A1033 from where it meets the B1362 near Hedon (East Yorkshire) to where it meets the A63 in Kingston-upon-Hull, including King George Dock access roundabout.

A63 from the A1033 in Kingston-upon-Hull to junction 38 of the M62 near North Cave (East Yorkshire).

M62 (excluding between junctions 28 and 29) from the A63 near North Cave (East Yorkshire) to junction 22 Saddleworth Moor (West Yorkshire). M606, entire length.

M621, entire length, A64 from junction 45 of the A1(M) near Bramham (West Yorkshire) to where the trunk road ends near Eastfield (North Yorkshire).

A631 lower deck of Tinsley viaduct at M1 junction 34.

M1-A1 link ( M62 junction 28 to 29, M1 Junction 41 to 48 and A1(M) junction 43 to 44).

#### May Include:

D2D A1(M) Darrington DBFO (south of M62 to junction 43)

A1(M) (junction 44 to junction 49 Dishforth)

#### Area 14 Routes:

Northumberland, Tyneside, Wearside, Durham, North Yorkshire;

A1(M) from Junction 49 at Dishforth (North Yorkshire) to Junction 51 at Leeming.

A1 from Junction 51 to Junction 56 on A1 (M) at Barton (North Yorkshire).

A1(M) from Junction 56 Barton (North Yorkshire) to Junction 65 Birtley Interchange (Gateshead).

A1 from Junction 65 A1(M) to Scottish Border.

A194(M) from Junction 65 on A1(M) to Junction A184/A194 White Mare Pool (South Tyneside) entire length.

A184 from Junction A184/A194 White Mare Pool to Junction A19 Testo's Roundabout (South Tyneside).

A19 from Wallsend Interchange (North Tyneside) to Junction with A1 at Seaton Burn (Northumberland).

A696 from Junction A1 Kenton Bar (Newcastle) to Prestwick Roundabout

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(Northumberland).

A66 from Cumbria Boundary to Junction with A1 at Scotch Corner (North Yorkshire).

A66(M) from A1(M) Junction 57 to Blackwell Roundabout (North Yorkshire).

A66 from Blackwell Roundabout to Teesside Park (Stockton-on-Tees).

A168 roundabouts and link roads on A1 (M)/A168 Dishforth Interchange (North Yorkshire).  
A195(M) from Junction 64 on A1 (M) to A195 Western Highway (Gateshead).  
A167 roundabouts at Junction 59 Coatham Mundeville and at Junction 63 A1(M) Blind Lane (Durham).  
A68 roundabout link at Junction 58 (A1M) Burtree Interchange (Darlington).  
A689 roundabout at Junction 60 (A1M) Bradbury Interchange (Durham).  
A177 roundabout at Junction 61(A1M) Bowburn Interchange (Durham).  
A690 roundabout at Carrville Interchange to Junction 62 A1 (M) Carrville (Durham).  
A19 DBFO route (A168 at it's junction with the A1(M) junction 49 to junction with A19 at Thirsk, A19 at Thirsk to the Tyne Tunnel, A174 between Parkway and Wilton and the A1053), A69 DBFO route(Junction with A1 to the boundary with Cumbria).  
NUTS code UK United Kingdom

### **II.1.3. Information about a framework agreement or a dynamic purchasing system**

The notice involves a public contract

### **II.1.4. Information about framework agreement**

### **II.1.5. Short description of the contract or purchase(s)**

The Highways Agency invites Tenders from potential suppliers. All suppliers interested in tendering for the contract will be required to complete a Selection Questionnaire and submit this with their ACTUAL Tender Documents. Following the assessment of the Selection Questionnaire, suppliers that have passed the Scoring Criteria detailed in the Instruction for Tenderers will have their Tenders opened and assessed.

The Regional Technology Maintenance Contract (RTMC) will provide all services related to Lump Sum Routine and Planned maintenance of existing technology assets associated with the strategic (core) motorway and trunk road network in the Highways Agency North East Region. These services shall be in accordance with; Technology Management and Maintenance Manual (TMMM) and other specifications and codes of practice together with professional, technical and administrative supporting duties. The Contract includes management and maintenance of (i) Highways Agency Weather Information Services (HAWIS) (ii) National Traffic Information Service (NTIS) traffic monitoring equipment. (iii) Managed Motorways (iv) Controlled Motorways (v) DBFO sections including tunnels (vi) Traffic light signals and associated in-station and out-station controllers at motorway interfaces with All Purpose Trunk Road and Local Highways Authority Road. The Contractor will work directly under the supervision of the Regional Technology Lead Asset Support Contractor (ASC) who will provide office space and accommodation for people and depot/workshop space of at least 112 m<sup>2</sup> for use of the contractor.

The Contractor will work directly under the supervision of the Regional Technology Asset Support Contractor who will provide office space and accommodation for 5 people and depot/ workshop space of at least 112 m<sup>2</sup> for use of the contractor.

The Contract will be for a period of 5 years from the access date with the scope to extend by up to a further 3 years subject to Highways Agency operational requirements and satisfactory contractor performance.

Applicant companies (Including parent companies in the case of joint ventures) should be aware that they will not be permitted to hold more than three of the Highways Agency TechMAC or RTMC contracts. This is to protect the public interest, in particular to ensure the resilience of the Highways Agency Network. Tendering opportunities for applicant companies may therefore be limited on these bases.

Applicant companies are asked to note that the Highways Agency will take into account the

potential for applicant companies being awarded any RTMC contracts, either being tendered or for which an Expression of Interest has been submitted, when applying the market share limits prior to award. Any applicant company bidding for contracts that could potentially take them over the market share limit does so at their own cost and risk when the market share limit is applied prior to award.

A Tender Presentation will be held on 9<sup>th</sup> July 2014 from 9:30 am to 12:30 pm at;  
De Vere Oulton Hall  
Rothwell Lane  
Oulton  
LEEDS  
LS26 8HN

In order to register an interest and attend please advise of attendees (maximum of two persons) to the Procurement Officer via Bravo Solutions by 2<sup>nd</sup> July 2014.

The North East Regional Technology Maintenance (RTMC) will provide all services related to Lump Sum Routine and Planned Maintenance of existing technology assets associated with strategic (core) motorway and trunk road network in the Highways Agency North East Region Network Area. These services shall be in compliance with Technology Management and maintenance manual (TMMM) and other specifications and codes of practice together with professional, technical and administrative duties.

The North East comprises those parts of the network broadly defined by the Highways Agency maintenance Areas 12 and 14 within the counties of Lincolnshire, South Yorkshire, West Yorkshire, North Yorkshire, East Riding of Yorkshire, Durham, Cleveland, Tyne and Wear and Northumberland.

The contract includes management and maintenance of (i) traffic light signals and any associated instation and outstation controllers on the Highways Agency Network and at interfaces with Local Highways Authority Roads. (ii) Highways Agency Weather Information Services (HAWIS) (iii) National Traffic Information Service (NTIS) traffic monitoring equipment. (iv) M1 J28-31, M1J32-35a, M1J39-42 and M62 J25-30 Managed Motorways (v) A19 and A1 (M) DBFO sections.

#### **II.1.6. CPV code(s)**

50230000 Repair, maintenance and associated services related to roads and other equipment, 50000000 Repair and maintenance services, 34923000 Road traffic-control equipment, 45316200 Installation of signalling equipment, 50330000 Maintenance services of telecommunications equipment, 45310000 Electrical installation work

#### **II.1.7. Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: yes

#### **II.1.8. Lots**

This contract is divided into lots: no

#### **II.1.9. Information about variants**

Variants will be accepted: no

### **II.2. Scope of the procurement**

#### **II.2.1. Total quantity or scope**

The estimated range of values quoted below are per annum over the total duration of the contract. Estimated value excluding VAT.

Estimated value excluding VAT:

Range: between 2 000 000 and 3 000 000 GBP

## **II.2.2. Information about options**

Options: yes

Description of options: Each contract will be for a period of 5 years from the access date with the scope to extend by up to a further 3 years, subject to Highways Agency Operational requirements and satisfactory contract performance.

## **II.2.3. Information about renewals**

## **II.3. Duration of the contract or time limit for completion**

## **Section III: Legal, economic, financial and technical information**

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### **III.1. Conditions related to the contract**

#### **III.1.1. Deposits and guarantees required**

Those firms invited to tender will be advised in the tender documents.

#### **III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them**

#### **III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded**

(i) For Unincorporated Joint Ventures it will be necessary for each member of the group to sign an undertaking that they will be jointly and severally bound for the due performance of the contract.

(ii) For Single Legal Entities/Incorporated Joint Ventures submitting an acceptable offer, the consortium must provide a Corporate statement of intent to form itself into a single legal entity before any contract can be awarded.

The Contractor must state in its expression of interest to this Notice whether it is an Incorporated Joint Venture (stating the date of Incorporation) or an Unincorporated Joint Venture (Joint and Several Liability). In the case of an Unincorporated Joint Venture (Joint and Several Liability) the Contractor must also confirm the names of all the contracting entities with the Employer should they be selected to tender.

#### **III.1.4. Contract performance conditions**

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: A Parent Company Guarantee will be required where the financial assessment of the applicant does not meet the required level stated for the contract. In the event of an applicant not meeting the minimum financial criteria, and where a parent company structure exists, a parent company guarantee will be required from the controlling parent company that meets the minimum required financial assessment criteria. This may potentially result in escalation up to the ultimate parent or failure of financial assessment where the ultimate parent company does not meet the financial assessment criteria.

For a joint and severable liable joint venture each constituent of the joint venture shall meet at least 60% of the financial standing stated for this contract, or where a parent company structure exists, a parent company guarantee will be required from the controlling parent company that meets the minimum required financial assessment criteria.

Where an incorporated joint venture is proposed, Parent Company Guarantees will be required

### **III.2. Conditions for participation**

#### **III.2.1.**

## **Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions: 1. The supplier must declare if it or any of its directors any other person who has powers of representation, decision or control of the supplier has been convicted of any of the following offences —

- (a) conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA
- ((b) corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889(20) or section 1 of the Prevention of Corruption Act 1906(21), where the offence relates to active corruption;
- (c) the offence of bribery, where the offence relates to active corruption;
- (ca) bribery within the meaning of section 1 or 6 of the Bribery Act 2010(22);
- (d) fraud, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities(23), within the meaning of—
  - (i) the offence of cheating the Revenue;
  - (ii) the offence of conspiracy to defraud;
  - (iii) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;
  - (iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;
  - (v) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979(31) or section 72 of the Value Added Tax Act 1994;
  - (vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
  - (vii) destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968(34) or section 19 of the Theft Act (Northern Ireland) 1969;
  - (viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or
  - (ix) making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of the Fraud Act 2006;
- (e) money laundering within the meaning of section 340(11) of the Proceeds of Crime Act 2002;
- (ea) an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996;
- (eb) an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994; or
- (f) any other offence within the meaning of Article 45(1) of the Public Sector Directive as defined by the national law of any relevant State

The Highways Agency shall treat as ineligible and shall not select a supplier has been convicted of any of the above offences

The Highways Agency may apply to the relevant competent authority to obtain further information regarding the supplier and in particular details of convictions of the offences listed above if it considers it needs such information to decide on any exclusion referred to above.

In any case where supplier or its directors or any other person who has powers of representation, decision or control has been convicted of an offence described in paragraph

(1), the Highways Agency may disregard the prohibition described there if it is satisfied that there are overriding requirements in the general interest which justify doing so in relation to that economic operator in order to maintain or enable sufficient competition.

2. The Supplier must declare if any of the following (a) to (j) it or any of its directors any other person who has powers of representation, decision or control of the supplier is applicable. The Highways Agency shall consider a supplier as ineligible or decide not to select supplier in accordance with the Procurement Regulations on one or more of the following grounds , namely that the economic operator or any of its directors any other person who has powers of representation, decision or control of the economic operator (supplier) —

(a) being an individual is a person in respect of whom a debt relief order has been made or is bankrupt or has had a receiving order or administration order or bankruptcy restrictions order or a debt relief restrictions order made against him or has made any composition or arrangement with or for the benefit of his creditors or has made any conveyance or assignment for the benefit of his creditors or appears unable to pay, or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986, or article 242 of the Insolvency (Northern Ireland) Order 1989, or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of his estate, or is the subject of any similar procedure under the law of any other state;

(b) being a partnership constituted under Scots law has granted a trust deed or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of its estate;

(c) being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002 has passed a resolution or is the subject of an order by the court for the company's winding up otherwise than for the purpose of bona fide reconstruction or amalgamation, or has had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company's business or any part thereof or is the subject of the above procedures or is the subject of similar procedures under the law of any other state;

(d) has been convicted of a criminal offence relating to the conduct of his business or profession;

(e) has committed an act of grave misconduct in the course of his business or profession;

(f) has not fulfilled obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which the economic operator is established;

(g) has not fulfilled obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which the supplier is established;

(h) is guilty of serious misrepresentation in providing any information referred to within regulation or regulation 24, 25, 26 or 27 (of the Public Contracts Regulations 2006 as amended), or has not provided such information in response to a request by the contracting authority

(i) in relation to procedures for the award of a public services contract, is not licensed in the relevant State in which he is established or is not a member of an organisation in that relevant State when the law of that relevant State prohibits the provision of the services to be provided under the contract by a person who is not so licensed or who is not such a member; or [(j)subject to Regulation 23 paragraphs (7), (8) and (9) of the Public Contracts Regulations 2006, as amended , is not registered on the professional or trade register of the relevant State specified in Schedule 6 in which he is established under conditions laid down by that State]

### **III.2.2. Economic and financial ability**

List and brief description of conditions: The last 3 years audit accounts will be requested with the response to the Questionnaire. Please refer to the selection questionnaire for full details.  
Minimum level(s) of standards possibly required: Stated in selection questionnaire.

### **III.2.3. Technical and professional ability**

List and brief description of conditions:  
Please refer to the selection questionnaire.

### **III.2.4. Information about reserved contracts**

#### **III.3. Conditions specific to services contracts**

##### **III.3.1. Information about a particular profession**

Execution of the service is reserved to a particular profession: no

##### **III.3.2. Information about staff responsible for the performance of the contract**

## **Section IV: Procedure**

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### **IV.1. Type of procedure**

#### **IV.1.1. Type of procedure**

Open

#### **IV.1.2. Information about the limits on the number of candidates to be invited**

#### **IV.1.3. Information about reduction of the number of solutions or tenders during negotiation or dialogue**

### **IV.2. Award criteria**

#### **IV.2.1. Award criteria**

The most economically advantageous tender in terms of Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **IV.2.2. Information about electronic auction**

An electronic auction will be used: no

### **IV.3. Administrative information**

#### **IV.3.1. File reference number attributed by the contracting authority**

#### **IV.3.2. Previous publication concerning this procedure**

Prior information notice

#### **IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document**

#### **IV.3.4. Time limit for receipt of tenders or requests to participate**

22.8.2014 - 12:00

#### **IV.3.5. Estimated date of dispatch of invitations to tender or to participate to selected candidates**

23.6.2014

#### **IV.3.6. Languages in which tenders or requests to participate may be submitted**

English.

#### **IV.3.7. Minimum time frame during which the tenderer must maintain the tender**

Duration in days: 180 (from the date stated for receipt of tender)

#### **IV.3.8. Conditions for opening of tenders**

### **Section VI: Complementary information**

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#### **VI.1. Information about recurrence**

This is a recurrent procurement: no

#### **VI.2. Information about European Union funds**

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

#### **VI.3. Additional information**

The Contracting Authority intends to use an eTendering system in this procurement exercise and reserves the right to use a reverse auction. This procurement falls within the scope of HM Revenue and Customs Construction Industry Scheme.

The Contracting Authority intends to use an eTendering system in this procurement exercise and reserves the right to use a reverse auction. This procurement falls within the scope of HM Revenue and Customs Construction Industry Scheme. As a supplier/ organisation looking to bid for public sector contracts over 10,000 GBP will be published on a single website and made available to the public. You should also be aware that if your bid is successful, the resulting contract will be published. In some circumstances, limited redactions will be made to tender documentation and/ or contracts before they are published in order to comply with existing law, to protect commercial interests and for the protection of national security. Tender Presentation: A tender presentation will be held on 9 July 2014 in Leeds. A maximum of two attendees will be permitted for each company. How to Express Interest in this Tender:- 1. Register your company on the eSourcing portal (this is only required once)- Browse to the eSourcing Portal: <https://highways.bravosolution.co.uk> and click the link to register- Accept the terms and conditions and click 'continue'- Enter your correct business and user details- Note the username you choose and click 'Save' when complete- You will shortly receive an email with your unique password (please keep this secure). 2. Express an Interest in the tender- Login to the portal with the username/ password- Click the PQQs/ ITT Open to All Suppliers' link. (These are Pre-Qualification Questionnaires or Invitation to Tender open to any registered supplier)- Click on the relevant PQQ/ITT to access the content. – Click the 'Express Interest button at the top of the page.- This will move the PQQ/ ITT into your 'My PQQs/ My ITTs' page. (This is a secure area reserved for your projects only)- You can now access any attachments by clicking 'Buyer Attachments' in the 'PQQ/ITT Details' box 3. Responding to the tender- Click 'My Response under 'PQQ/ITT Details', you can choose to 'Create Response' or to 'Decline to Respond' (please give a reason if declining)- You can now use the 'Messages' function to communicate with the buyer and seek any clarification- Note the deadline for completion, then follow the onscreen instructions to complete the PQQ/ITT- There may be a mixture of online and offline actions for you to perform (there is detailed online help available). You must then submit your reply using the 'Submit Response' button at the top of the page. If you require any further assistance please consult the online help, or contact the eTendering helpdesk.

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

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

**VI.4.2. Review procedure**

Precise information on deadline(s) for review procedures: The Highways Agency will incorporate a minimum 10 day standstill period at the point information on award of the contract is communicated to tenderers. Appeals should be lodge in accordance with Public Contracts Regulations 2006 (SI 2006 No 5) as amended.

**VI.4.3. Service from which information about the review procedure may be obtained**

**VI.5. Date of dispatch of this notice**

23.6.2014