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Award

## **Joint Community Equipment Service**

Torbay Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-004750

Procurement identifier (OCID): ocds-h6vhtk-03192a

Published 21 February 2022, 8:45am

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

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

Torbay Council

Torbay Council Town Hall, Castle Circus

Torquay

TQ1 3DR

#### **Contact**

Miss Tracey Field

#### **Email**

[tracey.field@torbay.gov.uk](mailto:tracey.field@torbay.gov.uk)

#### **Telephone**

+44 1803208391

#### **Country**

United Kingdom

**NUTS code**

UKK42 - Torbay

**Internet address(es)**

Main address

<http://www.torbay.gov.uk/>

Buyer's address

<http://www.torbay.gov.uk/>

**I.4) Type of the contracting authority**

Regional or local authority

**I.5) Main activity**

General public services

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**Section II: Object**

**II.1) Scope of the procurement**

**II.1.1) Title**

Joint Community Equipment Service

Reference number

DN385061

**II.1.2) Main CPV code**

- 85000000 - Health and social work services

**II.1.3) Type of contract**

Services

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

Torbay Council (Council), in partnership with NHS Devon Clinical Commissioning Group (CCG), commission a Joint Community Equipment Service (JCES), providing simple and complex aids for daily living, along with minor adaptations for people with health and social care needs living in Torbay (or who are registered with a Torbay GP).

#### **II.1.6) Information about lots**

This contract is divided into lots: No

#### **II.1.7) Total value of the procurement (excluding VAT)**

Lowest offer: £1,450,000 / Highest offer: £1,740,000 taken into consideration

### **II.2) Description**

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

- 98000000 - Other community, social and personal services

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

NUTS codes

- UKK42 - Torbay

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

The main purpose of the Service is to provide equipment on loan to people living in the community enabling them to do tasks they would otherwise be unable to do or to provide support to a Carer to enable on-going care in their home environment. Equipment covers a broad spectrum of provision such as single to multiple; simple to complex; low-cost to high-cost and is determined by continually changing needs of Service Users. The flexibility of the Service will enable Service Users to live either independently or with the aid of Carers and/or community services, NHS and Social Service assistance. There is a wide range of community equipment required to meet therapeutic, rehabilitation, mobility, independence and communication needs. Any member of the community may need to use equipment for a short period of time, recuperating from an operation for example; others for an indefinite period. Equipment Users of all age groups who suffer from a disability and the provision of efficient and integrated community equipment provision will therefore make a great deal of impact in the following areas:

- a) Prevention: the Service has a significant contribution to make in terms of preventing admissions to Hospital or Care Homes; preventing delayed transfers of care; preventing or delaying deterioration in health, and preventing ill health, i.e. pressure sores etc.;

b) Independence: the right equipment can help people maintain their independence by allowing them to continue to carry out everyday tasks such as toileting, bathing, feeding and drinking. Equipment can also help with mobility;

c) Caring: equipment can enable care and nursing needs to be attended to in a community setting by either paid or family Carers. Equipment can keep the Carer safe when moving and handling is required preventing injury to the Carer and reducing the need for a home care package.

The CES works alongside the provision of Simple Aids for Daily Living (SADL), which is a retail model. Complex Aids for Daily Living (CADL) in Torbay has more medical elements than CADL in some local authority areas.

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

Options: Yes

Description of options

The contract will be in place for a term of 10 months to enable the completion of the tender process. There will be an option to extend for up to a further 2 months to the end of the financial year 2023, in case there are any foreseen delays in relation to the procurement and contract award process.

### **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

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
- Extreme urgency brought about by events unforeseeable for the contracting authority
- New works/services, constituting a repetition of existing works/services

Explanation:

In May 2021 a joint tender on behalf of Torbay Council and Plymouth City Council for a community equipment service provider was issued, with an expectation that a new contract would commence on 01 April 2022. However, during the evaluation phase concerns were raised as to whether the published evaluation criteria would clearly establish the most economically advantageous tender (MEAT). The procurement was paused to enable a full review of the evaluation criteria and as a result of that review the decision was taken to abandon the tender process. An amended tender has now been issued but the delay means that the contract cannot commence on 01 April 2022. The timescale has been further impacted by local elections which will delay the contract approval process and a new contract commencement date of 01 February 2023 has been identified. We are awarding the contract without prior publication under paragraphs 2(b)(ii), 2(c) and 5 of Article 32 of Directive 2014/24/EU. The technical reason (2(b)(ii)) is that there will be significant cost and inconvenience to the Authority and economic operators associated with tendering a short term contract for Torbay, for the following reasons: • Under TUPE legislation the current economic operator's staff are entitled to transfer to the new economic operator • The service requires significant sized premises within Torbay to operate from, which has sufficient capacity to allow for storage, cleaning and maintenance of the equipment • Any equipment already in the community at contract handover will need to be replaced and this will occur again at the end of the contract period, causing inconvenience to service users and additional cost for the Council and economic operators • The current economic operator holds personal and sensitive data on service users which will need to be transferred to the interim economic operator and transferred again at the end of the contract, increasing the risk of loss or breach of data • Equipment orders are placed through an on-line portal, the new economic operator will be required to provide a similar system and prescribing staff will require training on the new

system, which will take time to complete and bed-in. The urgency (2(c)) has been brought about as a result of the failed procurement which could not have been reasonably foreseen by the Council and the need to ensure provision is maintained until a new contract can be put in place. In accordance with paragraph 5 of Article 32 of Directive 2014/24/EU the new contract will provide identical services to those being delivered by the economic operator under their current contract, which was procured in accordance with Article 26 of Directive 2014/24/EU.

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

The procurement is covered by the Government Procurement Agreement: Yes

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

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

Notice number: [2019/S 049-113377](#)

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

#### **Contract No**

T20913SP

A contract/lot is awarded: Yes

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

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

8 November 2021

##### **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**

Nottingham Rehab Limited t/a NRS Healthcare

Sherwood House, Cartwright Way, Forest Business Park, Bardon Hill

Coalville

LE67 1UB

Country

United Kingdom

NUTS code

- UKF - East Midlands (England)

The contractor/concessionaire is an SME

No

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

Initial estimated total value of the contract/lot/concession: £1,450,000

Lowest offer: £1,450,000 / Highest offer: £1,740,000 taken into consideration

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## **Section VI. Complementary information**

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

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

Legal Services, Torbay Council

Town Hall, Castle Circus

Torquay

TQ1 3DR

Country

United Kingdom