



#### APPENDIX 4 – WAIVER FORM

<b>PROJECT / CONTRACT TITLE</b>	ADULTS & YOUNG PEOPLE'S SUBSTANCE MISUSE CONTRACTS	
<b>PROJECT / CONTRACT REFERENCE NUMBER</b>	C0146 – Adults Substance Misuse Treatment and Recovery Service PO574 – Young People's Substance Misuse Treatment Service	
<b>DESCRIPTION OF CONTRACT (GOODS / SERVICES PROVIDED)</b>	Substance Misuse Treatment Services	
<b>SUPPLIER (where relevant)</b>	Adults Substance Misuse Service – Change, Grow Live (CGL) Young People's Substance Misuse Service – Aquarius Action Projects	
<b>CONTRACT PERIOD</b>	12 month extension period from 1 <sup>st</sup> April 2024 to 31 <sup>st</sup> April 2025	
<b>VALUE (£/p)</b>	Adults: £15,591,144 Young People: £649,445	
<b>FUNDING SOURCE</b>	Ring-fenced Public Health Grant	
<b>DIRECTORATE</b>	Partnerships Insight and Prevention	
<b>SERVICE AREA</b>	Adults	
<b>SERVICE LEAD</b>	Chris Baggott	
<b>DIRECTOR/ ASSISTANT DIRECTOR</b>	Justin Varney	
<b>HEAD OF SERVICE</b>	Mary Orhewere	
<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 is no remaining delegated provision to extend the current contracts, as the original extension has been utilised.</p> <p>The Adults &amp; Young People's Substance Misuse contracts funded by the ring-fenced Public Health Grant delivered by Change, Grow, Live (CGL) and Aquarius Action Projects respectively, currently end on 31st March 2024. In addition to the ring-fenced Public Health Grant, Birmingham are in receipt of a Supplemental Substance Misuse Treatment and Recovery (SSMTR) Grant from OHID. The grant is a 3 year programme from 2022/23 to 2024/25 to facilitate improvements in the quality and capacity detailed in the 10 year Govt Plan: From Harm to Hope; a 10-year drugs plan to cut crime and save lives. Birmingham's additional funding was £3,018,940 in 2022/23, £4,946,496 in 2023/24 and £9,547,838 (indicative and to be confirmed) in 2024/25.</p> <p>Delivery against the SSMTR Grant in 2022/23 and 2023/24 has been built on the existing contracted providers, CGL and Aquarius, and contracting alternative providers before the final year of delivery would significantly destabilise what is significant activity growth and this would threaten the final year of funding which is dependent on delivery outputs.</p> <p>Delivery planning is already underway for how the indicative amount of £9,547,838 for 2024/25 will be utilised and builds upon the existing 2022/23 &amp; 2023/24 Delivery Plans with an expectation from OHID that the Birmingham Delivery Plan for 2024/25 will be approved in Q4 2023/24. At this juncture OHID have not advised on the continuation of the SSMTR Grant post 31st March 2025, however this will need to be taken into account in the commissioning intentions post-2025 and at this stage there is uncertainty.</p> <p>In order to ensure that the procurement of both contracts does not put SSMTR grant funding for 2024/25 at risk, a 1-year extension of the existing Adults and Young People's Substance Misuse contracts will enable the Council to be confident of SSMTR Grant Delivery up to March 2025 with no financial risk.</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>			
<p>Contract procurement midway through a 3-year government grant programme worth £17.5M is high risk to BCC both reputationally and financially. If both Substance Misuse Contracts are not extended by 1-year up until 31st March 2025 and the contracts are procured with a potential new service provider/s on 1st April 2024, BCC could not onboard a new provider/s and maintain the required levels of pace, acceleration and change in order to achieve the Delivery Plan for 2024/25 and increase treatment capacity by at least 20% and puts £4.6M of additional SSMTR OHID grant funding for 2024/25 at risk which in turn would mean reduced opportunities to support citizens and achieve the ambitions set out in the Council's Triple Zero strategy to reduce the impacts of drug and alcohol addiction.</p>			
<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>			
<p>Extending the current service contracts for Adults and Young People's Substance Misuse Treatment will enable the Council to be confident of OHID SSMTR Grant Delivery up to March 2025 with no financial risk as well as enabling both contracts to be procured in order for new contracts to be in place on 1st April 2025. The contract extensions will also allow BCC to include any future Grant Funding from OHID post 31st March 2025 to be factored into contract procurement.</p>			
<b>Other Comments</b>			
<b>DECLARATIONS</b>			
<p><b>I (the undersigned) declare that I have no conflicts of interest which would otherwise prevent my signature to this Waiver.</b></p>			
<b>Directorate Service Lead</b>		<b>Date</b>	05/06/23
<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 Category</b>		<b>Date</b>	05/06/23

AUTHORISATIONS			
	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	Dr Justin Varney		06/06/2023

**\*\*** Above these levels and/ or Key Decision and/ or where deemed required by the Cabinet Member formal sign off is required at Cabinet.

