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## Report of Deputy Director, Integrated Commissioning Adults and Health

### Report to Director of Adults and Health

Date: 24 January 2018

**Subject:** To seek authority from the Director of Adults and Health to procure a Leeds HIV Support Service (LHIVSS). The annual value of the contract to be procured will be £293,455.

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

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### Summary of main issues

1. This report seeks authority from the Director of Adults to procure a Leeds HIV Support Service to commence from 1 April 2019. The contract is currently in place with the Black Health Agency (BHA) to provide this service as Leeds Skyline. This contract is due to expire on 31 March 2018. To ensure there is no break in service whilst the procurement process and mobilisation is completed, a waiver is sought separately to enter into a new contract with BHA for a further year up until 31 March 2019.
2. If authority to procure is given by the Director of Adults and Health this service will be placed out to competition following consultation on the service specification and a subsequent Bidder's Event. The contract will be awarded by October 2018 allowing for a six month mobilisation period.
3. Due to the annual contract value being more than £250K this is a key decision and will be subject to call-in.

### Recommendations

4. The Director of Adults and Health is recommended to:

- Give authority to proceed with a procurement process, as outlined in this report and in line with Contract Procedure Rules (CPRs) 3.1.8.
- Note that approval to appoint a suitable provider/s to deliver the service will be requested following this procurement process.

To note that:

- The Director of Adults and Health will use her delegated authority to take commissioning decisions which will be a direct consequence of this key decision, for example approval of the detailed specifications for procurement and subsequent contract award. These will be at most significant operational decisions. This is subject to the decision being in line with the key principles and features as described in the report

5. The officer responsible for implementing the decision will be the Working Age Adults Commissioning Manager.

## **1 Purpose of this report**

- 1.1 For the Director of Adults and Health to approve the procurement of a Leeds HIV Support Service with the contract commencing on the 1 April 2019.

## **2 Background information**

- 2.1 Due to the annual value of the service contract this is a key decision and will be subject to call-in.
- 2.2 Currently the service is provided by BHA and this contract was originally awarded in 2007 and the service commenced on 1 April 2007 following a procurement exercise for a contract period of five years.
- 2.3 Since then annual contracts have been issued to BHA by seeking a waiver of Contract Procedure Rules approved by the Director of Adults and Health. This was necessary with the ending of the AIDS Support Grant, which at the time was awarded on an annual basis, which fully funded the service. With the uncertainty of future funding it was not possible to subject this contract to competition.
- 2.4 With Public Health moving into the local authority, and their budget being announced late in 2016, it was once again necessary to seek a waiver to enter into a new contract with BHA for the provision of this service.
- 2.5 Funding has now been made available for the next six years and as a consequence a procurement exercise will be undertaken during 2018/19. One year funding to allow for the existing service to continue and five years for the service to be procured.

## **3 Main Issues**

- 3.1 The service will be placed out to tender following a Bidder's Event to be held in March/April 2018. The contract will be awarded by September 2018 allowing for a six month mobilisation period. The new contract will commence 1 April 2019 and will be awarded for five years. The annual value will be £293,455.

- 3.2 A project team will be established and will be led by the Working Age Adults Commissioning Manager.
- 3.3 The Commissioning Manager's meetings will act as the project board and will receive regular updates as to the progress of the procurement exercise.
- 3.4 Coproduction will be used as far as is possible with people living with HIV being able to shape the future of the service to be procured.
- 3.5 A draft service specification will be consulted on across the city with service users and other stakeholders being invited to consultation sessions which will take place during the day and evening to allow for as many people as possible to have a say on the outcomes.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 A consultation exercise will take place with service users, carers and other stakeholders on the outcomes contained within the draft service specification. The consultation will also seek views as to the availability of the service particularly around opening times.
- 4.1.2 A Bidders event will be planned for March/April 2018 and the draft service specification will be shared so that further feedback can be sought from prospective providers. The existing providers have also been asked for their feedback on how the new service could be developed for the future.
- 4.1.3 The Executive Board Member for Health, Wellbeing and Adults has been briefed on the proposals contained in this report.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 An Equality, Diversity, Cohesion and Integration Screening Tool has been completed (attached at Appendix 1). The screening showed that a full Equality and Diversity Impact Assessment was not required as equality and diversity issues have already been considered as part of the procurement process. The outcome of the screening will be taken into account when developing the specification for the new service.

### **4.3 Council policies and the Best Council Plan**

- 4.3.2 The current services directly contribute to the delivery of key outcomes within the Best Council Plan, the Health and Well Being Plan and the Mental Health Strategy.
- 4.3.3 The services make significant contributions to all of the City Priority Plans, this is achieved through supporting clients to make healthy lifestyle choices and to live safely.

### **4.4 Resources and value for money**

- 4.4.1 The budget for the new contract is available within existing resources and over the past 6 years savings of 25% were made.

### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 As the total contract value over the five year life of the contract will exceed the EU procurement threshold and whilst the service is not subject to the “full” regulations but to the “Light-Touch Rules Regime” under the regulations, there is still a requirement to advertise this opportunity in OJEU and run an EU wide procurement exercise. Therefore competition will be sought through a tender process.
- 4.5.2 Due to the annual value of the service contract this is a Key Decision and will be subject to call-in. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.
- 4.5.3 Future decisions arising from this report (e.g. the decision to award the contract) will be treated as a consequence of this Key Decision and will therefore be Significant Operational Decisions at most which will not be subject to call in.

## **4.6 Risk Management**

- 4.6.1 A project team, including a representative from the Projects Programmes and Procurement Unit, has been set up to oversee the re-commissioning process and ensure that the process adheres to the Public Contracts Regulations 2015, as well as the council’s Contract Procedure Rules.
- 4.6.2 A risk register has been established as part of the procurement process, identifying the key risks as well as mitigation actions.
- 4.6.3 A six month mobilisation period has been built into the procurement timetable to ensure that the service can be fully mobilised before the contract start date.

## **5 Conclusions**

- 5.1 There are no other alternatives as to how this service can be delivered therefore there is a need to undertake a procurement exercise as the contract will end on 31 March 2019.

## **6 Recommendations**

- 6.1 The Director of Adults and Health is recommended to:

- Give authority to proceed with a procurement process, as outlined in this report and in line with Contract Procedure Rules (CPRs) 3.1.8.
- Note that approval to appoint a suitable provider/s to deliver the service will be requested following this procurement process.

To note that:

- the Director of Adults and Health will use their delegated authority to take commissioning decisions which will be a direct consequence of this key decision, for example approval of the detailed specifications for procurement and subsequent contract awards. These will be at most significant operational decisions. This is subject to the decisions being in line with the key principles and features as described in the report.

6.2 The officer responsible for implementing the decision will be the Adult Commissioning Manager.

**7 Background documents<sup>1</sup>**

7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.