

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4093

Author:

Bethan Hopcraft

Department:

Chief Executive's

Contact:

Bethan Hopcraft

(Job Title: Strategy and Commissioning Officer, Email: bethan.hopcraft@nottinghamcity.gov.uk, Phone: 0115 876 5073)

Subject:

Approval to extend Sexual Health C-Card contract for the period of 1-year plus 1-year extension option

Total Value:

£99,230 (Type: Revenue)

Decision Being Taken:

1. To approve expenditure of £99,230 for a period of up to two years (on a 1+1 basis) for delivery of the C-Card service to commence on 1 April 2021.
2. To approve dispensation from Contract Procedure Rule 4.1.1 for operational reasons in accordance with Financial Regulation 3.29 to issue a contract extension variation to the provider of the C-Card Service
3. To delegate authority to the Head of Contracting and Procurement to sign the contract variation.

Reasons for the Decision(s)

The current contract for this service is due to expire on 31/03/2021 with no option to extend. Commissioners for both Nottingham City Council and Nottinghamshire County Council were undergoing a commissioning review for the sexual health sector in both areas prior to the Covid-19 outbreak. The review was to be heavily influenced by service user and stakeholder engagement, involvement and consultation, in addition to data analysis, national benchmarking, and review of local, regional and national best practice guidelines. Due to the loss of access to citizens as a result of lockdown and social distancing measures, and the increased workload as a reaction to Covid-19, the commissioning review was halted until further notice. It is anticipated that commissioners will complete a rapid review to enable short-term decisions to be made before a full review can take place in partnership with Nottinghamshire County Public Health.

It has been highlighted that throughout the Covid-19 pandemic, the C-Card service (in partnership with the specialist substance misuse and sexual health service, The Health Shop) has been invaluable and has provided a much needed service amidst closures and reductions in other commissioned services across the sector. The staff in both services have a vast knowledge of the health and well-being services in the City and are well-known in the sector and beyond.

Due to the delay in the review timescales, as a result of Covid, it has been agreed that a rapid commissioning review will allow recommendations for short-term decisions to be made in terms of changes within current contracts. Once possible, a full-scale review will take place in which recommendations will be made on future commissioning decisions.

In order to allow time for the full-scale review, the best option for the city would be to align all contracts to end in 2023. Approval has been given for the rest of the sexual health services in Nottingham to be extended to 2023 and it is for this reason, that authority is sought to extend this contract (C-card) for the period of one year (to end on 31st March 2022) with the option to extend for a further year. It is also requested that dispensation from Financial Regulations be approved to allow for the direct award of the contract to the current provider. The timeline sought, will align with the rest of the commissioned sexual health services in Nottingham City, allowing for a full commissioning review to take place and will give flexibility in terms of contract termination or major change, should this be deemed appropriate after the first year.

Aligning all sexual health contracts to end in 2023 allows for a full system review to take place, resulting in a more streamlined and cost-effective system with strong pathways in and out and ultimately creating better outcomes for citizens. If there is no alignment, there may be a disjoint in the recommendations and changes may not be able to be implemented.

Other Options Considered:

- 1) Do nothing and let the contract expire. This is likely to have a negative impact on the sexual health of citizens in Nottingham City. The lack of distribution of condoms and lubricants may lead to an increase in unwanted pregnancies and prevalence of sexually transmitted infections; both of which would put additional strain on services which have limited capacity.

- 2) Seek approval for a shorter contract. This would result in commissioners seeking further approval in the future to align with other sexual health services' contract expiry dates.

- 3) Seek approval for a longer contract. This would result in the contract exceeding the life of the other sexual health contracts, and would void the purpose of the approval being sought.

- 4) Seek approval for two full years. This option has been considered, but by adding a break at one-year, it allows commissioners flexibility to make changes to the contract following the rapid commissioning review.

- 5) Re-tender the service for a 1+1 contract. Due to the short contract length, and inability at this time to commit to a longer contract there may not be interest in the market due to employment implications (such as TUPE). In addition, re-tendering for a short contract would add unreasonable pressure to NCC teams and the market to undergo a procurement process.

Background Papers:

None

Published Works:

None

Affected Wards:

Citywide

Colleague / Councillor Interests:

None

Dispensation from Financial Regulations:

Yes

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

None.

Equality:

EIA not required. Reasons: No change is being made to the contract and the extension does not significantly, positively or adversely affect people identifying with any protected characteristics.

Regard for NHS Constitution:

Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making this decision relating to public health functions, we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

25/01/2021

Advice Sought:

Legal, Finance, Procurement

Legal Advice:

The proposals in this report raise no significant legal issues and are supported.

The fixed term extension is understood to ensure continued delivery of the services within the city whilst a comprehensive review of the services is undertaken jointly between commissioners. For the reasons given with the report, it is not thought feasible to re-tender for the services in isolation and the duration of the extension will provide sufficient time for a review of requirements and compliant tender process to be undertaken.

The services are considered to fall under the light touch regime of the procurement regulations and for the reasons given in the report, dispensation from Contract Procedure Rule 4.1.1 in accordance with Financial Regulation 3.29 is supported. Advice provided by Dionne Claire Screamon (Solicitor) on 17/12/2020.

Finance Advice:

This decision seeks to provide approval to extend this contract (C-card) for the period of one year (to end on 31st March 2022) with the option to extend for a further year. In addition, that dispensation from Contract Procedure Rule 4.1.1 for operational reasons in accordance with Financial Regulation 3.29 to issue a contract extension variation to the provider of the C-Card Service

The reasons for this decision are outlined in the brief, and in the current circumstances, the plan for current providers to continue for up to two years, at a total cost of £99,230 (£49,615 per annum) allows for continuation of service, while a longer term solution through procurement process can be completed when possible. This seems a value for money option and dispensation is supported due to reasons outlined in the brief.

Within the current Public Health grant for 2020/21 there is provision to fund the costs of this £49,615 contract, and this is currently planned within subsequent years plans for Public Health grant expenditure, and therefore, as the costs of this decision are funded through the Public Health grant this will result in no additional pressure to the Council.

Advice provided by Graeme Black (Commercial Business Partner) on 18/12/2020. Advice provided by Graeme Black (Commercial Business Partner) on 18/12/2020.

Procurement Advice:

The decision to approve dispensation from Contract Procedure Rule 4.1.1 for operational reasons in accordance with Financial Regulation 3.29, to issue a contract variation for a 1+1 extension at a total value of £99,230 to the current provider of the C-Card Service is supported by Procurement for the reasons provided. Procurement have been consulted in this decision. The contract falls under the Light Touch Regime and the value of the contract including this extension is below the threshold for implementation of the requirements of the Regime.

Advice provided by Nicola Harrison (Procurement Lead Officer) on 04/12/2020.

Signatures

Eunice Campbell-Clark (Portfolio Holder Health, HR and Equalities)
SIGNED and Dated: 18/01/2021
Alison Challenger (Director of Public Health)
SIGNED and Dated: 18/01/2021
Clive Heaphy (Chief Finance Officer) - Dispensation from Financial Regulations
SIGNED and Dated: 18/01/2021
Chief Finance Officer's Comments: No comments