

Decision Maker: EXECUTIVE
For Scrutiny by the Adult Care & Health Services Policy
Development Scrutiny Committee on 17th March 2021

Date: EXECUTIVE on 31st March 2021

Decision Type: Non-Urgent Executive Non-Key

Title: CONSIDERATION FOR AGREEMENT TO EXTEND THE
CONTRACT FOR THE PROVISION OF SEXUAL HEALTH
SERVICES

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Chief Officer: Dr Nada Lemic, Director of Public Health

Ward: All Wards

1. REASON FOR REPORT

- 1.1 Local Sexual Health & Contraception Services are delivered through a number of contracts. COVID19 has impacted on service delivery and procurement timelines and processes. The ongoing uncertainties and recovery will further impede the procurement and market engagement. The providers of Sexual Health & Contraception Services are our health partners. Their capacity to participate and engage in a procurement process is likely to be restricted by their involvement in and responses to the the ongoing COVID19 pandemic. In order to provide consistency in service delivery and to allow the market to recover, it is necessary to delay the planned sexual health procurement and therefore extend current contracts.
- 1.2 In June 2020 (Report No. ACH20-26), the Portfolio Holder for Adult Care & Health authorised an extension beyond term of the contract from 1 October 2021 until 31st March 2022.
- 1.3 This report requests authorisation to vary the contract with Bromley Healthcare CIC for the provision of Sexual Health Early Intervention Services to extend it beyond term for a further 12 months from 1st April 2022 to 31st March 2023 for the reasons set out in 1.4 below.
- 1.4 This will align the expiry date of the local contraception and sexual health contracts with the Kings College Hospital NHS Foundation Trust (King's) contract which provides the Genitourinary Medicine (GUM) element of the local service at the Beckenham Beacon. Under

the South East London Collaborative Arrangement, King's contract is also being extended for a one year period (this is due to the impact of COVID19 on the market and the procurement process). As it will be more prudent to deliver an integrated sexual health service in Bromley, in line with the national specification, it is necessary to align both the Bromley Healthcare and King's contracts so that an integrated 'one stop shop' service can be provided to Bromley residents from 1st April 2023.

- 1.5 The contract variation will also allow commissioners to evaluate the models of service delivery that have been more successful during the COVID19 pandemic and develop an appropriate, local integrated sexual health service model. It is also envisaged that the planned procurement will be managed over a longer time period than is normally assigned due to the ongoing impact of COVID19.

2. RECOMMENDATION(S)

- 2.1 Adult Care & Health PDS are asked to note and comment on the current service provision and commissioning options set out in this report, prior to Executive decision.
- 2.2 Executive is asked to:
- Note the procurement options detailed in this report;
 - Approve the variation of the Bromley Healthcare CIC Sexual Health Early Intervention Service to further extend the contract for a period of 12 months from 1st April 2022 – 31st March 2023 at an estimated annual value of £934k (revised whole life value of £5,116k).

Impact on Vulnerable Adults and Children

1. Summary of Impact: Public Health programmes benefit vulnerable adults and children
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Children and Young People Excellent Council Safe Bromley Supporting IndependenceHealthy Bromley:
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Financial

1. Cost of proposal: Estimated Cost: £934k
2. Ongoing costs: Estimated Cost: £934k
3. Budget head/performance centre: Public Health- Sexual Health
4. Total current budget for this head: £3.0m
5. Source of funding: Public Health Grant

Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Applicable:
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Procurement

1. Summary of Procurement Implications:

COVID19 will impact on the procurement of sexual health and contraception services. NHS and health providers are involved in the COVID19 response in a number of ways and their clinical management teams do not have resources to engage in market testing or the submission of tenders. Service delivery during COVID19 has led to innovation e.g. telemedicine and other digital solutions, which we are keen to evaluate and include in our future service specification. This extension will enable an more effective and impactful procurement process to take place.

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): None
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 Bromley Healthcare provides a comprehensive range of contraception, HIV care and support, and web based sexual health information and advice that supports prevention and self care, as well as signposting to local services and available treatments to the Bromley population.
- 3.2 In Bromley, sexual health and contraception services are co-located at Beckenham Beacon and do not offer an integrated offer, unlike other London sexual health open access services, which are delivering an integrated service in line with the national service specification. The Gentiourinary Medicine (GUM) service is delivered by King's College Foundation NHS Trust. This contract is procured through a South East London collaborative arrangement. It is a 5 year contract which was due to expire on 31st March 2022 but has been extended to 31st March 2023 due to the impact of COVID19 and the need to ensure service continuity and stability.
- 3.3 Given the rise in sexually transmitted infections (STIs) and repeat abortions in Bromley, it is increasingly important to provide an integrated one-stop shop offer to enable opportunistic detection of STIs and reduce unplanned pregnancies. The integrated offer will enhance access i.e. one appointment versus two and the utilisation of clinical resources has the potential to improve cost effectiveness.

4. SUMMARY OF THE BUSINESS CASE

- i) The variation will allow for recovery from the COVID19 pandemic for NHS and other health providers, both in terms of capacity to engage in the procurement process and the identification of post pandemic needs, resources and new and more efficient ways of working.
- ii) The variation will align both the Bromley Healthcare contract (currently due to expire on 31st March 2022) and the King's contract. This alignment will enable the future commissioning of an integrated service which is the model advocated by the national sexual health specification.
- iii) This variation will also allow commissioners to consolidate the learning from COVID19 in terms of the development of efficient and effective service delivery and the exploration of the use of digital innovation. Commissioners will be able to envision a more joined up local sexual health system brought about by the local place based NHS for achieving further savings while improving access and service user experience.

4.1 SERVICE PROFILE/DATA ANALYSIS

4.1.1 Bromley Healthcare provides contraception, HIV care and support, web based sexual health information, advice and signposting that supports prevention and self care to the Bromley population. Specialist services aimed at young people include the opportunistic offer of Chlamydia and Gonorrhoea tests and a young people condom distribution service and integrated prevention programme available from community pharmacies in Bromley.

4.1.2 The following table provides the key performance data for 2019/2020. Data for 2020/2021 has not been included due to the impact of COVID19 on service delivery.

ELEMENT	ACTIVITY	2019/2020	Target /Outturn*
Health Promotion/Outreach	Condoms distributed to young people	13,839	25,000
	Condoms distributed to MSM and BAME	16,578	16,000
National Chlamydia Screening Programme	Young people aged 15 – 24 screened for chlamydia in 2019	4809	4200
LGBTQ	Number of Service Users	62	57
	Attendances	172	312

	New Referrals	33	21
HIV	Caseload	327	354
	Contacts	961	978
	New Referrals	39	32
Contraception	EHC Dispensed by Pharmacy	823	928
	EHC Dispensed by Contraception Clinics	222	223
	SRH Standard	3769	3928
	SRH Complex	168	258
	LARC	2033	2022

- For HIV and Contraception, they are based on previous year's outturn of 2018/19

4.2 OPTIONS APPRAISAL

4.2.1 Option 1: Do Nothing and allow the contract to end on the expiry date:

This is not an option as the Council has a statutory responsibility to ensure this service is provided. Without this service, Bromley residents would be disadvantaged.

4.2.2 Option 2: Tender the contract to let it to a new provider from April 2022

Due to the impact of COVID19 on sexual health and contraception service providers, the tender would be limited to the Community Sexual Health Early Intervention Service and it would therefore not be possible to procure an integrated service model and take advantage of a more effective and efficient service. It is likely that this would be a more costly option.

4.2.3 Option 3: Approve the variation of the Bromley Healthcare Sexual Health Community Intervention Service to further extend for a period of 12 months from 1st April 2022 to 31st March 2023;

Extending the Bromley Healthcare contract will reduce the risks of increased costs of tendering the service and avoid disrupting continuity of care and the stability of the service. It would enable commissioners to realise the integrated service model and to tender the service in a more buoyant, competitive market.

4.3 PREFERRED OPTION

4.3.1 Option 3: Approve a waiver to exempt from tendering and vary:

The contract with Bromley Healthcare for the provision of the Sexual Health Community Early Intervention Service to further extend for a period of 12 months from 1st April 2022 to 31st March 2023.

4.3.3 The value of the proposed extension is £934, which will bring the whole life value of the contract to £5,116k as set out in Section 11 below.

4.3.4 Although the cost of the contract was originally fixed for its total term, from 2020/2021 onwards the Council is responsible for the cost impact of the changes to the NHS Terms and Conditions (Agenda for Change) which was previously funded by the Department for Health and Social Care. Funding for these costs has been included in the Public Health grant allocation since 2020/2021.

4.4 MARKET CONSIDERATIONS

4.4.1 Integrated sexual health service joining up GUM and contraception services is the model of care endorsed by clinicians and their professional bodies. An integrated service also meets the national specification which is preferred and delivered by providers.

- 4.4.2 Responding to the COVID19 pandemic and the ongoing related uncertainties has impacted the market and the ability of providers to engage in a procurement process.

5. STAKEHOLDER ENGAGEMENT

- 5.1 The potential variation of Bromley Healthcare contract to 31st March 2023 has been discussed with the provider and Bromley Healthcare welcomes the proposal and is clear that the contract will be retendered as an integrated service after that date.
- 5.2 Other providers in the Bexley Sexual Health and Contraception Services system have been consulted on this extension of the Bromely Healthcare contract. They are in agreement that this will provide stability and continuity of care for patients at this time of uncertainty and continued pressures due to COVID19.

6. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

- 6.1 **Estimated Contract Value** – £934k for the period of extension (£5.116k revised whole life value)
- 6.2 **Other Associated Costs** – none
- 6.3 **Proposed Contract Period** – 1st April 2022 to 31st March 2023

7. SUSTAINABILITY AND IMPACT ASSESSMENTS

- 7.1 This option provides an adequate timeframe for the exploration of a more integrated service that is aligned to the national service specification. It also acknowledges the need to manage the procurement process over a longer time period due to the ongoing impact of COVID19.
- 7.2 This option will also enable further integration between community and primary care services that will bring about a more sustainable financial position that will support the Council in meeting the requirement of delivering statutory services in a financially challenging environment.

8. POLICY CONSIDERATIONS

- 8.1 This service meets the Council's objectives within, 'Building a Better Bromley' for a Healthy Bromley.

9. IT AND GDPR CONSIDERATIONS

- 9.1 The proposed option does not have any IT and/or GDPR implications as these have already been considered and scrutinised for the existing contract. The alternative option to follow procurement processes will necessitate a review of current IT processes including system integration considerations and data transfer implications.

10. PROCUREMENT RULES

- 10.1 This report seeks a variation to the contract with Bromley Healthcare CIC for Sexual Health Community Early Intervention Services, to extend the contract for a further period of 12 months beyond the Contract Term for the reasons set out in 1.5 and 3.1 to 3.3. An extension of 6 months from 1st October 2021 to 31st March 2022 was agreed by the Portfolio Holder for Adult Care & Health in June 2020 (Report Nio. ACH20-026). The additional 12 months beyond the Contract Term starts on 1st April 2022

and expires on 31st March 2023. The value of the proposed variation is £934, the revised whole life value (inclusive of this proposed extension) is £5,116k.

- 10.2 The contract was originally procured as an above threshold contract following a competitive tendering process. The variation stated above can be completed in compliance with Regulation 72 of the Public Contract Regulations 2015, (which allows change to a contract without readvertisement in the OJEU where the proposed change to a contract monetary value, is provided for in the initial procurement documents in a clear, precise and unequivocal option clause which specifies the conditions of use and the scope of the nature of the change).
- 10.3 The Council's requirements for authorising a variation are covered in Contract Procedure Rule 23.7 and 13.1. For a contract of this value, the Approval of Executive, following Agreement by the Chief Officer, Assistant Director Governance & Contracts, Director of Corporate Services, Director of Finance and the Portfolio Holder for Adult Care & Health. In accordance with Contract Procedure Rule 2.1.2, Officers must take all necessary professional advice.
- 10.4 Following approval for the action listed above, the variation must be applied via suitable Change Control Notices, or similar agreed with the Provider.
- 10.5 The actions identified in this report are provided for within the Council's Contract Procedure Rules, the the proposed actions can be completed in compliance with their content.

11. FINANCIAL CONSIDERATIONS

- 11.1 The estimated value of the proposed extension is £934k, which will be contained within the existing budget for this service. The extension will bring the whole life value of the contract to £5,116k as set out in the table below:

	£'000
<u>Existing contract</u>	
2017/18 (6 months)	463
2018/19	927
2019/20	927
2020/21	931
2021/22	934
	4,182
<u>Proposed extension</u>	
2022/23	934
	934
Total life value	5,116

- 11.2 Although the cost of the contract was originally fixed for the duration, from 2020/21 onwards the Council is responsible for the cost impact of the changes to the NHS Terms and Conditions (Agenda for Change) which has previously been funded by the Department for Health and Social Care. Funding for these cost increases was included in the increased Public Health grant allocation for 2020/21.
- 11.3 When the contract was awarded it delivered a saving of £36k per annum compared to the 2017/18 budget.

12. PERSONNEL CONSIDERATIONS

- 12.1 Staff are employed by Bromley Healthcare CIC and therefore no personnel considerations for the Council.

13. LEGAL CONSIDERATIONS

- 13.1 In order to comply with Council's statutory duties under the Health and Social Care Act 2012 and the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations, the Council has duty to procure the services outlined in this report by way of a contract with Bromley Healthcare CIC.
- 13.2 The contract with Bromley Healthcare CIC for the provision of Sexual Health Early Intervention Services service is a public contract within the meaning of the Public Contracts Regulations 2015 (the Regulations) and has been procured through a compliant process. For the purposes of previous extensions to the contract, the reasoning and justification to support that decision has been set out in the previous report mentioned elsewhere in this report. In so far as the additional 12 months extension (from the 1st April 2022 and expires on 31st March 2023) Regulation 72 permits such an extension without the need to carry out a further tendering process where it could not have been foreseen; does not alter the overall nature of the contract and is within 50% of the contract value. These conditions would appear to be met.
- 13.3 The report recommendations are seeking a decision to approve an extension. Procurement comments confirm the cumulative value of extensions for the purposes of the Council's Contract Procedure Rules (CPR's) The recommendations are consistent with CPR 23.7 and 13.1 which gives authority to the Executive to approve the extension in agreement with the Chief Officer, Director of Finance, Assistant Director of Governance and Contracts, Director of Corporate Services and the Portfolio Holder where the value of the extension (including the value of all extensions) is above £1M (here £934,000) as more fully explained in section 10 of this report under the Procurement Rules.

Non-Applicable Sections:	Service Profile/Data Analysis Procurement and Project timescales and Governance Arrangements
Background Documents: (Access via Contact Officer)	Report No. ACH20-026 'Consideration for Agreement to Vary the Contract for the Provision of Sexual Health Services