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Award

## **Nursery**

Dartford and Gravesham NHS Trust

F15: Voluntary ex ante transparency notice

Notice identifier: 2025/S 000-011738

Procurement identifier (OCID): ocids-h6vhtk-04f9f7

Published 28 March 2025, 11:47am

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

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

Dartford and Gravesham NHS Trust

Darent Valley Hospital Darenth Wood Road

Dartford

DA2 8DA

### **Contact**

david brown

### **Email**

[david.brown46@nhs.net](mailto:david.brown46@nhs.net)

### **Telephone**

+44 1322428100

### **Country**

United Kingdom

**Region code**

UKI43 - Haringey and Islington

**Internet address(es)**

Main address

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

Buyer's address

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

**I.4) Type of the contracting authority**

Ministry or any other national or federal authority

**I.5) Main activity**

Health

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

Nursery

Reference number

Nursery Service Provision DGT

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

- 85312110 - Child daycare services

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

Services

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

Dartford and Gravesham NHS Trust (the Trust) intends to enter into arrangements with [Bright Horizons] (the Operator) to grant the Operator a lease of land at the Darent Valley Hospital (the Hospital) to enable the Operator to construct and operate a nursery which staff at the Hospital will be able to use. The documents to be entered into by the Trust comprise Heads of Terms, an Agreement for Lease and a Lease.

#### **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: £5,000,000

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

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

NUTS codes

- UKJ4 - Kent

Main site or place of performance

Dartford and Gravesham NHS Trust

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

The Trust intends to enter into (1) the Heads of Terms and (2) the Agreement for Lease, which provides the Operator with the option to construct a nursery on the Site. In the event that it does so, following completion of the nursery, the Trust will grant the Operator a Lease of the Site.

The arrangements are a land deal and do not amount to a public works contract or a works concession contract for the purposes of the Public Contracts Regulations 2015 (the PCR), the Concession Contracts Regulations 2016 (the CCR) or the Procurement Act 2023 (the Act).

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

- Criterion: Corporate Assessment
- Criterion: Professional Experience
- Criterion: Sustainability
- Criterion: Programme Timetable
- Criterion: Bidder Proposal
- Criterion: Your USP
- Criterion: Mandatory Pass/Fail: Provide audited financial accounts for the past five (5) trading years.
- Criterion: Mandatory Pass/Fail: Dunn & Bradstreet Report (All consortium partners). A score of > 79 points is advantageous.
- Criterion: Mandatory Pass/Fail: Please provide your registration certificate with Ofsted. If the proposed nursery operator is not the main bidder, please supply their certification
- Criterion: Mandatory Pass/Fail: Please attach your child safeguarding policy (or the policy of the nursery operator if not main bidder) .

#### **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 Trust identified the Operator following a competitive process, which was carried out outside the PCR, CCR and Act, which provided market operators within the sector with the opportunity to submit proposals to be granted a lease of the Site that would permit operation of a nursery.

The Trust proposes to enter into the Heads of Terms, followed by an Agreement for Lease in respect of the Site. The Agreement for Lease will contain break rights in favour of the Trust in the event that the Operator opts not to exercise its right to develop a nursery at the Site. Where the Operator chooses to exercise its rights to develop a nursery at the Site, the Trust will grant a Lease of the Site to the Operator following completion of the relevant works. The Operator is under no obligation to undertake development at the Site. No public contract arises due to a lack of enforceable obligation.

The Lease will contain tenant covenants which limit the permitted use of the Site to nursery facilities and requirements to ensure that any buildings are constructed and maintained in line with statutory requirements and that any nursery services are carried out in line with statutory requirements and in a way that does not obstruct the wider operation of the Hospital. These obligations are consistent with the grant of a lease to permit development and operation of facilities on a live hospital site. The Trust is not specifying requirements for the nursery if constructed, or providing any guarantee that staff will use the nursery's services if constructed and there is no enforceable obligation on the Operator to deliver the nursery.

As such, no public contract or concession contract arises under the PCR, CCR or Procurement Act.

The Trust will not enter into any contract or agreement with [Bright Horizons] before the expiry of the 10 day standstill period following publication of this notice.

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## **Section IV. Procedure**

### **IV.1) Description**

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

Award procedure without prior publication of a concession notice in the cases listed below

- No applications, no tenders or no suitable tenders/applications in response to a prior concession award procedure

Explanation:

The Trust proposes to enter into the Heads of Terms, followed by an Agreement for Lease in respect of the Site. These provide for the creation of land interests, which are exempt under the PCR, CCR and Procurement Act.

The Agreement for Lease will contain break rights in favour of the Trust in the event that the Operator opts not to exercise its right to develop a nursery at the Site. Where the Operator chooses to exercise its rights to develop a nursery at the Site, the Trust will grant a Lease of the Site to the Operator following completion of the relevant works. The Operator is under no obligation to undertake development at the Site. No public contract arises due to a lack of enforceable obligation.

The Lease will contain tenant covenants which limit the permitted use of the Site to nursery facilities and requirements to ensure that any buildings are constructed and maintained in line with statutory requirements and that any nursery services are carried out in line with statutory requirements and in a way that does not obstruct the wider operation of the Hospital. These obligations are consistent with the grant of a lease to permit development and operation of facilities on a live hospital site. The Trust is not specifying requirements for the nursery if constructed, or providing any guarantee that staff will use the nursery's services if constructed and there is no enforceable obligation on the Operator to deliver the nursery.

As such, no public contract or concession contract arises under the PCR, CCR or Procurement Act.

#### **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**

26 March 2025

#### **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**

Bright Horizons

2 Crown Court, Crown Way, Rushden, Northamptonshire

Northamptonshire

NN10 6BS

Country

United Kingdom

NUTS code

- UK - United Kingdom

National registration number

02282203

The contractor/concessionaire is an SME

No

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

Total value of the contract/lot/concession: £5,000,000

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## **Section VI. Complementary information**

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

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

The High Court

The Strand

London

WC2A 2LL

Country

United Kingdom

Internet address

<https://www.judiciary.uk/courts-and-tribunals/high-court/>