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Contract

## **NECS466 Termination of Pregnancy Service (TOPS) for and on behalf of NHS North East and North Cumbria Integrated Care Board**

NHS North East and North Cumbria Integrated Care Board

F21: Social and other specific services – public contracts

Contract award notice

Notice identifier: 2023/S 000-037858

Procurement identifier (OCID): ocds-h6vhtk-03fc35

Published 22 December 2023, 2:11pm

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

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

NHS North East and North Cumbria Integrated Care Board

Pemberton House, Colima Avenue,

Sunderland

SR5 3XB

#### **Contact**

NECS

#### **Email**

[NECSU.neprocurement@nhs.net](mailto:NECSU.neprocurement@nhs.net)

#### **Country**

United Kingdom

**Region code**

UKC - North East (England)

**NHS Organisation Data Service**

00P

**Internet address(es)**

Main address

<https://northeastnorthcumbria.nhs.uk/>

Buyer's address

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

**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**

NECS466 Termination of Pregnancy Service (TOPS) for and on behalf of NHS North East and North Cumbria Integrated Care Board

Reference number

NECS466

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

- 85100000 - Health services

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

Services

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

North of England Commissioning Support (NECS) is a commissioning support service working for and on behalf of NHS North East and North Cumbria Integrated Care Board (NHS NENC ICB) (the Contracting Authority), who are undertaking a procurement to commission Termination of Pregnancy Service across the NHS NENC ICB regional footprint under NHS Standard Contract 2023/24 Full-length (Particulars, Service Conditions, General Conditions) or any edition or any subsequent revisions.

The contract term is for an initial period of 3 years commencing on 01 April 2024, with an option to extend for a further 2 years at the discretion of the Contracting Authority and subject to satisfactory contractual and financial performance.

The closing date for submission of tenders was by 12 noon on 13 October 2023.

#### **Additional information**

Firstly, the "Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertaking (Protection of Employment) (Amendment) Regulation 2014" (TUPE) [may/does not] apply to this contract. However, Bidders are advised to obtain their own legal advice and carry out due diligence including the New Fair Deal non-statutory policy setting out how pensions issues are to be dealt with when staff are compulsorily transferred from the public sector to independent providers delivering public services.

Secondly, previous publications concerning this procedure, publication references 2023/S 000-016790 and 2023/S 000-017048.

This contract value within this notice is indicative and will be used for evaluation purposes. The indicative financial thresholds may be subject to decrease or increase following contract award as a result of an increase or decrease in activity levels.

NECS is utilising an electronic tendering tool to manage this procurement and communicate with potential bidders. Accordingly, there will be no hard copy documents issued to potential bidders and all communications with NECS, including bid submissions, will be conducted via the Atamis portal at: <https://health-family.force.com/s/Welcome>. It is free to register on the portal and it can be accessed at any time of day providing you have a working internet connection. Should bidders have any queries, or are having problems registering on the portal; they should contact the Atamis helpdesk via: [Support-health@Atamis.co.uk](mailto:Support-health@Atamis.co.uk) or phone number 0800 9956035

The helpdesk is open Monday - Friday between 9am - 5.30pm

Tender documentation was available on the e-tendering site from 13 September 2023 however this opportunity is now closed.

#### **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: £16,257,039.14

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

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

- 85100000 - Health services

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

NUTS codes

- UKC - North East (England)

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

North of England Commissioning Support (NECS) is a commissioning support service working for and on behalf of NHS North East and North Cumbria Integrated Care Board (NHS NENC ICB) (the Contracting Authority), who are undertaking a procurement to

commission Termination of Pregnancy Service across the NHS NENC ICB regional footprint under NHS Standard Contract 2023/24 Full-length (Particulars, Service Conditions, General Conditions) or any edition or any subsequent revisions.

The contract term is for an initial period of 3 years commencing on 01 April 2024, with an option to extend for a further 2 years at the discretion of the Contracting Authority and subject to satisfactory contractual and financial performance.

The closing date for submission of tenders was by 12 noon on 13 October 2023.

This opportunity is now closed and contract is awarded

#### Additional information

Firstly, the "Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertaking (Protection of Employment) (Amendment) Regulation 2014" (TUPE) [may/does not] apply to this contract. However, Bidders are advised to obtain their own legal advice and carry out due diligence including the New Fair Deal non-statutory policy setting out how pensions issues are to be dealt with when staff are compulsorily transferred from the public sector to independent providers delivering public services.

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The helpdesk is open Monday - Friday between 9am - 5.30pm

Tender documentation was available on the e-tendering site from 13 September 2023.

- Closing date and time for Bidder clarification questions was : 17:00hrs 29 September 2023

- Closing date and time for return of tender was 12 noon 13 October 2023; and
- Variant bids were not accepted.

Legal, economic, financial, and technical information

Conditions for participation

Objective rules and criteria for participation

Under the Public Services (Social Value) Act 2012, Contracting Authorities must consider:

- (a) How what is proposed to be procured might improve the economic, social, and environmental well-being of the area where they exercise their functions; and
- (b) How, in conducting the process of procurement, they might act with a view to securing that improvement. Accordingly, the subject matter of the contract has been scoped to take into account the priorities of the Contracting Authority relating to "economic, social, and environmental well-being".

The basic principles of the Open Procedure will be followed for this procurement to test the capacity, capability, and technical competence of bidders in accordance with The Light Touch Rules Regime, Regulations 74 to 77 of The Public Contracts Regulations 2015 (SI 2015 No102) (for Health, Social, Education, and certain other Service Contracts).

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

This opportunity is now closed and contract is awarded

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## **Section IV. Procedure**

### **IV.2) Administrative information**

#### **IV.2.1) Previous publication concerning this procedure**

Notice number: [2023/S 000-027018](#)

#### **IV.2.9) Information about termination of call for competition in the form of a prior information notice**

The contracting authority will not award any further contracts based on the above prior information notice

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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**

22 December 2023

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

Number of tenders received: 2

Number of tenders received by electronic means: 2

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

British Pregnancy Advisory Service

Orion House, 2 Athena Drive, Tachbrook Park

Leamington Spa

CV34 6RQ

Country

United Kingdom

NUTS code

- UK - United Kingdom

Companies House

01803160

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

Initial estimated total value of the contract/lot: £16,257,039.14

Total value of the contract/lot: £16,257,039.14

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## **Section VI. Complementary information**

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

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

Public Procurement Review Service

Cabinet Office

London

WC2A 2LL

Email

[publicprocurementreview@cabinetoffice.gov.uk](mailto:publicprocurementreview@cabinetoffice.gov.uk)

Telephone

+44 3450103503

Country

United Kingdom

Internet address

<https://www.gov.uk/government/publications/public-procurement-review-service-scope-and-remit>

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

North of England Commissioning Support Unit

John Snow House Durham University Science Park

Durham

DH1 3YG

Email

[NECSU.neprocurement@nhs.net](mailto:NECSU.neprocurement@nhs.net)

Country

United Kingdom

Internet address

<https://atamis-1928.my.site.com/>

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

Precise information on deadline(s) for review procedures

The Commissioner will act in accordance with Part 3 Chapter 5 Regulation 85 to 87 and Part 3 Chapter 6 Regulation 88 to 104 of the Public Contract Regulations 2015 (SI 2015 No 102) (PCR 2015). Part 3 of the PCR 2015 provides for appeals to be made to the High Court subject to the time limitations and other required procedural steps. The rules relating to appeal are complex and a dissatisfied tenderer is advised to take their own prompt legal advice.

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

Royal Courts of Justice

The High Court Strand,

London

WC2A 2LL

Country

United Kingdom

Internet address

<https://courtribunalfinder.service.gov.uk/courts/royal-courts-of-justice>