
Decision Maker: **EXECUTIVE**
FOR PRE-DECISION SCRUTINY FROM ADULT, CARE & HEALTH POLICY
DEVELOPMENT AND SCRUTINY COMMITTEE ON 5TH SEPTEMBER 2023

Date: 20th September 2023

Decision Type: Non-Urgent Executive Key

Title: **CONTRACT AWARD: BROMLEY SUBSTANCE MISUSE**
PROVIDER SERVICE (SMPS)

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Chief Officer: Dr Nada Lemic, Director of Public Health

Ward: All

1. REASON FOR REPORT

- 1.1 The Executive agreed on 30th November 2022 (Report ACH22-037) to proceed to procurement for the Bromley Substance Misuse Provider Service. This report details the outcome of the tender process and recommends contract award.

2. RECOMMENDATION(S)

- 2.1 Adult Care and Health PDS is asked to note and comment on the contents of the report.
- 2.2 Executive is recommended to:
- 2.2.1 Approve award of contract for the Bromley Substance Misuse Service to the Service Provider named in the Part Two Report, commencing 1st April 2024 for five years with an option to extend for up to a further three years at an estimated contract value as detailed in the Part Two report.

- 2.2.2 Approved delegated authority to the Chief Officer, subject to agreement with the Portfolio Holder, the Assistant Director Governance & Contracts, the Director of Finance and Director of Corporate Services, to apply the three year extension in due course.
- 2.2.3 Approved delegated authority to the Chief Officer, subject to agreement with the Portfolio Holder and the Director of Finance, to draw down expected Supplemental Substance Misuse Treatment and Recovery (SSMTR) Grants and future potential Substance Misuse grants that may be allocated by the Office for Health Improvements and Disparities (OHID) during the life of the contract.
- 2.2.4 Approved delegated authority to the Chief Officer, subject to agreement with the Portfolio Holder, the Assistant Director Governance & Contracts, the Director of Finance and Director of Corporate Services, to vary the Substance Misuse Provider Service contract as required to incorporate additional requirements linked to the allocation of the SSMTR grant and other future Substance Misuse grants that may be allocated.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Public Health Programmes protect and build resilience of young people and vulnerable adults.
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Transformation Policy

1. Policy Status: Existing Policy
 2. Making Bromley Even Better Priority (delete as appropriate):
 - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence, and making choices.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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Financial

1. Cost of proposal: Estimated Cost: Please refer to the Part 2 report
 2. Ongoing costs: Recurring Cost: Please refer to the Part 2 report
 3. Budget head/performance centre: Public Health Grant
 4. Total current budget for this head: £1,983k
 5. Source of funding: Public Health Grant
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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: The tender was undertaken in accordance with the Public Contract Regulations 2015.
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Property

1. Summary of Property Implications: N/A
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: The Provider is committed to Bromley's Net Zero Action Plan and has developed an organisational social value action plan.
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Customer Impact

1. Estimated number of users or customers (current and projected): Borough-wide
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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 The London Borough of Bromley has a statutory duty to improve the health of the population and to provide local public health services. The specific responsibilities are set out in the Health and Social Care Act 2012 and associated regulations and include a mandated requirement for local authorities to provide or make arrangements to secure the provision of substance misuse treatment services for adults and young people.
- 3.2 On 30/11/22, the Executive agreed to proceed to a competitive tender process (Report Number ACH22-037) to commission the Bromley Substance Misuse Provider Service, bringing together two separate contracts (the young people's substance misuse service called *Bromley Changes* and the adult's service called *Bromley Drug and Alcohol Service*) which were both previously supplied by the same Provider.
- 3.3 Combining the adult and young people's substance misuse services enables efficiencies and streamlines service delivery. It will ensure continuity of care and the opportunity for a strong service identity which will improve access for service users. It will also facilitate the implementation of Bromley's relationship model and whole family approach.
- 3.4 The Service will deliver a world class treatment service for young people and adults. It will include prevention, identification and engagement and the full range of treatment which will include both therapeutic and medical interventions plus aftercare to improve outcomes for service users. There will be an interface with the Criminal Justice System and links with key stakeholders. The young people's element of the service will have a focus on treatment, prevention and early intervention as well as work with schools and support for children in substance using families.
- 3.5 The contract will include responsibility for Pharmacy Needle Exchange Service, the Supervised Consumption of people receiving Opioid Medication Assisted Treatment and the budget for inpatient residential detoxification and residential rehabilitation.
- 3.6 The contract term aligns with the contract with the National 10 Year Drug Strategy with the contract term and national strategy completing contemporaneously.
- 3.7 The service will be monitored in line with the contract. Quarterly contract monitoring meetings will be held at which quarterly reports will be discussed in detail by the Commissioner and the Provider Service. Key Performance Indicators are wide ranging and are categorised according to the service areas. Individual indicators will be defined and confirmed with the Provider during mobilisation.
- 3.8 The mobilisation period will commence from contract award, October 2023 until contract start (1st April 2024).
- 3.9 An indicative value of £315,606, which is the final allocation of a 3-year grant commenced in 2021/22, has been provided by the Office for Health and Disparities (OHID) for the Supplemental Substance Misuse Treatment and Recovery (SSMTR) Grant. This will be received in the first year of the contract (2024/2025). Continuation of the grant to support delivery of the national drug strategy is not certain but it is feasible future grants for substance misuse maybe available during the life of the contract.
- 3.10 The Executive is therefore asked to delegate authority to the Chief Officer, in consultation with the Portfolio Holder following agreement from the Assistant Director Governance & Contracts, the Director of Finance and Director of Corporate Services to approve the draw down of the SSMTR grant on receipt and vary the contract linked to the allocation of the SSMTR and future grants, and any changes associated with the scope of the specification during the life of the contract. The rationale for seeking variation to the contract is to preserve continuity of care that leads to successful treatment completion, it is therefore paramount for continuity of service delivered through existing contract.

4. CONTRACT AWARD RECOMMENDATION

4.1 Recommended Provider:

Contract Award Report Member Decision
August 2022

The recommended Service Provider is detailed in the Part Two Report.

4.2 Estimated Contract Value (annual and whole life):

The total cost of the contract for the full 5 years is detailed in the Part Two report.

4.3 Other Associated Costs: An indicative value of £315,606, which is the final allocation of a three year grant commenced in 2021/22, has been provided by the Office for Health and Disparities for the Supplemental Substance Misuse Treatment and Recovery (SSMTR) Grant. This will be received in the first year of the contract (2024/2025).

4.4 Proposed Contract Period:

The contract will commence on 1st April 2024 for a period of five years until 31st March 2029 with the options to extend for a further three years until 31st March 2032.

4.5 The procurement followed LBB procedures. The Evaluation Panel was composed of 6 individuals: 5 from LBB, and one external colleague with expertise in substance misuse. A face to face clarification interview was held with the Evaluation Panel and the recommended Service Provider prior to the agreement of the consensus score.

5. SOCIAL VALUE, CARBON REDUCTION AND LOCAL / NATIONAL PRIORITIES

5.1 The Provider is fully committed to supporting Bromley's Net Zero Action Plan.

5.2 The Provider will develop a Social Value Action Plan. Key elements of the plan are detailed under the domains of supporting local employment and business, equality and diversity, health promotion and limiting energy and fuel consumption.

5.3 Key actions include employing local staff and volunteers and providing student placements, providing free space to community groups such as Alcoholics Anonymous and Narcotics Anonymous. Healthy eating initiatives will be provided to service users and well-being activities to support staff. The Provider has set annual targets for reducing carbon emissions, promoting cycle to work and public transport schemes, ensuring estates are energy efficient and offices are paperless. All staff will undertake sustainability training.

6. TRANSFORMATION/POLICY IMPLICATIONS

6.1 This service will meet the Council's Objectives within 'Making Bromley Even Better' by supporting the vision of making Bromley, 'a fantastic place to live and work where everyone can lead healthy, safe and independent lives'.

7. IT AND GDPR CONSIDERATIONS

7.1 The Provider will have processes in place to collect service and service user information and upload/share anonymised individual level data to specified national data collection systems.

6.2 Personal data must be protected in accordance with requirements of the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018. A data protection impact assessment (DPIA) will be completed.

6.3 As part of the Council's on-going commitment to sustaining a progressive approach to data protection and information management, the following will be evidenced:

- Privacy by design – the DPIA will be undertaken and LBB will manage all residual risk

- The Council will ensure that the contract and information sharing agreements have robust clauses relating to data management
- The Council will ensure that there is an appropriate exit strategy in relation to information retention requirements and transfer with the incumbent provider where necessary.

8. STRATEGIC PROPERTY CONSIDERATIONS

8.1 There are no implications for LBB estates or property.

9. PROCUREMENT CONSIDERATIONS

9.1 This report seeks to award a contract for the provision of the Bromley Substance Misuse Service to the Provider detailed in the Part 2 Report. The Contract will commence on 1st April 2024 for a period of five (5) years expiring on 31st March 2029, with the option to extend for a further period of up to three (3) years until 31st March 2032. The estimated annual and whole life values of the Service are detailed in the Part 2 Report.

9.2 This is a Service contract and is covered by Schedule 2 of the Public Contract Regulations 2015, and thus the procurement was undertaken in accordance with the 'Light Touch Regime' (LTR) of these Regulations. A summary of the consensus scores against the quality criteria are set out in Section 4.6 of the Part 2 Report.

9.3 An Open tender process was carried out in line with the requirements of the Public Contract Regulations 2015, and the Council's Contract Procedure rule 8.2.1.

9.4 The requirements for authorising an award of contract are covered in Contract Procedure Rule 16. For a Contract of the value set out in the Part 2 Report, the Approval of Executive, following Agreement by the Portfolio Holder, Chief Officer, the Assistant Director Governance & Contracts, the Director of Finance and the Director of Corporate Services.

9.5 In accordance with Contract Procedure Rule 2.1.2, Officers must take all necessary professional advice.

9.6 Following the decision, a Find A Tender Notice will be issued, and as the Contract value is over £30,000, an Award Notice will be published on Contracts Finder.

9.7 A statutory Standstill Period will be observed in accordance with the Public Contract Regulations 2015.

9.8 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their current content.

10. FINANCIAL CONSIDERATIONS

10.1 Please refer to the Part Two report.

11. PERSONNEL CONSIDERATIONS

11.1 There are no personnel implications arising from this report, for any employees of the London Borough of Bromley.

12. LEGAL CONSIDERATIONS

12.1 This report seeks approval to;

- i) Award a contract for the Bromley Substance Misuse Service to the Service Provider named in the Part Two of the report, commencing 1st April 2024 for five years with an option to extend for up to a further three years at an estimated contract value as detailed in the Part Two report.
- ii) Delegate authority to the Chief Officer in consultation with the Portfolio Holder following agreement from the Assistant Director Governance & Contracts, the Director of Finance and Director of Corporate Services to agree the extension period and to authorise any variation to the scope of the contract.
- iii) Delegate authority to Chief Officer in consultation with the Portfolio Holder following Agreement by the Assistant Director Governance and Contracts, Director of Finance and Director of Corporate Services to approve variations to the contract with regard to the Supplemental Substance Misuse Treatment and Recovery Grants which will be received from the Office for Health Improvements and Disparities (OHID) during the life of the contract.

12.2 The authority to proceed to procurement is set out in report number (Report ACH22-037). The London Borough of Bromley has a statutory duty to improve the health of the population and to provide local public health services as set out in the Health and Social Care Act 2012 and associated regulations. The duty includes a requirement for local authorities to provide or make arrangements to secure the provision of substance misuse treatment services for adults and young people.

12.3 This is a Service contract and is covered by Schedule 2 of the Public Contract Regulations 2015. Procurement colleagues have confirmed within this report that the procurement was undertaken in accordance with the 'Light Touch Regime' (LTR) of these Regulations and the Council's Contract Procedure rule 8.2.1.

12.4 The requirements for authorising an award of contract are covered in Contract Procedure Rule 16. For a Contract of the value set out in the Part 2 Report, the Approval of Executive, following Agreement by the Portfolio Holder, Chief Officer, the Assistant Director Governance & Contracts, the Director of Finance and the Director of Corporate Services.

Non-Applicable Headings:	8 Strategic Property Considerations, 11 Personnel Considerations
Background Documents: (Access via Contact Officer)	Report ACH22-037 (30/11/22)