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Contract

## **Mid and South Essex Breathlessness and Diagnostic Hubs**

NHS Mid Essex Clinical Commissioning Group

F20: Modification notice

Notice identifier: 2022/S 000-015911

Procurement identifier (OCID): ocds-h6vhtk-02fdb7

Published 9 June 2022, 4:01pm

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

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

NHS Mid Essex Clinical Commissioning Group

Wren House, Colchester Road

Chelmsford

CM2 5PF

#### **Contact**

NHS Mid Essex Clinical Commissioning Gro

#### **Email**

[amy.wilson@attain.co.uk](mailto:amy.wilson@attain.co.uk)

#### **Country**

United Kingdom

#### **NUTS code**

UKH3 - Essex

**Internet address(es)**

Main address

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

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**Section II: Object**

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

**II.1.1) Title**

Mid and South Essex Breathlessness and Diagnostic Hubs

Reference number

ACE-0523-2021-ALC

**II.1.2) Main CPV code**

- 85100000 - Health services

**II.1.3) Type of contract**

Services

**II.2) Description**

**II.2.1) Title**

Mid and South Essex Breathlessness and Diagnostic Hubs

**II.2.3) Place of performance**

NUTS codes

- UKH3 - Essex

Main site or place of performance

Mid Essex, Basildon and Brentwood, Thurrock, Southend-on Sea and Castle Point and Rochford

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

The participating Contracting Authorities associated with this Modification Notice are NHS Mid Essex Clinical Commissioning Group (CCG), NHS Basildon and Brentwood CCG, NHS Castle Point and Rochford CCG, NHS Southend CCG, NHS Thurrock CCG (herein referred to as the 'Authority').

The Authority awarded a contract to Provide CIC for provision of Community Services from 1st April 2019 - 31st March 2024 at an aggregate value of £192,938,471 over the 5 year term.

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

Duration in months

60

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

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

Notice number: [2021/S 000-030272](#)

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

### **Contract No**

Mid and South Essex Community Services

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

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

1 April 2019

#### **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**

Provide CIC

900 The Crescent Colchester Business Park

Colchester

CO4 9YQ

Country

United Kingdom

NUTS code

- UKH3 - Essex

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: £192,938,471

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## Section VI. Complementary information

### VI.3) Additional information

The Contracting Authorities participating in the publication of this Modification Notice communicated herein are:

NHS Mid Essex Clinical Commissioning Group

Wren House, Colchester Road

Chelmsford

CM2 5PF

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

NHS Basildon & Brentwood Clinical Commissioning Group

Phoenix House, Christopher Martin Road, Basildon , SS14 3HG

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

NHS Castle Point and Rochford Clinical Commissioning Group

Pearl House, 12 Castle Road, Rayleigh. SS6 7QF

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

NHS Southend Clinical Commissioning Group

6th Floor, Civic Centre, Victoria Avenue, Southend-on-Sea, SS1 9SB

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

NHS Thurrock Clinical Commissioning Group

Civic Offices 2nd Floor, New Road, Grays. RM17 6SL

<https://www.thurrockccg.nhs.uk/>

The Service to which this procurement relates fall within Schedule 3 of the Public Contracts Regulations 2015 as amended by as amended by The Public Procurement

(Amendment etc.) (EU Exit) Regulations 2020, (the "Regulations"). As such, the Contracting Authority does not intend to hold itself bound by any of the Regulations, save those applicable to Schedule 3 Services.

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

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

High Court of Justice of England and Wales

Strand

London

WC2A 2LL

Country

United Kingdom

##### **VI.4.4) Service from which information about the review procedure may be obtained**

NHS Mid Essex Clinical Commissioning Group

Wren House, Colchester Road

Chelmsford

CM2 5PF

Email

[amy.wilson@attain.co.uk](mailto:amy.wilson@attain.co.uk)

Country

United Kingdom

Internet address

<https://www.midessexccg.nhs.uk/>

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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**

- 85100000 - Health services

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

NUTS code

- UKH3 - Essex

Main site or place of performance

Mid Essex, Basildon and Brentwood, Thurrock, Southend-on Sea and Castle Point and Rochford

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

The Authority has taken a decision to vary its existing contract with Provide CIC for provision of Community Health Services, from 1st April 2022, to include the Breathlessness and Diagnostic (B&D) Hubs, covering the population of Mid & South Essex, for the remaining term of two years, until 31st March 2024.

The initial contract term awarded pertaining to B&D Hubs was for 4 months only, from 1st December 2021 - 31st March 2022, at an aggregate value of £412,558. This was advertised via a Contract Award Notice published in Contracts Finder on 6 December 2021. Additionally a VEAT (2021/S 000-030272) was published to cover the Authorities intention to put forward a business case to extend the model of care beyond the 4 month period and as such, to clearly indicate to the market an intention to award a contract for a period of up to a total of 12 months, from 1st December 2021 – 30th November 2022. The aggregate contract value was originally forecasted at £990,138, over the 12 month term.

However, since then the CCG has worked closely with the Provider and identified several additional costs that were not accounted for in the original contract value published and have negotiated some changes in scope of delivery including additional workforce as well as agreeing the service to continue to be provided until 31st March 2024, instead of 30th November 2022. At time of publication, the aggregated contract value associated with the scope of services (pertaining to the element of the contract being modified), based on the period 1st December 2021 - 31st March 2024 (and an annual contract value of £1,980,636) is £4,459,272.

The objectives and benefits of this service will be to:

- To reduce the number of unplanned admissions for Respiratory disease, particularly short-stay admissions.
- To improve the ability of patients to self-manage and support them to do so when they exacerbate, ensuring they access the most appropriate services in a timely and safe manner.
- To ensure patients are managed holistically, linking into local services for their other healthcare needs, e.g. Falls, Swallowing and Continence problems.
- To ensure that GP's and practice nurses have the right training and specialist support to manage all COPD and Asthma patients in line with national guidance without undue referrals to secondary care.
- To support early discharge of patients with COPD through remote monitoring of the patient within their own home.

The service will ensure that the following core criteria are met as set out in the NHS Long Term Plan:

- To build on the existing NHS RightCare programme to reduce variation in the quality of spirometry testing across Mid and South Essex. More staff in the community will be trained and accredited to provide the specialist input required to interpret results.
- The service must ensure equity of access. Consideration must be given to groups most likely to be impacted by health inequalities and how they access and utilise healthcare services to ensure that no one is discouraged or unable to benefit.

The Authority has concluded that it can rely on Regulation 72 (1) (c) of the Public Contracts Regulations 2015 as amended by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020, and has instead modified it's existing Community Health Services contract with Provide CIC as the B&D Hubs are community services, that are similar to and complementary to the services already included in the existing Contract and therefore do not alter the overall nature of the contract. The current MSE contract for Community Health Services with Provided CIC has been modified to to include the B&D Hubs, covering the population of Mid & South Essex, for a period of 37 months, from 1st December 2021 until 31st March 2024.

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

Duration in months

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

Total value of the contract/lot/concession:

£4,459,272

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

Provide CIC

900 The Crescent Colchester Business Park

Colchester

CO4 9YQ

Country

United Kingdom

NUTS code

- UKH3 - Essex

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):

When the original contract was awarded there was no reference within it to creation of or delivery within an Integrated Care System (ICS) as the concept had not been fully developed by NHSE yet. The NHS England current guidance is that where there are multiple commissioners for one provider, their preference is for one contract via collaborative arrangements in line with the establishment of ICSs. As such, these circumstances which have rendered the modification necessary were deemed unforeseen by the Authority.

The Authority has concluded that it can rely on Regulation 72 (1) (c) of the Public Contracts Regulations 2015 as amended by The Public Procurement (Amendment etc.)

(EU Exit) Regulations 2020, and has instead modified its existing Community Health Services contract with Provide CIC as the B&D Hubs are community services, that are similar to and complementary to the services already included in the existing Contract and therefore do not alter the overall nature of the contract.

The current MSE contract for Community Health Services with Provided CIC has been modified to to include the B&D Hubs, covering the population of Mid & South Essex, from 1st December 2021 until 31st March 2024.

The aggregated contract value associated with the scope of services above (pertaining to the element of the contract being modified), based on the period 1st December 2021 - 31st March 2024 is approx. £4,459,272. The total aggregate contract value of the existing community health service contract over the five year term from 1st April 2019 to 31st March 2024 is £192,938,471. The proposed modification represents 2.3% of the original contract value and is therefore under the 50% threshold within Regulation 72 (1) (c) of the Public Contract Regulations 2015.

The new aggregate value of the contract over the entire duration of its term, including modifications is therefore £196,899,743. This figure includes all contract award values that the Authority has advertised to date, since 1st December 2021 - 30th November 2022.

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

Need for modification brought about by circumstances which a diligent contracting authority/entity could not foresee.

Description of the circumstances which rendered the modification necessary and explanation of the unforeseen nature of these circumstances:

When the original contract was awarded there was no reference within it to creation of or delivery within Integrated Care Systems (ICS) as the concept had not been fully developed by NHSE yet. The NHS England current guidance is that where there are multiple commissioners for one provider, their preference is for one contract via collaborative arrangements in line with the establishment of ICSs. The Authority is streamlining contract management and commissioning arrangements in order to align similar / complementary contracts which will reducing the risk of a misaligned approach to managing providers, which could result in a failure to understand themes that cut across the provider and respective CCG geographies. The Authority deems that such modifications meet the grounds under Regulation 72(1)(c) that they do not change the overall nature of the contract, and represents 2.3% of the original contract value so is under the 50% threshold cited in Regulation 72(1)(c).

### **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: £192,938,471

Total contract value after the modifications

Value excluding VAT: £196,899,743