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Award

NHS Devon - Intention to modify contract for Termination of Pregnancy Services (TOPS) in Devon

NHS Devon Integrated Care Board

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-037167

Procurement identifier (OCID): ocds-h6vhtk-04268f

Published 18 December 2023, 4:09pm

Section I: Contracting authority/entity

I.1) Name and addresses

NHS Devon Integrated Care Board

Aperture House, Pynes Hill, Rydon Lane,

Exeter

EX2 5AZ

Email

d-icb.contracting@nhs.net

Country

United Kingdom

Region code

UKK4 - Devon

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

<https://devon.icb.nhs.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

NHS Devon - Intention to modify contract for Termination of Pregnancy Services (TOPS) in Devon

Reference number

15N-CT-2020

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 to provide notice of the Contracting Authority's intention to modify an existing contract for 'Termination of Pregnancy Services (TOPS). The contract will be modified with the incumbent provider, Marie Stopes Reproductive Choices, to provide the services within the Devon area, due to a material change in the value of the contract resulting from increased activity levels.

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: £5,919,695

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKK4 - Devon

Main site or place of performance

Devon

II.2.4) Description of the procurement

This is a Voluntary Ex-Ante Transparency Notice to provide notice of the Contracting Authority's intention to modify an existing contract for 'Termination of Pregnancy Services (TOPS). the contract will be modified with the incumbent provider, Marie Stopes Reproductive Choices, to provide the services within the Devon area due to a material change in the value of the contract resulting from increased activity levels

The current contract was competitively procured in 2019 and went live on 1st April 2020 with an end date of 31st March 2025 and potential extension to 31st March 2027. Since the original procurement, activity levels have increased both nationally and in Devon at a significant rate year on year. As the contract involves activity-based payment this increased activity has led to a material change in the value of the contract.

The contract was originally procured based on activity from the preceding years with a maximum value of £2,755,801 for the total contract, including the extension period. Based on cost to date and projected costs using more recent averages, the total value of the

contract, including the extension option, is now projected to be £5,919,695.

On the basis that this increase is due to activity levels, that would have applied regardless of provider, and not any other change to the terms of the contract, the decision has been taken to continue with the current contracted provider in line with the original contract dates. A further competitive procurement process will not be undertaken.

II.2.11) Information about options

Options: Yes

Description of options

Option to extend current contract for a further 24 month period until 31st March 2027

II.2.14) Additional information

In line with best practice, the Authority will apply a voluntary 10-day standstill period from the publication date of this Notice before awarding the contract, pursuant to Regulation 99 (3) (c) of the Public Contract Regulations 2015 (as amended (EU Exit) 2020 etc.)

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 procurement falls outside the scope of application of the regulations

Explanation:

Modification of existing contract, without further competition, to reflect increased activity levels and subsequent material increase in contract value.

The increased value of this contract is as a result of significantly increased activity levels. This has been reflected in TOPs activity nationally and is not a result of any action taken by NHS Devon ICB or a change in the terms of the contract as originally awarded.

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/concession

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

1 April 2020

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

Marie Stopes Reproductive Choices

1 Conway Street, Fitzroy Square

London

W1T 6LP

Country

United Kingdom

NUTS code

- UKI - London

Charity Commission (England and Wales)

265543

Internet address

<https://www.msichoice.org.uk>

The contractor/concessionaire is an SME

No

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

Initial estimated total value of the contract/lot/concession: £2,755,801

Total value of the contract/lot/concession: £5,919,695

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

High Court of Justice England and Wales

The Strand

London

WC2A 2LL

Country

United Kingdom