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Award

Waste Management Services

Surrey and Borders Partnership NHS Foundation Trust

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-023620

Procurement identifier (OCID): ocds-h6vhtk-03ef39

Published 11 August 2023, 4:02pm

Section I: Contracting authority/entity

I.1) Name and addresses

Surrey and Borders Partnership NHS Foundation Trust

Third Floor, Leatherhead Third Floor, Leatherhead House, Station Road House, Station Road

Leatherhead

KT22 7FG

Contact

Natalie Croft

Email

natalie.croft@sabp.nhs.uk

Country

United Kingdom

Region code

UKJ2 - Surrey, East and West Sussex

Internet address(es)

Main address

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

Buyer's address

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

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Health

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Waste Management Services

II.1.2) Main CPV code

- 90524100 - Clinical-waste collection services

II.1.3) Type of contract

Services

II.1.4) Short description

Surrey and Borders Partnership NHS Foundation Trust ("the Trust") awarded a contract to Grundon Waste Management Ltd ("Grundon") commencing on 1st October 2018 following a procurement for waste management services ("the Contract"). The Contract was procured via the NHS Commercial Solutions hosted Waste Management framework, reference number 4321-20198, via a mini competition. The procurement was advertised in the OJEU Contract Notice 2017/S 115-231905. The Contract was for an initial period of

three years with an option to extend for up to two years, which has been exercised. The Contract spend to date is £899,211 (exclusive of VAT) . The Contract is now due to expire on 30th September 2023. The Trust is intending to extend the Contract for a period of 6 months with a longstop date of 31st March 2024 to allow the Trust to conduct a re-procurement exercise for the long-term successor to the Contract.

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: £995,823.29

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKJ2 - Surrey, East and West Sussex

II.2.4) Description of the procurement

The Trust intends to extend the duration of the Contract for a bridging period of 6 months, to 31st March 2024. The estimated value of the proposed modification is £96,612.29 ex VAT.

The extension will provide the Trust with a sufficient period of time to undertake a review of its waste management services, to manage the orderly wind-down and exit of the Contract and to run a re-procurement exercise for the long-term successor to the Contract.

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

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 Trust considers that it is permissible to extend the Contract on the basis that (a) the proposed modification will not breach the requirement in regulation 33(6) of the Public Contracts Regulations 2015 (as amended) (“PCR”) (call off contracts must not entail substantial modifications to the terms laid down in the framework agreement); and (b) the proposed modification is not “substantial” within the meaning of Regulation 72(1)(e) and 72(8) of the PCR.

The existing Contract commenced on 1st October 2018 and expires on 1st September 2023. The Trust intends to extend the Contract by 6 months to allow the Trust time to run a re-procurement exercise for the appointment of a long-term successor to the Contract. The total value of the original Contract was £1,079,054 (inclusive of VAT) and the cost of the proposed 6-month extension is £115,934 (inclusive of VAT).

The Trust’s position is that the proposed extension is a permitted modification under Regulation 72(1)(e) of the (“PCR”) (non-substantial modifications) and that none of the conditions set out in Regulation 72(8) are met.

With reference to Regulation 72(8)(a), the proposed modification will not render the Contract materially different in character to the one initially concluded as there will be no change to the services (either in terms of the nature of the services or the quantity). The modification is an extension of term only.

With reference to Regulation 72(8)(b), the Trust does not consider that the modification introduces conditions which, had they been part of the initial procurement procedure, would have— (i) allowed for the admission of other candidates than those initially selected, (ii) allowed for the acceptance of a tender other than that originally accepted, or (iii) attracted additional participants in the procurement procedure. The only effect of the modification is to extend the term of the Contract and so the Trust does not consider that there would have been any change to the outcome of the original procurement.

With reference to Regulation 72(8)(c), the modification will not change any of the commercial terms of the Contract, and so there will be no change to the economic

balance of the Contract.

The Trust does not consider that the modification will extend the scope of the Contract considerably within the meaning of Regulation 72(8)(d) in the context of the Contract as a whole. No change is proposed to the nature or quantity of the services and no new services will be included in the scope.

Regulation 72(8)(e) of the PCR is not engaged as there is no change to the contractor. The purpose of the modification is to provide a 'bridging period' in order to conduct a re-procurement exercise for the long-term successor to the Contract. The modification will therefore allow continuity of service and value for money for the Trust while it conducts this exercise, the scope of which will include managing the orderly wind-down and exit of the Contract with the existing supplier and mobilisation of the new Contract.

IV.1.3) Information about a framework agreement

The procurement involves the establishment of a framework agreement

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

The procurement is covered by the Government Procurement Agreement: Yes

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

Notice number: [2017/S 115-231905](#)

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

1 October 2018

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

Grundon Waste Management Limited

Star Works, Star Lane, Knowl Hill

Berkshire

RG10 9XY

Country

United Kingdom

NUTS code

- UKJ1 - Berkshire, Buckinghamshire and Oxfordshire

National registration number

04245965

Internet address

<http://www.grundon.com>

The contractor/concessionaire is an SME

No

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

Initial estimated total value of the contract/lot/concession: £899,211

Total value of the contract/lot/concession: £96,612.29

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/>

VI.4.4) Service from which information about the review procedure may be obtained

The High Court

The Strand

London

WC2A 2LL

Country

United Kingdom

Internet address

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