



#### APPENDIX 4 – WAIVER FORM

<b>PROJECT / CONTRACT TITLE</b>	SEXUAL HEALTH SERVICE EXTENSION	
<b>PROJECT / CONTRACT REFERENCE NUMBER</b>	C0147	
<b>DESCRIPTION OF CONTRACT (GOODS / SERVICES PROVIDED)</b>	Sexual Health Advisory Services	
<b>SUPPLIER (where relevant)</b>	University Hospitals Birmingham NHS Foundation Trust	
<b>CONTRACT PERIOD</b>	12 month extension period from March 2023 to March 2024	
<b>VALUE (£/p)</b>	£14,038,587	
<b>FUNDING SOURCE</b>	Public Health Grant	
<b>DIRECTORATE</b>	Partnerships Insight and Prevention	
<b>SERVICE AREA</b>	Adults	
<b>SERVICE LEAD</b>	Juliet Grainger	
<b>DIRECTOR/ ASSISTANT DIRECTOR</b>	Justin Varney	
<b>HEAD OF SERVICE</b>	Dyna Arhin-Tenkorang	
<b>Please indicate the justification for a Waiver to the Procurement and Contract Rules</b>		
i. <b>Efficiency / expediency in relation to process:</b> Following the Rules in whole or part would not add value to the intended outcomes and would significantly impact the delivery of the Council Plan and priority outcomes. A Waiver would not compromise transparency and accountability.	X	
ii. <b>Increased cost / loss of income:</b> Following the Rules in whole or part would likely result in increased costs or loss of opportunity.		
iii. <b>Time constraints beyond the control of the Council:</b> Following the Rules in whole or part would create unreasonable time pressures to deliver outcomes required. In such cases this must not be through poor planning or lack of action by the Council to have created the time constraint.		
iv. <b>Avoidance of reputational damage:</b> Failure to act promptly would have a serious, damaging and long-term impact on the reputation of the Council, that from a time perspective the Council cannot afford to be mitigated through a formal tendering process.		
v. <b>Request for noting for transparency as a formal Breach of the Rules:</b> Noting outcome of formal Breach investigation and seeking to note in line		

with Waiver Approval procedure.	
<b>Please provide details on reasons for applying for a Waiver</b>	
<p>There are no further provisions to extend the contract beyond March 2023, however several extenuating circumstances have impacted on BCCs ability to re procure the replacement service by April 2023 as follows:</p> <p>Covid recovery plans have continued to divert commissioning and NHS service capacity away from business-as-usual activity during 2022. The impact of this has delayed the completion of our joint needs assessment, strategy development and public and clinical consultation process with Solihull MBC. This was only completed at the end of July 2022.</p> <p>Birmingham and Solihull Councils have historically, jointly commissioned the service. This partnership approach was also recently confirmed as part of local integrated care system arrangements. Solihull MBC subsequently received political approval to extend the contract to March 2024 to enable the system approach to recommissioning to continue.</p> <p>Nationally and locally, there is also a significant amount of new policy direction and local strategic planning that will need to be translated confidently to develop sexual health services that can meet current and future priorities.</p> <ul style="list-style-type: none"> <li>• The Birmingham and Solihull Sexual Health Needs Assessment 2021</li> <li>• The draft Sexual Health Strategy 2023 -2030 (Birmingham and Solihull)</li> <li>• Towards Zero: the HIV Action Plan for England - 2022 to 2025</li> <li>• Women's Health Strategy for England published July 2022</li> <li>• * Proposed national Sexual and Reproductive Health Strategy/action plan to be published in 2022</li> </ul> <p>A consultation on the draft sexual health strategy (Appendix 3) has just been completed and there are important areas of feedback from the community and professionals that we now need to take account of in the design of the future service. The extension period will provide the time required to ensure that services meet the needs of the local population as well as responding to the national policy and strategy drivers above.</p> <p>Feedback on the vision and aims of the draft strategy highlighted that there were some potential gaps in terms of:</p> <ul style="list-style-type: none"> <li>• Mental health in relation to sexual health in the strategy</li> <li>• Equity of service provision across Birmingham and Solihull</li> <li>• Cultural awareness and access to services for new communities</li> <li>• Cross border issues in relation to commissioning and patient access</li> <li>• Being aware of older citizens and those in deprived areas being excluded through use of technology</li> <li>• Sex worker sexual health needs and access to services</li> <li>• Male sexual health issues; education, awareness raising and engagement</li> <li>• Inclusion of Cervical and Blood Borne Virus screening and Human papillomavirus</li> </ul>	

(HPV) vaccination <ul style="list-style-type: none"> <li>• Locality delivery improvements, utilising and supporting primary care</li> <li>• How the strategy is going to be funded, implemented, and monitored</li> </ul> <p>Taking account of feedback on the draft strategy, and the national policy and strategies indicated in 3.5, further time is required for translation and implementation to ensure that services meet the future requirements.</p> <p>In order to ensure that services continue to be delivered during the development of the new service model and that changes in local and national policy are understood, an extension of this current contract would enable the Council to be in a better position to go to market in 2023</p>			
<b>Which part(s) of the Procurement and Contract Governance Rules are being sought to be waived?</b>			
Contract Extensions and Modifications clause 4.36			
<b>What implications, risk(s) or consequences would apply if a Waiver is not approved?</b>			
With the national developments and outcomes expected, this could lead to the Council having procured a service that does not align with the national standards and outcomes. Alternatively, it would be a short contract term which is not financially viable for the Council or provider creating further instability in service provision.			
<b>What longer terms plans are in place to ensure compliant contractual arrangements will be established prior to the end of the contract awarded under Waiver?</b>			
Extending the current service contract will enable new policy direction and local strategic planning to be translated confidently to develop sexual health services that can meet current and future priorities. Important areas of feedback were also gained from the community and professionals as part of the sexual health strategy consultation between May – July 2022 that we now also need to take account of. The outcome of these considerations will inform the Procurement Strategy for engaging with the market in 2023.			
<b>Other Comments</b>			
<b>DECLARATIONS</b> <b>I (the undersigned) declare that I have no conflicts of interest which would otherwise prevent my signature to this Waiver.</b>			
Directorate Service Lead		Date	12/09/22
<b>Corporate Procurement Comments</b>			
Waiver form appended to Cabinet report for Cabinet approval			

<b>Name / Title</b> <b>Mike Smith</b> <b>Head of People</b> <b>Category</b>		<b>Date</b>  	23/09/22
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<b>AUTHORISATIONS</b>			
	DIRECTORATE SIGN OFF	CORPORATE SIGN OFF	Date
<b>Over £5,000 up to £100,000</b>	Assistant Director or Head of Service (in line with the Scheme of Delegations)	Relevant Head of Category (Corporate Procurement Service)	
Comment (if required)		Waiver form appended to Cabinet report for Cabinet approval	
Name / Title			
<b>Over £100,000 to £200,000</b>	Assistant Director	Assistant Director (Procurement)	
Comment (if required)			
Name / Title			
<b>Over £200,000 to £500k (revenue) or to £1million (capital)**</b>	Director	Section 151 Officer in conjunction with Cabinet Member (Finance)	
Comment (if required)			
Name / Title			

**\*\* Above these levels and/ or Key Decision and/ or where deemed required by the**

Cabinet Member formal sign off is required at Cabinet.