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Contract

## **Contract Modification (under PCR 2015 Regulation 72) to the Non-Emergency Patient Transportation Service (NEPTS) for NHS Herefordshire & Worcestershire CCG and Associated Commissioners**

NHS Midlands and Lancashire CSU

F03: Contract award notice

Notice identifier: 2021/S 000-003640

Procurement identifier (OCID): ocds-h6vhtk-0295a0

Published 23 February 2021, 10:56pm

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

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

NHS Midlands and Lancashire CSU

Heron House, 120 Grove Road

Stoke on Trent

ST4 4LX

#### **Email**

[lyle.lloyd@nhs.net](mailto:lyle.lloyd@nhs.net)

#### **Telephone**

+44 7557487934

**Country**

United Kingdom

**NUTS code**

UKG1 - Herefordshire, Worcestershire and Warwickshire

**Internet address(es)**

Main address

<https://mlcsu.bravosolution.co.uk>

**I.2) Information about joint procurement**

The contract is awarded by a central purchasing body

**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**

Contract Modification (under PCR 2015 Regulation 72) to the Non-Emergency Patient Transportation Service (NEPTS) for NHS Herefordshire & Worcestershire CCG and Associated Commissioners

Reference number

Original Title Contract Award OJEU Document Number 2019/S 177-431649

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

- 85100000 - Health services

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

Services

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

In August 2019, NHS Herefordshire and Worcestershire Clinical Commissioning Group and Associated Commissioners awarded a contract for a Non-Emergency Patient Transportation Service (NEPTS) following a formal OJEU Open Procurement procedure.

For reference, the OJEU Document Number for the Contract Notice (published on 5th April 2019) is 2019/S 068-159843; and the OJEU Document Number for the Contract Award Notice (published on 13th September 2019) is 2019/S 177-431649.

The contract duration is five (5) years, with the option to extend for a further two (2) years, subject to agreement; the contract start date was 1st April 2020; and the total contract value was £24,942,410.00 for the initial 5-year contract period.

Further to contract commencement on 1st April 2020, the above named commissioning body has become aware of additional activity not included in the formal competitive tender exercise, therefore, a contract variation (i.e., contract modification) has been made.

#### **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: £875,000

## **II.2) Description**

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

- 34114122 - Patient-transport vehicles
- 60130000 - Special-purpose road passenger-transport services
- 85100000 - Health services

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

NUTS codes

- UKG11 - Herefordshire, County of
- UKG12 - Worcestershire

Main site or place of performance

The counties of Herefordshire and Worcestershire, and central areas of Powys.

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

It has come to the attention of the above named commissioning body that activity relating to the transportation of a cohort of End of Life patients was not included in a formal competitive tender exercise for the Herefordshire & Worcestershire NEPTS (OJEU Document Numbers 2019/S 068-159843 and 2019/S 177-431649), therefore, has not been subsequently included in the new Herefordshire & Worcestershire NEPTS contract.

Prior to publication of the Herefordshire & Worcestershire NEPTS tender documentation and NEPTS service specification in 2019, the commissioning body had conducted exercises to identify activity within the remit of the service, however, the commissioning body was not made aware that this activity was within the scope of the Herefordshire & Worcestershire NEPTS.

The commissioning body is now in the position of needing to urgently commission a High Dependency Unit (HDU) crew to cover this gap in service provision for this cohort of End of Life patients. In order to minimise risks to patient care, the commissioning body is modifying the existing NEPTS contract in alignment with specific provisions under Regulation 72 (1) (c) of the Public Contract Regulations 2015. It should be noted that the modification will not materially change the essence of the contract, and it will fall below 10% of the current total contract value.

The estimated cost of the NHS Herefordshire & Worcestershire Clinical Commissioning Group NEPTS contract modification is circa £875,000 over the 5-year contract duration (circa £174,720 per annum). (N.B.: the original total contract value over the 5-year contract duration is £24,942,410.) The modified activity equates to an estimated 16 additional patient journeys per week, and this figure may be adjusted as the contract is already 6-months into its term.

## **II.2.5) Award criteria**

Price

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

Options: No

### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

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## **Section IV. Procedure**

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

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

Award of a contract without prior publication of a call for competition in the cases listed below

- Extreme urgency brought about by events unforeseeable for the contracting authority

Explanation:

This Notice is to advise of a contract modification and, therefore, is not for the award of a

contract without prior publication, however, due to the value of the contract modification being above OJEU Procurement Threshold for 2020/2021 for Services (i.e., above £663,540) this Notice is published to satisfy The Public Contract Regulations (PCR) 2015 guidance.

The above named commissioning body has made the formal decision to modify its current contract for a Non-Emergency Patient Transportation Services to include High Dependency Unit crews for a cohort of End of Life patients in the best interest of patients; the additional requirement that has led to the modification was unforeseen by the commissioning body and any lack of service provision would be highly likely to pose a significant risk to the quality of care for the cohort of End of Life patients.

Regulation 72 (1c(iii)) under The Public Contracts Regulations provides a general justification for the proposed modification, this being that the alteration value is under the threshold of 50% of the total value of the service contract, and it does not change the "overall nature" of contract. The estimated cost of the NHS Herefordshire & Worcestershire Clinical Commissioning Group NEPTS contract modification is circa £875,000 over the 5-year contract duration (circa £174,720 per annum). (N.B.: the original total contract value over the 5-year contract duration is £24,942,410.) The modified activity equates to an estimated 16 additional patient journeys per week.

Under The Public Contract Regulations 2015 Regulation 72 (1) (c) all of the following conditions are fulfilled:

- (i) the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
- (ii) the modification does not alter the overall nature of the contract;
- (iii) the increase in price does not exceed 50% of the value of the original contract.

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

The procurement is covered by the Government Procurement Agreement: No

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

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

Notice number: [2019/S 177-431649](#)

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## Section V. Award of contract

### Title

Contract Modification to NHS Herefordshire & Worcestershire Non-Emergency Transportation Services

A contract/lot is awarded: Yes

### V.2) Award of contract

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

16 February 2021

#### V.2.2) Information about tenders

Number of tenders received: 1

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

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

E-Zec Medical Services Limited

Terminal Building, Redhill Aerodrome

Redhill, Surrey

RH1 5YP

Country

United Kingdom

NUTS code

- UKJ2 - Surrey, East and West Sussex

National registration number

4088225

Internet address

[www.e-zec.co.uk](http://www.e-zec.co.uk)

The contractor is an SME

No

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

Total value of the contract/lot: £875,000

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## **Section VI. Complementary information**

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

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

NHS Herefordshire and Worcestershire CCG

The Coach House, John Comyn Drive, Perdiswell, Worcester

Worcestershire

WR3 7NS

Country

United Kingdom

Internet address

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