

UK-London: Business and management consultancy and related services

OJ S 39/2013 23/02/2013

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: Monitor

Postal address: 4 Matthew Parker Street

Town: London

Postal code: SW1H 9NP

Country: United Kingdom

Contact person: Department of Health - Procurement Centre of Expertise (PCOE)

E-mail: supplier.helpdesk@dh.gsi.gov.uk**Internet address(es):**General address of the contracting authority: <http://www.monitor-nhsft.gov.uk/>Address of the buyer profile: <http://www.dh.gov.uk/health/about-us/bms/index.htm>Electronic access to information: <http://www.dh.gov.uk/health/about-us/bms-dh-e-tendering-portal>Electronic submission of tenders and requests to participate: <http://www.dh.gov.uk/health/about-us/bms-dh-e-tendering-portal>**Additional information can be obtained from:**

the abovementioned address

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:

the abovementioned address

Tenders or requests to participate must be submitted: the abovementioned address**I.2. Type of the contracting authority**

Ministry or any other national or federal authority, including their regional or local subdivisions

I.3. Main activity

Health

I.4. Contract award on behalf of other contracting authorities

The contracting authority is purchasing on behalf of other contracting authorities: yes

Official name: The Department of Health

Postal address: Richmond House, 79 Whitehall, London

Town: London

Postal code: SW1A 2NS

Country: United Kingdom

Official name: NHS Trust Development Authority (NTDA)

Postal address: 9th Floor, 105 Victoria House

Town: London

Postal code: SW1E 6QT

Country: United Kingdom

Section II: Object of the contract

II.1. Description

II.1.1. Title attributed to the contract by the contracting authority

Framework Agreement to Support the Assessment of Clinical Service Delivery and the Financial Viability of Healthcare Providers.

II.1.2. Type of contract and place of performance or delivery

Services

Service category No 11: Management consulting services [6] and related services

Main site or place of performance: UK.

NUTS code UK United Kingdom

II.1.3. Information about a framework agreement or a dynamic purchasing system

The procurement involves the establishment of a framework agreement

II.1.4. Information about framework agreement

Framework agreement with several operators

Maximum number Envisaged maximum number of participants to the framework agreement : 20

Duration of the framework agreement

Duration in years: 4

Estimated total value of purchases for the entire duration of the framework agreement

Estimated value excluding VAT:

Range: between 1 and 210 000 000 GBP

II.1.5. Short description of the contract or purchase(s)

Monitor wishes to set up a framework agreement and for the NHS Trust Development Authority (NHS TDA) to have access to it. Both have a responsibility to protect patient interests through the delivery of high quality, financially sustainable health services.

The objective of this framework agreement is for contractors to develop strategic options assessing financial viability of clinical services, when a healthcare Provider falls into financial distress/failure. In the event of this happening, Monitor/NTDA will appoint a Trust Special Administrator (TSA) or Monitor alone may appoint a Health Special Administrator (HSA). There are two separate routes to appointing TSA's, one for NHS Foundation Trusts and the other for NHS Trusts. A Health Special Administrator may also be appointed in the case of an independent sector provider entering administration. Details of the different routes and powers are provided in the ITT document.

Essentially, the appointed specialist will act as an advisor to Monitor/NTDA overseeing the delivery of the provider's services whilst a longer term solution is found. As such, parties to this framework agreement may be required to run healthcare providers – of all sizes – as a going concern in the interim. We anticipate that successful contractors will have expertise in running large companies, other public sector organisations or health organisations whilst they are in administration.

Further information about Monitor can be found at: <http://www.monitor-nhsft.gov.uk/> Further Information about the NTDA can be found at: <http://www.ntda.nhs.uk/>

This Framework Agreement is subsequently divided into two lots: Lot 1: Strategic Recommendations, and Lot 2: Implementation of Strategic Recommendations.

Lot 1 (Strategic Recommendations)

The Contractor may be required to deploy up to two teams to the Provider's location – a Contingency Planning Team (CPT) and/or a Special Administration Team (SAT).

A CPT would identify options for restructuring, including identifying those specific services to

be protected at the Provider. A troubled provider might not proceed to special administration where it is possible to secure a solvent restructuring.

Example duties of the Contingency Planning Team (CPT)

- To Support Commissioners to identify Protected Services (PS)
- To support the development of plans to ensure that PS are continued throughout an administration if a provider were to be placed in administration..
- To develop recommendations for non-protected services
- Communication / stakeholder management.

In the event that a Special Administration Team (SAT) is required, the SAT will then have an Interim Report on which he or she is required by the Health and Social Care Act 2012 to consult. The Administrator may choose to either consult on the Interim Report immediately or to develop it further, prior to the consultation process required by the Act. In either case, whilst the Report is being developed, consulted upon and discussed with the Secretary of State, the Administrator, once appointed, is required to run the Provider as a going concern as would normally be expected in an administration process.

Example duties of the Special Administration Team (SAT)

Please note that these are example duties only and some may not be applicable in any particular special administration. The duration and precise nature of the duties required of a Contractor will be specified in greater detail at mini-competition stage.

- Strategy development;
- Stakeholder engagement – including managing the consultation process;
- Responding to creditors (as appropriate to Health Special Administration or Trust Special Administration);
- Trading matters;
- Patient Safety;
- Employee relations and management;
- Compliance and Statutory Matters;
- Communications Matters.

Further details of the tasks required are contained within the ITT document. The output of Lot 1 will be a strategic report providing details of the consultation.

CPT stage and SAT stage may be subject to individual mini-competitions however a direct award may be permissible under emergency situations. Details of this mechanism are provided in the ITT document. We would expect the direct award of contracts to Contractor's to be the exception, rather than the norm.

Lot 2 (Implementation of Strategic Recommendations)

Following the consultation and a process of acceptance of the final Report by Monitor and/or the Secretary of State as appropriate to the type of special administration, a new Contractor may be appointed

Typical activities that may be expected of a Contractor (whether acting as the TSA or as support to the TSA) at this stage mirror those that may be required in a corporate insolvency. These may include but are not limited to:

- Facilitation of contract renegotiations with suppliers and third parties;
- Reconfiguration and rationalisation of property held by the Provider;
- Reconfiguration of clinical service lines offered at the Provider's location;
- The development of new clinical service lines as recommended in the Report;
- The assessment of staffing and managerial levels and the facilitation of contractual negotiations, in accordance with the Transfer of Undertakings (Protection of Employment) Regulations where appropriate;
- The preparation of the Provider for a merger with another NHS Foundation Trust or for the transfer of its assets and liabilities to another NHS Foundation Trust or the Secretary of State

or between another NHS Foundation Trust and the Secretary of State.

A mini competition will be held in most cases however the Authority does have the option to use a direct award mechanism however this option will only be used as a last resort.

The Contracting Authority reserves the right to discontinue the tendering process at any time and not award the contract.

The Contracting Authority considers that this contract may be suitable for economic operators that are small or medium enterprises (SMEs). For the avoidance of doubt, the contracting authority points out that no weight will be attached to whether or not the economic operator is an SME in selecting economic operators to submit tenders or in assessing the most economically advantageous tender.

The Authority wishes to allow a maximum of 20 suppliers onto the framework agreement (Therefore a maximum of up to 10 suppliers per lot).

II.1.6. CPV code(s)

79400000 Business and management consultancy and related services, 66171000 Financial consultancy services, 79212100 Financial auditing services, 72221000 Business analysis consultancy services, 79411000 General management consultancy services, 79414000 Human resources management consultancy services, 72224000 Project management consultancy services, 79411100 Business development consultancy services, 79996000 Business organisation services, 66170000 Financial consultancy, financial transaction processing and clearing-house services, 73210000 Research consultancy services, 72246000 Systems consultancy services, 66121000 Mergers and acquisition services, 79221000 Tax consultancy services, 66519600 Actuarial services, 66600000 Treasury services, 79412000 Financial management consultancy services, 71241000 Feasibility study, advisory service, analysis, 79311400 Economic research services, 79330000 Statistical services, 79212200 Internal audit services, 79313000 Performance review services, 79100000 Legal services, 79110000 Legal advisory and representation services, 79140000 Legal advisory and information services, 79200000 Accounting, auditing and fiscal services, 79418000 Procurement consultancy services, 79990000 Miscellaneous business-related services, 79000000 Business services: law, marketing, consulting, recruitment, printing and security, 79212000 Auditing services, 72225000 System quality assurance assessment and review services, 79311410 Economic impact assessment, 79416100 Public relations management services, 90714200 Corporate environmental auditing services, 79212300 Statutory audit services, 79111000 Legal advisory services, 79421000 Project-management services other than for construction work, 85100000 Health services

II.1.7. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: yes

II.1.8. Lots

This contract is divided into lots: yes

Tenders may be submitted for one or more lots

II.1.9. Information about variants

Variants will be accepted: no

II.2. Scope of the procurement

II.2.1. Total quantity or scope

This Framework Agreement will provide the contracting bodies identified at VI.3) (and any future successor to these organisations) and associated bodies with a comprehensive range of consultancy services and professional services relating to Strategic recommendations and

Implementation of Strategic recommendations. Details of the range of services have been specified in the two descriptions of Lots in this Contract Notice. Participants may seek to bid for one, some or all Lots. Participants must be able to provide a comprehensive service specific to each of the lots for which they wish to apply.
Precise quantities are unknown and will also depend on the number of suppliers appointed but the estimated value over the life of the framework agreement is 210 000 000.00 GBP.
The Authority wishes to allow a maximum of 20 suppliers onto the framework agreement (Therefore a maximum of up to 10 suppliers per lot).

II.2.2. Information about options

Options: yes

Description of options: Up to 12 months.

Provisional timetable for recourse to these options:
in months: 36 (from the award of the contract)

II.2.3. Information about renewals

This contract is subject to renewal: yes

Number of possible renewals: 1

In the case of renewable supplies or service contracts, estimated timeframe for subsequent contracts:

in months: 48 (from the award of the contract)

II.3. Duration of the contract or time limit for completion

Start 3.6.2013. Completion 2.6.2017

Information about lots

Lot No: 1

Lot title: Strategic Recommendations

1) Short description

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- To Support Commissioners to identify Protected Services (PS);
- To support the development of plans to ensure that PS are continued throughout an administration if a provider were to be placed in administration;
- To develop recommendations for non-protected services;
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Example duties of the Special Administration Team (SAT)

Please note that these are example duties only and some may not be applicable in any particular special administration. The duration and precise nature of the duties required of a Contractor will be specified in greater detail at mini-competition stage.

- Strategy development;
- Stakeholder engagement – including managing the consultation process;
- Responding to creditors (as appropriate to Health Special Administration or Trust Special Administration);
- Trading matters;
- Patient Safety;
- Employee relations and management;
- Compliance and Statutory Matters;
- Communications Matters.

Further details of the tasks required are contained within the ITT document. The output of Lot 1 will be a strategic report providing details of the consultation.

CPT stage and SAT stage may be subject to individual mini-competitions however a direct award may be permissible under emergency situations. Details of this mechanism are provided in the ITT document. We would expect the direct award of contracts to Contractor's to be the exception, rather than the norm.

2) CPV code(s)

79400000 Business and management consultancy and related services, 66171000 Financial consultancy services, 72221000 Business analysis consultancy services, 79411000 General management consultancy services, 79414000 Human resources management consultancy services, 72224000 Project management consultancy services, 79411100 Business development consultancy services, 79996000 Business organisation services, 66170000 Financial consultancy, financial transaction processing and clearing-house services, 73210000 Research consultancy services, 79421000 Project-management services other than for construction work, 66121000 Mergers and acquisition services, 79221000 Tax consultancy services, 66519600 Actuarial services, 66600000 Treasury services, 79412000 Financial management consultancy services, 79212200 Internal audit services, 90714200 Corporate environmental auditing services, 79313000 Performance review services, 72225000 System quality assurance assessment and review services, 79212300 Statutory audit services, 79100000 Legal services, 79110000 Legal advisory and representation services, 79111000 Legal advisory services, 79140000 Legal advisory and information services, 79200000 Accounting, auditing and fiscal services, 79418000 Procurement consultancy services, 85100000 Health services

3) Quantity or scope

Up to a maximum value of GBP 71 000 000.00.

Estimated value excluding VAT:

Range: between 1 and 71 000 000 GBP

4) Indication about different time frame or duration

5) Additional information about lots

If bidding for this (Strategic Recommendations) Lot please use search for ITT number: 58777.

For Lot 2 (Implementation of Strategic Recommendations) please use ITT number 58781.

Suppliers will need to complete a separate ITT document for each Lot and upload it to the corresponding ITT number on BMS.

The Authority wishes to allow a maximum of 20 suppliers onto the framework agreement (Therefore a maximum of up to 10 suppliers per lot).

Lot No: 2

Lot title: Implementation of Strategic Recommendations

1)

Short description

Following the consultation and a process of acceptance of the final Report by Monitor and/or the Secretary of State as appropriate to the type of special administration, a new Contractor may be appointed

Typical activities that may be expected of a Contractor (whether acting as the TSA or as a support to the TSA) at this stage mirror those that may be required in a corporate insolvency.

These may include but are not limited to:

- Facilitation of contract renegotiations with suppliers and third parties;
- Reconfiguration and rationalisation of estates held by the Provider;
- Reconfiguration of clinical service lines offered at the Provider's location;
- The development of new clinical service lines as recommended in the Report;
- The assessment of staffing and managerial levels and the facilitation of contractual negotiations, in accordance with the Transfer of Undertakings (Protection of Employment) Regulations where appropriate;
- The preparation of the Provider for a merger with another NHS Foundation Trust or for the transfer of its assets and liabilities to another NHS Foundation Trust or the Secretary of State or between another NHS Foundation Trust and the Secretary of State.

2) CPV code(s)

79996000 Business organisation services, 79421000 Project-management services other than for construction work, 79200000 Accounting, auditing and fiscal services, 66121000 Mergers and acquisition services, 79990000 Miscellaneous business-related services, 66171000 Financial consultancy services, 79414000 Human resources management consultancy services, 79100000 Legal services, 79000000 Business services: law, marketing, consulting, recruitment, printing and security, 79418000 Procurement consultancy services, 79410000 Business and management consultancy services, 79212000 Auditing services, 72225000 System quality assurance assessment and review services, 79311410 Economic impact assessment, 79416100 Public relations management services, 85100000 Health services

3) Quantity or scope

Up to the maximum value of GBP 139 000 000.00.

Estimated value excluding VAT:

Range: between 1 and 139 000 000 GBP

4) Indication about different time frame or duration

5) Additional information about lots

If bidding for this (Implementation of Strategic Recommendations) Lot please use search for ITT number: 58781. For Lot 1 (Strategic Recommendations) please use ITT number 58777. Suppliers will need to complete a separate ITT document for each Lot and upload it to the corresponding ITT number on BMS.

The Authority wishes to allow a maximum of 20 suppliers onto the framework agreement (Therefore a maximum of up to 10 suppliers per lot).

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

Parent company or other guarantees may be required in certain circumstances. See the Invitation to tender for further details.

III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

See the Invitation to tender for further details.

III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded

Joint and several liability.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: no

III.2. Conditions for participation

III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: Any supplier may be disqualified who has breached Regulation 23 of the Public Contract Regulations 2006.

III.2.2. Economic and financial ability

List and brief description of conditions: See the invitation to tender for further details.

III.2.3. Technical and professional ability

List and brief description of conditions:

See the invitation to tender for further details.

Minimum level(s) of standards possibly required:

See the invitation to tender for further details.

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

Execution of the service is reserved to a particular profession: no

III.3.2. Information about staff responsible for the performance of the contract

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract: no

Section IV: Procedure

IV.1. Type of procedure

IV.1.1. Type of procedure

Open

IV.1.2. Information about the limits on the number of candidates to be invited

IV.1.3. Information about reduction of the number of solutions or tenders during negotiation or dialogue

IV.2. Award criteria

IV.2.1. Award criteria

The most economically advantageous tender in terms of Price is not the only award criterion and all criteria are stated only in the procurement documents

IV.2.2. Information about electronic auction

An electronic auction will be used: no

IV.3. Administrative information

IV.3.1. File reference number attributed by the contracting authority

1111.Framework Agreement to Support the Assessment of Clinical Service Delivery and the Financial Viability of Healthcare Providers

IV.3.2. Previous publication concerning this procedure

Prior information notice

Notice number in the OJ S: [2012/S 236-388798](#) of 7.12.2012

IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document

IV.3.4. Time limit for receipt of tenders or requests to participate

10.4.2013 - 14:00

IV.3.5. Estimated date of dispatch of invitations to tender or to participate to selected candidates

IV.3.6. Languages in which tenders or requests to participate may be submitted

English.

IV.3.7. Minimum time frame during which the tenderer must maintain the tender

Duration in days: 90 (from the date stated for receipt of tender)

IV.3.8. Conditions for opening of tenders

Date: 10.4.2013 - 15:00

Place:

PCOE, 4th Floor, Department of Health, Skipton House, London, SE1 6LH.

Persons authorised to be present at the opening of tenders: yes

Information about authorised persons and opening procedure: PCOE Procurement Staff.

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.2. Information about European Union funds

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

VI.3. Additional information

Monitor is acting as a lead contracting authority on this collaborative procurement on behalf of itself, NTDA and Department of Health.

The Department of Health/Monitor reserves the right to discontinue the tendering process and not to award the contract.

Transparency:

Potential suppliers should note that, in accordance with the Government's policies on transparency, DH intends to publish the Invitation to Tender (ITT) document, and the text of any Framework Agreement/Contract awarded, subject to possible redactions at the discretion of DH/Monitor/NTDA. The terms of the proposed Framework Agreement will also permit a

public sector contracting authority, awarding a contract under this Framework Agreement to publish the text of that contract, subject to possible redactions at the discretion of the contracting authority. Further information on transparency can be found at:

<http://www.cabinetoffice.gov.uk/resource-library/guidance-transparency>

This procurement exercise will be completed via the DH eTendering portal (BMS) and candidates wishing to be considered for this (or any other) DH contract must submit their response via BMS. The BMS reference number for this exercise is Lot 1 - Strategic Recommendations: 58777, Lot 2: Implementation of Strategic Recommendations: 58781. Please note if suppliers wish to bid for both lots, Suppliers will need to complete a separate ITT document for each Lot and upload it to the corresponding ITT number on BMS.

Suppliers should visit <http://www.dh.gov.uk/en/Aboutus/Procurementandproposals/BMS/index.htm> to register and download instructions on how to respond.

If you require assistance, please contact the Supplier Helpdesk on 0113 254 5777 or supplier.helpdesk@dh.gsi.gov.uk

This helpdesk is available 10,00 am to 4,00 pm, Monday to Friday excluding Bank Holidays. The Authority wishes to allow a maximum of 20 suppliers onto the framework agreement (Therefore a maximum of up to 10 suppliers per lot).

VI.4. Procedures for review

VI.4.1. Review body

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Monitor will incorporate a standstill period at the point of information about the actual award of the contract is communicated to tenderers. That notification will provide full information on the award decision. The standstill period, which will be for a minimum of 10 calendar days, provides time for unsuccessful tenderers to challenge the award decision before the contract is entered into.

The Public Contracts Regulations 2006 (SI2006 No 5) provide for aggrieved parties who have been harmed or are at risk of harm by breach of the rules to take action in the High Court.

VI.4.3. Service from which information about the review procedure may be obtained

Official name: Royal Courts of Justice

Postal address: Strand

Town: London

Postal code: WC2A 2LL

Country: United Kingdom

Telephone: +44 2079477726

VI.5. Date of dispatch of this notice

20.2.2013