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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](mailto: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

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## **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

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## **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

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## **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

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## **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>