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Tender

Integrated Health and Wellbeing Services to Prisons in the South West region

The NHS Commissioning Board operating as NHS England

F21: Social and other specific services – public contracts

Contract notice

Notice identifier: 2021/S 000-015894

Procurement identifier (OCID): ocids-h6vhtk-028eb1

Published 8 July 2021, 2:09pm

Section I: Contracting authority

I.1) Name and addresses

The NHS Commissioning Board operating as NHS England

South Plaza, Marlborough Street

BRISTOL

BS13NX

Contact

Alexandra Searle

Email

scwcsu.procurement@nhs.net

Country

United Kingdom

NUTS code

UKK - South West (England)

Internet address(es)

Main address

<https://in-tendhost.co.uk/scwcsu.aspx/Home>

I.3) Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at

<https://in-tendhost.co.uk/scwcsu.aspx/Home>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://in-tendhost.co.uk/scwcsu.aspx/Home>

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Health

Section II: Object**II.1) Scope of the procurement****II.1.1) Title**

Integrated Health and Wellbeing Services to Prisons in the South West region

Reference number

WA10872/1

II.1.2) Main CPV code

- 85000000 - Health and social work services

II.1.3) Type of contract

Services

II.1.4) Short description

NHS England and NHS Improvement (NHSE/I) are recommissioning health and wellbeing services to prisons across the South West region. NHSE/I are seeking to secure Prime Provider(s) who have the capability and capacity to deliver services in line with the specified requirements.

There are 11 establishments across the South West, separated in to four lots. A single contract will be available for award to a Prime Provider for each lot.

The Contracts will be for a term of 7 years, with no extension options. Services are scheduled to commence on 1st October 2022.

1. Bristol, South Gloucestershire and Wiltshire (BSGW) prisons:

- HMP Bristol (Cat B)
- HMP Ashfield (Cat C)
- HMP Erlestoke (Cat C)
- HMP Leyhill (Cat D)

2. Female closed prison: HMP Eastwood Park

3. Dorset prisons

- HMP Guys Marsh (Cat C)
- HMP Portland (Cat C)
- HMP The Verne (Cat C)

4. Devon prisons

- HMP Exeter (Cat B)

- HMP Channings Wood (Cat C)
- HMP Dartmoor (Cat C)

Social Care

Provision of social care varies across the prisons.

Where social care is in scope, a draft specification is available. There may be some minor changes to the specification(s) and the precise financial arrangements during the tender process. Unless advised otherwise, Bidders will be asked to design their delivery model using the published specification(s) and against the indicative values provided.

Where social care is not currently part of the delivery model at this stage, for certain prisons, the Commissioner hopes to move to a fully integrated service, either during the tender process or during the life of the contract, subject to emerging demand at that stage.

Any updates or changes in relation to social care across any of the prisons, will either be communicated during the tender process, or will be managed through contract variation processes during the life of the contract.

Dentistry

Dental service provision is within scope and will be delivered via a dental provider operating under a Personal Dental Services (PDS) contract issued by NHSE/I. If the prime provider is unable to hold a PDS contract directly, a further tripartite agreement will be required between NHSE/I, the prime provider and the prime provider's dental services provider. Payments for dentistry will be made directly to the dental services provider on a fixed cost 'zero Units of Dental Activity (UDA) value' basis by NHSE/I but accountability for the management of the dental service will remain with the prime provider.

Financial envelopes

The maximum whole life combined contract value available for all lots is £273,134,000.

This value includes indicative social care values where applicable.

This value includes mobilisation funding, which is available in Year 1 if required. Bidders wishing to receive mobilisation funding will be required to describe their anticipated costs; however, this element will not be taken into account in the financial scoring.

This value also includes a "Provider Improvement Fund" for Years 2 to 7. This fund will be retained by the Commissioner and aims to enable flexibility of funding for multi-

establishment initiatives. The successful provider(s) will need to work with the Commissioner on an initiative-by-initiative basis to access this funding.

Change

There is a national prison expansion programme taking place to increase the number of available places in prison, and it is anticipated that there will be operational capacity changes across the South West prison estate.

The contract envelope is based on current operational capacity figures and the successful provider(s) will be required to work with commissioners to address any changes that happen.

This, along with other changes resulting from reconfiguration, e.g. flow of people, resettlement and prisoner populations, and aging populations, will need to be accounted for in the delivery of healthcare services.

Changes to prison population(s) will be managed through contract variation processes.

II.1.5) Estimated total value

Value excluding VAT: £273,134,000

II.1.6) Information about lots

This contract is divided into lots: Yes

Tenders may be submitted for all lots

II.2) Description

II.2.1) Title

Bristol, South Gloucestershire and Wiltshire (BSGW) Prisons

Lot No

1

II.2.2) Additional CPV code(s)

- 85000000 - Health and social work services

II.2.3) Place of performance

NUTS codes

- UKK1 - Gloucestershire, Wiltshire and Bristol/Bath area

II.2.4) Description of the procurement

NHS England and NHS Improvement South West (the Commissioner) seeks to commission a prime provider model, for the provision of Integrated Health and Wellbeing Services to the following prisons in Bristol, South Gloucestershire and Wiltshire (BSGW):

- HMP Bristol (Cat B)
- HMP Ashfield (Cat C)
- HMP Erlestoke (Cat C)
- HMP Leyhill (Cat D)

NHS England will hold a contract with the prime provider, who in turn can directly provide care and/or subcontract care to other specialist providers.

This service will be commissioned as part of the overall Offender Health pathway and as such this model will ensure an integrated, recovery orientated service delivery system both within the prisons and onwards into the community.

Patients within secure settings should receive the same quality and access of healthcare as those people in the community, both in terms of the range of interventions available to them which meet their needs, and the quality and standards of those interventions.

Taking into account the substantial health inequalities faced by most, if not all people within secure settings, it is imperative that the healthcare service takes bold and innovative steps to improve the health of the most vulnerable and reduce health inequalities.

The integrated service will include the following delivery areas:

- Primary healthcare (GP and nursing)
- Mental health and wellbeing
- Integrated substance misuse
- Learning disability/neurodiversity

- Pharmacy
- Social care*
- Long term conditions
- Dentistry
- Optometry and audiology
- End of life care
- Sexual health
- Health promotion
- Screening and immunisations
- Therapies (pain management/physio/podiatry etc.)
- Statutory advocacy provision (IMCA and Care Act)

*Social care

HMP Bristol - The need for social care at Bristol is anticipated to increase throughout the life of the contract. Although social care is not part of the specification at this stage, both NHSE/I and Bristol City Council hope to move towards a fully integrated service, either during the tender process or at some point during the life of the contract, subject to emerging demand at that stage. The provider of healthcare at Bristol will be expected to enter into contract discussions with Bristol City Council and NHSE/I to achieve this at the earliest possible stage.

HMP Ashfield - Social care is not part of the services to be provided at HMP Ashfield, however, there will need to be very close liaison with South Gloucestershire Council and the provider of social care.

HMP Erlestoke - The need for social care at Erlestoke is anticipated to increase throughout the life of the contract. Social care is not part of the specification at this stage, however, both NHSE/I and Wiltshire Council hope to move to a fully integrated service during the life of the contract, subject to emerging demand at that stage. The provider of healthcare at Erlestoke will be expected to enter into contract discussions with Wiltshire Council and NHSE/I to achieve this at the earliest possible stage.

HMP Leyhill - Social care is not part of the services to be provided at HMP Leyhill,

however, there will need to be very close liaison with South Gloucestershire Council and the provider of social care.

Any updates or changes in relation to social care across any of the prisons within this lot, will either be communicated during the tender process, or will be managed through contract variation processes during the life of the contract.

The key priorities and objectives of service delivery over the life of the contract are as follows:

- Reduce incidents of self-harm and self-inflicted deaths
- Work together to improve the physical and mental health and wellbeing of our population
- Promote self-management and ownership of health, including for people with long term conditions
- Reducing health inequality
- Equipping people to stop reoffending

Delivery principles

In order to meet the above objectives, all services must be provided in adherence to the following delivery principles:

- Bespoke to the needs of each of the prisons within this lot
- Psychologically informed
- Embedded in and contributing to the developing culture within the prison
- No threshold' access to psychological support
- Continuous improvement, commitment to adapt to change
- Building and maintaining excellent relationships
- Focus on workforce

There is a separate integrated health and wellbeing services specification for each prison within this lot.

Within each of these specifications the following national specifications are embedded:

- Primary care services
- Mental health services
- Substance misuse services
- Dental services
- Public Health Services

The contract is due to commence on 1st October 2022, and the contract duration will be for a fixed term of 7 years.

The maximum whole-life contract value available is £81,014,000

This value includes indicative funding for social care (as required), maximum mobilisation funding available in Year 1 and maximum Provider Improvement Funds available for Years 2 to 7.

Further information in relation to finances is available within the Invitation to Tender (ITT) and the Financial Model Template (FMT) documents.

II.2.6) Estimated value

Value excluding VAT: £81,014,000

II.2.7) Duration of the contract or the framework agreement

Duration in months

84

II.2.14) Additional information

The services are healthcare services falling within Schedule 3 to the Public Contracts Regulations 2015 ("the Regulations") which are not subject to the full regime of the Regulations, but is instead governed by the "Light Touch Regime" contained within Chapter 3, Section 7 of the Regulations (Regulations 74 to 77).

II.2) Description

II.2.1) Title

HMP Eastwood Park

Lot No

2

II.2.2) Additional CPV code(s)

- 85000000 - Health and social work services

II.2.3) Place of performance

NUTS codes

- UKK1 - Gloucestershire, Wiltshire and Bristol/Bath area

II.2.4) Description of the procurement

NHS England and NHS Improvement South West (the Commissioner) seeks to commission a prime provider model, for the provision of Integrated Health and Wellbeing Services to the following prison located in Gloucestershire:

- HMP Eastwood Park (female closed prison)

NHS England will hold a contract with the prime provider, who in turn can directly provide care and/or subcontract care to other specialist providers.

This service will be commissioned as part of the overall Offender Health pathway and as such this model will ensure an integrated, recovery orientated service delivery system both within the prisons and onwards into the community.

Patients within secure settings should receive the same quality and access of healthcare as those people in the community - both in terms of the range of interventions available to them which meet their needs, and the quality and standards of those interventions.

Taking into account the substantial health inequalities faced by most, if not all, people within secure settings, it is imperative that the healthcare service takes bold and innovative steps to improve the health of the most vulnerable and reduce health inequalities.

The integrated service will include the following delivery areas:

- Primary healthcare (GP and nursing)
- Mental health and wellbeing

- Integrated substance misuse
- Learning disability/neurodiversity
- Pharmacy
- Social care*
- Long term conditions
- Dentistry
- Optometry and audiology
- End of life care
- Sexual health
- Health promotion
- Screening and immunisations
- Therapies (pain management/physio/podiatry etc.)
- Statutory advocacy provision (IMCA and Care Act)

*Social care

Social care is not directly the responsibility of the healthcare provider at HMP Eastwood Park; however, there will need to be very close liaison with South Gloucestershire Council and the provider of social care.

Any updates or changes in relation to social care at Eastwood Park, will either be communicated during the tender process, or will be managed through contract variation processes during the life of the contract.

The key priorities and objectives of service delivery over the life of the contract are as follows:

- Reduce incidents of self-harm and self-inflicted deaths
- Work together to improve the physical and mental health and wellbeing of our population

- Promote self-management and ownership of health, including for people with long term conditions
- Reducing health inequality
- Equipping people to stop reoffending

Delivery principles

In order to meet the above objectives, all services must be provided in adherence to the following delivery principles:

- Bespoke to the needs of each of the prisons within this lot
- Psychologically informed
- Embedded in and contributing to the developing culture within the prison
- No threshold' access to psychological support
- Continuous improvement, commitment to adapt to change
- Building and maintaining excellent relationships
- Focus on workforce

There is a separate integrated health and wellbeing services specification for HMP Eastwood Park.

Within the specification, the following national specifications are embedded:

- Primary care services
- Mental health services
- Substance misuse services
- Dental services
- Public Health Services

The contract is due to commence on 1st October 2022, and the contract duration will be for a fixed term of 7 years.

The maximum whole-life contract value available is £41,552,000

This value includes maximum mobilisation funding available in Year 1 and maximum Provider Improvement Funds available for Years 2 to 7.

Further information in relation to finances is available within the Invitation to Tender (ITT) and the Financial Model Template (FMT) document.

II.2.6) Estimated value

Value excluding VAT: £41,552,000

II.2.7) Duration of the contract or the framework agreement

Duration in months

84

II.2.14) Additional information

The services are healthcare services falling within Schedule 3 to the Public Contracts Regulations 2015 ("the Regulations") which are not subject to the full regime of the Regulations, but is instead governed by the "Light Touch Regime" contained within Chapter 3, Section 7 of the Regulations (Regulations 74 to 77).

II.2) Description

II.2.1) Title

Dorset Prisons

Lot No

3

II.2.2) Additional CPV code(s)

- 85000000 - Health and social work services

II.2.3) Place of performance

NUTS codes

- UKK25 - Dorset

II.2.4) Description of the procurement

NHS England and NHS Improvement South West (the Commissioner) seeks to commission a prime provider model, for the provision of Integrated Health and Wellbeing Services to the following prisons in Dorset:

- HMP Guys Marsh (Cat C)
- HMP Portland (Cat C)
- HMP The Verne (Cat C)

NHS England will hold a contract with the prime provider, who in turn can directly provide care and/or subcontract care to other specialist providers.

This service will be commissioned as part of the overall Offender Health pathway and as such this model will ensure an integrated, recovery orientated service delivery system both within the prisons and onwards into the community.

Patients within secure settings should receive the same quality and access of healthcare as those people in the community - both in terms of the range of interventions available to them which meet their needs, and the quality and standards of those interventions.

Taking into account the substantial health inequalities faced by most, if not all, people within secure settings, it is imperative that the healthcare service takes bold and innovative steps to improve the health of the most vulnerable and reduce health inequalities.

The integrated service will include the following delivery areas:

- Primary healthcare (GP and nursing)
- Mental health and wellbeing
- Integrated substance misuse
- Learning disability/neurodiversity
- Pharmacy
- Social care*
- Long term conditions
- Dentistry

- Optometry and audiology
- End of life care
- Sexual health
- Health promotion
- Screening and immunisations
- Therapies (pain management/physio/podiatry etc.)
- Statutory advocacy provision (IMCA and Care Act)

*Social care

Social care at all three prisons within the Dorset lot, will be provided as part of the integrated health, wellbeing and social care services. This service is jointly commissioned by NHSE/I and Dorset Council. A specification is available; there may be some minor changes to the specification and the precise financial arrangements during the tender process. Unless advised otherwise, Bidders will be asked to design their delivery model using the published specification(s) and against the indicative values provided.

The key priorities and objectives of service delivery over the life of the contract are as follows:

- Reduce incidents of self-harm and self-inflicted deaths
- Work together to improve the physical and mental health and wellbeing of our population
- Promote self-management and ownership of health, including for people with long term conditions
- Reducing health inequality
- Equipping people to stop reoffending

Delivery principles

In order to meet the above objectives, all services must be provided in adherence to the following delivery principles:

- Bespoke to the needs of each of the prisons within this lot

- Psychologically informed
- Embedded in and contributing to the developing culture within the prison
- No threshold' access to psychological support
- Continuous improvement, commitment to adapt to change
- Building and maintaining excellent relationships
- Focus on workforce

There is a separate integrated health and wellbeing services specification for each prison within this lot.

Within each of these specifications the following national specifications are embedded:

- Primary care services
- Mental health services
- Substance misuse services
- Dental services
- Public Health Services

The contract is due to commence on 1st October 2022, and the contract duration will be for a fixed term of 7 years.

The maximum whole-life contract value available is £61,923,000

This value includes indicative funding for social care, maximum mobilisation funding available in Year 1 and maximum Provider Improvement Funds available for Years 2 to 7.

Further information in relation to finances is available within the Invitation to Tender (ITT) and the Financial Model Template (FMT) documents.

II.2.6) Estimated value

Value excluding VAT: £61,923,000

II.2.7) Duration of the contract or the framework agreement

Duration in months

84

II.2.14) Additional information

The services are healthcare services falling within Schedule 3 to the Public Contracts Regulations 2015 ("the Regulations") which are not subject to the full regime of the Regulations, but is instead governed by the "Light Touch Regime" contained within Chapter 3, Section 7 of the Regulations (Regulations 74 to 77).

II.2) Description

II.2.1) Title

Devon Prisons

Lot No

4

II.2.2) Additional CPV code(s)

- 85000000 - Health and social work services

II.2.3) Place of performance

NUTS codes

- UKK4 - Devon

II.2.4) Description of the procurement

NHS England and NHS Improvement South West (the Commissioner) seeks to commission a prime provider model, for the provision of Integrated Health and Wellbeing Services to the following prisons in Devon:

- HMP Exeter (Cat B)
- HMP Channings Wood (Cat C)
- HMP Dartmoor (Cat C)

NHS England will hold a contract with the prime provider, who in turn can directly provide care and/or subcontract care to other specialist providers.

This service will be commissioned as part of the overall Offender Health pathway and as such this model will ensure an integrated, recovery orientated service delivery system both within the prisons and onwards into the community.

Patients within secure settings should receive the same quality and access of healthcare as those people in the community - both in terms of the range of interventions available to them which meet their needs, and the quality and standards of those interventions.

Taking into account the substantial health inequalities faced by most, if not all, people within secure settings, it is imperative that the healthcare service takes bold and innovative steps to improve the health of the most vulnerable and reduce health inequalities.

The integrated service will include the following delivery areas:

- Primary healthcare (GP and nursing)
- Mental health and wellbeing
- Integrated substance misuse
- Learning disability/neurodiversity
- Pharmacy
- Social care*
- Long term conditions
- Dentistry
- Optometry and audiology
- End of life care
- Sexual health
- Health promotion
- Screening and immunisations
- Therapies (pain management/physio/podiatry etc.)
- Statutory advocacy provision (IMCA and Care Act)

*Social care

Social care at all three prisons within the Devon lot, will be provided as part of the integrated health, wellbeing and social care services. This service is jointly commissioned by NHSE/I and Devon Council. A draft specification is available; the final specification and precise financial arrangements will be shared during the tender process. Although this is subject to change, it reflects the current position that bidders should develop into their delivery model.

The key priorities and objectives of service delivery over the life of the contract are as follows:

- Reduce incidents of self-harm and self-inflicted deaths
- Work together to improve the physical and mental health and wellbeing of our population
- Promote self-management and ownership of health, including for people with long term conditions
- Reducing health inequality
- Equipping people to stop reoffending

Delivery principles

In order to meet the above objectives, all services must be provided in adherence to the following delivery principles:

- Bespoke to the needs of each of the prisons within this lot
- Psychologically informed
- Embedded in and contributing to the developing culture within the prison
- No threshold' access to psychological support
- Continuous improvement, commitment to adapt to change
- Building and maintaining excellent relationships
- Focus on workforce

There is a separate integrated health and wellbeing services specification for each prison

within this lot.

Within each of these specifications the following national specifications are embedded:

- Primary care services
- Mental health services
- Substance misuse services
- Dental services
- Public Health Services

The contract is due to commence on 1st October 2022, and the contract duration will be for a fixed term of 7 years.

The maximum whole-life contract value available is £88,645,000

This value includes indicative funding for social care, maximum mobilisation funding available in Year 1 and maximum Provider Improvement Funds available for Years 2 to 7.

Further information in relation to finances is available within the Invitation to Tender (ITT) and the Financial Model Template (FMT) documents.

II.2.6) Estimated value

Value excluding VAT: £88,645,000

II.2.7) Duration of the contract or the framework agreement

Duration in months

84

II.2.14) Additional information

The services are healthcare services falling within Schedule 3 to the Public Contracts Regulations 2015 ("the Regulations") which are not subject to the full regime of the Regulations, but is instead governed by the "Light Touch Regime" contained within Chapter 3, Section 7 of the Regulations (Regulations 74 to 77).

Section III. Legal, economic, financial and technical information

III.1) Conditions for participation

III.1.4) Objective rules and criteria for participation

List and brief description of rules and criteria

Bidders must meet the criteria as detailed in the Invitation to Tender document. Bidders are required to pass the Selection Questionnaire, Compliance section of the main ITT and several qualitative and financial criteria.

Section IV. Procedure

IV.1) Description

IV.1.11) Main features of the award procedure

This procurement is following a competitive process.

The bid submission stage of the procurement process will be split into two phases (Outline Bid then Final Bid).

The Outline Bid submission will include the Selection Questionnaire (SQ), plus selected key quality criteria.

The deadline for outline bids is 3rd September, 12:00 noon.

The Commissioner reserves the right to incorporate further clarification into the Outline Bid phase if they deem it necessary.

Once the Outline Bid phase has completed, Bidders will then be invited to submit a Final Bid response, taking into account both feedback provided by the Commissioner and any revised/supplementary information issued. Bidders must pass all Selection Questionnaire elements in order to progress to the Final Bid stage. Only those who have submitted Outline Bids will be eligible to bid at Final Bid phase.

The deadline for final bids is 6th December, 12:00 noon.

Contracts will be awarded on the basis of the most economically advantageous tender for each lot, from the Final Bid phase, as defined in the ITT document.

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

Notice number: [2021/S 000-001883](#)

IV.2.2) Time limit for receipt of tenders or requests to participate

Date

3 September 2021

Local time

12:00pm

IV.2.4) Languages in which tenders or requests to participate may be submitted

English

Section VI. Complementary information

VI.3) Additional information

Bidders' attention is drawn to the fact there are site visits available to all establishments over the coming weeks, commencing on Monday 12th July 2021.

For details, please see section A.10 'Prison Site Visits', of the ITT document, along with Annex 5 and 6.

Please notify SCW Procurement team as soon as possible if you wish to attend any of the site visits by completing the Attendee Details form - found at Annex 5.

Due to restrictions on number of attendees and Covid-19 measures, site visits are only available for Prime Providers - i.e. those who will be bidding for the fully integrated health care services, delivering the core provision and thus contract holder overall; subcontractor organisations are unable to attend.

The commissioner reserves the right to cancel site visits at any time in the event there is a Covid-19 outbreak at any of the establishments.

Attendees will be required to complete a Wellness Screening Checklist form (found at Annex 6) and return two working days prior to each site visit. Other requirements must be adhered to, for example, the need to undertake a lateral flow test.

Interested providers will be able to view this notice via the 'current tenders' list on the e-procurement system In-Tend, available on the following link: <https://in-tendhost.co.uk/scwcsu/asp/Home>

In order to submit a bid, you will need to be registered on the e-procurement system and 'express an interest', and then complete a response as specified within the procurement documents.

On registration, please include at least two contacts to allow for access to the system in times of absence.

The services are healthcare services falling within Schedule 3 to the Public Contracts Regulations 2015 ("the Regulations") which are not subject to the full regime of the Regulations, but is instead governed by the "Light Touch Regime" contained within Chapter 3, Section 7 of the Regulations (Regulations 74 to 77).

The tendering process will be conducted in accordance with the requirements and flexibilities provided by Articles 74 to 76 of the Directive, and Regulations 74 to 76 of the

Regulations. The Authority will run a transparent tender process, treating all Bidders equally. For the avoidance of doubt, the Authority will not be bound by the Regulations or any other regulations or legislation except for the specific parts or circumstances that apply to the procurement of these Services.

Neither the inclusion of a Bidder selection stage, nor the use of any language or terms found in the Directive or Regulations, nor the description of the procedure voluntarily adopted by the Authority ("Open", "Restricted", "Competitive Procedure with Negotiation", "Competitive Dialogue" or any other description), nor any other indication, shall be taken to mean that the Authority intends to hold itself bound by the Directive or Regulations, save by the provisions applicable to services coming within the scope of Annex XIV of the Directive / Schedule 3 of the Regulations.

The Contracting Authority intends to voluntarily observe the award decision notices provisions and 10 day standstill period described in Regulation 86 of the Regulations. Unsuccessful Bidders will receive scores and reasons for the decision, including the characteristics and relative advantages of the winning bid and the reasons why the Bidder/application was unsuccessful. Deadline for lodging of appeals should be in accordance with Regulation 87 and Regulation 91 of the Regulations.

This procurement is being carried out by NHS South, Central and West Commissioning Support Unit (SCW) on behalf of the Commissioners.

VI.4) Procedures for review

VI.4.1) Review body

High Court in London

London

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

As described in VI.3, deadline for lodging of appeals should be in accordance with Regulation 87 and Regulation 91 of the 2015 Regulations.