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Award

GP Services (GMS) for The Birchwood Surgery, Letchworth, Hertfordshire

NHS East and North Hertfordshire Clinical Commissioning Group (acting for NHS England/Improvement under delegated powers)

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-002710

Procurement identifier (OCID): ocds-h6vhtk-031130

Published 31 January 2022, 4:09pm

Section I: Contracting authority/entity

I.1) Name and addresses

NHS East and North Hertfordshire Clinical Commissioning Group (acting for NHS England/Improvement under delegated powers)

Charter House, Parkway, Welwyn Garden City

Hertfordshire

AL8 6JL

Contact

Holly Fairhurst

Email

holly.fairhurst@nhs.net

Country

United Kingdom

NUTS code

UKH23 - Hertfordshire

Internet address(es)

Main address

<https://www.enhertsccg.nhs.uk/>

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Health

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

GP Services (GMS) for The Birchwood Surgery, Letchworth, Hertfordshire

Reference number

VEAT 310122

II.1.2) Main CPV code

- 85000000 - Health and social work services

II.1.3) Type of contract

Services

II.1.4) Short description

NHS East and North Hertfordshire CCG's (the CCG) predecessor Primary Care Trust awarded a contract for primary GP services (GMS) for The Birchwood Surgery, Letchworth (the Contract). The Contract was awarded to the Partnership of Birchwood Surgery as comprised from time to time (Partnership) commencing 27 February 2004. Birchwood Surgery is a member of 12 Point Care Limited, a federation of GP Practices (Federation). The current partners are no longer willing to continue as contract holders and have agreed with directors of the Federation that the directors will become partners to provide senior management support and permit the existing partners to step down and continue as salaried GPs or retire. The CCG and Partnership then intend to novate the Contract to the Federation. The CCG considers that the novation of the Contract is permitted without needing a new procurement in accordance with Reg 72(1)(d) Public Contracts Regulations 2015 for the reasons set out in this notice.

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: £4,850,000

II.2) Description

II.2.2) Additional CPV code(s)

- 85121100 - General-practitioner services

II.2.3) Place of performance

NUTS codes

- UKH23 - Hertfordshire

Main site or place of performance

Hoddesdon

II.2.4) Description of the procurement

NHS East and North Hertfordshire CCG's ('the CCG') predecessor Primary Care Trust awarded a contract for primary GP services (GMS) and other primary medical services for The Birchwood Surgery, Letchworth, Hertfordshire ('the Contract'). The Contract was awarded to the Partnership of Birchwood Surgery as comprised from time to time ('Partnership') and commenced on 27 February 2004. Birchwood Surgery is a member of 12 Point Care Limited, a federation of GP Practices ('Federation').

The current partners have advised the Commissioners that they are no longer willing to continue as contract holders and have issued a letter of intention to resign the Contract. In order to maintain continuity of the care currently being delivered to patients registered at The Birchwood Surgery, the Contract will be novated to the Federation. The Commissioners consider that the novation of the Contract to the Federation is permitted without needing a new procurement in accordance with Regulation 72(1)(d) of the Public Contracts Regulations 2015 for the reasons set out in this notice.

NHS England/Improvement is the relevant counterparty to the Contract however the CCG possesses decision-making authority regarding the modification of the Contract pursuant to delegated arrangements and is able to agree to the novation on NHS England/Improvement's behalf

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 procurement falls outside the scope of application of the regulations

Explanation:

The variations to the Contract described above are permitted without needing a new procurement procedure in accordance with Regulation 72(1)(d)(ii) (replacement of contractor) of the Public Contract Regulations 2015 insofar as this Regulation is relevant to contracts that fall within Chapter 3, Section 7 of the PCR (contracts for social and other specific services).

The proposed novation of the Contract to the Federation is permitted under 72(1)(d)(ii) as it would amount to a universal succession by the Federation into the position of the initial contractor (the Partnership) following a takeover by the Federation of all the Partnership's business activities. The Partnership's sole activity is to deliver the Contract and therefore, by taking over the Contract, there is a takeover by the Federation of the entirety of the business activities of the Partnership. Further, the Birchwood Surgery is already a member of the Federation and at the point of the novation the partners will comprise only the same individuals who are the directors of the Federation so there will be no change in the guiding minds behind the Birchwood Surgery following the novation.

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

The procurement is covered by the Government Procurement Agreement: No

Section V. Award of contract/concession

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

20 January 2022

V.2.2) Information about tenders

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

V.2.3) Name and address of the contractor/concessionaire

12Point Care Limited

Kingston Smith LLP, Orbital House 20, Eastern Road

Romford

RM1 3PJ

Country

United Kingdom

NUTS code

- UK - United Kingdom

National registration number

09214266

Internet address

<https://www.12pointcare.co.uk/>

The contractor/concessionaire is an SME

Yes

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

Total value of the contract/lot/concession: £4,850,000

Section VI. Complementary information

VI.3) Additional information

Whilst section V.2.1 of this notice refers to a contract award decision, the CCG is not in fact awarding a new contract, but is making an amendment to an existing one.

VI.4) Procedures for review

VI.4.1) Review body

The High Court of England and Wales

7 Rolls Building, Fetter Lane

London

EC4A 1NL

Country

United Kingdom

Internet address

<https://www.gov.uk/courts-tribunals/technology-and-construction-court>