

UK-Castle Donington: health services  
OJ S 95/2012 19/05/2012  
Contract notice  
Services

Directive 2004/18/EC

## Section I: Contracting authority

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### I.1. Name and addresses

Official name: East Midlands Procurement Portal  
Postal address: The Millhouse Business Centre, Station Road  
Town: Castle Donington  
Postal code: DE74 2NJ  
Country: United Kingdom  
For the attention of: John Morton  
E-mail: [john.morton@empact.nhs.uk](mailto:john.morton@empact.nhs.uk)  
Telephone: +44 1332813851

#### Internet address(es):

Address of the buyer profile: <https://emprocure.nhs.bravosolution.co.uk>

#### 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

Body governed by public law

### 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

## Section II: Object of the contract

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### II.1. Description

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

NHS Continuing Healthcare Services PHASE 4 - East Midlands PCTs.

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

Services

Service category No 25: Health and social services

Main site or place of performance: East Midlands region of the UK.

NUTS code UKF East Midlands (England)

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

The notice involves a public contract

#### **II.1.4. Information about framework agreement**

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

East Midlands Primary Care Trust (PCT) Commissioners seek expressions of interest for the provision of Continuing Healthcare Services in the East Midlands region. EMPACT will be undertaking this process on behalf of the East Midland PCTs.

The original process Phase 1 (OJEU 357786), was run as an AWP (Any Willing Provider) process, but Phases 2, 3 and this Phase 4 will be run as AQP (Any Qualified Provider). This is in accordance with the DoH guidance.

Commissioners aim to improve the way care home patient placements are commissioned due to historical inconsistencies and variance across the region, include pricing and cost, specifications of care, quality monitoring, and contract cover and management. The PCTs have moved to a more consistent structure which includes the introduction of the 2011/12 - NHS Standard Care Home Services Contract (Multilateral).

The procurement process applied will be an "Any Qualified Provider" (AQP) procurement process, whereby the Commissioner (PCT) publishes their terms and conditions of business and any provider that both accepts the terms and is deemed a qualified and suitable potential provider is included on an 'approved provider' list.

The AQP process will focus on NHS, new, Fully-Funded packages of care for patients. This includes patients with Physical Disabilities, Learning Disabilities, Mental Health (including Dementia), Brain Injury and End of Life Care, specified age groups under 65 and over 65. Only Approved Providers will be considered for NHS, new, fully-funded packages of care, and in order to become an Approved Provider for Continuing Care for East Midlands PCTs, current and prospective providers should submit an application and complete the AQP process. From the 1.6.2011 (Phase 1), East Midlands PCTs will only place any new patients with Approved Providers.

This AQP process will be conducted on the EMPACT eTendering portal at [www.emprocure.nhs.bravosolution.co.uk](http://www.emprocure.nhs.bravosolution.co.uk). Candidates wishing to be considered for this contract can express their interest via the EMPACT portal - the AQP (OJEU notice & ITT Documentation) will be available to complete and submit from the 15.5.2012. The online tender document will be available for you to complete and submit until the deadline of 5 pm on the 2.7.2012.

#### **II.1.6. CPV code(s)**

85100000 Health services, 85144100 Residential nursing care services

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

The procurement is covered by the Government Procurement Agreement: no

#### **II.1.8. Lots**

This contract is divided into lots: no

#### **II.1.9. Information about variants**

Variants will be accepted: no

### **II.2. Scope of the procurement**

#### **II.2.1. Total quantity or scope**

#### **II.2.2. Information about options**

#### **II.2.3. Information about renewals**

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

Duration in months: 36 (from the award of the contract)

## **Section III: Legal, economic, financial and technical information**

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### **III.1. Conditions related to the contract**

#### **III.1.1. Deposits and guarantees required**

Parent company or other guarantees, bonds, deposits, insurance or other forms of security may be required in certain circumstances.

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

Emprocurehns.bravosolution.co.uk.

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

EMPACT reserves the right to require groupings of contractors to take a particular legal form or to require one party to undertake primary legal liability or to require that each party undertakes joint and several liability.

#### **III.1.4. Contract performance conditions**

### **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: Submission of expression of interest and procurement specific information. This procurement exercise will be conducted on the emprocurehns.bravosolution.co.uk eTendering portal at [www.emprocurehns.bravosolution.co.uk](http://www.emprocurehns.bravosolution.co.uk). Candidates wishing to be considered for this AQP Process must register their expression of interest and provide additional procurement specific information (if required) through the emprocurehns.bravosolution.co.uk eTendering portal as follows:

- i) Candidates should register on the emprocurehns.bravosolution.co.uk eTendering portal at [www.emprocurehns.bravosolution.co.uk](http://www.emprocurehns.bravosolution.co.uk)
- ii) Once registered, candidates must express their interest as follows:
  - a) login to the emprocurehns.bravosolution.co.uk eTendering portal,
  - b) select ITTs Open to All Suppliers,
  - c) access listing related to this contract - NHS Continuing Healthcare Services - East Midlands PCTs,
  - d) click on Express Interest button;
- iii) Once you have expressed interest, please access the My ITTs page, where you can construct your reply as instructed. You must then publish your reply using the Submit Response button,
- iv) For any support in submitting your expression of interest please contact the eTendering Help-desk at +44 8003684850 or [help@bravosolution.co.uk](mailto:help@bravosolution.co.uk).

#### **III.2.2. Economic and financial ability**

#### **III.2.3. Technical and professional ability**

#### **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**

## **Section IV: Procedure**

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### **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**

#### **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**

EMCPH-10-607

#### **IV.3.2. Previous publication concerning this procedure**

#### **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**

2.7.2012 - 17:00

#### **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**

#### **IV.3.8. Conditions for opening of tenders**

## **Section VI: Complementary information**

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### **VI.1. Information about recurrence**

This is a recurrent procurement: yes

Estimated timing for further notices to be published: The contract will be awarded under a managed AQP (Any Qualified Provider) model, which will be re-opened for Phase 5 in November 2012, and thereafter, as deemed appropriate for the duration of the contract.

## **VI.2. Information about European Union funds**

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

EMPACT (East Midlands Procurement and Commissioning Transformation) intends to use an eTendering system named Bravo in this procurement exercise. EMPACT (East Midlands Procurement and Commissioning Transformation) is a Commissioning Support Unit hosted by NHS Leicestershire County & Rutland, acting with the Commissioning Partnership Board, which draws its membership from all East Midlands PCTs. The PCTs currently working with EMPACT, and who may purchase under any contract awarded through this process are all of the East Midlands PCT's. Variants may be accepted at the member organisations discretion provided that they meet the core requirements as set out in the AQP documentation. Please note that other NHS organisations may wish to participate in this process, which would see them join and commit to the consortium and it's agreement. Any contract entered into be considered a contract made in England according to English Law and which shall be subject to the exclusive jurisdiction of the English Courts. The East Midlands PCTs and EMPACT are not and shall not be liable for any costs by those expressing an interest or concern for this contract opportunity. The member organisations and the host member reserves the right at all times acting in its absolute discretion, not to award a contract, to make what changes to the structure, format, procedures, CPV codes and timing of the procurement process and to cancel or vary the process in its entirety or any part of it.

The ability for the Commissioners to exercise any further extension will be assessed prior to the third anniversary of the agreement.

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

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

#### **VI.4.2. Review procedure**

Precise information on deadline(s) for review procedures: On a voluntary basis only, EMPACT (East Midlands Procurement and Commissioning Transformation) will incorporate a minimum 10 calendar day standstill period at the point information on the award of contract is communicated to bidders. Where the 10 day period expires on a Saturday or Sunday, or a Bank Holiday, the standstill period will expire at midnight on the next working day. By way of example only, if the standstill notice is issued on Thursday that standstill period will expire at midnight on the following but one Monday.

If an appeal regarding the award of a contract has not been successfully resolved the Public Contracts Regulations 2006 (SI 2006 No 5) provide for aggrieved parties who have been harmed or are at risk of harm by a breach of the rules to take action in the High Court (England, Wales and Northern Ireland).

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

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

14.5.2012