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Award

## **Residential Short Breaks Service for Children and Young People**

NHS Black Country Integrated Care Board

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-014503

Procurement identifier (OCID): ocids-h6vhtk-045791

Published 7 May 2024, 1:11pm

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

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

NHS Black Country Integrated Care Board

Wolverhampton

WV1 1SH

#### **Contact**

Kimberley Walker

#### **Email**

[kimberley.walker13@nhs.net](mailto:kimberley.walker13@nhs.net)

#### **Country**

United Kingdom

#### **Region code**

UKG36 - Dudley

## **NHS Organisation Data Service**

D2P2L

### **Internet address(es)**

Main address

<https://www.blackcountry.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**

Residential Short Breaks Service for Children and Young People

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

- 85000000 - Health and social work services

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

Services

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

Delivery of a Residential Short Breaks Service for the Borough of Dudley

#### **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: £3,940,200

## **II.2) Description**

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

NUTS codes

- UKG36 - Dudley

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

It is the intention of the NHS Black Country Integrated Care Board (the ICB) to award a contract, without prior publication of a contract notice, to continue the delivery of a Residential Short Breaks Service for the Borough of Dudley to Progress Care, the existing service provider. The contract will be entered with Progress Care following a period of 10 days from the date of publication of this notice.

The award of this contract is being made under Regulation 32(2)(b)(ii) (i.e., competition is absent for technical reasons).

If steps are taken during the above-mentioned 10 day period to suggest that there may be a formal legal challenge to this award, or the ICB determines an issue/concern with the process or preferred submission, then the contract award may be suspended until the matter is resolved (or not concluded if the matter cannot be resolved).

Subject to no legal challenge being received, the ICB intends to execute the Contract at the conclusion of the above-mentioned 10 day period on Monday 20th May 2024.

A contract will be entered into with Progress Care for 3 Years with an option to extend for a further 24 months. This contract period would provide greater stability for children, young people, and their families. Progress Care has provided the relevant service for 9 years and have established an effective and productive working relationship.

After careful consideration, to minimise the risk of disruption to children, young people and their families, and to ensure continuity of service and support for families, the ICB wishes to award a contract to Progress Care, on the basis that: -

- a) The ICB is satisfied with the contractual performance of Progress Care as the existing service provider.
- b) The ICB and its partner, Dudley Metropolitan Borough Council, have established an effective, flexible and productive service delivery arrangement with Progress Care. Progress Care has also established an effective relationship with its service users, their families and the 5 local Special Schools

- c) Progress Care has ensured that the voice of children and young people is heard appropriately and reflected in service delivery.
- d) Progress Care has trained staff appropriately to manage the medical needs of service users, to the extent that, in the event of staff absence, these needs can still be met, and service resilience maintained.
- e) Progress Care has provided innovative solutions to the specific care needs of individuals, making use of its knowledge of each service user and other resources at its disposal across its service portfolio.
- f) The ICB is satisfied with the location of the existing service, its proximity to existing service users, their schools, and their families.
- g) The ICB believes that a change of service provider, any consequential change to the location of service provision, and any change to established transportation arrangements, may be detrimental to the health and wellbeing of vulnerable children and young people with complex health and care needs and their families.
- h) The ICB believes the market of alternative providers to be limited. Intelligence from attempts to identify other service providers to support the emergency provision of short breaks have proven to be extremely challenging and, on most occasions, have resulted in no locally accessible placements being sourced. A market engagement exercise resulted in limited engagement from other providers and a lack of confidence in other providers bidding for the service. It is considered that a competitive process will result in only one bid or no bids from the market which would leave the service at risk.
- i) For the reasons described above it is in the public interest to award the contract.

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

Options: Yes

Description of options

The Contracting Authority has included an option to extend for a further 24 months, which will be executed at their sole discretion

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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:

It is the intention of the NHS Black Country Integrated Care Board (the ICB) to award a contract, without prior publication of a contract notice, to continue the delivery of a Residential Short Breaks Service for the Borough of Dudley to Progress Care, the existing service provider. The contract will be entered with Progress Care following a period of 10 days from the date of publication of this notice.

The award of this contract is being made under Regulation 32(2)(b)(ii) (i.e., competition is absent for technical reasons).

If steps are taken during the above-mentioned 10 day period to suggest that there may be a formal legal challenge to this award, or the ICB determines an issue/concern with the process or preferred submission, then the contract award may be suspended until the matter is resolved (or not concluded if the matter cannot be resolved).

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A contract will be entered into with Progress Care for 3 Years with an option to extend for a further 24 months. This contract period would provide greater stability for children, young people, and their families. Progress Care has provided the relevant service for 9 years and have established an effective and productive working relationship.

After careful consideration, to minimise the risk of disruption to children, young people and their families, and to ensure continuity of service and support for families, the ICB wishes to award a contract to Progress Care, on the basis that: -

- a) The ICB is satisfied with the contractual performance of Progress Care as the existing service provider.

- b) The ICB and its partner, Dudley Metropolitan Borough Council, have established an effective, flexible and productive service delivery arrangement with Progress Care. Progress Care has also established an effective relationship with its service users, their families and the 5 local Special Schools
- c) Progress Care has ensured that the voice of children and young people is heard appropriately and reflected in service delivery.
- d) Progress Care has trained staff appropriately to manage the medical needs of service users, to the extent that, in the event of staff absence, these needs can still be met, and service resilience maintained.
- e) Progress Care has provided innovative solutions to the specific care needs of individuals, making use of its knowledge of each service user and other resources at its disposal across its service portfolio.
- f) The ICB is satisfied with the location of the existing service, its proximity to existing service users, their schools, and their families.
- g) The ICB believes that a change of service provider, any consequential change to the location of service provision, and any change to established transportation arrangements, may be detrimental to the health and wellbeing of vulnerable children and young people with complex health and care needs and their families.
- h) The ICB believes the market of alternative providers to be limited. Intelligence from attempts to identify other service providers to support the emergency provision of short breaks have proven to be extremely challenging and, on most occasions, have resulted in no locally accessible placements being sourced. A market engagement exercise resulted in limited engagement from other providers and a lack of confidence in other providers bidding for the service. It is considered that a competitive process will result in only one bid or no bids from the market which would leave the service at risk.
- i) For the reasons described above it is in the public interest to award the contract.

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

The procurement is covered by the Government Procurement Agreement: Yes

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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**

3 May 2024

#### **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**

Progress Care Solutions

Wolverhampton

WV4 6JG

Country

United Kingdom

NUTS code

- UKG36 - Dudley

Companies House

06805071

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: £3,940,200

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## **Section VI. Complementary information**

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

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

The High Courts

London

WC2A 2LL

Country

United Kingdom