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Award

## **South-east Essex children and young people's community paediatrics, physiotherapy and occupational therapy services**

NHS Southend Clinical Commissioning Group

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-031854

Procurement identifier (OCID): ocds-h6vhtk-0303e5

Published 20 December 2021, 10:45pm

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

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

NHS Southend Clinical Commissioning Group

Civic Offices 2nd Floor, New Road

Southend-on-Sea

#### **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://southendccq.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**

South-east Essex children and young people's community paediatrics, physiotherapy and occupational therapy services

Reference number

ACE-0503-2021-ALC

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

- 85100000 - Health services

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

Services

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

This is a voluntary ex ante transparency notice and is intended to provide notice of the Authority's intention to award a contract to deliver children and young people's community paediatrics, physiotherapy and occupational therapy services ("the Services") based at The Lighthouse Child Development Centre in Southend. Herein all references to the Authority mean NHS Southend Clinical Commissioning Group (CCG) as co-ordinating commissioner, and NHS Castle Point and Rochford CCG.

#### **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: £4,529,000

### **II.2) Description**

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

NUTS codes

- UKH3 - Essex

Main site or place of performance

South-east Essex

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

This is a voluntary ex ante transparency notice and is intended to provide notice of the Authority's intention to award a contract to Essex Partnership University NHS Foundation Trust (EPUT), to deliver children and young people's community paediatrics, physiotherapy and occupational therapy services ("the Services") based at The Lighthouse Child Development Centre in Southend. Herein all references to the Authority mean NHS Southend Clinical Commissioning Group (CCG) as co-ordinating commissioner, and NHS Castle Point and Rochford CCG.

In May 2021, the Authority received notice from Mid and South Essex NHS Foundation Trust (MSEFT) communicating that they wish to hand back the Services and a desire to expedite such transfer to an alternate provider as soon as possible, citing sustainability of the clinical model and the fact this provision is no longer aligned to their strategic plans. A transfer date of 1st January 2022 was proposed.

The Authority has worked closely with the mid and south Essex Community Service providers to identify a local solution to respond urgently in alignment with the ambitions of the mid and south Essex integrated care system. A steering group was established in June 21 to oversee the safe transfer of services to a suitably qualified and experienced provider, including collation of data and information to clarify details regarding the finance, workforce, service delivery and current challenges to ensure ongoing service improvements and safety of service provision.

The Authority wrote formally to the existing providers of Community Services in September 2021 to request agreement to transfer the service to one of the members of their collaborative and on 3rd November 2021, the CCGs received confirmation from the Community Service providers that Essex Partnership University NHS Foundation Trust (EPUT) was deemed the most appropriate organisation to take on the Service, within the timescales and in the relevant geographic area covered. However, it is the strategic intention to continue to strengthen their collaborative approach starting on day one of the transfer proceeding to service redesign and improvement.

Since then, the Authority has undertaken a robust due diligence process with EPUT, in order to provide the Authority assurance by the means of evidence of the providers suitability to deliver the Services, in terms of economic and financial standing and technical and professional ability, prior to any contract award being made.

As part of the ongoing due diligence and operational discussions with the outgoing provider, it was agreed that there were critical mobilisation risks (such as completion of on staff consultation and TUPE transfer and the significant scale of IT transition to new EPUT network, hardware and clinical system) that could not be managed safely by the proposed transfer date of 1st January 2022. As such, it was agreed that the new contract would transfer and take effect from 1st March 2022.

The contract term proposed to be awarded is 25 months, from 1st March 2022 - 31st March 2024. The annual contract value is capped at £2.112m, excluding non-recurrent mobilisation costs of £129.5k. On this basis, over a 25-month term, the aggregate contract value may be up to a maximum of £4.399m plus £0.13m mobilisation costs (£4.529m) on cost-incurred, open-book basis, subject to the maximum annual cap of £2.112m (pro rata for part financial years).

The Authority will observe a 10-day standstill from the date of publication of this VEAT, during which the CCGs will not enter into any contractual arrangement.

### **II.2.5) Award criteria**

Quality criterion - Name: Quality criteria / Weighting: Pass/Fail

Cost criterion - Name: Commercial criteria / Weighting: Pass/Fail

### **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

### **II.2.14) Additional information**

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.

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## Section IV. Procedure

### IV.1) Description

#### IV.1.1) Type of procedure

Negotiated without a prior call for competition

- Extreme urgency brought about by events unforeseeable for the contracting authority

Explanation:

The Service falls within Schedule 3 ('social and other specific services', also known as the "Light Touch" Regime) of the Public Contracts Regulations 2015 (PCR 2015) as amended by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 ('PPAR 2020').

Due to the nature of the situation arising with incumbent provider stepping away and handing back the Service, the Authority deemed that the grounds of extreme urgency brought about by events unforeseeable by the Authority exist, and that the time limits for a procurement process could not be complied with within the timescales proposed by the incumbent. The Authority found itself in a position whereby it must ensure continuity of a high quality and safe provision of the Service for all eligible patients by 1st January 2022.

In its due diligence and governance processes the Authority carefully considered all activity required to be undertaken for a procurement process under the light touch regime within the timescales available, including all pre-procurement activity, pre and post procurement governance requirements, implementation of the procurement process, evaluation and award phases, contract execution period, and safe service mobilisation thereafter, for which a number of critical risks were identified, including:

- Completion of on staff consultation and TUPE transfer
- Significant scale of IT transition to new network, hardware and clinical system
- Transfer of data and assets
- Communication and engagement with patients and families

Additionally, the service is being handed back as it was deemed unsafe/unsustainable for the incumbent. In the time since notification, detailed work has been undertaken by the Authority and the incumbent to understand the finances, the workforce (within which there are shortages), the activity and the scope of relevant services being handed back, for which there was no specification. It was considered to be a significant challenge for any new

provider to deliver a sustainable service over the proposed contract term within the existing 'as is' budget.

As part of the ongoing due diligence and operational discussions with the outgoing provider, it was agreed that such risks could not be managed safely by the proposed transfer date of 1st January 2022 and it was agreed in December 21 that a transfer date of 1st March 2022 would be more appropriate and allow for safe continuation of service.

The Authority is attempting to mitigate an unacceptable risk of the Service suffering sudden discontinuity by engaging with the existing Community Collaborative and focusing on local integration and collaboration, in alignment with the ambitions of the Mid and South Essex Integrated Care System.

The Authority has made the decision that working with the existing community services provider in Mid and South Essex will be the best solution as it is uniquely placed and technically capable to take on the scale and speed of implementation within timescales available to deliver an affordable and fully integrated Service in alignment with the ambitions of the integrated care system.

Following the safe transfer of the 'in-scope' Services contractually to EPUT, the Integrated Care System desire wish to continue the partnership work with the providers of Community Services in Mid and South Essex to improve the quality of overall service provision for CYP and families across all existing community services providers.

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

The procurement is covered by the Government Procurement Agreement: No

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

### **Title**

Mid and south Essex children and young people's community paediatrics, physiotherapy and occupational therapy services based at The Lighthouse Child Development Centre in Southend

A contract/lot is awarded: Yes

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

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

16 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**

Essex Partnership University NHS Foundation Trust

The Lodge Lodge Approach

Runwell, Essex

SS11 7XX

Country

United Kingdom

NUTS code

- UKH3 - Essex

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: £4,529,000

### **V.2.5) Information about subcontracting**

The contract/lot/concession is likely to be subcontracted



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## **Section VI. Complementary information**

### **VI.3) Additional information**

The Contracting Authorities participating in the publication of this VEAT and the award of the contract communicated herein are:

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/>

### **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.4.2) Body responsible for mediation procedures**

NHS Southend Clinical Commissioning Group

6th Floor, Civic Centre, Victoria Avenue

Southend-on-Sea

SS1 9SB

Country

United Kingdom

Internet address

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