

Notice of:	CABINET MEMBER FOR ADULT SERVICES AND HEALTH
Decision Number:	PH57/2021
Relevant Officer:	Dr Arif Rajpura, Director of Public Health
Relevant Cabinet Member:	Councillor Jo Farrell, Cabinet Member for Adult Services and Health
Date of Decision:	23 July, 2021

DISPENSATION FROM CONTRACT PROCEDURE RULES- INTEGRATED SEXUAL HEALTH SERVICE ALL AGES AND INTEGRATED SEXUAL HEALTH SERVICES YOUNG PEOPLE

1.0 Purpose of the report:

- 1.1 To seek approval from the Cabinet Member to extend the Integrated Sexual Health Service (All Ages) and Integrated Sexual Health Service (Young People) contracts with Blackpool Teaching Hospital Foundation Trust for an additional plus 2 years. This will bring the contract end date to 31 March 2025.

2.0 Recommendation(s):

- 2.1 To approve the direct award for the Integrated Sexual Health Service (All Ages) and Integrated Sexual Health Service (Young People) contracts as a dispensation from Contract Procedure Rules due to events unforeseeable by the contracting authority which includes the Coronavirus pandemic and the impact on collaborative procurement and service redesign developments with Lancashire County Council (LCC).
- 2.2 To agree an additional plus 2 year contract for the Integrated Sexual Health Service (All Ages) and Integrated Sexual Health Service (Young People) contracts with Blackpool Teaching Hospital Foundation Trust ending on the 31 March 2025.

3.0 Reasons for recommendation(s):

- 3.1 Whilst other service providers exist, the market for specialist sexual health services and requirements is limited and an extension would allow time for service re-design and allow alignment with Lancashire County Council tendering start date of 1st April 2025.

Under section 32c of the procurement regulations, Public Health can give a direct award for a contract without following a competitive process for reasons of 'urgency brought about by

events unforeseeable by the contracting authority’.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council’s approved budget? Yes

4.0 Other alternative options to be considered:

4.1 None

5.0 Council priority:

5.1 The relevant Council priority is

- “Communities: Creating stronger communities and increasing resilience”

6.0 Background information

6.1 The local authority has a mandated responsibility to commission comprehensive, open access sexual and reproductive health services. Open access services are essential to control infection, prevent outbreaks and reduce unwanted pregnancies and means that non-residents are entitled to use the sexual health services provided in Blackpool.

6.2 Blackpool Council and Lancashire County Council (LCC) operated a parallel procurement process for the current sexual health services with a start date of 1st April 2016 – 31st March 2019 (with the option to extend incrementally for 2 plus 2 years). Historically, Blackpool serves the natural patient flows from the Fylde coast and Lancashire buy approximately 40% of the service in Blackpool.

6.3 The existing Blackpool Sexual Health Service (SHS) contracts, extended until 31st March 2023 (final plus 2 years) are provided by Blackpool Teaching Hospital Foundation Trust (BTH). The existing Lancashire County Council contract is also with Blackpool Teaching Hospitals Trust and extended for a further 2 years beyond the final plus 2 due to Covid-19, with a planned re-tender start date of 1 April 2025.

- If Blackpool Council tenders on a different timescale to Lancashire County Council, this could potentially destabilise services, or limit the choice of provider to the incumbent.
- With a mandate for open access services, there is a risk that Lancashire County Council decide not to pay for patients attending Blackpool clinics from the Fylde and Wyre areas if the provider is not Blackpool Teaching Hospital Foundation Trust.

6.4 During the COVID-19 response, the Sexual Health Services adapted to ensure continued

provision of essential services. This has provided a unique opportunity to re-shape sexual health services; harness good practice; utilise efficient use of resources; and pilot new forms of service delivery. Both Blackpool Council and Lancashire County Council commissioners are working actively with the provider to achieve this aim. If these contracts are tendered in time for a 1 April 2023 start date, there may be some destabilisation to the service due to the Covid-19 pandemic and limited time to build on the unique opportunity to work collaboratively with Lancashire County Council:

- To review in partnership the current provision of contraception services and pilot of a Women's Reproductive Health hub in Primary Care Networks
- To build on digital front door offer during Covid-19; and utilise a more efficient use of resources and patient 'self-care' choices.

6.5 If the contract dispensation was granted to align with Lancashire County Council tendering start date of 1st April 2025, the Public Health team can undertake a service re-design and transformation (in collaboration with Lancashire County Council), which will include learning from these innovations and developments in preparation for tender.

6.6 Under section 32c of the procurement regulations, Public Health can give a direct award for a contract without following a competitive process for reasons of 'urgency brought about by events unforeseeable by the contracting authority'.

6.7 Whilst other service providers exist, the market for specialist sexual health services and requirements is limited and an extension would allow time for service re-design. The contract will be offered on a plus 2 year basis.

6.8 Does the information submitted include any exempt information No

7.0 List of Appendices:

7.1 None.

8.0 Financial considerations:

8.1 Blackpool Integrated Sexual Health Service (All Age) and Integrated Sexual Health Services (Young People) was commissioned in 2016, using the national integrated sexual health tariff payment system. This ensures that payment is based on activity and care given to Blackpool residents. Using this approach makes sexual health services more efficient and therefore delivers better value for money and improves the patient experience.

8.2 During the course of the contract, the tariff reconciliation has never exceeded the identified budget of £1.6m per year.

9.0 Legal considerations:

9.1 Public Contract Regulations 2015 require a light touch competition be undertaken. This report seeks approval to a dispensation as per the Council's Contract Procedure Rules to directly award these services to Blackpool Teaching Hospital Foundation Trust. A notice confirming contract award will be published on the UK Contract Finder website and a formal contract will be issued signed by both parties if the dispensation is approved.

10.0 Risk management considerations:

10.1 The key risk for this contract is the continuation of contract award to Blackpool Teaching Hospital Foundation Trust. The decision would not protect the organisation from potential challenge from the market place under the Public Contract Regulations Act 2015.

10.2 Any challenge from other service providers may lead to the Council having to undertake a tender exercise.

11.0 Equalities considerations:

11.1 Blackpool Teaching Hospital Foundation Trust will be requested to sign the Council's Suppliers Charter at the point of contract award and be required to set out a programme of Social Value delivery during the contract period.

12.0 Sustainability, climate change and environmental considerations:

12.1 Blackpool Teaching Hospital Foundation Trust will be expected to align organisational policy with the Council's objectives set out in its Climate Emergency Declaration, explaining what action they will take to reduce their carbon footprint and adopt environmentally friendly practice and policy.

13.0 Internal/external consultation undertaken:

13.1 Discussion with the Procurement Team who are supportive of this approach.

A paper was presented at Corporate Leadership Team who were supportive of the proposal for the extension of the contract.

14.0 Background papers:

14.1 None

15.0 Key decision information:

March 2025.

20.0 Date of Decision:

20.1 23 July 2021

21.0 Reason(s) for decision:

21.1 Whilst other service providers exist, the market for specialist sexual health services and requirements is limited and an extension would allow time for service re-design and allow alignment with Lancashire County Council tendering start date of 1st April 2025.

Under section 32c of the procurement regulations, Public Health can give a direct award for a contract without following a competitive process for reasons of 'urgency brought about by events unforeseeable by the contracting authority'.

22.0 Date Decision published:

22.1 23 July 2021

23.0 Executive Members in attendance:

23.1

24.0 Call-in:

24.1

25.0 Notes:

25.1