


<p>To be completed for all waiver requests to the Contract Standing Orders</p>	
<p>Waiver request for Public Health Activity Budget – GP and Pharmacy Services</p>	
<p>Waiver value: £1,035,000 activity budget</p>	
<p>Request Author: Nicola Ashton Strategic Commissioner, Health and Social Care Commissioning Team</p> <p>Directorate: Social Care</p> <p>Contact Details Tel: Nicola Ashton E-mail: nicola.ashton@lbhf.gov.uk</p>	<p>Authorised by:</p>  <p>Director of Resources</p> <p>Date: 19th March 2021</p>

NOTE: All waivers must be sent to the Head of Procurement for initial approval.

1. RECOMMENDATION:

That the Director of Resources approves a waiver of Contract Standing Order 22.3.1.2. on the following ground:

22.3.1.2. competition is absent for technical reasons

2. JUSTIFICATION:

- 2.1 There is a duty to residents in the borough to provide these services under conditions of the public health grant. This spend relates to public health services provided by primary care in Hammersmith and Fulham (H&F) from 1 April 2021 to 31 March 2024. The services are covered by a contract and individual service specifications for mandated Health Checks, Long Acting Reversible Contraception (LARC), GP Shared Care and by a Patient Group Direction (PGD) for Emergency Hormone Contraception (EHC) (“the morning after pill”). Services are delivered by GPs, other than EHC which is provided by pharmacists located in H&F only, free to under 25-year olds for residents of the borough.
- 2.2 There is no procurement exercise necessary for this spend. The offer is not available to residents to access outside of Hammersmith and Fulham and can only be provided by GPs and Pharmacists in borough. Competition is absent on procurement reasons regarding the technicality of the service specifications in that they can only be delivered by primary care.
- 2.3 Services are provided by GPs and Pharmacists who have the specialisms to deliver the activity based on the service specifications and where they sign up to the terms

and conditions of the contract.

- 2.4 The waiver and associated report are required for public health activity budget approval.
- 2.5 Social value requirements will be in line with the council social value strategy for any GP whose activity exceeds £100,000 over the duration of the contract.

3. LEGAL IMPLICATIONS:

- 3.1. This report recommends the waiver of the competition requirements in order to directly award a contract to GPs and Pharmacies in the borough of Hammersmith and Fulham to deliver services up to the maximum value of £1,035,000. The services fall above the current threshold for Social and Other Specific Services under the Public Contracts Regulations 2015 (PCR) of £663,540, therefore the PCR applies in full.
- 3.2. This contract is a 'High Value Contract' as it is greater than £189,330 and above the Threshold and therefore the Council's CSO require either the use of an existing Framework or DPS which is compliant with the Regulations or to adopt a procedure in accordance with Regulation under the PCR, as approved through the Procurement Strategy (CSO 19.1). This report is seeking a waiver pursuant to CSO 22.1 of the requirements under CSO 19.1. An exemption to these requirements can be granted under CSO 22.1 if one of the reasons set out in CSO 22.3 is made out. Here the ground being relied on for this waiver is that the contract is for services that can only be supplied by a particular economic operator, where competition is absent for technical reasons (22.3.1.2). This is also in line with PCR 32(2)(b)(ii). The justification that this ground is made out here is that the services are offered to residents of the borough and only local GPs have access to patient lists which directs service provision. Similarly, residents are likely to only access local pharmacies. Accordingly, it would be justified to enter into a direct award contract with GPs and Pharmacies within the borough of Hammersmith and Fulham competition is not possible in the ordinary sense as GPs or pharmacies outside the borough cannot access the patient lists. The decision maker(s) need to be satisfied, on the basis of the information set out in this report, that a direct award would be justified compared with opening up the service for competition.
- 3.3. As the subject matter of this report is in relation to a High Value Contract, the decision to grant a waiver is for the s151 Officer or the Director of Resources on the recommendation of the Contract Assurance Board pursuant to CSO 23.1.
- 3.4. A record of the decision and reasons must be kept by the Procurement team and must be submitted to SLT quarterly in accordance with CSO 23.3.

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