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Award

## **Ambulance Conversion Services**

South Western Ambulance Service NHS Foundation Trust

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-003620

Procurement identifier (OCID): ocids-h6vhtk-043704

Published 4 February 2024, 3:57pm

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

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

South Western Ambulance Service NHS Foundation Trust

Westcountry House, Abbey Court, Eagle Way, Sowton Industrial Estate

Exeter

EX2 7HY

#### **Contact**

Sharon Murphy

#### **Email**

[sharon.murphy@swast.nhs.uk](mailto:sharon.murphy@swast.nhs.uk)

#### **Telephone**

+44 7920781297

#### **Country**

United Kingdom

**Region code**

UKK4 - Devon

**Internet address(es)**

Main address

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

Buyer's address

<https://www.swast.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**

Ambulance Conversion Services

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

- 50117200 - Ambulance conversion services

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

Services

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

The Trust intends to award a contract to Advanced Emergency Vehicles Limited ("AEV") for ambulance conversion services in respect of 63 vehicle chassis on the basis that the services can only be supplied by one provider. This is on the grounds that competition is absent for technical reasons arising from AEV's obligations over retention of title rights owed to third parties, interoperability issues with any other provider completing the works to date and AEV's ability to provide warranties over the converted vehicles in acquiring the business and assets of VCS.

#### **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: £4,300,000

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

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

NUTS codes

- UKK - South West (England)

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

The Trust originally awarded a contract to Vehicle Conversion Specialists Limited (Company Number 07214183) ("VCS") for ambulance conversion services through a call-

off contract (dated 15 June 2023) under a framework agreement established by East of England NHS Collaborative Procurement (hosted by West Suffolk NHS Foundation Trust).

63 vehicle chassis were transferred into the possession of VCS for performing the contract. VCS went into administration on 20 November 2023. Personnel from Teneo Financial Advisory Limited (the Administrators) have been appointed as the administrators of VCS.

The Administrators intends to sell all assets of VCS to AEV including work in progress and motor vehicles subject to third party retention of title rights.

The Trust intends to award a contract to AEV to complete the ambulance conversion of the 63 vehicles.

## **II.2.5) Award criteria**

Price

## **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

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

The original call-off contract to VCS was under Lot 1 of the East of England Collaborative NHS Procurement Hub Framework Agreement for Ambulance and Specialist Vehicle Conversions. Framework OJEU Number: 2020/S 240-594961.

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# **Section IV. Procedure**

## **IV.1) Description**

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

Negotiated without a prior call for competition

- The works, supplies or services can be provided only by a particular economic operator for the following reason:

- absence of competition for technical reasons

**Explanation:**

The Trust transferred 63 vehicle chassis into the possession of VCS for it to convert into ambulances for the Trust pursuant to a framework call-off contract dated 15 June 2023.

The vehicles are subject to retention of title (RoT) rights which VCS owes to third parties in relation to work fitted to them. These rights prevent the Trust from regaining possession of the vehicles because VCS will not be in a position to release the vehicles to the Trust without VCS discharging the RoT rights.

The proposed sale by the administrators of the assets of VCS to AEV will also transfer the retention of title obligations to AEV. Consequently, the RoT obligations when vested in AEV would also prevent the Trust from regaining possession of the vehicles from AEV.

Furthermore, the work carried out on the vehicles to date by VCS is specific to VCS' workflow and assembly approaches and is likely to be incompatible with those of other providers for them to be able to take-over and complete the existing conversions. AEV in acquiring the business and assets of VCS is in a unique position to be able to overcome that interoperability issue and consequently offer a warranty over the complete conversion of the vehicle. Such warranties are necessary requirements for the Trust given its reliance on the quality and functioning of the ambulance fleet to deliver health services and emergency response to the public.

The Trust considers that competition is absent for technical reasons (pursuant to Regulation 32(2)(b)(ii) Public Contracts Regulations 2015 (as amended)) for the combination of reasons given above.

The Trust considers that commissioning the acquisition of a new fleet of chassis for ambulance conversion is not a reasonable alternative or substitute to awarding the contract to complete the conversion of the existing 63 vehicles given the prior fleet investment, the operational and commercial benefits to upgrade the ambulance fleet as soon as possible and value for money considerations for the NHS.

**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**

A contract/lot is awarded: Yes

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

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

31 January 2024

#### **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**

Advanced Emergency Vehicles (AEV) Limited

GBAC Ltd, Old Linen Court, 83-85 Shambles Street,

Barnsley

S70 2SB

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

Yes

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

Initial estimated total value of the contract/lot/concession: £4,300,000

Lowest offer: £4,300,000 / Highest offer: £4,300,001 taken into consideration

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## **Section VI. Complementary information**

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

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

Royal Courts of Justice

London

London

London

Country

United Kingdom

Internet address

<https://www.justice.gov.uk>

#### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

In accordance with Regulation 88 to 104 (Enforcement of duties through the Court) of the Public Contracts Regulations 2015 (as amended).