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Award

## **Mandatory Dental Services - Rapid Commissioning of Additional Units of Dental Activity on behalf of NHS Kent and Medway ICB**

NHS Kent and Medway Integrated Care Board, on behalf of NHS England

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-003136

Procurement identifier (OCID): ocds-h6vhtk-0435e0

Published 30 January 2024, 5:57pm

### **Section I: Contracting authority/entity**

#### **I.1) Name and addresses**

NHS Kent and Medway Integrated Care Board, on behalf of NHS England

Gail House, 2nd Floor, Lower Stone Street

Maidstone

ME15 6NB

#### **Email**

[scwcsu.procurement@nhs.net](mailto:scwcsu.procurement@nhs.net)

#### **Country**

United Kingdom

#### **Region code**

UKJ4 - Kent

## **Justification for not providing organisation identifier**

Not on any register

## **Internet address(es)**

Main address

<https://www.kentandmedway.icb.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**

Mandatory Dental Services - Rapid Commissioning of Additional Units of Dental Activity on behalf of NHS Kent and Medway ICB

#### **II.1.2) Main CPV code**

- 85131000 - Dental-practice services

#### **II.1.3) Type of contract**

Services

#### **II.1.4) Short description**

This notice relates to the permitted modification of existing contracts under the Public Contract Regulations (2015), to enable additional access to Mandatory Dental Services (MDS) within Kent and Medway ICB on a recurrent basis, in response to recent contract terminations and in accordance with the NHS 2023/24 priorities and operational planning guidance requirement to "Recover dental activity, improving units of dental activity (UDAs) towards pre-pandemic levels".

The Commissioner considers that the modifications are permitted by Regulation 72(1)(c) of the Public Contracts Regulations 2015, where the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen, that the variation of the contracts does not alter the overall nature of the contracts, and that the increase in price of each contract does not exceed the value permitted within Regulation 72(1)(c). The scope of the contract has not been extended as the services provided remain materially the same.

NHS Kent and Medway ICB, working with NHS Buckinghamshire, Oxfordshire and Berkshire West ICB, NHS Frimley ICB, NHS Hampshire and Isle of Wight ICB, NHS Surrey Heartlands ICB and NHS Sussex ICB (collectively the MDS5 Working Group) entered into a rapid commissioning process to secure additional Mandatory Dental Services activity.

This process sought NHS dental providers to deliver increased activity in the form of additional, recurrent Units of Dental Activity (UDAs) as a variation to their existing contract for Mandatory Dental services, in a number of geographic priority areas.

Priority areas were identified from three ICBs, based on additional activity requirements. The priority area identified in Kent and Medway was 5P1-1 Canterbury.

A transparent, fair and proportionate process was carried out by NHS South, Central and West Commissioning Support Unit (SCW) on behalf of the Commissioners.

#### **II.1.6) Information about lots**

This contract is divided into lots: Yes

#### **II.1.7) Total value of the procurement (excluding VAT)**

Value excluding VAT: £216,283.94

### **II.2) Description**

#### **II.2.1) Title**

Canterbury

Lot No

5P1-1

#### **II.2.2) Additional CPV code(s)**

- 85131000 - Dental-practice services

### **II.2.3) Place of performance**

NUTS codes

- UKJ4 - Kent

### **II.2.4) Description of the procurement**

NHS Kent and Medway ICB, working with NHS Buckinghamshire, Oxfordshire and Berkshire West ICB, NHS Frimley ICB, NHS Hampshire and Isle of Wight ICB, NHS Surrey Heartlands ICB and NHS Sussex ICB (collectively the MDS5 Working Group) entered into a rapid commissioning process to secure additional Mandatory Dental Services activity.

This process sought NHS dental providers to deliver increased activity in the form of additional, recurrent Units of Dental Activity (UDAs) as a variation to their existing contract for Mandatory Dental services, in a number of geographic priority areas.

Priority areas for the pilot were identified from three ICBs, based on additional activity requirements. The priority area identified in Kent and Medway was 5P1-1 Canterbury.

The contracts to which modifications have been applied in 5P1-1 Canterbury are:-

Mrs Temitope Ilori - 994 Additional UDAs per annum;

Mr H Pankhania - 600 Additional UDAs per annum;

Peter Chopra - 5,406 Additional UDAs per annum.

These variations are recurrent and additional to the provider's existing General Dental Services contract, which is not time limited.

A transparent, fair and proportionate process was carried out by NHS South, Central and West Commissioning Support Unit (SCW) on behalf of the Commissioners.

### **II.2.11) Information about options**

Options: No

### **II.2.14) Additional information**

The services are healthcare services falling within Schedule 3 to the Public Contracts Regulations 2015 ("the Regulations") which are not subject to the full regime of the

Regulations, but are instead governed by the "Light Touch Regime" contained within Chapter 3, Section 7 of the Regulations (Regulations 74 to 77).

## **II.2) Description**

### **II.2.1) Title**

Canterbury

Lot No

5P1-1(i)

### **II.2.2) Additional CPV code(s)**

- 85131000 - Dental-practice services

### **II.2.3) Place of performance**

NUTS codes

- UKJ4 - Kent

### **II.2.4) Description of the procurement**

NHS Kent and Medway ICB, working with NHS Buckinghamshire, Oxfordshire and Berkshire West ICB, NHS Frimley ICB, NHS Hampshire and Isle of Wight ICB, NHS Surrey Heartlands ICB and NHS Sussex ICB (collectively the MDS5 Working Group) entered into a rapid commissioning process to secure additional Mandatory Dental Services activity.

This process sought NHS dental providers to deliver increased activity in the form of additional, recurrent Units of Dental Activity (UDAs) as a variation to their existing contract for Mandatory Dental services, in a number of geographic priority areas.

Priority areas for the pilot were identified from three ICBs, based on additional activity requirements. The priority area identified in Kent and Medway was 5P1-1 Canterbury.

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A transparent, fair and proportionate process was carried out by NHS South, Central and West Commissioning Support Unit (SCW) on behalf of the Commissioners.

### **II.2.11) Information about options**

Options: No

### **II.2.14) Additional information**

The services are healthcare services falling within Schedule 3 to the Public Contracts Regulations 2015 ("the Regulations") which are not subject to the full regime of the Regulations, but are instead governed by the "Light Touch Regime" contained within Chapter 3, Section 7 of the Regulations (Regulations 74 to 77).

## **II.2) Description**

### **II.2.1) Title**

Canterbury

Lot No

5P1-1(ii)

### **II.2.2) Additional CPV code(s)**

- 85131000 - Dental-practice services

### **II.2.3) Place of performance**

NUTS codes

- UKJ4 - Kent

### **II.2.4) Description of the procurement**

NHS Kent and Medway ICB, working with NHS Buckinghamshire, Oxfordshire and Berkshire West ICB, NHS Frimley ICB, NHS Hampshire and Isle of Wight ICB, NHS Surrey Heartlands ICB and NHS Sussex ICB (collectively the MDS5 Working Group) entered into a rapid commissioning process to secure additional Mandatory Dental Services activity.

This process sought NHS dental providers to deliver increased activity in the form of

additional, recurrent Units of Dental Activity (UDAs) as a variation to their existing contract for Mandatory Dental services, in a number of geographic priority areas.

Priority areas for the pilot were identified from three ICBs, based on additional activity requirements. The priority area identified in Kent and Medway was 5P1-1 Canterbury.

The contracts to which modifications have been applied in 5P1-1 Canterbury are:-

Mrs Temitope Ilori - 994 Additional UDAs per annum;

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Peter Chopra - 5,406 Additional UDAs per annum.

These variations are recurrent and additional to the provider's existing General Dental Services contract, which is not time limited.

A transparent, fair and proportionate process was carried out by NHS South, Central and West Commissioning Support Unit (SCW) on behalf of the Commissioners.

#### **II.2.11) Information about options**

Options: No

#### **II.2.14) Additional information**

The services are healthcare services falling within Schedule 3 to the Public Contracts Regulations 2015 ("the Regulations") which are not subject to the full regime of the Regulations, but are instead governed by the "Light Touch Regime" contained within Chapter 3, Section 7 of the Regulations (Regulations 74 to 77).

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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 Commissioner considers that the modifications are permitted by Regulation 72(1)(c) of the Public Contracts Regulations 2015, where the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen, that the variation of the contracts does not alter the overall nature of the contracts, and that the increase in price of each contract does not exceed the value permitted within Regulation 72(1)(c). The scope of the contract has not been extended as the services provided remain materially the same.

The Services commissioned through this process were healthcare services falling within Schedule 3 to the Public Contracts Regulations 2015 (PCR).

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

The procurement is covered by the Government Procurement Agreement: Yes

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## **Section V. Award of contract/concession**

### **Lot No**

5P1-1

### **Title**

Canterbury

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

21 December 2023

**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**

Mrs Temitope Ilori

Tankerton Dental Centre, 244 Tankerton Road

Whitstable

CT5 2AY

Country

United Kingdom

NUTS code

- UKJ4 - Kent

Justification for not providing organisation identifier

Not on any register

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: £30,712.32

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**Section V. Award of contract/concession**

**Lot No**

5P1-1

**Title**

Canterbury

A contract/lot is awarded: Yes

## **V.2) Award of contract/concession**

### **V.2.1) Date of conclusion of the contract**

21 December 2023

### **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**

Dr H Pankhania

Sea Street Dental, 27 Sea Street

Herne Bay

CT6 8PZ

Country

United Kingdom

NUTS code

- UKJ4 - Kent

Justification for not providing organisation identifier

Not on any register

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: £18,538.62

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## **Section V. Award of contract/concession**

### **Lot No**

5P1-1

### **Title**

Canterbury

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

27 December 2023

#### **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**

Peter Chopra

Chopra & Associates, 1 Military Road

Canterbury

CT1 1LN

Country

United Kingdom

NUTS code

- UKJ4 - Kent

Justification for not providing organisation identifier

Not on any register

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: £167,033

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**Section VI. Complementary information**

**VI.3) Additional information**

The services are healthcare services falling within Schedule 3 to the Public Contracts Regulations 2015 ("the Regulations") which are not subject to the full regime of the Regulations, but are instead governed by the "Light Touch Regime" contained within Chapter 3, Section 7 of the Regulations (Regulations 74 to 77).

**VI.4) Procedures for review**

**VI.4.1) Review body**

High Court in London

London

Country

United Kingdom