

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I113315
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1. **TITLE:** Joint Retender for Sexual and Reproductive health

2. **SERVICE AREA:** Place, Planning & Regeneration

3. **PURPOSE OF DECISION**

Permission sought for the retender of the Joint Sexual and Reproductive health service

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that

- i. the Strategic Procurement Plan for the provision of Sexual and Reproductive Health be approved with Bracknell Forest Council again acting as Host and lead on the procurement on behalf of all 3 councils.
- ii. the proposed contractual term be 5 years (3 +2) with a review of the provision in year 3.
- iii. authority for the contract award and subsequent contract extensions be delegated to the Director of Public Health.

7. **REASON FOR DECISION**

- i. To fulfil statutory duties.
- ii. The proposed procurement, through a competitive tender process will help maximise tender opportunities that will generate value for money and a high-quality Integrated Sexual and Reproductive health Service.
- iii. Bracknell Forest Council in partnership with Slough Borough Council and the Royal Borough of Windsor and Maidenhead wish to deliver an effective and integrated sexual and reproductive health service provision, in line their statutory functions, and in support of the key objectives in their respective Health and Wellbeing strategies, and Boards, Joint Strategic Needs assessments and the Sexual Health, Health Needs assessment.
- iv. To be compliant with Public Contract Regulations 2015 and the councils' respective Contract Standing Orders, and for timely completion of the tender, award, and mobilisation phases in time for the contract to commence as of July 2024.

8. **ALTERNATIVE OPTIONS CONSIDERED**

- i. Do nothing: The current contract and associated obligations will lapse, and there

would be no Sexual Health service available across Berkshire East, which would be a breach of mandated Public Health legislation.

- ii. Extending: Extending the existing contract is possible via a direct award, however the current joint contract arrangements requires that any extension be agreed by all 3 Authorities. This process was initiated but due to the Section 114 issued by Slough Borough Council (SBC) and following internal discussions by the Deputy Director of Public Health at SBC within the council, it was advised that the likelihood of sign off for an extension to carry out a HNA was very low and therefore the risk / benefit of requesting the extension was not balanced.
 - iii. In housing: as Sexual and Reproductive Services are a specialist clinical provision; this is not possible.
 - iv. Provider Selection Regime or Section 75 agreement: at the moment the legislation is not in place for the delivery of a Provider Selection Regime process, in partnership with the Integrated Care Board, and the timeframe for the development of such, or for a Section 75 agreement would require an extension to current provision, to make deliverable, which has already been ruled out as an option, at this time. During the course of the ensuing contract period, this would be reviewed as a way forward once the PSR legislative process completes and receives royal assent.
 - v. Transfer of Contract to NHS terms and conditions: this was considered but excluded at this time, due to the requirement to retain the NHS contract terms and conditions in their entirety, which could prevent the application of HNA changes to the current service and which would undermine the integrity of the process. However, this is considered to be a possible option in future once the service specification is adapted to the findings of the HNA.
9. **DOCUMENT CONSIDERED:** Report of the Director of Public Health, Executive Director: Place, Planning & Regeneration
10. **DECLARED CONFLICTS OF INTEREST:** None

Date Decision Made	Final Day of Call-in Period
21 March 2023	28 March 2023