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Contract

## **Service for Open Pre-natal Surgery to treat Fetuses with Open Spina Bifida**

NHS England

F03: Contract award notice

Notice identifier: 2023/S 000-028599

Procurement identifier (OCID): ocds-h6vhtk-03990a

Published 28 September 2023, 11:42am

### **Section I: Contracting authority**

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

NHS England

Quarry House, Quarry Hill

Leeds

LS2 7UE

#### **Email**

[josselin.canevet@nhs.net](mailto:josselin.canevet@nhs.net)

#### **Country**

United Kingdom

#### **Region code**

UK - United Kingdom

## **Internet address(es)**

Main address

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

Buyer's address

<https://www.england.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**

Service for Open Pre-natal Surgery to treat Fetuses with Open Spina Bifida

Reference number

C126605

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

- 85000000 - Health and social work services

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

Services

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

NHS Arden and Greater East Midlands Commissioning Support Unit (AGCSU), on behalf of NHS England Specialised Commissioning (referred to as the Commissioner), is undertaking a market engagement exercise to understand the current and future capacity and capability of the providers and potential providers within this highly specialised area. Interested parties are encouraged to register their interest and participate in the market questionnaire which will provide feedback to commissioners. Please note that this is not a call for competition although the commissioner would encourage all potential providers to respond to this market engagement exercise. It is possible that, as a result of this exercise, a formal tender process may not be required but instead a simpler supplier selection process may be considered. Where it is noted that competition is absent, direct awards may be considered.

#### **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: £1,212,417

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

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

- 85000000 - Health and social work services

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

NUTS codes

- UK - United Kingdom

Main site or place of performance

UK - United Kingdom

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

NHS England would like to identify providers who are interested in the provision of a national service for open pre-natal surgery to treat fetuses with open spina bifida service In line with the service specification Open-fetal-surgery-to-treat-fetuses-with-open-spina-bifida.pdf ([england.nhs.uk](https://www.england.nhs.uk))

The commissioned Provider(s) must have:

- Undertaken, as an organisation, a minimum of ten 'open' fetal surgery repairs in fetuses with open spina bifida in the period December 2019 to December 2022, and
- In place the key fetal medicine, neurosurgery and other multidisciplinary team members to deliver the service who can evidence their experience and expertise in open surgery for fetuses with open spina bifida.

These criteria are essential for service continuity and patient safety. Only providers which meet these criteria will be considered to be potentially capable.

In addition, each provider is required to confirm, as evidence of its experience, that:

- It currently acts as a regional unit for fetal medicine and paediatric neurosurgery for the wider geographic area that it sits within, and receives referrals from other units for an expert opinion in the diagnosis and open surgery management of women carrying a fetus which is suspected of having open spina bifida;
- It currently undertakes open fetal (pre-natal) surgery to close open spina bifida in fetuses;
- It has in place the required multi-disciplinary team with the expertise and experience to carry out the above activities and can demonstrate this, including fetal surgery counselling, expert and timely fetal MRI scanning and reporting;
- It has the flexibility in its operational capacity to absorb the urgent activity demands for this service.

The contract duration for this service is expected to be 3 years, including an option to extend for an additional 2 years.

This notice is to advise prospective and incumbent providers in the market of the commissioner's intention to commission this service and to provide an opportunity to engage

with and participate in a market engagement questionnaire. The outcome of this market engagement will help inform commissioners of the current and future capacity and capability of the market and will be considered with other evidence to inform the commissioning approach. It is possible that as a result of this exercise, a formal tender process may not be required but instead a simpler provider selection process will be undertaken. Where it is noted that competition is absent, direct awards may be considered. All providers will be notified of next steps following the conclusion of this market engagement exercise. An assurance process may be required if a direct award is recommended.

The questionnaire is available through the Atamis portal:

<https://health-family.force.com/s/Welcome>

The reference is C126605 and the closing date for submission of the completed questionnaire will be: 12pm midday on Thursday 16th February 2023.

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

Quality criterion - Name: Technical / Weighting: 100

Quality criterion - Name: Quality / Weighting: 0

Price - Weighting: 100

## **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

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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:

Award of a contract without prior publication of a call for competition in the Find a Tender service in the cases listed below

- The contract falls outside the scope of application of the regulation

Explanation

The market engagement exercise revealed a lack of competition in the market for this highly specialised service and responses were received from only 2 providers. As noted in the documentation, 'Commissioners have determined that, given the activity levels and to ensure service resilience and the ability to maintain and develop clinical expertise and experience, the optimum service model is to commission two providers to deliver the service'. Provision was clearly made in the documentation that a direct award would be considered if competition was absent as a result of the market engagement exercise in line with Regulation 32 (2) (b) (ii).

#### **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: [2023/S 000-001747](#)

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

A contract/lot is awarded: Yes

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

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

1 August 2023

#### **V.2.2) Information about tenders**

Number of tenders received: 2

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 1

Number of tenders received from tenderers from non-EU Member States: 1

Number of tenders received by electronic means: 2

The contract has been awarded to a group of economic operators: No

#### **V.2.3) Name and address of the contractor**

UZ Leuven

Herestraat 49 3000 Leuven

Leuven

3000

Country

Belgium

NUTS code

- BE24 - Flemish Brabant

Internet address

<https://www.uzleuven.be/en>

The contractor is an SME

No

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

Initial estimated total value of the contract/lot: £2,068,689

Total value of the contract/lot: £927,848

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

A contract/lot is awarded: Yes

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

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

1 August 2023

#### **V.2.2) Information about tenders**

Number of tenders received: 2

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 1

Number of tenders received from tenderers from non-EU Member States: 1

Number of tenders received by electronic means: 2

The contract has been awarded to a group of economic operators: No

#### **V.2.3) Name and address of the contractor**

UNIVERSITY COLLEGE LONDON HOSPITALS NHS FOUNDATION TRUST

250 Euston Road



London

NW1 2PG

Country

United Kingdom

NUTS code

- UK - United Kingdom

Internet address

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

The contractor is an SME

No

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

Initial estimated total value of the contract/lot: £2,068,689

Total value of the contract/lot: £1,140,841

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## Section VI. Complementary information

### VI.3) Additional information

Award of a contract without prior publication of a call for competition in the Find a Tender service in the cases listed below

- The contract falls outside the scope of application of the regulation

Explanation

The market engagement exercise revealed a lack of competition in the market for this highly specialised service and responses were received from only 2 providers. As noted in the documentation, 'Commissioners have determined that, given the activity levels and to ensure service resilience and the ability to maintain and develop clinical expertise and experience, the optimum service model is to commission two providers to deliver the service'. Provision was clearly made in the documentation that a direct award would be considered if competition was absent as a result of the market engagement exercise in line with Regulation 32 (2) (b) (ii).

### VI.4) Procedures for review

#### VI.4.1) Review body

NHS Arden and GEM CSU

Francis Crick House

Northampton

NN3 6BJ

Country

United Kingdom

Internet address

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

#### VI.4.2) Body responsible for mediation procedures

NHS Arden and GEM CSU

Francis Crick House

Northampton

NN3 6BJ

Country

United Kingdom

Internet address

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

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

NHS Arden and GEM CSU

Francis Crick House

Northampton

NN3 6BJ

Country

United Kingdom

Internet address

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