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Contract

## **National Intelligent Integrated Audit Solution ("NIIAS")**

Digital Health and Care Wales

F20: Modification notice

Notice identifier: 2023/S 000-037596

Procurement identifier (OCID): ocids-h6vhtk-0428ff

Published 21 December 2023, 8:44am

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

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

Digital Health and Care Wales

Ty Glan yr Afon, 21 Cowbridge Road East

Cardiff

CF11 9AD

#### **Contact**

Laura Panes

#### **Email**

[laura.panes@wales.nhs.uk](mailto:laura.panes@wales.nhs.uk)

#### **Country**

United Kingdom

#### **NUTS code**

UK - United Kingdom

**Internet address(es)**

Main address

<https://dhcw.nhs.wales/>

Buyer's address

[https://www.sell2wales.gov.wales/search/Search\\_AuthProfile.aspx?ID=AA0221](https://www.sell2wales.gov.wales/search/Search_AuthProfile.aspx?ID=AA0221)

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## **Section II: Object**

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

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

National Intelligent Integrated Audit Solution ("NIIAS")

Reference number

P290

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

- 48100000 - Industry specific software package

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

Supplies

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

#### **II.2.2) Additional CPV code(s)**

- 48100000 - Industry specific software package
- 48000000 - Software package and information systems
- 72260000 - Software-related services
- 72261000 - Software support services
- 72263000 - Software implementation services

- 72265000 - Software configuration services
- 72266000 - Software consultancy services
- 72268000 - Software supply services
- 44316400 - Hardware

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

NUTS codes

- UK - United Kingdom

Main site or place of performance

NHS Wales

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

NHS Wales is responsible for the protection of data relating to its patients and citizens. The Awarding Authority is

required to ensure adequate measures are provided to maintain the privacy of patients by ensuring only appropriate access to such records is undertaken. Failure to do so fails the patient, breaches data protection guidelines and exposes NHS Wales organisations to financial

penalties as levied by the Information Commissioner's Office (ICO).

The key business objective is: 'Increasing patient confidence by monitoring access to clinical solutions containing patient information and thereby reducing privacy breaches'. The key benefit of the project is to proactively monitor access to patient records thus enforcing legitimate access. The procurement aims to secure an IT solution to supplement/replace existing audit provision in place.

The solution is required to audit a range of NHS Wales clinical applications to ensure appropriate access by NHS Wales staff. The products and services to be procured include an existing, market ready solution, that is already operational within a comparable audit environment and capable of being deployed (subject to Authority configuration requirements) immediately upon award of the agreement.

The procurement includes: perpetual license or term license with associated maintenance and support; hardware

(including maintenance and support) which is appropriately specified and provided by the

supplier from which the

application can be run on a national basis; implementation support; configuration services; training services enabling

the Authority to maximise its use of the solution and the provision of associated documentation for the term of the

agreement and provision to call off adhoc but related consultancy services.

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

Duration in months

84

#### **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: [2014/S 146-262141](#)

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

### **Contract No**

P290

### **Title**

National Intelligent Integrated Audit Solution ("NIIAS")

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

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

24 November 2014

**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**

Maxwell Stanley Consulting Ltd

14A St George Wharf

London

SW82LE

Email

[adrian.jones@clanwilliam.co.uk](mailto:adrian.jones@clanwilliam.co.uk)

Country

United Kingdom

NUTS code

- UK - United Kingdom

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: £770,698

## Section VI. Complementary information

### VI.3) Additional information

The absence of competition is not the result of an artificial narrowing down of the parameters of the procurement. Extension of the current contract by way of modification and/or direct award, is the only viable option to ensure continuity of service.

The contract was extended by twenty-four (24) months prior to expiry on 23rd November 2021 as a result of (i) the Covid-19 global pandemic and (ii) the exit of Blaenavon Data Centre impacting on resources to ensure continuity of NIIAS as a critical component of NHS Wales' national healthcare information systems. That initial extension period has proved insufficient to undertake a market assessment for a replacement solution, review the purpose and functionality of the NIIAS on an All Wales basis and carry out a re-tender exercise. This further extension of thirty-six (36) months is considered to be the minimum period required to undertake these exercises. Service continuity is imperative to ensure the safety of patient care and services across the NHS in Wales. As the NIIAS is a bespoke solution, embedded within NHS organisations across Wales and the intellectual property rights are reserved to the provider and used only on licence during the term of the agreement, the contracting authority is entitled to make this award under Regulation 32(2)(b)(iii) and/or modify the contract under Regulation 72(1)(e) of the Public Contracts Regulations 2015 as an extension of the term alone is insubstantial. The modification does not:

- render the contract materially different in character;
- introduce conditions which would have allowed for the admission of other candidates, attracted other participants or resulted in a different outcome;
- changes the economic balance of the contract in favour of the contractor in a manner which was not provided for in the initial contract;
- extend the scope of the contract significantly; or
- change the contractor."

Continuation of the solution is required to comply with data protection obligations. Given the sensitivities of the global digital environment, it is essential that the service continues without interruption to ensure the safety of patient care and services. The modification/contract duration is limited to 3 years to :

- enable DHCW to develop a long-term strategy for auditing clinical systems in line with emerging government policy;

- undertake a market engagement exercise to understand the solutions available; and
- use that knowledge to develop a business case to secure central funding from the Welsh Government for a replacement long-term solution.

This will be underpinned by a thorough technical review of available solutions and a consultation period with NHS Wales to understand local and national requirements for a longer-term contract. Finally, the duration allows sufficient time to run a procurement process and exit from the existing solution which is interfaced in a significant number of national clinical systems and to manage a transfer to a replacement solution.

Accordingly, the contracting authority is entitled to modify the contract under Regulation 72(1)(e) of the Public Contracts Regulations 2015 and/or make this award under Regulation 32(2)(b)(iii). This notice is a 'relevant contract award notice' for the purposes of Regulation 93(3) of the Public Contracts Regulations 2015 and the contracting authority relies on the provisions in Regulation 93(2), (3) and (4) in relation to the applicable limitation period.

(WA Ref:137498)

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

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

High Court

Royal Courts of Justice, The Strand

London

WC2A 2LL

Telephone

+44 2079477501

Country

United Kingdom

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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**

- 48100000 - Industry specific software package

#### **VII.1.2) Additional CPV code(s)**

- 48000000 - Software package and information systems
- 72260000 - Software-related services
- 72261000 - Software support services
- 72263000 - Software implementation services
- 72265000 - Software configuration services
- 72266000 - Software consultancy services
- 72268000 - Software supply services
- 44316400 - Hardware

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

NUTS code

- UK - United Kingdom

Main site or place of performance

NHS Wales

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

DHCW is seeking to extend the contract for a further thirty-six (36) months, beyond the current contract term (as modified). A contract extension is required to ensure continuity of service to support the auditing of digital solutions across Wales to ensure appropriate and proactive monitoring of the data contained in the Single Patient Record across the NHS in Wales.

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

Duration in months



36

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

Total value of the contract/lot/concession:

£735,000

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

Maxwell Stanley Consulting Ltd

14A St George Wharf

London

SW82LE

Email

[adrian.jones@clanwilliam.co.uk](mailto:adrian.jones@clanwilliam.co.uk)

Country

United Kingdom

NUTS code

- UK - United Kingdom

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):

Extension of contract term for a further thirty-six (36) months from 24th November 2023 to 23rd November 2026 on the same terms as the original contract.

Insubstantial modification and/or award of a contract by negotiated procedure without

prior publication on the basis that the services can only be supplied by a particular economic operator due to the protection of exclusive intellectual property rights which exist in the current NIIAS and no reasonable alternative or substitute exists.

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

Need for additional works, services or supplies by the original contractor/concessionaire.

Description of the economic or technical reasons and the inconvenience or duplication of cost preventing a change of contractor:

By way of explanation, the NIIAS is hosted centrally to support the auditing of digital solutions across Wales to ensure appropriate and proactive monitoring of the data contained in the Single Patient Record across NHS Wales. It is a bespoke solution fully embedded in national systems across the NHS in Wales and was specially developed for NHS Wales. It cannot be used by an alternative economic operator due to the limited licence in the current agreement. The intellectual property rights vest in the current provider and are licensed to DHCW on a non-exclusive and non-transferrable basis solely for the duration of the contract. The services can only be supplied by the current provider due to the protection of exclusive intellectual property rights which exist in the solution and no reasonable alternative or substitute exists.

### **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: £1,194,698

Total contract value after the modifications

Value excluding VAT: £1,929,698