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Contract

BSVI (BaseSpace Variant Interpreter)

Genomics England

F03: Contract award notice

Notice identifier: 2022/S 000-031805

Procurement identifier (OCID): ocds-h6vhtk-0380b5

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Section I: Contracting authority

I.1) Name and addresses

Genomics England

Dawson Hall, Charterhouse Square

London

EC1M 6BQ

Email

supplier.engagement@genomicsengland.co.uk

Telephone

+44 2078825030

Country

United Kingdom

Region code

UKI - London

Internet address(es)

Main address

www.genomicsengland.co.uk

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

BSVI (BaseSpace Variant Interpreter)

Reference number

GEL-FP-502-22

II.1.2) Main CPV code

- 48000000 - Software package and information systems

II.1.3) Type of contract

Supplies

II.1.4) Short description

Software as a service including development

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: £747,520

II.2) Description

II.2.2) Additional CPV code(s)

- 48000000 - Software package and information systems
- 72000000 - IT services: consulting, software development, Internet and support

II.2.3) Place of performance

NUTS codes

- UKI - London

II.2.4) Description of the procurement

Software license subscription and services provided via the BSVI

II.2.5) Award criteria

Price

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Award of a contract without prior publication of a call for competition in the cases listed below

- The services can be provided only by a particular economic operator for the following reason:
 - absence of competition for technical reasons
- Additional deliveries by the original supplier

Explanation:

Under a contract dated 9 February 2016 between Genomic England Limited (GEL) and Illumina Cambridge Limited ("Illumina"), the parties co-developed a product for GEL being the Base Space Variant Interpreter ("BSVI") which is not otherwise available on the market. Under the terms of that agreement Illumina retained certain intellectual property rights in the product, while the cost of the product to GEL reflected GEL's role in co-development. It should be noted therefore that BSVI is a very bespoke product provided by Illumina to Genomics England alone and Illumina will retire the product once GEL no longer has a need for it. The original agreement expired in March 21.

In November 2019 Genomics England separately signed a contract with Illumina for the provision of sequencing and related services to support the soon to be implemented NHS Genomic Medicine Service ("GMS") ("Sequencing Contract") which is due to expire on 31 October 2025.

In March 2021 Genomics England varied the Sequencing Contract to include the provision of the BSVI product as part of its scope for a period of 18 months.

Genomics England has on 6 November 2022 entered into a further amendment to the Sequencing Contract under which BSVI will be provided until expiry of the contract or until such earlier time as GEL confirms its long term strategy for securing decision support for cancer for the GMS with its partner, NHS England and procures an alternative or updated

solution to meet the new strategy requirements. We expect this to be for a period between 12 and 24 months.

Genomics England takes the view that Regulation 72 (1) (b) applies to the variation to the Sequencing Contract because additional services from Illumina have become necessary but were not included in the original procurement of this contract but a change of contractor cannot be made at this time due to the bespoke technical specification of the product and it would also cause significant duplication of cost for GEL. The value of the variation is under 50% of the value of the Sequencing Contract.

NHS England has confirmed that a functioning decision support system for cancer is essential to the success of the GMS for cancer and no hiatus in these services is possible. Genomics England has very specific requirements for decision support as any product needs to fit in with its internal National Genomics Informatics System pipeline and no off the shelf product is available or viable without significant development. Given the background to BSVI development, an immediate termination would not only have led to a hiatus in service but would cause substantial inconvenience and duplication of costs should a new decision support provider be brought in. A new procurement will require preparation and proper planning to meet the future objectives of the service yet to be agreed with NHS England.

In the event that this were to be considered a new contract award, we consider that Regulation 32 (2) (b) of the Public Contract Regulations 2015 would apply in any event for the same reasons. There is no other product available in the market to meet the immediate need and requirements and Illumina holds the IP rights to the product. Any supplier would need to substantially develop its standard product to fit Genomics England's needs. This would include customising release cycles to fit the needs of the NHS. BSVI is a very specific product developed for a single customer. For this reason, there is no genuine competition for the BSVI product on the market today and time will be required for GEL to plan for its ultimate replacement.

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

The procurement is covered by the Government Procurement Agreement: Yes

Section V. Award of contract

Title

BSVI (BaseSpace Variant Interpreter)

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

6 November 2022

V.2.2) Information about tenders

Number of tenders received: 1

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

V.2.3) Name and address of the contractor

Illumina Cambridge Limited

Cambridge

CB21 6DF

Country

United Kingdom

NUTS code

- UKH - East of England

The contractor is an SME

No

V.2.4) Information on value of contract/lot (excluding VAT)

Total value of the contract/lot: £747,520

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

High Court

London

Country

United Kingdom