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Award

Deed of Variation of Leisure and Active Communities Contract- Agency Model

North Hertfordshire District Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2025/S 000-012630

Procurement identifier (OCID): ocids-h6vhtk-04fc45

Published 2 April 2025, 5:11pm

Section I: Contracting authority/entity

I.1) Name and addresses

North Hertfordshire District Council

Council Offices, Gernon Road

Letchworth Garden City

SG63JF

Contact

Procurement Team

Email

Procurement.Team@north-herts.gov.uk

Telephone

+44 1462474392

Country

United Kingdom

Region code

UKH23 - Hertfordshire

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

<https://www.north-herts.gov.uk/>

I.4) Type of the contracting authority

Regional or local authority

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Deed of Variation of Leisure and Active Communities Contract- Agency Model

Reference number

NHDC 202301-01

II.1.2) Main CPV code

- 92610000 - Sports facilities operation services

II.1.3) Type of contract

Services

II.1.4) Short description

North Hertfordshire District Council intends to vary its existing contract with Sports and Leisure Management Ltd (Everyone Active) to implement an agency model for the delivery of leisure services. Under the revised arrangement, the contractor will act as agent and the Council as principal. The services, facilities, and scope of provision remain unchanged. The purpose is to achieve VAT efficiency and consequently deliver improved financial returns. The contractor will guarantee an additional financial surplus to the Council, which is index-linked,

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: £158,889,251

II.2) Description

II.2.2) Additional CPV code(s)

- 92620000 - Sport-related services

II.2.3) Place of performance

NUTS codes

- UKH23 - Hertfordshire

II.2.4) Description of the procurement

The modification is strictly limited to restructuring the legal relationship to establish an agency model. All services, facilities, and outputs remain as originally contracted.

II.2.11) Information about options

Options: 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:

Contract modification without prior publication - Regulation 72(1)(e), Public Contracts Regulations 2015

The Council proposes to vary its existing leisure services contract with Sports and Leisure Management Limited (Everyone Active) to implement an agency model. This variation is made in reliance on Regulation 72(1)(e) of the Public Contracts Regulations 2015. The Council has assessed that this modification does not constitute a substantial change for the purposes of Regulation 72(8), for the following reasons:

- The services delivered to the public remain unchanged, and the contract continues to apply to the same facilities and scope.
- The change relates solely to the contractual structure - establishing the Council as principal and the contractor as its agent.
- The contractor remains the same. Any subcontracting to a charitable trust within the contractor's group is within the scope of existing permissions.
- The modification does not shift the economic balance in favour of the contractor. The contractor guarantees an additional financial return and assumes risk of HMRC non-acceptance.
- The Council retains full legal and operational control, ensuring compliance with public law and vires principles.
- The modification is strictly limited to what is necessary to implement the agency structure. There is no alteration to the evaluation criteria or outcome of the original competition.

This VTN/ VEAT notice is published pursuant to Regulation 99(3) of the Public Contracts Regulations 2015. A 10-day standstill period will be observed before execution of the Deed of Variation.

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

3 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

Sports and Leisure Management Limited (Everyone Active)

2 Watling Drive, Sketchley Meadows

Hinkley

LE10 3EY

Country

United Kingdom

NUTS code

- UKF22 - Leicestershire CC and Rutland

Companies House

02204085

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: £158,889,251

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

High Court

Strand

London

WC2A 2LL

Telephone

+44 2079477156

Country

United Kingdom