

**REPORT OF**  
The Strategic Director for Public Health (Deputy Director of Public Health)  
**TO**  
Procurement Board  
**ON**  
**26th May 2021**

---

**TITLE:** Approval for an Exception to Contractual Standing Orders to award a contract for Commissioning of Pre-Exposure Prophylaxis (PrEP) medication to prevent transmission of HIV for high risk populations.

---

**RECOMMENDATION:**

That the Procurement Board approves an exception to Contractual Standing Orders as permitted within the City Council Constitution for the reason(s) highlighted in the table below and the award of the Contract for the Commissioning of PrEP medication as detailed in the table below:

---

<b>Detail required</b>	<b>Answers</b>	
<b>Title/Description of Contracted Service/Supply/Project</b>	Commissioning of Pre-Exposure Prophylaxis (PrEP) medication to prevent transmission of HIV for high risk populations	
<b>Name of Successful Contractor</b>	Bolton NHS Foundation Trust	
<b>Supplier Registration Number</b> <i>(to be supplied by Corporate Procurement)</i>		
<b>Type of organisation</b> <i>(to be supplied by Corporate Procurement)</i>	Other	
<b>Status of Organisation</b> <i>(to be supplied by Corporate Procurement)</i>	Non-SME	
<b>Contract Value</b>	£246,384 for Salford 2021-2022 (Bolton £48,556 2021-2022).	Per Annum (estimated average)

<b>Contract Duration</b>	12 months						
<b>Contract Start Date</b>	01/04/2021						
<b>Contract End Date</b>	31/03/2022						
<b>Optional Extension Period 1</b>	31/03/2023						
<b>Optional Extension Period 2</b>							
<b>Who will approve each Extension Period?</b>	Procurement Board (extension > £150k)						
<b>Contact Officer (Name &amp; number)</b>	Helen Dugdale 0161 793 3543						
<b>Lead Service Group</b>	Public Health						
<b>Reason for CSO Exception (select all that apply)</b>	<p>The goods / services / works are only obtainable from one provider and there is no other provider available to allow genuine competition <input type="checkbox"/></p> <p>The execution of works or the supply of goods or services is controlled by a statutory body <input type="checkbox"/></p> <p>Delivers Best Value to the Council <input type="checkbox"/></p> <p>Special education, health or social care contracts, if it is considered in the Council's best interests and to meet the Council's obligations under relevant legislation <input checked="" type="checkbox"/></p> <p>The execution of works or the supply of goods and services is required so urgently as not to permit compliance with the requirements of competition <input type="checkbox"/></p> <p>Security works where the publication of documents or details in the tendering process could prejudice the security of SCC and Salford residents <input type="checkbox"/></p> <p>Procurements made through, or on behalf of, any consortium, local authority, statutory or similar body, provided that tenders or quotations are invited and contracts placed in accordance with national or EU legislation. <input type="checkbox"/></p>						
<b>Funding Source</b>	External Funding Source (please identify below)						
<b>Ethical Contractor</b>	<table border="1"> <tr> <td>Mayor's Employment Charter</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Committed to sign up to the Charter</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Accredited Living Wage Employer</td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Mayor's Employment Charter	<input checked="" type="checkbox"/>	Committed to sign up to the Charter	<input type="checkbox"/>	Accredited Living Wage Employer	<input checked="" type="checkbox"/>
Mayor's Employment Charter	<input checked="" type="checkbox"/>						
Committed to sign up to the Charter	<input type="checkbox"/>						
Accredited Living Wage Employer	<input checked="" type="checkbox"/>						

## EXECUTIVE SUMMARY:

The purpose of this report is to request an exception to Contractual Standing Orders to approve the award of a contract for Commissioning Pre-Exposure Prophylaxis from the existing Sexual Health Services (SHS) Provider, Bolton NHS Foundation Trust.

The Department of Health and Social Care (DHSC) are providing Public Health in Local Authorities with funding to commission this locally using a Contract insert, to the level 3 Sexual Health Service contract. Salford's level 3 provider is Bolton NHS

Foundation Trust (BFT). They provide Sexual Health Services for Salford and Bolton. Salford is the lead commissioner.

NHS England will continue to pay for the medication costs for those taking PrEP.

The funding is to cover the period April 2021 - March 2022. DHSC have stated that the government is committed to the provision of PrEP going forwards.

Bolton Councils Public Health Commissioners have agreed to jointly commission PrEP, with Salford as the lead commissioner. Bolton's PrEP allocation is £48,556.

Note. A plus one, subject to funding, is being sought, which takes the budget over the £150,000 Delegated Decision Notice limit.

---

#### BACKGROUND DOCUMENTS:

1, PrEP Local Authority National Service Specification insert.

2, NHS England Provider contract to pay for the medication only part of the treatment.

---

#### KEY DECISION:

No.

For 2021-2022 the value is between £150,000 and £349,999 for Salford City Council.

---

#### DETAILS:

What is PrEP?

PrEP (HIV Pre-exposure Prophylaxis) is a medicine for HIV negative people, is taken before sex, so it is pre-exposure. Prophylaxis means to prevent infection, in this case HIV. It can reduce the risk of acquiring HIV.

PrEP has been tested nationally over the previous few years via the PrEP IMPACT trial (See appendix 1).

PrEP forms part of the combination of HIV prevention approaches, alongside health promotion, condom use, regular testing and swift initiation of HIV treatment where diagnosed. Active risk reduction provides a major opportunity to control HIV transmission. In addition, the regular sexually transmitted infection (STI) testing which forms part of the PrEP offer provides opportunities to test and treat STIs, thereby supporting the control of STIs.

#### **Reason for the exception**

PrEP needs to be provided for Salford residents and DHSC guidance has stipulated this is through a Level 3 sexual health service provider. Bolton NHS Foundation Trust (BFT) is the local Level 3 provider for Salford and Bolton local Authorities. BFT delivered the PrEP IMPACT Trial, which ended in October 2020, so are experienced in provision. This arrangement allows current service users from the PrEP IMPACT Trial and those who have started PrEP since then, to have continuity of service. Public demand has increased as eligible people are aware the national funding has been allocated to provide PrEP to eligible people across England.

Currently PrEP is delivered within the local authority commissioned specialist (level 3) sexual health service by BFT. Commissioning BFT represents the best value way to provide this currently as they are Salford Level 3 service.

**NB** A level 3 SHS is required because they can provide clinical governance, patient confidentiality, information governance, safeguarding, workforce training, medicines management etc.

DHSC has provided funding to Local Authorities for PrEP as a separate budget line in the Public Health grant allocation in 2021-2022. PrEP funding for routine commissioning of services in 2020/21 was allocated to Local Authorities separate to the public health grant. DHSC is committed to providing PrEP long term.

15% of the PrEP allocation will be retained in house for Out of Area charges for PrEP, plus £10,000 for Salford to pay for communications and promotion to ensure take up in all eligible groups e.g. BAME and trans women in Salford.

## **Social value**

Having access to PrEP empowers residents who are at a high risk of becoming HIV positive, by giving them an option to take control and reduce their risk by taking PrEP. BFT consult with Service Users annually and work on the issues raised. BFT employ staff from Salford and GM which supports employment and the local economy.

## **KPI's and Contract Monitoring**

The performance monitoring of the contract and KPI's will form part of the existing quarterly performance meeting between Salford City Council, Salford CCG and Bolton Council and BFT Sexual Health Service Leads, for the main Sexual Health Contract.

KPI's including the following will be measured:

- Baseline risk assessment.
- PrEP initiation (including education, behavioural support/adherence; baseline assessment and testing; supplying PrEP).
- Clinical follow-up and monitoring (including continued supplying; assessing adherence and adverse effects; management of short-term side effects; PrEP: HIV testing, STI screening, renal monitoring, data collection, indicators for stopping PrEP).

## KEY COUNCIL POLICIES:

Salford Locality plan 2020-25.

---

## EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:-

The PrEP provision is targeted at populations who are at high risk of getting HIV only. Some funding is being retained in house to ensure PrEP take up in groups who may not present to the service e.g. BAME and trans women.

---

## ASSESSMENT OF RISK:

The risk of not providing a service is that HIV cases will increase, which will have associated lifetime costs.

A delay could result in high risk individuals being unable to be seen and obtain the preventative HIV medication, PrEP putting them at risk of becoming HIV positive and passing it on to others.

---

## SOURCE OF FUNDING:

Department of Health and Social Care paid into Public Health, as a separate budget line in the Public Health grant.

---

LEGAL IMPLICATIONS: Supplied by the Shared Legal Service

Date Provided. 23.04.2021

When commissioning contracts for the provision of goods, services or the execution of works, the Council must comply with the provisions of the Public Contracts Regulations 2015 (PCR) and its own Contractual Standing Orders (CSO's) as set out in the Constitution, failing which the award of a contract may be subject to legal challenge.

It is an established principle that an existing public contract is capable of being varied or modified providing any modification does not affect the overall nature of the contract, and an exception to the Council's Contractual Standing Orders (CSO's) may be approved by the Procurement Board to allow for contract extensions to be made where the original contract does not make provision for such an extension of the original term. There is, however, always a risk that any extension, if done outside of the usual tender process, or outside of the scope of CSO's, could be subject to challenge by an aggrieved provider, on the basis that it ought to have been put out to tender and advertised in accordance with the Public Contract Regulations 2015 (PCR).

The risk of challenge increases in tandem with the value and proposed length of the contract. The extension with the existing providers with proven ability to meet the requirements of the service users would be argued to be more cost effective and efficient under the circumstances, in addition to the provision of continuity of support to the community.

The PCR also allow for modifications to be made to existing contracts such that a modification (here a variation) may be made where the following cumulative conditions are fulfilled:

- 1 The need for modification has been brought about by circumstances which a diligent contracting authority *could not foresee*;
- 2 The modification does not alter the overall nature of the contract;
- 3 Any increase in price is *not higher than 50% of the value of the original contract or framework agreement*. (reg 72(1)(c)).

Legal Services has advised on varying the existing Bolton Sexual Health Services contract to include this additional PrEP service and has drafted a deed of a variation to this effect. The deed sets out the additional contribution (which shall be ring-fenced for use on PrEP services only, 15% retention for out of area charging, £10,000 for communications and promotion to high risk lower uptake groups and a specification setting out the service and how this will be evaluated (against the KPIs as discussed above). Once agreed with Bolton Council and Bolton Foundation Trust, the deed will incorporate this PrEP additional commission as set out in this report into the on-going Bolton Sexual Health Services contract.

---

FINANCIAL IMPLICATIONS: Supplied by the Finance Team

Michelle Cowley, Finance Manager, 0161 793 2520

This project is funded by the Department of Health and Social Care, as a part of the Public Health Grant.

---

PROCUREMENT IMPLICATIONS: Supplied by: Christopher Conway, Procurement Category Manager, tel. 0161 686 6248

Date Provided. 27.04.2021

Procurement are happy to approve the recommendations for an exception to include purchasing PrEP medication through the current Bolton Foundation Trust Sexual Health Contract for period 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 with a plus one year to extend for up to a further 12 month period for the reasons detailed in the report.

It is noted that:

Salford City Council are acting as lead commissioner with Bolton Foundation Trust and is contractually responsible for the contract on behalf of Bolton Council as per the arrangements set out under the existing contract.

---

HR IMPLICATIONS: Supplied by:

None

---

CLIMATE CHANGE IMPLICATIONS: Supplied by:

None

---

OTHER DIRECTORATES CONSULTED:

CMT 12<sup>th</sup> May

Adult DMG 13<sup>th</sup> May

Adult Services Health and Wellbeing Lead Member board 19<sup>th</sup> May

---

CONTACT OFFICER: Helen Dugdale

TELEPHONE NUMER: 0161 793 3543

---

WARD(S) TO WHICH REPORT RELATE(S):

Specify the ward(s) affected, if all wards state this fact.

All

---

## Appendix 1

### PrEP IMPACT trial

Previous studies have shown that PrEP can effectively reduce the risk of HIV infection. Several countries have implemented PrEP programmes to provide the drug to individuals at high risk of HIV. To plan a PrEP programme in England, NHS England and Local Authorities needed to know how many people need PrEP, how many will want to take it and for how long. In order to find this out, they conducted this research.

26,000 people were recruited to the trial over three years. HIV negative people attending sexual health clinics in England will have their risk of acquiring HIV checked by the clinic staff. If the clinic staff consider an individual meet the eligibility criteria for the trial and are considered to be at high risk, they were offered PrEP.