

**United Kingdom-Stoke-on-Trent: Health services**  
**OJ S 41/2021 01/03/2021**  
**Contract award notice**  
**Services**

**Legal Basis:**

Directive 2014/24/EU

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**Section I: Contracting authority**

**I.1. Name and addresses**

Official name: NHS Midlands and Lancashire CSU

Postal address: Heron House, 120 Grove Road

Town: Stoke-on-Trent

NUTS code: UKG1 Herefordshire, Worcestershire and Warwickshire

Postal code: ST4 4LX

Country: United Kingdom

Contact person: Mrs Lyle Lloyd (MCIPS) Senior Procurement Officer

E-mail: [lyle.lloyd@nhs.net](mailto:lyle.lloyd@nhs.net)

**Internet address(es):**

Main address: <https://mlcsu.bravosolution.co.uk>

**I.2. Information about joint procurement**

The contract is awarded by a central purchasing body

**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**

Contract Modification (under PCR 2015 Regulation 72) to the Non-Emergency Patient Transportation Service (NEPTS) for NHS Herefordshire & Worcestershire CCG and Associated Commissioners

**II.1.2. Main CPV code**

85100000 Health services

**II.1.3. Type of contract**

Services

**II.1.4. Short description**

In August 2019, NHS Herefordshire and Worcestershire Clinical Commissioning Group and Associated Commissioners awarded a contract for a Non-Emergency Patient Transportation Service (NEPTS) following a formal OJEU open procurement procedure. For reference, the OJEU document number for the contract notice (published on 5 April 2019) is [2019/S 068-](#)

[159843](#); and the OJEU document number for the contract award notice (published on 13 September 2019) is [2019/S 177-431649](#). The contract duration is five (5) years, with the option to extend for a further two (2) years, subject to agreement; the contract start date was 1 April 2020; and the total contract value was GBP 24 942 410.00 for the initial 5-year contract period. Further to contract commencement on 1 April 2020, the above named commissioning body has become aware of additional activity not included in the formal competitive tender exercise, therefore, a contract variation (i.e., contract modification) has been made.

#### **II.1.6. Information about lots**

This contract is divided into lots: no

#### **II.1.7. Total value of the procurement**

Value excluding VAT: 875 000,00 GBP

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

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

34114122 Patient-transport vehicles, 60130000 Special-purpose road passenger-transport services

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

NUTS code: UKG1 Herefordshire, Worcestershire and Warwickshire

Main site or place of performance: The counties of Herefordshire and Worcestershire, and central areas of Powys.

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

It has come to the attention of the above named commissioning body that activity relating to the transportation of a cohort of end of life patients was not included in a formal competitive tender exercise for the Herefordshire and Worcestershire NEPTS (OJEU Document Numbers [2019/S 068-159843](#) and [2019/S 177-431649](#)), therefore, has not been subsequently included in the new Herefordshire and Worcestershire NEPTS contract. Prior to publication of the Herefordshire and Worcestershire NEPTS tender documentation and NEPTS service specification in 2019, the commissioning body had conducted exercises to identify activity within the remit of the service, however, the commissioning body was not made aware that this activity was within the scope of the Herefordshire and Worcestershire NEPTS. The commissioning body is now in the position of needing to urgently commission a High Dependency Unit (HDU) crew to cover this gap in service provision for this cohort of End of Life patients. In order to minimise risks to patient care, the commissioning body is modifying the existing NEPTS contract in alignment with specific provisions under Regulation 72 (1) (c) of the Public Contract Regulations 2015. It should be noted that the modification will not materially change the essence of the contract, and it will fall below 10 % of the current total contract value. The estimated cost of the NHS Herefordshire and Worcestershire Clinical Commissioning Group NEPTS contract modification is circa £875,000 over the 5-year contract duration (circa GBP 174 720 per annum). (N.B.: the original total contract value over the 5-year contract duration is GBP 24 942 410.) The modified activity equates to an estimated 16 additional patient journeys per week, and this figure may be adjusted as the contract is already 6-months into its term.

#### **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

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

## **Section IV: Procedure**

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### **IV.1. Description**

#### **IV.1.1. Type of procedure**

Award of a contract without prior publication of a call for competition in the Official Journal of the European Union in the cases listed below

- Extreme urgency brought about by events unforeseeable for the contracting authority and in accordance with the strict conditions stated in the directive

Explanation:

This Notice is to advise of a contract modification and, therefore, is not for the award of a contract without prior publication, however, due to the value of the contract modification being above OJEU Procurement Threshold for 2020/2021 for services (i.e., above GBP 663 540) this notice is published to satisfy The Public Contract Regulations (PCR) 2015 guidance. The above named commissioning body has made the formal decision to modify its current contract for a non-emergency patient transportation services to include high dependency unit crews for a cohort of end of life patients in the best interest of patients; the additional requirement that has led to the modification was unforeseen by the commissioning body and any lack of service provision would be highly likely to pose a significant risk to the quality of care for the cohort of end of life patients.

Regulation 72 (1c(iii)) under The Public Contracts Regulations provides a general justification for the proposed modification, this being that the alteration value is under the threshold of 50 % of the total value of the service contract, and it does not change the 'overall nature' of contract. The estimated cost of the NHS Herefordshire and Worcestershire Clinical Commissioning Group NEPTS contract modification is circa GBP 875 000 over the 5-year contract duration (circa GBP 174 720 per annum). (N.B.: the original total contract value over the 5-year contract duration is GBP 24 942 410.) The modified activity equates to an estimated 16 additional patient journeys per week.

Under The Public Contract Regulations 2015 Regulation 72 (1) (c) all of the following conditions are fulfilled:

- (i) the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
- (ii) the modification does not alter the overall nature of the contract;
- (iii) the increase in price does not exceed 50 % of the value of the original contract.

#### **IV.1.3. Information about a framework agreement or a dynamic purchasing system**

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

The procurement is covered by the Government Procurement Agreement: no

### **IV.2. Administrative information**

#### **IV.2.1. Previous publication concerning this procedure**

Notice number in the OJ S: [2019/S 117-431649](#)

#### **IV.2.8. Information about termination of dynamic purchasing system**

#### **IV.2.9. Information about termination of call for competition in the form of a prior information notice**

### **Section V: Award of contract**

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#### **Title:**

Contract Modification to NHS Herefordshire and Worcestershire Non-Emergency Transportation Services

A contract/lot is awarded: yes

#### **V.2. Award of contract**

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

14/02/2021

##### **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**

Official name: E-Zec Medical Services Ltd

National registration number: 4088225

Postal address: Terminal Building, Redhill Aerodrome, Surrey

Town: Redhill

NUTS code: UKJ2 Surrey, East and West Sussex

Postal code: RH1 5YP

Country: United Kingdom

The contractor is an SME: no

##### **V.2.4. Information on value of the contract/lot**

Total value of the contract/lot: 875 000,00 GBP

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

### **Section VI: Complementary information**

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

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

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

Official name: NHS Herefordshire & Worcestershire CCG

Postal address: The Coach House, John Comyn Drive, Perdiswell Worcester

Town: Worcester

Postal code: WR3 7NS

Country: United Kingdom

Telephone: +44 1905681999

Internet address: <https://herefordshireandworcestershireccg.nhs.uk/>

##### **VI.5. Date of dispatch of this notice**

24/02/2021

