

United Kingdom-Birmingham: Highway maintenance work

OJ S 214/2014 06/11/2014

Contract notice

Works

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: Highways Agency

Postal address: The Cube, 199 Wharfside Street

Town: Birmingham

Postal code: B1 1RN

Country: United Kingdom

For the attention of: Keith Mason

E-mail: keith.mason@highways.gsi.gov.uk**Internet address(es):**General address of the contracting authority: 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

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

Area 7 Asset Support Contract — UK (Midlands).

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

Works

Design and execution

Main site or place of performance: Routes for Roads Maintenance, Renewal and Improvement elements, and Technology Renewal and Improvement elements:

Main site or location of works M1 from between junctions 14 and 15 at the Northamptonshire County boundary to junction 30 A619/A616/A6132, Barlborough (Derbyshire), includes the River Trent bridge and flood spans near Long Eaton.

— M6 from junction 1 to the M1 junction 19 with the A14 Catthorpe (Leicestershire);

- M45 in its entirety from M1 junction 17, Crick (Northamptonshire) to terminal roundabout at A45 immediately west of Dunchurch (Warwickshire);
 - M69 from junction 1, Smockington (Warwickshire) to M1 junction 21, Enderby (Leicestershire);
 - A1 from junction with A43, Wothorpe (Cambridgeshire) and the A1 (M) Junction 34 (A614 /B6045 Blyth) (Nottinghamshire). Includes River Trent Bridge at Newark;
 - A5 from A422/A508 junction, Old Stratford (Northamptonshire) to B4111 Mancetter Roundabout (Leicestershire), including A5 link road and roundabout from M1 junction 18 to A5 at Rugby Radio Station (Northamptonshire);
 - A6 Alvaston Bypass (Derbyshire) from the junction with the A5111 to southern roundabout with B5010 at Thulston (Derbyshire);
 - A14 from M1 junction 19 Catthorpe, Leicestershire) to A45/A605 interchange (J13), Thrapston (Northamptonshire);
 - A38 from A50 junction, Toyota Island (Derbyshire) to M1 junction 28, Pinxton (Derbyshire);
 - A42 from junction 11, Appleby Magna (Leicestershire) to M1 junction 23A Diseworth (Derbyshire);
 - A43 from M40 junction 10, Ardley (Oxfordshire) to M1 junction 15A, Rothersthorpe (Northamptonshire);
 - A45 from M1 junction 15 Collingtree (Northamptonshire) to A14 junction 13, Thrapston (Northamptonshire);
 - A46 from M1 junction 21A, Kirby Muxloe (Leicestershire) to A57 junction, Saxilby Road (Lincolnshire);
 - A52 from A1 Barrowby, Grantham Bypass (Lincolnshire) to A5111 (Derbyshire). Includes urban section through Nottingham, including part of Nottingham Ring Road and the 'Clifton Complex' interchange with the A453 at the River Trent bridge;
 - A453 at Finger Farm roundabout (Nottinghamshire) to M1 Junction 24 (A453/A6/A50 Kegworth) (Derbyshire);
 - A453 from the M1 junction 24, Kegworth to junction with the A52 Nottingham;
 - A516 from the boundary of the City of Derby at Mickleover to the A38 and from the A38 Derby City Hospital Roundabout and back to the A38;
 - A5111 from A52, Spondon (Derbyshire) to A6 Alvaston Bypass (Derbyshire). Forms the eastern part of the Derby Outer Ring Road.
- 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 successful tenderer will be required to provide integrated network management, maintenance, improvement activities, incident management, event management and contingency planning on the all purpose trunk roads and motorways in Highways Agency Area 7 in accordance with the Highways Agency standards and objectives. Duties to include: All routine and cyclic road and bridge maintenance works, including winter maintenance and capital schemes (but excluding S278 works unless instructed), which will have an upper value limit of between 4 000 000 GBP and 8 000 000 GBP. The final contract documentation will confirm the limit. Duties may also include the following: Provision of planning advice, design, co-ordination and supervision of maintenance, asset renewal and improvement schemes (unlimited by value). Supporting functions in relation to HA DBFO routes in Area 7 where instructed. The management of works if so instructed. Applicant companies should note that

the Agency is considering amending the duties listed above and may remove or amend these as appropriate during the contract period.

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.

II.1.6. CPV code(s)

45233139 Highway maintenance work, 71320000 Engineering design services, 34923000 Road traffic-control equipment, 45233130 Construction work for highways, 71322500 Engineering-design services for traffic installations, 45316200 Installation of signalling equipment, 45233140 Roadworks, 71322000 Engineering design services for the construction of civil engineering works, 45233141 Road-maintenance works, 71300000 Engineering services, 45233210 Surface work for highways, 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 95 000 000 and 164 000 000 GBP

II.2.2. Information about options

Options: yes

Description of options: The contract will be for a period of 5 years from the access date (1.7.2016) 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

Start 4.1.2016. Completion 30.6.2021

Section III: Legal, economic, financial and technical information

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

Lump sum duties; fixed monthly payments.

Schemes constructed by the Provider: monthly payments of defined costs with financial incentives related to scheme target sum.

Design and management of schemes: Ad valorem fee.

Other management and technical services: on a scheduled payment basis or cost reimbursable.

Full details of the payment mechanisms will be included in the contract documents.

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: Contractors or Incorporated Joint Ventures (Single Legal Entities) submitting an expression of interest should provide their Constructionline registration number. For unincorporated Joint Ventures submitting an expression of interest each member of the group should provide their individual Constructionline registration number. Constructionline is the UK Government's national pre-qualification register for construction contractors and consultants. If an economic operator is not registered with Constructionline please immediately inform the contact at point 1.1.

Minimum level(s) of standards possibly required: The Constructionline notation value for this contract is 130 000 000 GBP. This is the mid-range of the spread of forecast annual spend of 94 000 000 GBP – 164 000 000 GBP. The Constructionline Categories of Work for this contract are: Civil Engineering Construction: sub-category Civil Engineering, or Civil Engineering and Infrastructures: sub-category Road Construction.

III.2.3. Technical and professional ability

List and brief description of conditions:

Contractors must provide with their expression of interest to this Notice the following:

(a) a list of the applicant companies that will contract directly with the HA whether in their own rights or as part of a Joint Venture or other formal partnership to provide the technical capacity necessary to deliver the work under the contract and a statement of the technical services provided by any such companies;

(b) for the Contractor and any applicant companies identified under point III.2.3(a) they will be required to demonstrate technical capacity and past experience carried out over the past 8 years against the following criteria: Did your duties within this contract require you to:

- 1) Operate as an integrated team e.g. client, extended supply chain, other service providers?
- 2) Liaise with and manage expectations of stakeholders and third parties including the general public?
- 3) Deal promptly and accurately with customer correspondence, enquiries and feedback?
- 4) Operate a robust quality management, budget management, project management and cost capture process?
- 5) Identify and take action to manage risk on behalf of the client?
- 6) Maintain a comprehensive and accurate inventory and document database?
- 7) Fulfil the role of principal contractor under CDM Regulations?
- 8) Fulfil the role of designer under CDM Regulations?
- 9) Produce a target cost submission?
- 10) Operate robust programme management and time forecasting processes?
- 11) Comply with a construction quality plan?
- 12) Conduct significant Traffic Management?
- 13) Deliver a programme of improvements to a road/asset network?
- 14) Deliver a routine service and winter service on a road/asset network?
- 15) Manage, design, commission and supervise maintenance works on a road/asset network?
- 16) Maintain a road network asset in a safe and serviceable condition?
- 17) Provide information on (road) work activity, incidents, events and alternative routes?

More detail can be found in Applicant Company PQP Guidance section 4 Technical Ability Guidance in the Pre-Qualification Pack — see V1.3 additional Information. For the Contractor and applicant companies identified under section III.2.3(a) a Highways Agency Health and Safety Assessment Certificate For any contractor/applicant company who has not undergone an assessment, answers to the questions on the Health and Safety Questionnaire Sheet (document A4 of the Pre-Qualification Pack). This is required to enable the Highways Agency to fulfil its statutory duties under the Construction (Design and Management) Regulations 2007 See point VI.3 Additional Information for full details of how to obtain the PQP.

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

IV.1. Type of procedure

IV.1.1. Type of procedure

Restricted

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

Envisaged number of candidates: 5

Objective criteria for choosing the limited number of candidates: See V1.3 Additional Information.

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

no

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

18.12.2014 - 12:00

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

16.2.2015

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

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. Suppliers interested in submitting an expression of interest for this proposed contract should request a copy of the Pre-

Qualification Pack (PQP) through the Highways Agency's eSourcing Portal (<https://highways.bravosolution.co.uk>). Completed forms and responses must be received by the Highways Agency, via the Highways Agency's e-Sourcing Portal (<https://highways.bravosolution.co.uk>), by the deadline at section IV.3.4.

How to Express Interest in this Tender:

- 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 chose and click 'Save' when complete;
- You will shortly receive an e-mail 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/ITTs Open to All Suppliers' link. (These are Pre-Qualification Questionnaires or Invitations to Tender open to any registered supplier);
- Click on the relevant PQQ to access the content;
- Click the 'Express Interest' button in the 'Actions' box on the left-hand side of the page;
- This will move the PQQ into your 'My PQQs' page. (This is a secure area reserved for your projects only);
- You can now access any attachments by clicking the 'Settings and Buyer Attachments' in the 'Actions' box.

3. Responding to the tender:

- You can now choose to 'Reply' or 'Reject' (please give a reason if rejecting);
- You can now use the 'Messages' function to communicate with the buyer and seek any clarification;
- Note the deadline for completion, then follow the on-screen instructions to complete the PQQ;
- There may be a mixture of online and offline actions for you to perform (there is detailed online help available) You must then publish your reply using the publish button in the 'Actions' box on the lefthand side of the page.

If you require any further assistance please consult the online help, or contact the eTendering help desk.

Expressions of interest must be submitted from the Contractor's registered office address. Each member of a Joint Venture (JV) must submit a letter from their own registered office confirming all company names in the proposed JV. Contractors should note that the Highways Agency may choose to publish the names of Contractors on its tender list for this contract after invitation to tender letters have been dispatched. This procurement falls within the scope of HM Revenue and Customs' Construction Industry Scheme. The successful Contractor will be appointed to fulfil the duties of Principal Contractor and CDM Co-ordinator under the Construction (Design and Management) Regulations 2007. Following pre-qualification, Vendor Ratings will be calculated using the validated Highways Agency's Strategic Alignment Review Toolkit (StART) and Past Performance Data (PPD) at a ratio of 60:40 (60 % StART, 40 % PPD), for those companies listed under III.2.3(a) of this Notice that the Highways Agency deems to have a significant impact on the delivery of the work under the contract as an applicant company. While all parts of the Pre-Qualification Pack must be completed and submitted it will only be assessed if it is necessary to produce a short-list from the number of applications received.

The tender list for this contract will be compiled from the highest Vendor Rated expressions of interest subject to an overview of market issues and other relevant circumstances. Contractors

must immediately notify the Procurement Officer named in Section I.1 of this Notice if they or any of the key companies listed in III.2.3(a) have not got a validated StART score. Past Performance Data submissions are required in the format of details of two reference contracts (that is two reference contracts for each of the applicant companies) carried out over the past 8 years that are of a similar type, value and complexity to that described in Section II of this Notice. In this paragraph 'relevant' is to be interpreted as similar highways contracts or other non-highway infrastructure contracts in which there is a significant commonality of management and construction disciplines. Relevance will be assessed using the criteria listed on the Past Performance Data Relevance Data Sheet (Section A) on document C.5 of the Pre-Qualification Pack.

If Highways Agency Reference contracts are submitted Motivating Success Toolkit (MST) scores will be used to score the PPD Areas of Measurement — Data Sheet (C.4) where available. Please note that previously banked scores used for submitting reference contracts for stage 1 technical ability (forms C.1 and C.2) and stage 2 for past performance data (form C.4) for the Areas of Measurement submission can no longer be used.

Banked scores have been refreshed from October 2014 and reference contracts will therefore need fresh submissions for new scores to be banked. This does not affect Highways Agency contracts that submit MST scores.

For further details please refer to the Pre-Qualification Pack. Applicant companies (including parent companies in the case of Joint Ventures) should be aware that they will not be permitted to hold more than a 33.0 % market share of the Highways Agency network lane kilometres in total, or in any event, more than four of the Highways Agency's MAC or ASC contracts. This is to protect the public's interest, in particular to ensure the resilience of the Highways Agency's network.

Tendering opportunities for applicant companies may therefore be limited on this basis. Please note that the proportion of Highways Agency network (calculated against total HA network lane length including hard shoulder but excluding slip roads, roundabouts and ox-bow lay-bys) for each MAC/ASC Area is as follows:

Area 1 = 2.95 %; Area 2 = 7.8 %; Area 3 = 8.02 %; Area 4 = 5.7 %; Area 6 = 6.09 %; Area 7 = 9.4 %; Area 8 = 4.71 %; Area 9 = 11.21 %; Area 10 = 9.6 %; Area 12 = 7.74 %; Area 13 = 5.44 %; Area 14 = 3.54 %.

With reference to the market share limit, applicant companies are asked to note that the Highways Agency will take into account the potential for applicant companies being awarded any asset support contracts, either being tendered, or for which an Expression of Interest has been submitted. In the event that the market share limit could be breached, the Agency will advise the applicant company at the time of short listing and the applicant company will be given the option to proceed at their own cost and risk. The Highways Agency will then apply market share test described in the Instructions for Tenderers as part of the Stage 1 tender assessment to determine whether, if the highest scoring tenderer were awarded the contract, the market share limit would be exceeded. If so, the Highways Agency will move to the next highest scoring tenderer to take forward to stage 2 of the tender assessment process.

From 1.10.2014, the Government is introducing its new Cyber Essentials Scheme.

Government has developed Cyber Essentials, in consultation with industry, to mitigate the risk from common internet based threats.

It will be mandatory for new Central Government contracts, which feature characteristics involving the handling of personal data and ICT systems designed to store or process data at the OFFICIAL level of the Government Security Classifications scheme (link below), to comply with Cyber Essentials.

<https://www.gov.uk/government/publications/government-security-classifications>

All potential tenderers for Central Government contracts, featuring the above characteristics, should make themselves aware of Cyber Essentials and the requirements for the appropriate level of certification. The link below to the Gov.uk website provides further information:

<https://www.gov.uk/government/publications/cyber-essentials-scheme-overview>

The tenderer with the most economically advantageous tender will be required to sign the Highways Agency Fair Payment Charter as a condition of acceptance of their tender. As a supplier/organisation looking to bid for public sector contracts you should be aware that tender documentation for 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. The estimated range of values quoted in Section II.2.1 are per annum figures. In accordance with clauses 53 and 54 of the contract the Agency intends to work with the winning bidder, post award of contract, to explore opportunities for further efficiencies and improvements which may exist. Such discussions will take place during the mobilisation period. The contract period may be extended by up to 36 months. The Contractor may be asked to provide services on local highway authority routes within the area covered by the Contract as set out in II.1.2 above as part of collaboration projects. Government Departments and Agencies are committed to ensuring public sector procurement is used, where possible, to promote skills training and open up apprenticeship opportunities on public sector projects and programmes. To support this commitment the Highways Agency Board has agreed a target to have one apprenticeship created for every 20 000 000 GBP spent through a contract. HA Board has identified that Providers delivering the Asset Support Contract are expected to contribute in delivering this target.

The contract will state that any appointed contractor will not be allowed to bid for work where the Highways Agency believes there is a conflict of interest with the contractor undertaking the work on behalf of the Highways Agency. The definition of conflict of interest in this context is where the contractor wishing to bid will also be acting as the supervisor for the work as a managing agent/asset support contractor or part of a managing agent/asset support contractor. It is the intention that the Asset Support Contractor will make use of the Highways Agency's category management frameworks for gantries, pavements, earthworks, traffic management, and any future category management arrangements placed by the Highways Agency, to whom they will subcontract elements of work. The contract and pre-qualification documents will require potential or appointed ASC contractors to notify the Highways Agency and produce a plan to remove any conflict of interest. If the Highways Agency considers that this plan will not remove the conflict of interest it reserves the right to exclude that contractor from further participation in the competition arising from this contract notice, exclude an appointed category management contractor from bidding for work where there is a conflict, or ultimately to terminate the contract with the contractor. The Highways Agency reserves the right not to invite a potential ASC contractor to tender for the contract where there remains an unresolved conflict of interest. The definition of conflict of interest in this context includes the examples above and covers instances where procedures cannot be put in place to guarantee and demonstrate that treatment of all category management suppliers will be fair, open, and transparent, and all information relating to those suppliers will be kept confidential and will not be used to gain a commercial advantage for the ASC contractor. The Agency may require ASC contractors to enter into an appropriate confidentiality agreement in relation to the operation of the category management contracts. The HA reserve the right to invite or not invite variant bids at their sole discretion. Further information will be set out in the Tender Documents. Contract dates stated are indicative, and may be subject to change.

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 lodged in accordance with the 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

31.10.2014