

Wiltshire Council

Cabinet

12 September 2017

Subject: Integrated Urgent Care Procurement

Cabinet Member: Cllr Jerry Wickham, Cabinet Member for Adult Social Care, Public Health and Public Protection

Key Decision: Yes

Executive Summary

This paper sets out a proposal for the consideration of Cabinet regarding the joint commissioning exercise for integrated urgent care services and to secure approval to delegate authority (as set out in paragraph b below) to award contract to the preferred bidder, in relation to the services being commissioned by Wiltshire Council (as set out in paragraph 13 below).

The November 2016 Cabinet approved the participation of Wiltshire Council in a joint commissioning exercise for urgent care services with Wiltshire Clinical Commissioning Group (CCG), in partnership with B&NES CCG and Swindon CCG. This paper brings together that decision and the ensuing work undertaken by commissioners from both Wiltshire Council and Wiltshire CCG.

The scope of the procurement across the Sustainability and Transformation Plans footprint adds complexity to the process due to the co-commissioning approach, with potential consequences of delays and failure of the process.

Proposal(s)

Cabinet is asked to:

- a) Note the update of the joint commissioning exercise with Wiltshire Council and Wiltshire CCG, in partnership with B&NES CCG and Swindon CCG, of urgent care services.
- b) Delegate the authority, in relation to the services being commissioned by Wiltshire Council (as set out in paragraph 13 below),:
 - i. to approve the terms of the contract and all associated documents within the parameters set out in this report; and
 - ii. to award and enter into the contract and all associated documents,

to the Corporate Director for Adult Social Care in consultation with the Cabinet Member for Health (including Public Health) and Adult Social Care.

Reason for Proposal(s)

1. The purpose of this paper is to provide an update on the joint procurement process between Wiltshire Council and Wiltshire CCG, in partnership with B&NES CCG and Swindon CCG for integrated urgent care services.
2. The total value of the integrated urgent care service is £14,681,553 per annum for five years, with an extension option of up to sixty further months, giving a maximum possible contract value of £146,815,530. The initial five-year period is planned to commence from 1st May 2018.
3. The percentage of Wiltshire Council services within the total contract value is 13.93%, which equates to £2,045,030 per annum with the total ten-year contract value to the Council expected to be £20,450,300.
4. Ask Cabinet to delegate the authority, in relation to the services being commissioned by Wiltshire Council (as set out in paragraph 13 below),:
 - a) to approve the terms of the contract and all associated documents within the parameters set out in this report; and
 - b) to award and enter into the contract and all associated documents,to the Corporate Director for Adult Social Care in consultation with the Cabinet Member for Health (including Public Health) and Adult Social Care.

Carolyn Godfrey, Corporate Director

Wiltshire Council

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Purpose of Report

5. The purpose of this paper is to provide an update on the joint procurement process between Wiltshire Council and Wiltshire CCG, in partnership with B&NES CCG and Swindon CCG for integrated urgent care services.
6. The total value of the integrated urgent care service is £14,681,553 per annum for five years, with an extension option of up to sixty further months, giving a maximum possible contract value of £146,815,530. The initial five-year period is planned to commence from 1st May 2018.
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8. To ask Cabinet to delegate the authority, in relation to the services being commissioned by Wiltshire Council (as set out in paragraph 13 below),:
 - a) to approve the terms of the contract and all associated documents within the parameters set out in this report; and
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Relevance to the Council's Business Plan

9. Procuring Wiltshire Council's urgent care services via an integrated procurement supports the Council's Business Plan and priorities set out within the plan, particularly:
 - Protecting those who are most vulnerable through joined up health and social care, and
 - Strong communities that can take responsibility for their personal wellbeing.

Main Considerations for the Council

10. Wiltshire Council has worked with Wiltshire CCG since 2014 developing and delivering the Better Care Plan (BCP). The plan focusses on the growing demographic challenge, Delayed Transfers of Care, independence post hospital discharge and reducing unnecessary hospital admissions and admissions to nursing and residential care. The Better Care Fund (BCF) is a pooled budget of £44 million to promote integration, with the ambition of providing care close to home, the priority being home, and creating and delivering innovative services.
11. On the 14th November 2016 Wiltshire Council entered a Memorandum of Understanding (MOU) with Wiltshire CCG, Swindon CCG and BANES CCG. The MOU sets out the arrangements for the procurement of an integrated urgent care service and summarises the roles, responsibilities and obligations which flow from these arrangements.
12. The principles that govern the joint procurement and the conduct of Wiltshire Council and the CCGs are to collaborate and co-operate to work towards ensuring that the commissioning ambitions and intentions of each are met. This has been, and will continue to be, achieved by all parties working effectively and collaboratively to identify solutions to any issues. The intention is that this joint working will be further reinforced with a Collaborative Commissioning Agreement and a Financial Memorandum of Understanding as set out later in this report.

Background

13. The services included within the joint procurement of integrated urgent care are detailed in the table below:

Service	BANES CCG	Swindon CCG	Wiltshire CCG	Wiltshire Council
Access to Care Service, including Single Point of access to Intermediate Care			✓	✓
Acute Trust Liaison Service			✓	
Carers Emergency Card, Response Service				✓
GP Out of Hours service	✓		✓	
Integrated Urgent Care Access, Treatment and Clinical Advice Service (clinical hub), including Health Care Professional Line	✓	✓	✓	
NHS 111 Service	✓	✓	✓	
Telecare call monitoring				✓
Telecare equipment and installation *				✓
Telecare response service and urgent domiciliary care service				✓
Out of Hours Dental Services		✓	✓	

* To be included during the lifetime of the contract from January 2019

14. Previously, it was our intention to include the in-house Emergency Duty Service and the Out of Hours Emergency Call Handling Service within this procurement. The Corporate Leadership Team took the decision to remove both services from the procurement due to alternative opportunities being explored.
15. To support an effective procurement several working groups, with representation from Wiltshire Council and the CCGs, have been operating and reporting to the Procurement Board. This has enabled the Procurement Board to make key decisions and timetable outlining key dates for decisions in line with the procurement timeline.
16. The table below outlines the timetable of the procurement:

No	Stage	Dates
1	ITN1 released to Bidders	02/12/2016
2	Deadline for clarification questions	13/12/2016
3	ITN1 submission closing date	09/01/2017
4	ITN1 Bidder clarification event	27/01/2017
5	ITN1 evaluation and shortlisting to Three Bidders	16/2/2017
6	Invitation to Negotiate stage 2 (ITN2) released to Shortlisted Bidders	21/02/2017
7	Deadline for clarification questions	14/03/2017
8	Negotiation meetings	1 st , 7 th , 8 th and 15 th March 2017
9	ITN2 submission closing date	27/03/2017
10	ITN2 Bidder clarification event	07/04/2017
11	ITN2 evaluation outcome release	26/05/2017
12	Preferred Bidder Stage – <i>change from original timetable</i>	June 2017 to August 2017
13	Formal award decision made – <i>Joint Extraordinary Governing Body Meeting</i>	21 st September 2017
14	10 day voluntary standstill period	22/09/2017-05/10/2017
15	Enter contract with winning Bidder and Public announcement	06/10/2017
16	Contract mobilisation	October 2017 to April 2018
17	Contract commencement	1 st May 2018

17. The final stage was amended with a Preferred Bidder Stage, replacing the previously identified Calls for Final Tenders (CFT) stage. This decision was taken due to the confidence gathered following thorough evaluation of written bids during ITN1 and ITN2. The evaluation included presentations and questions and answer sessions with bidders and final scoring completed by a team of multi-disciplinary evaluators.
18. The Preferred Bidder process was designed and completed to effectively address any weaker elements of the bid, as identified during the evaluation process. This was achieved through Work Streams (as summarised within the Work Stream remits at Appendix 1) undertaking comprehensive work to achieve the agreed outcomes established during the evaluation process.

Overview and Scrutiny Engagement

19. Wiltshire CCG and Wiltshire Council have undertaken numerous engagement sessions with key stakeholders. Briefings have been provided at the Joint Commissioning Board on the 29th June and the report will be brought to Health Select Committee on the 5th September and any comments will be reported to Cabinet as appropriate.

Safeguarding Implications

20. Current contract arrangements with urgent care providers contain robust safeguarding measures in line with Council and CCG policy and any new service specification continues to include these. Contracts give clear direction on how and when to raise a safeguarding alert to avoid any confusion about who will do this and/or assumptions that someone else will raise the alert. Contracts also ensure that any issues relating to child protection are identified and appropriate referral made to children's services.

Public Health Implications

21. All service specifications developed for this contract are underpinned by public health data and evidence supporting optimum service coverage and delivery with relevant Key Performance Indicators, etc.

Procurement Implications

22. The procurement is being carried out by NHS South, Central and West Commissioning Support Unit (SCWCSU) on behalf of the Commissioners. The tender follows OJEU regulations and timescales and Wiltshire Council's Strategic Procurement Hub are working closely with the SCWCSU representatives to ensure Social Care aspects of the tender are dealt with accordingly.
23. It was agreed between the CCGs, Council and SCWCSU to follow a competitive process, based on an Open Negotiated Procedure to the procurement, including at least three sequential tendering stages. This route was used as it allows for refinement to the Bidders' solution or proposal during the tendering stages, and is a pragmatic way of bringing flexibility into the process for complex requirements.
24. Council officers, including the Head of Community Commissioning and a Senior Category Manager from the Strategic Procurement Hub, sit on the partnership Procurement Board. All procurement documentation has been developed and reviewed by procurement working groups, and latterly by the work stream groups within the preferred bidder stage, which have Council representation to ensure the interests of the Council are observed and protected.

Equalities Impact of the Proposal

25. The procurement of urgent care services will support equitable access to any individual to urgent health and social care. The specifications for the services

being commissioned state that providers will be expected to demonstrate use of local resources. It requires the provision of services which take account of and are committed to ensuring that the organisation/s values diversity and promotes equality and inclusivity on all aspects of its business.

Environmental and Climate Change Considerations

26. There are no specific environmental or climate change considerations.

Risk Assessment

27. The scope of the procurement across the Sustainability and Transformation Plans footprint has added complexity to the procurement process, due to co-commissioning approach and governance arrangements of four commissioning organisations.

Risks that may arise if the proposed decision and related work is not taken

28. If the decision to delegate authority to award and enter into contract and associated documents is not taken, it could impact the procurement process and create further complexities. Potential consequences include delays to the procurement process, increased exposure of confidential information and potential failure of the process.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

29. With any integrated procurement, it is important to avoid the risk of dispute by agreeing the following:

- a) robust contract terms setting out the relationship between all partner commissioners and the provider. Legal Services have been fully involved throughout the procurement and given advice on the contract documentation, including the implications of the collaborative commissioning structure, in order to mitigate the risk of any dispute with the provider; and
- b) separate terms setting out how the partner commissioners will work together to manage the contract and deal with any risks or liabilities during the lifetime of the contract. Legal Services are advising on a separate Collaborative Commissioning Agreement and an accompanying Financial Memorandum of Understanding is being developed by Finance Leads to mitigate the risk of any dispute between the commissioners.

Financial Implications

30. This is a joint tender across partners where the final bid is within the overall available budget.

31. The Council's share of this budget is paid via the Better Care Fund (BCF) and in 2017/18 the total spend will be £2,199,060 (inclusive of VAT).

32. The final bid requires the Council to contribute £2,045,030 (inclusive of VAT) to the joint tender each year which will result in a saving against budget of £154,030 per annum.
33. Savings generated from this procurement exercise will accrue in the BCF and decisions on how those savings are reinvested will be taken by the Joint Commissioning Board.
34. The BCF is a joint arrangement between Wiltshire Council and Wiltshire CCG and the Council will continue to work with its partner to establish and enforce budget monitoring processes to ensure robust management of this contract.

Legal Implications

35. The legal implications in relation to the procurement process have been dealt with at paragraphs 22 to 24 above. The procurement has progressed in strict compliance with procurement law.
36. Legal Services have advised on:
 - a) all relevant procurement documents;
 - b) the form of contract; and
 - c) associated documents, including the proposed Collaborative Commissioning Agreement and Financial Memorandum of Understanding between the Council and the commissioning CCGs.
37. The Corporate Director for Adult Social Care and the Cabinet Member for Health (including Public Health) and Adult Social Care will attend a Joint Extraordinary Governing Body Meeting attended by all Commissioners on 21 September 2017 at which it is intended that all Commissioners, including the Council, will make a formal decision to award the contract on the agreed terms. If Cabinet approves the proposals in this Report, the Corporate Director and Cabinet Member will have the delegated authority to make this decision at the meeting.

Options Considered

38. The following additional options were considered:
 - a) recommission the current services through Wiltshire Council procurement services; or
 - b) decommission services following end of contract.

Conclusions

39. Delegate the authority, in relation to the services being commissioned by Wiltshire Council (as set out in paragraph 13 above),:

- a) to approve the terms of the contract and all associated documents within the parameters set out in this report; and
- b) to award and enter into the contract and all associated documents,

to the Corporate Director for Adult Social Care in consultation with the Cabinet Member for Health (including Public Health) and Adult Social Care.

James Cawley (Associate Director, Adult Care Commissioning and Housing)

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Appendices

Appendix 1: Work Streams

1 Project Oversight:

Project Oversight Meetings are intended to pull together all the Work Stream Meetings that have taken place so far and confirm mutual understanding, identify and capitalise on any further opportunities or economies of scale presented by joint working and agree next steps including joint approach and plans for engagement.

Objectives:

- Satisfaction that the Preferred Bidder Status is Complete
- Preferred Bidder and Joint Engagement Plan
- Recommendation to IUC Project Board for Contract Award

1.1. Work Stream 1: Finance and Legal

The service must be provided within budget, with due financial management procedures in place. A compliant and practical contract must be drafted.

Objectives:

- Principles and Payment Mechanism
- Schedule 3 - Payment
- Dental finance commissioning agreement (Wiltshire CCG and NHSE only)

1.2. Work Stream 2: Service Delivery, Quality, Policies and HR

The provider must provide an Integrated Service Model encompassing each of the service lines included within this procurement which meets the Critical Success Factors and Outcomes provided in the Bidder Information Pack. The service must be appropriately staffed, with an appropriate approach towards the transfer of staff into the new service

Objectives:

- Schedule 2 A3 – IUC Service Delivery Model Specification
- Service Line Specifics including Dental and Telecare
- Schedule 2K – Safeguarding and Mental Capacity Policy
- Schedule 4 – Quality

1.3. Work Stream 3: Information Management and Technology

The prime provider will be expected to ensure that the service has the IT hardware and software to suit the needs of the services being procured.

Objectives:

- IM&T Compliance
- Information Governance

1.4. Work Stream 4: Governance and Implementation & Contract Management

The Commissioners require an integrated urgent care service with a robust and demonstrable clinical integration and governance process between the various providers. The bidder must have in place suitable plans to conduct the service mobilisation to commence delivery on time and to deliver quality, performance

and outcome measures in a manner which meets the requirements outlined in the service specification.

Objectives:

- Governance arrangements between subcontractors
- Governance arrangements for commissioners (commissioner only)
- Schedule 5 – Documents to be Relied upon
- Fully Detailed mobilisation Plan
- KPIs for baseline year agreed