

Cabinet Member for Cabinet Member for Adults and Health.	Ref No: AH06 20/21
July 2020	Key Decision: Yes
Approval to commence a procurement for the provision of Mortuary and Post-Mortem services for the West Sussex Coroner	Part I
Report by Acting Director of Communities	Electoral Divisions: All
<p>Summary</p> <p>The County Council provides Mortuary and Post-Mortem services throughout the county for the bodies of those who die in West Sussex where the death is referred to the Coroner to investigate the cause of death. These are usually referred to as "Coroner's bodies".</p> <p>This is a statutory obligation.</p> <p>Current contracts are due to expire on 22nd January 2021 and there is no provision for further extensions. This report concerns a proposal to secure ongoing Mortuary and Post-Mortem services for West Sussex Coroner's bodies, through a formal, open procurement process.</p>	
<p>West Sussex Plan: Policy Impact and Context</p> <p>The Proposal is in accordance with the '<i>A council that works for the community</i>' priority from the West Sussex Plan.</p>	
<p>Financial Impact</p> <p>The cost of the service will be met from the existing revenue budget which is currently £0.5m per annum.</p>	
<p>Recommendation:</p> <p>That the Cabinet Member for Adults and Health is asked to agree;</p> <ol style="list-style-type: none"> 1) the commencement of the procurement process for Mortuary and Post-Mortem services; and 2) the delegation of authority to the Acting Director of Communities to award contracts following the procurement process for a period of 3 years, with the option to extend by 2 further years, up to a maximum of 5 years. 	

1. Background and Context

- 1.1 The Council has a statutory duty to provide Mortuary and Post-Mortem service to the West Sussex Coroner.
- 1.2 The Council has two incumbent contracts with different NHS Trusts who provide the Mortuary and Post-Mortem Services jointly:
 - WSHT - Western Sussex Hospital Trust (75% of requirement)
 - SASH - Surrey and Sussex Health Trust (25% of requirement).
- 1.3 Both contracts will expire on 22nd January 2021 and there is no provision for further extensions.
- 1.4 Current budget for the current service contracts is £0.5m per annum for the provision of Mortuary and Post-Mortem facilities.
- 1.5 The Council ran a procurement in 2018/19 with a vision of having a dedicated Mortuary – 100% of bodies going into one location and moving away from traditional post-mortems towards digital non-invasive methods. However, the Council only received one bid which was subsequently deemed unaffordable. The bid was later withdrawn, and the procurement process abandoned.
- 1.6 Therefore, the Council must secure ongoing contracts for the Mortuary and Post-Mortem services (excluding Pathologist costs) from January 2021 as this is a statutory requirement.
- 1.7 Market engagement has been completed twice in the last 18 months. The market is very narrow and highly regulated. Service providers must be able to comply with the strict regulations of the Human Tissues Act 2004 as well as be able to cope with our capacity requirements.

2. Proposal

- 2.1 In order to secure ongoing Mortuary and Post-Mortem services for West Sussex Coroner's bodies, the proposal is to commence a formal, open procurement process in which the requirements for the West Sussex Mortuary service provision, including storage space and Post-Mortem facilities, are clearly set out.
- 2.2 The procurement will be designed to secure contracts for a minimum term of 3 years, with the option to extend by 2 years up to a maximum of 5 years.
- 2.3 The proposed procurement process is a revenue expenditure solution and will seek proposals from service providers based on ongoing, paid for contract arrangements, under which mortuary facilities and services will be purchased by and provided to the Council.
- 2.4 The procurement process will be run in accordance with Council Standing Orders on Procurement and Contracts, as well as European Public Contract Regulations (PCR 2015).

2.5 The below table outlines the proposed timetable for procurement

Event	Date
Issue of OJEU Notice	July 2020
Return of Tenders	August 2020
Evaluate and Shortlist	September 2020
Recommendation of Preferred Service Providers	September 2020
Contract Award	October 2020
Service Commencement WSCC	January 2021

Factors considered

3. Consultation

3.1 Consultation has taken place with:

- Local Health Trusts
- Existing providers of services
- Prospective providers of services by way of Market Consultation
- Procurement
- Finance
- Legal
- Cabinet Member
- Neighbouring local authorities

3.2 Consultation with Procurement has allowed a review of options, leading to the preferred route of an open procurement process to secure ongoing Mortuary and Post-Mortem services for Coroner's bodies in West Sussex.

3.3 This was taken to the Procurement Board in February 2020 who endorsed the Procurement Strategy.

4. Financial (revenue and capital) and Resource Implications

4.1 *Revenue consequences of proposal*

	Year 1	Year 2	Year 3	Year 4 Ext £m	Year 5 Ext £m
Revenue budget	£m 0.5	£m 0.5	£m 0.5	0.5	0.5
Change from Proposal	0	0	0	0	0
Remaining budget	0.5	0.5	0.5	0.5	0.5

4.2 Whilst support will be required from Procurement, Legal and Financial Services, this can be provided within existing resources and therefore no additional funding will be required to deliver this procurement.

4.3 Based on the analysis from the market research, we expect that the current mortuary budget of £0.5m will be sufficient to deliver the new service.

- 4.4 It should be noted that this re-procurement will be undertaken to achieve an ongoing reliable solution to West Sussex’s mortuary requirements; it is not expected to deliver significant financial savings.
- 4.5 Once awarded, the contracts will be managed within existing resources by the Registration and Coroner’s Manager position within Place Services.

5. Legal Implications

- 5.1 The Council has a statutory obligation to commission this service.
- 5.2 The value of the proposed contract will be £1.5m over 3 years with the facility to extend for up to 2 years. As the value of the Contract is over the OJEU threshold for services, the Public Contracts Regulations 2015 will apply and the contract will be competitively tendered.
- 5.3 There is the possibility that The Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) could apply should there be a change of service provider. The Council has contractual provisions in place in the existing contract to facilitate the transfer of relevant information between the old and new provider to ensure a smooth transfer of service.

6. Risk Implications and Mitigations

- 6.1 This statutory service has resulted in inherent demand increases due to changes within the West Sussex County Council demography, as well as an excess number of bodies as a result of Covid-19.

Risk	Mitigating Action (in place or planned)
There is a risk of the opportunity not being attractive to the market	Offering a 3-year initial term contract with the option to extend
Market price increases	Designing a hybrid pricing schedule that allows for fixed (overheads) and variable (per body) costs

7. Other Options Considered (and reasons for not proposing)

- 7.1 Options for this requirement that have been considered include
 - a) Do nothing – this option was discounted due to the statutory nature of the service
 - b) Seek a waiver from standing orders to extend existing contracts – this option was discounted due to value as it exceeds the EU threshold of £189,330 for services.
 - c) Run an open tender to secure compliant bids and award contracts for a minimum term of 3 years and the option to extend by 2 years – this option is recommended.

8. Equality and Human Rights Assessment

- 8.1 Mortuary and Post-Mortem services are provided for all Coroner's bodies inclusive of those with protected characteristics. In relation to the considerations for individuals families, faiths and communities with particular religious or cultural expectations and wishes in relation to the handling and management of dead bodies, these will be included in the facilities and service requirements of the suppliers and in accordance with the arrangements made by the Coroner's office.
- 8.2 The service locations will be within or close to West Sussex in order to reduce travel for those needing to visit the Mortuary.

9. Social Value and Sustainability Assessment

- 9.1 Due to the nature of the service, it is proposed that the services will remain within or close to the boundaries of West Sussex County. In addition, bidders will be asked to provide commitment to social value within their method statements, such as:
- Commitment to spending x% in the local area
 - Assist in the attraction of key skills into the county
 - Commitment to paying staff the living wage
 - Creation of traineeships (including apprenticeships)
 - Energy efficiency, energy management and energy generation

10. Crime and Disorder Reduction Implications

- 10.1 None

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