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Award

## **Primary Care Pathology Services**

NHS Suffolk and North East Essex Integrated Care Board

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-001424

Procurement identifier (OCID): ocds-h6vhtk-039833

Published 17 January 2023, 2:45pm

### **Section I: Contracting authority/entity**

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

NHS Suffolk and North East Essex Integrated Care Board

Aspen House, Stephenson Road

Colchester

CO4 9QR

#### **Contact**

Jane Garnett

#### **Email**

[jane.garnett@suffolk.nhs.uk](mailto:jane.garnett@suffolk.nhs.uk)

#### **Country**

United Kingdom

**Region code**

UKH3 - Essex

**NHS Organisation Data Service**

QJG

**Internet address(es)**

Main address

<https://suffolkandnortheastsex.icb.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**

Primary Care Pathology Services

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

- 85100000 - Health services

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

Services

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

This is a voluntary ex ante transparency notice and is intended to provide notice of the Authority's intention to award a contract to deliver a Primary Care Pathology Service.

NHS Suffolk and North East Essex Integrated Care Board have reviewed pathology services delivered within the

Suffolk and North East Essex Integrated Care System.

The ICB intends to award the contract for the delivery of these services to NHS West Suffolk NHS Foundation Trust and East Suffolk and North Essex NHS Foundation Trust working together to deliver Pathology needs within SNEE ICB.

East Suffolk and North Essex NHS Foundation Trust and NHS West Suffolk NHS Foundation Trust will be awarded the contracts as they are uniquely placed to continue to deliver the primary care pathology services for the locality.

The acute trusts have an integrated provision which includes delivery of pathology services for all acute divisions, community services and primary care. It is believed that retaining this configuration is in the best interest of the patients and the Integrated Care System.

#### **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: £34,000,000

## **II.2) Description**

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

NUTS codes

- UKH14 - Suffolk
- UKH3 - Essex

Main site or place of performance

The service will cover the Suffolk and North East Essex Integrated Care Board locality.

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

This notice is made by the Contracting Authority; NHS Suffolk and North East Essex Integrated Care Board (hereinafter referred to as "the Authority") in compliance with their local standing financial instructions (SFIs) to notify the market of the intention to award a contract to deliver a Primary Care Pathology Service to NHS West Suffolk NHS Foundation Trust and East Suffolk and North Essex NHS Foundation Trust.

The total contract value is forecasted to be £34,000,000 over the two year term (excluding VAT).

NHS West Suffolk NHS Foundation Trust will receive a contract over two (2) years with a total value of £13,800,000. East Suffolk and North Essex NHS Foundation Trust will receive a contract over two (2) years with a total value of £20,400,000.

The two year contract will start on the 1st April 2023, ending on the 31st March 2025.

The Contracting Authority is yet to agree appropriate inflation and uplift for this contract for the period of 2023/24 through to 2024/25. These will be dealt with as Contract Variations in accordance with the NHS Standard Contract Terms and Conditions. The Authority deems any such variations are not substantial or material changes, as they occur due to external causes beyond the Authority's control, including changes in contract value driven by changes in patient volume. The Authority will publish appropriate Notices accordingly to communicate any such future changes to the market, once final.

The Authority will observe a 10-day standstill from the date of publication of this VEAT, during which the Authority will not enter into any contractual arrangement.

The Authority is to retain the provision within the Acute Trusts named in this notice to ensure the following risks (list is not exhaustive) are not realised:

- Clinical risks of involving different clinical IT systems within one pathology system - negative impact on patient safety
- Clinical risks and cost brought about from duplicate tests
- Reduction in economies of scale when integrated care systems are tasked with being more efficient.
- Risk of losing skilled staff or needing more skilled staff across multiple providers when recruitment for skilled pathology staff is difficult.
- Destabilising the core pathology function within the acute Trusts

### **II.2.11) Information about options**

Options: No

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

The Service to which this procurement relates fall within Schedule 3 of the Public Contracts Regulations 2015 as amended by as amended by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020, (the "Regulations"). As such, the Contracting Authority does not intend to hold itself bound by any of the Regulations, save those applicable to Schedule 3 Services.

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Negotiated without a prior call for competition

- The works, supplies or services can be provided only by a particular economic operator for the following reason:
  - absence of competition for technical reasons

Explanation:

There are significant risks, particularly around the splitting of a single pathology service.

- Patient Safety risk due to split services and multiple records
- Patient Safety risk due to duplication of tests
- Financial risks around duplication of tests, exit costs from current service delivery

The proposed contractual term is for a period of 2 years , the services covered by the arrangement may change and expand as the integrated model develops.

The providers are core alliance partners and already deliver all pathology services. Retention of the Primary Care Pathology Services within the wider Pathology service will retain continuity of provision for the Authority's population.

There are significant risks associated with discontinuity of provision.

- Patient Safety
- Financial risks
- Workforce disruption
- Service disruption
- Destabilisation of core acute pathology services and impacts upon core acute services

The Authority is to retain the provision within the Acute Trusts named in this notice to ensure the risks (list is not exhaustive) are prevented.

The Authority believes competition is absent for the technical reasons outlined above and the potential for patient harm and disruption.

#### **IV.1.8) Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: No

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

A contract/lot is awarded: Yes

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

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

14 November 2022

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

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

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

EAST SUFFOLK AND NORTH ESSEX NHS FOUNDATION TRUST

TURNER ROAD

COLCHESTER

CO4 5JL

Country

United Kingdom

NUTS code

- UKH3 - Essex

NHS Organisation Data Service

RDE

The contractor/concessionaire is an SME

No

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

Total value of the contract/lot/concession: £20,400,000

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

A contract/lot is awarded: Yes

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

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

14 November 2022

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

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

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

West Suffolk NHS Foundation Trust

Hardwick Lane

Bury St Edmunds

IP33 2QZ

Country

United Kingdom

NUTS code

- UKH14 - Suffolk

NHS Organisation Data Service

RGR

The contractor/concessionaire is an SME

No

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

Total value of the contract/lot/concession: £13,600,000

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## **Section VI. Complementary information**

### **VI.3) Additional information**

The Service to which this procurement relates fall within Schedule 3 of the Public Contracts Regulations 2015 as amended by as amended by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020, (the "Regulations"). As such, the Contracting Authority does not intend to hold itself bound by any of the Regulations, save those applicable to Schedule 3 Services.

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

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

High Court of Justice of England and Wales

Strand

London

WC2A 2LL

Country

United Kingdom