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Contract

## **Electronic Patient Records**

Royal Devon & Exeter NHS Foundation Trust

F20: Modification notice

Notice identifier: 2021/S 000-011301

Procurement identifier (OCID): ocds-h6vhtk-02b397

Published 21 May 2021, 11:35am

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

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

Royal Devon & Exeter NHS Foundation Trust

Royal Devon & Exeter Hospital, Barrack Road

EXETER

EX25DW

#### **Contact**

Francis Gillen

#### **Email**

[francis.gillen1@nhs.net](mailto:francis.gillen1@nhs.net)

#### **Telephone**

+44 1392402606

**Country**

United Kingdom

**NUTS code**

UKK4 - Devon

**Internet address(es)**

Main address

[www.rdehospital.nhs.uk](http://www.rdehospital.nhs.uk)

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## **Section II: Object**

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

#### **II.1.1) Title**

Electronic Patient Records

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

- 48814400 - Clinical information system

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

Supplies

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

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

NUTS codes

- UKK43 - Devon CC

Main site or place of performance

Royal Devon and Exeter NHS Foundation Trust

#### **II.2.4) Description of the procurement at the time of conclusion of the contract:**

Royal Devon and Exeter NHS Foundation Trust undertook a procurement to appoint a supplier for the provision of an electronic patient record, replacement patient administration system and other associated services. Please refer to the original contract notice (reference 2013/S 056-091960) for further details.

#### **II.2.7) Duration of the contract, framework agreement, dynamic purchasing system or concession**

Duration in months

120

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## **Section IV. Procedure**

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

#### **IV.2.1) Contract award notice concerning this contract**

Notice number: [2021/S 098-260095](#)

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

### **Contract No**

RDE/4292

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

#### **V.2.1) Date of conclusion of the contract/concession award decision:**

15 June 2018

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

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

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

Epic Systems Corporation

1979 Milky Way

Verona

53711

Email

[LegalGroupCustomerContracts@epic.com](mailto:LegalGroupCustomerContracts@epic.com)

Country

United States

NUTS code

- US - United States

Internet address

<https://www.epic.com/software>

The contractor/concessionaire is an SME

No

**V.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)**

Total value of the procurement: £43,194,000

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## **Section VI. Complementary information**

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

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

Royal Devon and Exeter NHS Foundation Trust

Barrack Road

EXETER

EX2 5DW

Email

[francis.gillen1@nhs.net](mailto:francis.gillen1@nhs.net)

Telephone

+44 1392402606

Country

United Kingdom

Internet address

[www.rdehospital.nhs.uk](http://www.rdehospital.nhs.uk)

#### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

Part 3 of the Public Contracts Regulations 2015 provides for aggrieved parties who have been harmed or are at risk of harm by a breach of the Regulations to take legal action. Any such action must be started in the High Court within the applicable limitation period set out in Part 3.

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## **Section VII: Modifications to the contract/concession**

### **VII.1) Description of the procurement after the modifications**

#### **VII.1.1) Main CPV code**

- 48814400 - Clinical information system

#### **VII.1.3) Place of performance**

NUTS code

- UKK43 - Devon CC

Main site or place of performance

Royal Devon and Exeter NHS Foundation Trust and Northern Devon Healthcare Trust.

#### **VII.1.4) Description of the procurement:**

Provision of an electronic patient record, replacement patient administration system and other associated services.

#### **VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession**

Duration in months

120

#### **VII.1.6) Information on value of the contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession:

£56,883,480

#### **VII.1.7) Name and address of the contractor/concessionaire**

EPIC Systems Corporation

1979 Milky Way

Verona

53711

Email

[LegalGroupCustomerContracts@epic.com](mailto:LegalGroupCustomerContracts@epic.com)

Country

United States

NUTS code

- US - United States

Internet address

<https://www.epic.com/software>

The contractor/concessionaire is an SME

No

## **VII.2) Information about modifications**

### **VII.2.1) Description of the modifications**

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

As Royal Devon and Exeter NHS Trust (RD&E) and Northern Devon Healthcare Trust (NDHT) are in the process of completing a merger such that NDHT's operations are merged into RD&E's or NDHT becomes an 'affiliate' of RD&E, the modification is required to extend use of Epic's software under the contract to NDHT which increases the licensed volumes for the software. Epic shall provide associated implementation and training services in respect of the software to NDHT. RD&E will act as a pass-through agent for the contractual charges incurred under the modification for NDHT.

### **VII.2.2) Reasons for modification**

Need for additional works, services or supplies by the original contractor/concessionaire.



Description of the economic or technical reasons and the inconvenience or duplication of cost preventing a change of contractor:

Part of the extra licences needed for NDHT are available for RD&E's 'affiliate users' under the original contract and according to Reg 72(1)(a). For licences above the original contract and associated services, RD&E is modifying the contract under Reg 72(1)(b) because a change of contractor would (1) prevent interoperability and (2) would cause significant inconvenience or substantial duplication of costs. Epic is providing all existing licences to RD&E and a proportion of the licences to NDHT under the original contract, so another supplier could not feasibly deliver solely the additional licences above the permitted volumes. Further, since Epic will be providing the underlying licences, it has the expertise and knowledge to deliver the associated services including trained people and intellectual property rights. The forthcoming merger needs common clinical systems which would be disrupted by another supplier. The value of the modification is less than 50% of the original contract.

### **VII.2.3) Increase in price**

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptations and average inflation)

Value excluding VAT: £43,884,000

Total contract value after the modifications

Value excluding VAT: £56,883,480