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Award

## **Swindon Adult Community Services**

NHS Bath and North East Somerset, Swindon and Wiltshire Clinical Commissioning Group as lead, with Swindon Borough Council as associate

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-030695

Procurement identifier (OCID): ocds-h6vhtk-02ff5e

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

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

NHS Bath and North East Somerset, Swindon and Wiltshire Clinical Commissioning Group as lead, with Swindon Borough Council as associate

St. Martin's Hospital, Clara Cross Ln, Trust HQ

Bath

BS2 5RP

### **Contact**

Michael Pingstone (SCW)

### **Email**

[michael.pingstone@nhs.net](mailto:michael.pingstone@nhs.net)

### **Country**

United Kingdom

**NUTS code**

UKK12 - Bath and North East Somerset, North Somerset and South Gloucestershire

**Internet address(es)**

Main address

<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

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## **Section II: Object**

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

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

Swindon Adult Community Services

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

- 85100000 - Health services

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

Services

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

Great Western Hospital NHS Foundation Trust (GWH) has been delivering Adult Community Health Services in Swindon since 2016, when it won the services following a public procurement (OJEU reference 2016/S 054-090583). The current contract is due to end in February 2022.

Although Bath & North East Somerset, Swindon and Wiltshire Clinical Commissioning Group (the CCG) is the lead commissioner, Swindon Borough Council (SBC) are also a co-commissioner to the contract, with some services delivered to support SBC needs (to the value of around £1m per year). The total combined value of the contract is £19.7m per year, or just under £40m over the two-year period.

On 13 July 2021, the CCG made a decision to re-let the Swindon Adult Community Health Services contract to GWH for a further 2-year period until February 2024. On 1 December 2021, SBC made the decision to re-let their element of the contract for Swindon Adult Community Health Services contract to GWH for a further 2-year period until February 2024.

Use of the negotiated procedure without prior publication under Regulation 32 of the Public Contracts Regulation 2015 has been relied on.

This process is being managed by NHS South, Central and West Commissioning Support Unit (SCW) on behalf of the CCG and SBC.

#### **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: £39,500,000

## **II.2) Description**

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

NUTS codes

- UKK14 - Swindon

Main site or place of performance

Across the geography of Swindon

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

Great Western Hospital NHS Foundation Trust (GWH) has been delivering Adult Community Health Services in Swindon since 2016, when it won the contract following a public procurement (OJEU reference 2016/S 054-090583). The current contract is due to end in February 2022.

Although Bath & North East Somerset, Swindon and Wiltshire (BSW) CCG is the lead commissioner, Swindon Borough Council (SBC) are also a co-commissioner to the contract, with some services delivered to support SBC needs (to the value of around £1m per year). The total combined value of the contract is £19.7m per year, or just under £40m over the two-year period.

After careful consideration, on 13 July 2021, the CCG made a decision to re-let the Swindon Adult Community Health Services contract to GWH for a further 2-year period until February 2024. On 1 December 2021, SBC made the decision to re-let their element of the contract for Swindon Adult Community Health Services to GWH for a further 2-year period until February 2024.

Use of the negotiated procedure without prior publication under Regulation 32 of the Public Contracts Regulations 2015 has been relied on due to reasons of extreme urgency that were unforeseeable by the contracting authority and due to competition being absent for technical reasons.

The Covid-19 pandemic has created exceptional circumstances leading the CCG and SBC to

be unable to run a thorough and effective re-commissioning process for Adult Community Services in Swindon. The issues thrown up by the pandemic were unforeseeable to the CCG and SBC. Given that there is an urgent need to ensure Adult Community Services coverage from February 2022, and no time to run a full re-commissioning process by then, the CCG and SBC are relying on Regulation 32(2)(c) to make a direct award to the incumbent provider for the next two years while the CCG's future plans are able to be designed and commissioned. We have summarised exceptional circumstances that have given rise to the current urgency below:

- The Covid-19 pressures in Swindon have not only been significant but enduring. When most areas were recovering from Wave 1 Covid in May 2020, Swindon services were under winter-level pressures until June 2020.
- In August and September 2020, Swindon became a national area of concern following sustained Covid outbreaks in the community
- From November 2020 to February 2021, our local hospital and all other services came under severe pressure with a major critical incident declared in mid-January 2021 to support our response.

Understandably, in the context of our Covid-19 service pressures great care has been taken in Swindon to balance service delivery with not distracting the attention of our partners into a procurement process by pursuing our obligations to begin work on re-commissioning this contract.

During the period of the Covid response the CCG (as with all others across the country) was operating under guidance from NHS England around the suspension of normal business operations. This guidance supported our decision to defer the re-commissioning work:

NHS E letters published on 28 March 2020 & 6 July 2021 (ref: 0001559) confirmed that all efforts should be focussed on the Covid response and that performance monitoring/reporting and wider commissioning business as usual activities would be suspended or significantly reduced during this period.

Considering these directions, the re-commissioning process for the Services could not be started in 2020 as would have otherwise been the case. With the subsequent easing of the Covid pressures work re-commenced in 2021 on our re-commissioning options, resulting ultimately in the decision to directly award the contract for a further 2 years given the fact that there was insufficient time to commence a full re-commissioning process.

In addition, there are technical reasons related to the current management of the contracts that meant that it is currently not possible to put the opportunity out to procurement and so the CCG and SBC are also relying on Regulation 32 (2)(b)(ii) to re-let the contract to GWH.

As part of enabling the NHS response to Covid, in April 2020 all contracts with acute health NHS trusts were put into national block payment arrangements co-ordinated by NHS England (NHS E). In effect this has made NHS E the temporary contract holder for these services; these arrangements remain in place until March 2022. Equally, as part of the suspension of normal business and the move to block contract arrangements, performance reporting and contract monitoring meetings were suspended by the CCG in March 2020.

Touchpoint meetings have been set up with the BSW CCG's local Acutes which started in November 2021.

The challenge for the CCG has been that by virtue of being an integrated service with the acute trust, the Community Services financial and contract monitoring arrangements have also been moved into the NHS E national block arrangements. This means the CCG does not currently have a standalone financial breakdown for community services, nor do they hold the latest contract information - as a consequence they are unable to properly scope the services that they may wish to take to the market, nor enable new or the existing providers to run due diligence checks.

The CCG has also had regard to its obligations under the NHS (Procurement, Patient Choice and Competition) (No 2) Regulation 2013 and is of the view that GWH is the provider best placed to deliver the service, improving the quality of the services and improving efficiency in the provision of the service. In this respect, the CCG considered, amongst other things, the following points about the performance of the provider:

- The financial performance of the Adult Community Health Services contract has been stable since it was first let in 2017, despite increasing demand for services. Adult Community Health Services benefit greatly from being an integrated provider within GWH through shared back-office support and clear governance and quality assurance arrangements. An assessment of value for money has been undertaken by comparing the total spend on Adult Community Services across Swindon, BaNES and Wiltshire in 2019/20, 2018/19 and 2017/18 relative to their population sizes. The spend with GWH in Swindon represented ~21% of the total spend on Community Services across BSW, whereas Swindon represents ~25% of the population of BSW.
- GWH Adult Community Health Services are a strong performing provider. The Governing Body reviewed performance data for 2019/20 and noted strong performance across 6 (of 8) Key Performance Indicators (KPIs) covering chronic disease management, urgent response and patient flow being fully met. The 2 remaining KPIs (relating to Community Parkinson's Nurse service and Community Matron Length of Stay) were on target for achievement in 2020/21.
- A report from the CCG's quality team noted that despite the unprecedented demand due to Covid-19 pandemic, GWH Adult Community Health Services had continued a priority focus on quality improvement, implementing a number of improvement projects across both the

Acute and Community directorates. These projects are demonstrating excellent improvements for the people of Swindon, improving efficiency in the provision of service and improving the quality of service and are reducing patient harms and improving patient outcomes.

- There have been significant innovations by the service to respond to new ideas and needs. These include the SELECT service for End of Life Care, Discharge to Assess arrangements (which supported the national guidance development in this area), Virtual Ward and the establishment of Weekly Multi-Disciplinary Teams (MDT).

GWH is performing well and is a proactive and innovative partner within the Swindon Integrated Care Alliance.

Further information in relation to the decision to award the Services can be found at <https://www.contractsfinder.service.gov.uk/Notice/4641a22c-03ba-4720-9ba2-371be5ce4bd1>

This process is being managed by NHS South, Central and West Commissioning Support Unit (SCW) on behalf of the CCG and SBC.

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

Options: No

### **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 are instead governed by the "Light Touch Regime" contained within Chapter 3, Section 7 of the Regulations (Regulations 74 to 77).

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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

#### Explanation:

Great Western Hospital NHS Foundation Trust (GWH) has been delivering Adult Community Health Services in Swindon since 2016, when it won the services following a procurement process (OJEU reference 2016/S 054-090583). The current contract is due to end in February 2022.

Although Bath & North East Somerset, Swindon and Wiltshire (BSW) CCG is the lead commissioner, Swindon Borough Council (SBC) are also a co-commissioner to the contract, with some services delivered to support SBC needs (to the value of around £1m per year). The total combined value of the contract is £19.7m per year, or just under £40m over the two-year period.

After careful consideration, on 13 July 2021, the CCG made a decision to recommission the Swindon Adult Community Health Services contract to GWH for a further 2-year period until February 2024. On 1 December 2021, SBC made the decision to recommission their element of the contract for Swindon Adult Community Health Services to GWH for a further 2-year period until February 2024.

For the reasons set out above, the CCG and SBC have relied on Regulation 32(2)(b)(ii) and 32 (2) (c) of the Public Contracts Regulations 2015.

Further information in relation to the decision to award the Services can be found at <https://www.contractsfinder.service.gov.uk/Notice/4641a22c-03ba-4720-9ba2-371be5ce4bd1>

This process is being managed by NHS South, Central and West Commissioning Support Unit (SCW) on behalf of the CCG and SBC.

#### **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**

### **Title**

Swindon Adult Community Health Services



A contract/lot is awarded: Yes

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

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

1 December 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**

Great Western Hospital NHS Foundation Trust

Marlborough Road

Swindon

SN3 6BB

Country

United Kingdom

NUTS code

- UKK1 - Gloucestershire, Wiltshire and Bristol/Bath area

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: £39,500,000

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## **Section VI. Complementary information**

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

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

High Court - Royal Courts of Justice

Stand, Holborn

London

WC2A 2LL

Country

United Kingdom

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

Precise information on deadline(s) for review procedures

Part 3 of the Public Contracts Regulations 2015 provides the timescales in which any appeals should be made.