

Meeting: Cabinet **Date:** 13 June 2023

Wards affected: all

Report Title: Needle and Syringe Provision – Award of Contract

When does the decision need to be implemented? Contract award date set at 26 July 2023

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1. Purpose of Report

- 1.1 To request that Cabinet endorse the decision to award the contract for the Needle and syringe Provision (and Waste Collection) as a result of the successful tender exercise completed in May 2023.
- 1.2 The successful bidder for the services to be delivered across Devon and Torbay was selected as a result of submitting the most economically advantageous Tender (MEAT).
- 1.3 The impact on the population of Torbay is minimal as the service is [1] a supply chain service to local pharmacies and specialist services and do not provide services directly to Torbay (or Devon) residents and [2] this procurement does not require any material change to the service and the equipment to be provided as this has been procured on a 'like-for-like' basis.

2. Reason for Proposal and its benefits

- 2.1 As part of an effective drug and alcohol treatment system, the public health teams in Devon and Torbay currently commissions Orion Medical Supplies to deliver Needle Exchange equipment and remove any used needles that have been returned to pharmacies. There have been no concerns with the delivery of this service and the provider has routinely met all KPIs set across both local authorities.
- 2.2 In Torbay and Devon, the Orion Medical Supplies contract is reaching its natural end date and all permissible extensions will expire in September 2023, therefore a procurement exercise was required to continue this provision on a three-year (plus a further three-year) contract from October 2023. This process was undertaken over the course of the first five months of 2023, finishing in early May 2023.
- 2.3 The reasons for the decision are a result of the Most Economically Advantageous Tender (MEAT) open market tender completed in May 2023.

3. Recommendation(s) / Proposed Decision

- 3.1 That a three-year contract (plus a further three years) commencing in October 2023, to deliver Needle Exchange equipment and remove any used needles that have been returned to pharmacies be awarded to the preferred supplier for the contract value as set out in Exempt Appendix 1 to the submitted report.

Appendices

Appendix 1 (Exempt) Details of preferred bidder and contract value

Background Documents

Supporting Information

1 Introduction

- 1.1 As part of an effective drug and alcohol treatment system, public health teams across the country commission organisations to deliver a range of clean injecting equipment and paraphernalia and to effectively dispose of this clinical waste when returned. This equipment is usually delivered to services such as pharmacies and drug treatment providers where an exchange of clean equipment with any used needles occurs. This provision is collectively known as 'needle exchange'.
- 1.2 Needle exchange is one of the most effective public health measures and is in place to reduce to transmission of blood borne viruses in injecting drug users (and the wider community) and is a well-established and essential component of drug treatment systems commissioned in the UK since 1987.
- 1.3 In Torbay, we have procured this service on the open market on two previous occasions jointly with colleagues in Devon County Council, successfully securing a national provider of these services, the most recent occasion was in 2018 where the contract was awarded to Orion Medical Supplies. This Provider has effectively delivered these services in the previous four years, but the natural end of their contract and all permissible extensions will be reached in September 2023, therefore a procurement exercise was required to continue this provision from October 2023.
- 1.4 This procurement exercise was completed in May 2023, and as a result the preferred supplier for both Devon and Torbay was awarded as a result of the most economically advantageous Tender (MEAT) delivered through the open market tender process.

2. Options under consideration

- 2.1 Given the successful delivery by the incumbent provider to date, a direct award was considered but is not permissible due to procurement regulations.
- 2.2 Not awarding any contract was considered but this would be failing to meet our duty to protect the public's health as a mandated requirement of the public health ring-fenced grant and would fail to deliver a comprehensive and effective drug treatment system as set out in the expectations of the Governments 10-year drugs plan 'From Harm to Hope'.
- 2.3 A limited or reduced scope service was considered, but that would fail to meet the requirements of national standards (NICE guidance PH52 'Needle and syringe programmes') in providing a mix of differing levels of service, including fixed packs as well as individual items to meet peoples injecting needs.

3. Financial Opportunities and Implications

- 3.1 Funding for this service is already in place due to being an existing service whose budget is built into the baseline public health ring-fenced grant budget expenditure. The cost of this service in Torbay is circa £40,000 per annum. The contract term is for three years with the option to extend for a further three years in one year increments.
- 3.2 The tender ensured that cost of the service was a critical factor in the decision-making (30%) and was awarded on the basis of the Most Economically Advantageous Tender (MEAT).

4. Legal Implications

- 4.1 There are no known legal implications other than a failure to award the contract without due justification which could result in a challenge to the procurement process by the successful bidder.

5. Engagement and Consultation

- 5.1 This service does not directly impact any service user or community as this provision is related to supply chain rather than direct delivery to individuals or communities.
- 5.2 As the provision procured was on a 'like-for-like' to the existing provision with no proposed changes, no consultation was undertaken before the contract award. Should the contract award proposal have required a change of supplier and / or the equipment being provided, consultation would have been undertaken with the needle exchange services, but this is not applicable given the proposal is to award to the existing supplier on a like for like basis.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Social value was built into part of the tender for which the supplier was required to submit proposals on their social value commitments to Torbay via the Social Value portal.
- 6.2 This part of the tender submission was independently assessed by the Procurement Team in Torbay council and was deemed to be a 'good' submission with '*good initiatives and delivery plan with clear community benefits.*'

- 6.3 The monitoring of the social value commitments will be undertaken as part of the central contract monitoring process in Torbay through the Procurement, Contract Management and Commissioning team.

7. Tackling Climate Change

- 7.1 This contract has limited impacts on climate change, but any positive impacts were considered as part of the tender.
- 7.2 The preferred supplier are aiming to be a carbon neutral supplier by 2030, and as a result have submitted their carbon neutral plan to us as part of the tender submission. They are working with their suppliers to ensure that all deliveries (via DPD) to suppliers are carbon neutral, and that they use electric vehicles wherever possible.
- 7.3 The waste collection and incineration processes undertaken by their sub-commissioned waste collection provider are being reviewed with a move to using reusable sharps containers.
- 7.4 The preferred supplier have also secured an exclusive opportunity to develop a bio-waste system which is a safer more sustainable alternative for sharps-waste, which could be delivered in the first three years of the contract.

8. Associated Risks

- 8.1 Risks of failure to agree to award the contract predominantly centre on the significant risk of increased harm to injecting drug users including the changes of significant rises in blood-borne virus infections due to more needle sharing as a result of less clean needles being available.
- 8.2 There are also risks of increased needle finds in public areas if there is no provision of needle exchange where used needles can be returned and safely disposed of.
- 8.3 There is risk that the Council comes under significant scrutiny from the Office of Health Improvement and Disparities if a proven public health intervention is withdrawn with no legitimate and justifiable reasons for doing so.
- 8.4 Finally, there is a risk of legal challenge if the procurement is not concluded effectively and the potential bidders decide that there are grounds for challenging the decision to not award.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			X there is no differential impact on this group of this decision
People with caring Responsibilities			X there is no differential impact on this group of this decision
People with a disability			X there is no differential impact on this group of this decision
Women or men			X there is no differential impact on this group of this decision
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			X there is no differential impact on this group of this decision
Religion or belief (including lack of belief)			X there is no differential impact on this group of this decision
People who are lesbian, gay or bisexual			X there is no differential impact on this group of this decision
People who are transgendered			X there is no differential impact on this group of this decision
People who are in a marriage or civil partnership			X there is no differential impact on this group of this decision

Women who are pregnant / on maternity leave			X there is no differential impact on this group of this decision
Socio-economic impacts (Including impact on child poverty issues and deprivation)	X in general, needle exchange services focus on those with more complex lives and those living in deprived areas.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	X Needle exchange is a proven public health intervention to reduce blood-borne virus in an at risk group, reducing needle litter and provide harm reduction interventions in a complex client group.		

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None