

## SCHEDULE 1

Regulation 2(1)

## Relevant health care services: CPV codes

<i>CPV Code</i>	<i>Description</i>
85100000-0	Health services
85110000-3	Hospital and related services
85111000-0	Hospital services
85111100-1	Surgical hospital services
85111200-2	Medical hospital services
85111300-3	Gynaecological hospital services
85111310-6	In vitro fertilisation services
85111320-9	Obstetrical hospital services
85111400-4	Rehabilitation hospital services
85111500-5	Psychiatric hospital services
85111600-6	Orthotic services
85111700-7	Oxygen-therapy services
85111800-8	Pathology services
85111810-1	Blood analysis services
85111820-4	Bacteriological analysis services
85111900-9	Hospital dialysis services
85112200-9	Outpatient care services
85120000-6	Medical practice and related services
85121000-3	Medical practice services
85121100-4	General-practitioner services
85121200-5	Medical specialist services
85121210-8	Gynaecologic or obstetric services
85121220-1	Nephrology or nervous system specialist services
85121230-4	Cardiology services or pulmonary specialist services
85121231-1	Cardiology services
85121232-8	Pulmonary specialists services
85121240-7	ENT or audiologist services
85121250-0	Gastroenterologist and geriatric services
85121251-7	Gastroenterologist services

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Health Care Services (Provider Selection Regime) Regulations 2023 No. 1348

<i>CPV Code</i>	<i>Description</i>
85121252-4	Geriatric services
85121270-6	Psychiatrist or psychologist services
85121271-3	Home for the psychologically disturbed services
85121280-9	Ophthalmologist, dermatology, or orthopaedics services
85121281-6	Ophthalmologist services
85121282-3	Dermatology services
85121283-0	Orthopaedic services
85121290-2	Paediatric or urologist services
85121291-9	Paediatric services
85121292-6	Urologist services
85121300-6	Surgical specialist services
85130000-9	Dental practice and related services
85131000-6	Dental-practice services
85131100-7	Orthodontic services
85131110-0	Orthodontic-surgery services
85140000-2	Miscellaneous health services
85141000-9	Services provided by medical personnel
85141100-0	Services provided by midwives
85141200-1	Services provided by nurses
85141210-4	Home medical treatment services
85141211-1	Dialysis home medical treatment services
85141220-7	Advisory services provided by nurses
85142000-6	Paramedical services
85142100-7	Physiotherapy services
85143000-3	Ambulance services
85144000-0	Residential health facilities services
85144100-1	Residential nursing care services
85145000-7	Services provided by medical laboratories
85146000-4	Services provided by blood banks
85146100-5	Services provided by sperm banks
85146200-6	Services provided by transplant organ banks
85148000-8	Medical analysis services

<i>CPV Code</i>	<i>Description</i>
85149000-5	Pharmacy services, but not including community pharmacy services that are arranged under The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 <b>(1)</b>
85150000-5	Medical imaging services
85160000-8	Optician services
85323000-9	Community health services, but only in respect of community health services which are delivered to individuals
85312330-1	Family-planning services, but only insofar as such services are provided to individuals to support sexual and reproductive health
85312500-4	Rehabilitation services, but only insofar as such services are provided to individuals to tackle substance misuse or for the rehabilitation of the mental or physical health of individuals

## SCHEDULE 2

Regulations 7(2)(a), 8(2)(a) and 18(6)(a)

Content of notice of award which followed Direct Award Process A or Direct Award Process B or award based on a framework agreement without a competition

1. A statement that an award has been made, following Direct Award Process A or Direct Award Process B, as the case may be, or a statement that the award is an award based on a framework agreement and made without a competition.
2. The contract title and reference.
3. The name and address of the registered office or principal place of business of the provider to whom the contract has been awarded.
4. A description of the relevant health care services to which the contract relates, including the most relevant CPV code.
5. The lifetime value of the contract or, where it is not known, the amounts payable to the provider under the contract.
6. The dates between which the contract provides for the services to be provided.
7. Details of the award decision-makers.
8. Any declared conflicts or potential conflicts of interest.
9. Information as to how any conflicts or potential conflicts of interest were managed.

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(1) [S.I. 2013/349](#).

### SCHEDULE 3

Regulation 9(4)

Content of notice of intention to award to the existing provider under Direct Award Process C

1. A statement that the relevant authority is intending to award a contract to an existing provider following Direct Award Process C.
2. The contract title and reference.
3. The name and address of the registered office or principal place of business of the provider to whom an award is to be made.
4. A description of the relevant health care services to which the contract relates, including the most relevant CPV code.
5. The approximate lifetime value of the contract.
6. Details of the award decision-makers.
7. A statement explaining the award decision-makers' reasons for selecting the chosen provider, with reference to the key criteria.
8. Any declared conflicts or potential conflicts of interest.
9. Information as to how any conflicts or potential conflicts of interest were managed.

### SCHEDULE 4

Regulation 9(11)(a)

Content of notice following award under Direct Award Process C

1. A statement that an award has been made following Direct Award Process C.
2. The contract title and reference.
3. The name and address of the registered office or principal place of business of the provider to whom the contract has been awarded.
4. A description of the relevant health care services to which the contract relates, including the most relevant CPV code.
5. The lifetime value of the contract or, where it is not known, the amounts payable to the provider under the contract.
6. The dates between which the contract provides for the services to be provided.
7. Details of the award decision-makers.
8. Any declared conflicts or potential conflicts of interest.
9. Information as to how any conflicts or potential conflicts of interest were managed.

### SCHEDULE 5

Regulation 10(3)

Content of notice of intention to follow the Most Suitable Provider Process

1. A statement that the relevant authority is intending to follow the Most Suitable Provider Process to award a contract.
2. The contract title and reference.

3. A description of the relevant health care services to which the contract relates, including the most relevant CPV code.

4. Details of the award decision-makers.

#### SCHEDULE 6

Regulation 10(8)

##### Content of notice of intention to award to the chosen provider under the Most Suitable Provider Process

1. A statement that the relevant authority is intending to award a contract to a provider following the Most Suitable Provider Process.

2. The contract title and reference.

3. The name and address of the registered office or principal place of business of the provider to whom an award is to be made.

4. A description of the relevant health care services to which the contract relates, including the most relevant CPV code.

5. The approximate lifetime value of the contract.

6. Details of the award decision-makers.

7. A statement explaining the award decision-makers' reasons for selecting the chosen provider, with reference to the key criteria.

8. Any declared conflicts or potential conflicts of interest.

9. Information as to how any conflicts or potential conflicts of interest were managed.

#### SCHEDULE 7

Regulation 10(15)(a)

##### Content of notice following award under the Most Suitable Provider Process

1. A statement that an award has been made following the Most Suitable Provider Process.

2. The contract title and reference.

3. The name and address of the registered office or principal place of business of the provider to whom the contract has been awarded.

4. A description of the relevant health care services to which the contract relates, including the most relevant CPV code.

5. The lifetime value of the contract or, where it is not known, the amounts payable to the provider under the contract.

6. The dates between which the contract provides for the services to be provided.

7. Details of the award decision-makers.

8. Any declared conflicts or potential conflicts of interest.

9. Information as to how any conflicts or potential conflicts of interest were managed.

## SCHEDULE 8

Regulation 11(4)

### Content of notice inviting offers

1. The contract or framework agreement title and reference.
2. A description of the relevant health care services to which the contract or framework agreement will relate, including the most relevant CPV code.
3. The intended or estimated dates—
  - (a) between which the services must be provided and the duration of the contract including potential extensions beyond the initial term; or
  - (b) of the term of the framework agreement.
4. The approximate lifetime value of the contract or framework agreement.
5. The contract or framework award criteria.
6. Where the notice relates to a proposed framework agreement, the relevant authorities which will be able to use the framework agreement.
7. A statement as to how offers must be made, which must be by electronic means.
8. A statement as to how offers will be assessed, including whether the assessment will be in stages.

## SCHEDULE 9

Regulation 11(8)(b)

### Content of communication to unsuccessful provider

1. The contract or framework agreement title and reference.
2. The contract or framework award criteria.
3. The reasons why the successful provider was successful.
4. The reasons why the unsuccessful provider was unsuccessful.
5. The dates of the beginning and end of the period in which written representations may be made.

## SCHEDULE 10

Regulation 11(10)

### Content of notice of intention to make an award to the chosen provider, or conclude a framework agreement with the chosen provider, under the Competitive Process

1. A statement that the relevant authority is intending to award a contract to a provider or conclude a framework agreement under the Competitive Process.
2. The contract or framework agreement title and reference.
3. The name and address of the registered office or principal place of business of the provider to whom a contract is to be awarded or with whom a framework agreement is to be concluded.
4. A description of the relevant health care services to which the contract or framework agreement relates, including the most relevant CPV code.

5. Where the notice relates to the conclusion of a framework agreement, the duration of the agreement and the relevant authorities which will be able to use the framework agreement.
6. The approximate lifetime value of the contract or framework agreement.
7. Details of the decision-makers.
8. A statement explaining the decision-makers' reasons for selecting the chosen provider, with reference to the key criteria.
9. Any declared conflicts or potential conflicts of interest.
10. Information as to how any conflicts or potential conflicts of interest were managed.
11. Where appropriate, an indication whether a framework agreement was used.

#### SCHEDULE 11

Regulation 11(17)(a)

##### Content of notice following a competition under the Competitive Process

1. A statement that the award follows a competition under the Competitive Process.
2. The contract or framework agreement title and reference.
3. The name and address of the registered office or principal place of business of the provider to whom the contract has been awarded or with whom a framework agreement has been concluded.
4. A description of the relevant health care services to which the contract or framework agreement relates, including the most relevant CPV code.
5. Where the notice relates to the award of a contract, the lifetime value of the contract or, where it is not known, the amounts payable to the provider under the contract.
6. Where the notice relates to the conclusion of a framework agreement, the duration of the framework agreement, the relevant authorities which will be able to use the framework agreement and the lifetime value of the framework agreement.
7. Where the notice relates to the award of a contract, the dates between which the contract provides for the services to be provided.
8. Details of the decision-makers.
9. Any declared conflicts or potential conflicts of interest.
10. Information as to how any conflicts or potential conflicts of interest were managed.

#### SCHEDULE 12

Regulation 13(5)(b)

##### Notice of contract or framework agreement modification

1. The contract or framework agreement title and reference.
2. A description of the relevant health care services to which the contract or framework agreement relates, including the most relevant CPV code.
3. The effective date of the modification.
4. A brief description of the modification.

5. Any change in the lifetime value of the contract or framework agreement.
6. Any change in the term length of the contract or framework agreement.
7. Details of the decision-makers.
8. Any declared conflicts or potential conflicts of interest.
9. Information as to how any conflicts or potential conflicts of interest were managed.

### SCHEDULE 13

Regulation 14(5)(b)

#### Notice of urgent award

1. A statement that in the view of the relevant authority the award was urgent.
2. The contract title and reference.
3. The name and address of the registered office or principal place of business of the provider to whom the contract has been awarded.
4. A description of the relevant health care services to which the contract relates, including the most relevant CPV code.
5. The lifetime value of the contract or, where it is not known, the amounts payable to the provider under the contract.
6. The dates between which the contract provides for the services to be provided.
7. The reasons for the dates referred to in paragraph 6, if that period is greater than 12 months.
8. Details of the decision-makers.
9. Any declared conflicts or potential conflicts of interest.
10. Information as to how any conflicts or potential conflicts of interest were managed.
11. The reasons why regulation 14 applied.

### SCHEDULE 14

Regulation 14(5)(c)

#### Notice of urgent modification

1. A statement that in the view of the relevant authority the modification was urgent.
2. The contract title and reference.
3. A description of the relevant health care services to which the contract relates, including the most relevant CPV code.
4. The effective date of the modification.
5. The nature of the modification, including any change in contract value or the length of contract.
6. Details of the decision-makers.
7. Any declared conflicts or potential conflicts of interest.
8. Information as to how any conflicts or potential conflicts of interest were managed.
9. The reasons why regulation 14 applied.



## SCHEDULE 15

Regulation 18(8)

Invitation to providers party to the framework agreement to submit an offer

1. A description of the relevant health care services to which the contract relates, including the most relevant CPV code.
2. The contract award criteria.
3. The intended or estimated dates between which the services must be provided and the duration of the contract including potential extensions beyond the initial term.
4. The approximate lifetime value of the contract.

## SCHEDULE 16

Regulation 19(3)

Basic selection criteria

### **Basic selection criteria: general principles**

- 1.—(1) The basic selection criteria which must be met by a provider may relate to—
  - (a) suitability to pursue a particular activity;
  - (b) economic and financial standing;
  - (c) technical and professional ability.
- (2) A relevant authority may impose on providers as requirements only the criteria referred to in this Schedule.
- (3) A relevant authority must limit any requirements to those that are appropriate to ensure that a provider has the legal and financial capacities and the technical and professional abilities to perform the contract to be awarded.
- (4) All requirements must be related and proportionate to the subject-matter of the contract or framework agreement.

### **Authorisations or memberships**

2. In so far as a relevant authority determines that providers have to possess a particular authorisation or to be members of a particular organisation in order to be able to perform in their country of origin the service concerned, a relevant authority may require a provider to prove that they hold such authorisation or membership.

### **Economic and financial standing**

- 3.—(1) With regard to economic and financial standing, a relevant authority may impose requirements ensuring that a provider possesses the necessary economic and financial capacity to perform the contract or perform contracts based on the framework agreement.
- (2) In particular, a relevant authority may require that a provider—
  - (a) has a certain minimum yearly turnover, including a certain minimum turnover in the services covered by the contract,
  - (b) provides information on its annual accounts showing, for example, the ratios between assets and liabilities, and
  - (c) has an appropriate level of professional risk indemnity insurance.

(3) The minimum yearly turnover that a provider is required to have must not exceed twice the estimated contract or framework agreement value unless the relevant authority is satisfied that a higher minimum is appropriate and proportionate to the subject-matter of the contract or framework agreement, for example where the nature of the subject-matter creates a special risk.

#### **Technical and professional ability**

4.—(1) With regard to technical and professional ability, a relevant authority may impose requirements ensuring that a provider possesses the necessary human and technical resources and experience to perform the contract, or contracts based on the framework agreement to an appropriate quality standard.

(2) A relevant authority may require, in particular, that a provider has a sufficient level of experience demonstrated by suitable references from contracts performed in the past.

(3) A relevant authority may assume that a provider does not possess the required professional abilities where the relevant authority has established that the provider has conflicting interests which may negatively affect the performance of the contract or contracts based on the framework agreement.