

**Reference: FOI.ICB-2324/127**

**Subject: One Medicare**

*I can confirm that the ICB **does hold some of the information requested**; please see responses below:*

QUESTION	RESPONSE
<p>Please provide as much detail as possible of the tender awarded to One Medicare, including the KPIs/targets as laid out by you and promise of delivery by them</p>	<p>The tender was published on 'Contracts Finder' as required by 'Public Contracts Regulation 2015', available here:  <a href="#">Provision of Primary Medical Services at Charlotte Keel Medical Centre - Contracts Finder</a></p>
<p>Please give a breakdown of the tender value of 23M – and outline the planned duration of the tender</p>	<p>The tender was published on 'Contracts Finder' as required by 'Public Contracts Regulation 2015', available here:  <a href="#">Provision of Primary Medical Services at Charlotte Keel Medical Centre - Contracts Finder</a></p>
<p>What was the framework for the due diligence undertaken into OneMedicare?  Why was this not carried out before the appointment of the tender on 13<sup>th</sup> May</p>	<p>All bidders for the Charlotte Keel Medical Practice contract tender were required to submit a Selection Questionnaire, Annex 1 of the Invitation to Tender, as part of their bid submission. Selection Questionnaires were compliance checked by SCW CSU Procurement team before compliant bids were progressed to the evaluation stage.</p>

<p>What has been the cost of the tender process so far (this could be represented in staff/officer time)</p>	<p>BNSSG ICB does not hold this information</p>
<p>What is the estimated cost of the retendering process</p>	<p>BNSSG ICB does not hold this information Resource to conduct procurements comes from within ICB and SCW CSU current workforce</p>
<p>What is BrisDoc now charging for the provision of service given it is (presumably) out of contract</p>	<p>The ICB considers the cost of the contract with BrisDoc commercially sensitive and has applied Section 43(2) exemption to this response. Section 43(2) exempts information whose disclosure would, or be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity). Section 43(2) is a qualified exemption and therefore subject to the public interest test.</p> <p>The ICB believes that the ICB's commercial interests would be prejudiced should the information be disclosed.</p> <p><u>ICB's Commercial Interests</u> BrisDoc hold a short-term contract for Charlotte Keel Medical Practice. They became an Emergency Caretaker for the contract after the previous contract holder terminated the contract with BNSSG CCG in 2018. Since 2018, BNSSG CCG and subsequently BNSSG ICB have been undergoing procurement processes to find a long-term contract holder. An initial procurement resulted in no</p>

tenable bids and BrisDoc agreed to a contract extension until a second procurement exercise had finished. This was delayed due to the pandemic and has only recently been concluded with the abandonment of the procurement.

The ICB recognises this practice is in an area of high deprivation and a stable sustainable service is the focus of any discussions regarding future service provision. The ICB has indicated that it will undertake another procurement and the ICB cannot risk disclosing any information which might prejudice any future procurements.

Public interest arguments in favour of disclosing the information:

The public interest arguments in favour of disclosing the information took into account the FOIA definition of where there is a public interest as well as the legal framework for public authority procurements as set out in the Public Contracts Regulations 2015 which requires the ICB to conduct all procurements activity openly and in a manner which enables behaviour to be scrutinised.

The ICB recognises that the question asks for the amount of public money paid to a company to provide a service. The public will have an interest in confirming that the contract offers value for money.

Public interest arguments in favour of maintaining the exemption:

The overriding procurement policy requirement placed on public bodies is that all procurements are based on value for money. The ICB believes that release of information which would prejudice any future service provision would not be in the public interest. This could be due to increased costs as part of any procurement process or could be delays due to financial negotiation or contract challenges. It is in the public's interest that the ICB is able to commission good quality and safe primary care medical services for the local population.

Local Primary Care Networks (PCNs) have acknowledged that the inability to procure a contract for Charlotte Keel Medical Practice may destabilise the local primary care environment. Charlotte Keel Medical Practice has over 18,000 registered patients and should the ICB not procure a provider for the practice then these patients would need to be reregistered to other practices in the local area.

The ICB believes there may be a risk that local practices do not have the resources or estate available to accommodate the displaced patients. The ICB may need to negotiate financial arrangements for receiving practices to support increasing workforce and estate.

Public Interest Test

	<p>The ICB considered the public interest in the amount of public funding provided to BrisDoc against the potential increase in costs should the contract amount be disclosed. It is in the public's best interest that any future service provision is secured without any necessary delays. Otherwise additional public resources (financial and staff) would be utilised which would be better used elsewhere.</p> <p>The ICB has also considered the possible effects on patient care should the procurement be delayed or should the ICB be unable to procure the contract. The ICB considers the requirement for the population to access good quality and safe primary care medical services more important than disclosing the contract value at this time.</p> <p>It is important to note that timing is relevant as the ICB may consider disclosing the information once long-term service provision has been secured for this practice.</p>
<p>On what grounds was the tender cancelled – other than just 'due diligence'</p>	<p>The ICB statement regarding the abandonment of the Charlotte Keel Procurement is below:</p> <p>"The decision has been to abandon the current procurement process for the provision of primary care medical services at Charlotte Keel Medical Practice. This means services will not be transferring to One MediCare and will for the time being remain with current provider Bris Doc. This decision has not been taken lightly but has been agreed by</p>

all involved following additional due diligence since the contract was awarded to One Medicare. We would like to thank all the staff at Charlotte Keel Medical Practice for their continued support to providing primary care services to this population. The priority for all of us is to ensure services continue as usual and that the patients can access high quality primary care when they need it.”

The ICB is unable to provide any additional information other than the above statement. The procurement was abandoned following due diligence and mobilisation processes. The ICB considers the information received as part of the procurement and due diligence process as confidential and has therefore exempted the information under Section 41. Section 41 is a qualified exemption and the public interest test has been outlined below.

Section 41 (Information received in confidence)

The ICB considers the detailed information received during the procurement and subsequent due diligence as confidential. The procurement documentation sent to bidders states: “The authority confirms that it will keep confidential and will not disclose to any third parties any information obtained from a named customer contact, other than to the Cabinet Office and/or contracting authorities defined by the regulations, or pursuant to an order of the court or demand

made by any competent authority or body where the authority is under a legal or regulatory obligation to make such a disclosure.”

Public interest arguments in favour of disclosing the information:

The public interest arguments in favour of disclosing the information took into account the FOIA definition of where there is a public interest as well as the legal framework for public authority procurements as set out in the Public Contracts Regulations 2015 which requires the ICB to conduct all procurements activity openly and in a manner which enables behaviour to be scrutinised.

The ICB understands that there will be a public interest in ensuring that the procurement was undertaken fairly and that decision making processes were robust. As the procurement ended in abandonment, the ICB understands that there will be increased public interest in how two procurements for service provision were unsuccessful.

There is a public interest in ensuring that the ICB has undertaken this procurement in a way that provides the best value for money and that resource has been utilised in the most effective way.

Public interest arguments in favour of maintaining the exemption:

As stated above the information received during the procurement process is considered confidential and therefore any information received during the tender and subsequent due diligence process would be considered confidential. As the ICB has outlined that information would not be shared, this would be the expectation of bidders. As the data relates to a procurement it would be reasonable to assume that a breach of this confidence would be actionable in court.

The ICB, as a public authority, would need to finance such an action and therefore disclosure of the information would not be in the public interest if it led to a legal case which would require ICB resources to support. The current focus of the primary care teams is immediate service provision and procurement of long-term service provision for the population. Legal action would take staff resources away from these activities.

The ICB has indicated that it will undertake another procurement to obtain long term sustainable service provision for the local population and therefore the ICB cannot risk disclosing any information which might prejudice any future procurements.

Public Interest Test



	<p>It is in the public's best interest that any future service provision is secured without any necessary delays. Disclosure of the information may lead to delays in the procurement process.</p> <p>The ICB has also considered the possible effects on patient care should the procurement be delayed or should the ICB be unable to procure the contract. The ICB considers the requirement for the population to access good quality and safe primary care medical services more important than disclosing the information regarding the contract award at this time.</p> <p>The ICB needs to be able to secure long-term sustainable service for the population and the disclosure of any information which may discourage bidders, lead to legal action or jeopardise any future procurements would be detrimental to both the ICB and the population served by Charlotte Keel Medical Practice. Therefore the public interest lies in maintaining the exemption.</p>
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***The information provided in this response is accurate as of 30 August 2023 and has been approved for release by David Jarrett, Director of Integrated and Primary Care for NHS Bristol, North Somerset and South Gloucestershire ICB.***