

UK-Leeds: IT services: consulting, software development, Internet and support

OJ S 55/2012 20/03/2012

Contract award notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: Health and Social Care Information Centre

Postal address: 1 Trevelyan Square, Boar Lane

Town: Leeds

Country: United Kingdom

For the attention of: John Pyle

Internet address(es):General address of the contracting authority: <http://www.ic.nhs.uk/gpes>**I.2. Type of the contracting authority**

Body governed by public law

I.3. Main activity

Health

Other: Delivering computer systems and services for the NHS

I.4. Contract award on behalf of other contracting authorities

The contracting authority is purchasing on behalf of other contracting authorities: no

Section II: Object of the contract

II.1. Description**II.1.1. Title**

General practice extraction tool - extraction (GPET-E).

II.1.2. Type of contract and place of performance or delivery

Services

Service category No 7: Computer and related services

NUTS code

II.1.3. Information about a framework agreement or a dynamic purchasing system (DPS)**II.1.4. Short description of the contract or purchase(s)**

The purpose of the GPET-E contracts is for each supplier of GP clinical IT systems to develop the software needed to safely extract and communicate data from (a) practices that use their systems to (b) the NHS information Centre for Health and Social Care. This is part of a wider project to bring together primary care data that exists in different GP practice systems and present it in a single and consistent format. Also, the GPES and GPES-I interoperability standard shall be the means by which mandatory extractions (including but not limited to data returns for the calculating quality reporting service), as may be required under the powers of the health and social care bill, are delivered to the NHS information centre for health and social care.

II.1.5. CPV code(s)

72000000 IT services: consulting, software development, Internet and support

II.1.6. Information about the Government Procurement Agreement (GPA)

II.2. Total value of the contract/lot

II.2.1. Total value of the contract/lot

Section IV: Procedure

IV.1. Type of procedure

IV.1.1. Type of procedure

Award of a contract without prior publication of a call for competition in the Official Journal of the European Union in the cases listed below

Justification for the award of the contract without prior publication of a call for competition in the Official Journal of the European Union:

Directive 2004/18/EC

1) Justification for the choice of the negotiated procedure without prior publication of a contract notice in the OJEU in accordance with Directive 2004/18/EC

The works, supplies or services can be provided only by a particular economic operator for the following reason:

technical,

protection of exclusive rights, including intellectual property rights

The Authority applied a derogation available under Regulation 14(1)(a)(iii) of the Public Contracts Regulations 2006 to enable the direct award of the contract without a regulated competition. Regulation 14(1)(a)(iii) provides that where, for "technical or artistic reasons, or for reasons connected with the protection of exclusive rights" there is only one possible supplier of the relevant services then a direct contract award without a regulated competition is permitted. It is the Authority's view that the award of the contract to a general practice system of choice (GPSoC) supplier e.g. Microtest Limited is for reasons connected with the protection of exclusive rights and that GPSoC suppliers are the only providers who can produce the outcome required. GPSoC suppliers have exclusive access to, or rights over, the source code of the key software and as a result:

a) it is not technically possible for the work to adapt the existing solution for GPET-E to be undertaken by an alternative supplier; and

b) where it is technically possible, if the Authority permits an alternative supplier to (for example) modify, configure or build upon the GPSoC system software, this may breach the software licence terms and/or adversely affect the GPSoC Compliant System status of the existing software.

IV.2. Award criteria

IV.2.1. Award criteria

IV.2.2. Information about electronic auction

An electronic auction has been used: no

IV.3. Administrative information

IV.3.1. File reference number attributed by the contracting authority

IV.3.2. Previous publication concerning this procedure

no

Section V: Award of contract

V.1. Date of conclusion of the contract

6.2.2012

V.2. Information about tenders

V.3. Name and address of the contractor

Official name: Microtest Limited

Postal address: 18 Normandy Way, Bodmin

Town: Cornwall

Postal code: PL31 1EX

Country: United Kingdom

V.4. Information on value of the contract/lot

V.5. Information about subcontracting

The contract is likely to be subcontracted: no

Section VI: Complementary information

VI.1. Information about European Union funds

VI.2. Additional information

VI.3. Procedures for review

VI.3.1. Review body

Official name: see Section VI.3.2

VI.3.2. Review procedure

Precise information on deadline(s) for review procedures: The Public Contracts Regulations 2006 (SI 2006 No. 5) provides for aggrieved parties who have been harmed or are at risk of harm by breach of the rules to take action in the High Court (England, Wales and Northern Ireland). Any such action must generally be brought within three months. If a declaration of ineffectiveness is sought, any such action must be brought within 30 days starting on the day after this contract award notice is published. The court may, depending on the circumstances, award damages, make a declaration of ineffectiveness, order the Authority to pay a fine, and /or order that the duration of the contract be shortened.

VI.3.3. Service from which information about the review procedure may be obtained

Official name: as in Section I

VI.4. Date of dispatch of this notice

15.3.2012