



22ND NOVEMBER 2023

REPORT TITLE:	OUTCOME OF THE PUBLIC HEALTH RE-COMMISSIONING PROCESS FOR SEXUAL AND REPRODUCTIVE HEALTH SERVICES
REPORT OF:	ASSISTANT DIRECTOR OF PUBLIC HEALTH

REPORT SUMMARY

On the 6th of March 2023, the Adult Social Care and Public Health Committee authorised the Director of Public Health to recommission Sexual and Reproductive Health Services in Wirral. At this Committee, delegated authority was given to the Director of Public Health to award the tender to the successful bidder following the tender process. This report provides an update on the recommissioning process and outcome.

The tender was divided into two Lots. Lot 1 was for the provision of the Integrated Sexual Health Service and was undertaken using a competitive dialogue process. Lot 2 was for the provision of Community HIV (human immunodeficiency virus) and STI (sexually transmitted infections) Support Service and was undertaken using an open process.

The process has concluded, the tenders received have been fully evaluated according to Council procurement rules and the Director of Public Health will take the decision to award the contract to the successful bidder for Lot 1 (Integrated Sexual Health Service) and approve the decision to not award the contract for Lot 2 (Community HIV and STI Support Service).

Wirral Council is legally obliged to provide, or make arrangements for the provision of, open access Sexual and Reproductive Health Services. Current commissioning arrangements expire at the end of the financial year 2023/24. Good sexual and reproductive health is an important component of overall health and wellbeing, and a pillar of wider work to reduce health inequalities in Wirral.

The report supports the implementation of the Wirral Plan 2021 – 26 priorities, Brighter Futures and Active and Healthy Lives.

The proposed actions affect all wards within the borough and the decisions requested are key decisions.

RECOMMENDATION

The Director of Public Health is recommended to:

1. Approve the award of a five-year contract commencing on 1 April 2024 and running until 31 March 2029 (with the option of two one-year extensions) at a total cost of £20,365,687 for Lot 1 (Integrated Sexual Health Service) to Wirral Community Health and Care NHS Foundation Trust within the approved budget and as the highest scoring tenderer in accordance with the Most Economically Advantageous Tender criteria.
2. Not award the contract for Lot 2 (Community HIV and STI Support Service) and re-procure the service under a competitive dialogue process.

SUPPORTING INFORMATION

1.0 REASON/S FOR DECISION

- 1.1 The current contract for the Wirral Integrated Sexual Health Service delivered by Wirral Community Health and Care NHS Foundation Trust (in partnership with Wirral University Teaching Hospital NHS Foundation Trust, The Royal Liverpool and Broadgreen University Hospitals NHS Trust, Brook and SH:24) and the HIV Prevention and Support Service, delivered by Sahir House expire on the 31st March 2024. A procurement exercise has been completed in accordance with Council Contract Procedure Rules.
- 1.2 The Lot 1 tender was evaluated against a 20% contract price, 15% Social Value and 65% contract quality ratio. The successful bidder met all the quality requirements within the allocated budget.
- 1.3 There was unanimous agreement from evaluators that there were many clarifications required on the bids submitted for Lot 2. As there was no flexibility within the procurement process to have further engagement with the tenderers, it is recommended that the service should be re-tendered using a competitive dialogue process.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Not reprocurring the services was not deemed to be an option. Sexual health services – Sexually Transmitted Infections testing, treatment and contraception are mandated (prescribed functions) within the Local Authority Public Health ring fenced grant. It is necessary to recommission the services in order to comply with Public Contract Regulations 2015 and Wirral Council Contract Procedure rules.
- 2.2. The option to continue with the evaluation for the Lot 2 submissions was considered but disregarded. There were too many clarifications required in order to confidently evaluate the bids, which was not permitted under the open process.

3.0 BACKGROUND INFORMATION

- 3.1 Service tender documents were posted onto the Chest (the Council e-procurement portal) on 7th September 2023. The tender was divided into two Lots. Lot 1 was for the provision of the Integrated Sexual health Service and was undertaken using a competitive dialogue process. Lot 2 was for the provision of Community HIV and STI Support Service and was undertaken using an open process. Suppliers were invited to bid for one or both Lots. The contract term for both contracts is five years with the option for a further two one-year extensions. The budget for the tender was £21,109,078.
- 3.2 The new contract for Lot 1 (Integrated Sexual Health Service) will be operational by the 1st of April 2024. The current contract for this service will continue during the re-commissioning process so that there is no loss of service to local people. The current HIV Prevention and Support Service will continue to be delivered by the

existing provider (subject to approval) for the interim period to allow for a competitive dialogue tender process to be undertaken for Lot 2.

- 3.3 The recommission for both Lots provided an opportunity to review sexual and reproductive health service requirements to ensure we have the right funding and delivery models in place. A Sexual and Reproductive Health Joint Strategic Needs Assessment (JSNA) was undertaken to inform and shape the provision of Wirral's future SRH services, to prioritise and identify key areas for development and to ensure that decisions were clearly based on the available evidence.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The original budget allocated for these contracts had a combined maximum total value of £21,109,078 (Lot 1: £20,365,691 and Lot 2: £743,387). The successful bidder for Lot 1 submitted a bid within budget at a value of £20,365,687.
- 4.2 The Public Health grant currently funds sexual and reproductive health services. The value and availability of the Public Health grant for 2024/25 onwards is not yet known. However, funding for sexual and reproductive health services will be continued once future years of the Public Health grant is confirmed. The budget has been allocated based on the grant funding being consistent with this financial year. Should the grant vary considerably then contract amounts could be varied over the course of the contract under provisions made as part of contractual arrangements to account for such eventualities, thus ensuring that the Council is not bound to terms that could not be honoured.

5.0 LEGAL IMPLICATIONS

- 5.1 The tender detailed within this report is compliant with the Public Contract Regulations 2015 and Contract Procedure rules, Part 4 of the Council's Constitution. Subject to recommendation 2 being agreed, Lot 2 service (Community HIV and STI Support) will be reprocured on a new agreed timeline (within six months), in accordance with these rules and regulations.
- 5.2 The proposed award of the contract for Lot 1 (Integrated Sexual Health Service) is made on the basis of the most economically advantageous tender (MEAT) scoring. The meaning of MEAT is currently governed by the Public Contract Regulations 2015.
- 5.3 The Council has a general duty under Section 2B of the National Health Service Act 2006 to take such steps as it considers appropriate for improving the health of the people in its area.
- 5.4 The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013 (Part 2, Regulation 6) states that each local authority shall provide, or shall make arrangements to secure the provision of, open access sexual health services in its area for:
- preventing the spread of sexually transmitted infections;
 - treating, testing and caring for people with such infections; and
 - notifying sexual partners of people with such infections.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) does not apply to the new contract for Lot 1 as the contract is being awarded to the incumbent provider.
- 6.2 Anonymised details of staff engaged in the provision of relevant services, who may be subject to TUPE were provided by incumbent providers for both Lots. This information was shared with the tender documentation.

7.0 RELEVANT RISKS

- 7.1 There is always a risk of disruption to service provision during service redesign, recommissioning and commencement of new services. To mitigate against this and minimise disruption, adequate time to plan for, and implement the mobilisation of new services, is built into the procurement process between contract award and commencement.
- 7.2 Risks associated with the service delivery will be managed through regular performance and contract management arrangements, to be agreed during the mobilisation period.
- 7.3 The procurement process is also subject to scrutiny and at risk of legal challenge. Particular regard has been given to contract procedure rules and relevant legislation at all stages of the process and the Public Health team works closely with the Procurement team to ensure compliance.
- 7.4 In the current challenging financial climate, the impact of any future reductions in budget or policy implications on the amount of funding available for Public Health is unknown. The value and availability of the Public Health grant for 2024/25 onwards is not yet known. However, funding for Sexual and Reproductive Health Services Control Service has been committed for the duration of the contract. Should the grant vary considerably then contract amounts may need to be varied over the course of the contract, potentially resulting in service change.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 To help inform the Tender / Procurement process, a pre-procurement consultation questionnaire was posted on Find a Tender. This notified the market and gauged interest with providers of sexual and reproductive health services in addition to hearing provider's views, suggestions, and proposals.
- 8.2 In order to inform the development and design of the future service, engagement and consultation was undertaken with local residents and current providers of sexual and reproductive health services. A Sexual and Reproductive Health Joint Strategic Needs Assessment was also developed to inform the development of the new service specifications.

9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment (EIA) is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity. No specific EIA has been produced in respect of this report.
- 9.2 Within the tender submissions, bidders had to demonstrate how they work to eliminate discrimination and ensure equality rights of people with protected characteristics, in accordance with the Equality Act 2010. Equality contract clauses are included within the Public Health contract and compliance will be routinely monitored over the lifetime of the contract.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 During the procurement process, bids were evaluated on any social value added to the service which includes potential impact of the contract on Wirral's climate and environment. Social value will be monitored as part of routine contract and performance management arrangements.
- 10.2 The content and/or recommendations contained within this report are expected to have no significant impact on emissions of greenhouse gases.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 Ensuring equitable access to sexual and reproductive health services will contribute to community wealth building. Any ill health can have negative economic consequences, ensuring good sexual and reproductive health will contribute to reducing the economic impact of ill health in Wirral.
- 11.2 A key strategic aim for Wirral's sexual and reproductive health is to reduce unplanned pregnancies by improving access to long-acting reversible contraception. Wirral has high rates of teenage conceptions and abortions, which can negatively affect young women's and girls' educational and employment outcomes. Women and girls in more deprived areas are disproportionately impacted.

REPORT AUTHOR: **Jane Harvey**
Consultant in Public Health (Assistant Director)
telephone: 0151 666 5201
email: hayleyclifton@wirral.gov.uk, janeharvey2@wirral.gov.uk,
jennifersmedley@wirral.gov.uk

APPENDICES

N/A

BACKGROUND PAPERS

Corporate Procurement Invitation to Tender (ITT) Scope and Contract Specification for the supply of the Sexual and Reproductive Health Services.

Sahir House, Wirral Council Public Health Contract (Specialist HIV Prevention and Support Service) 2017-2022. DN176000

WCHC, Wirral Council Public Health Contract (Integrated Sexual Health Service) 2017-2022. DN176000

Wirral Sexual and Reproductive Health JSNA (May 2023).

<https://www.wirralintelligenceservice.org/jsna/sexual-and-reproductive-health/>

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Adult Social Care and Public Health Committee	15th June 2023
Adult Social Care and Public Health Committee	6th March 2023