

Decision Pathway

PURPOSE: Key decision

MEETING: Cabinet

DATE: 10 May 2022

Title:	Procurement of Laboratory Analysis on Behalf of HM Senior Coroner for Avon		
Ward(s):	All		
Author:	Yvonne Dawes	Job Title:	Head of Statutory Registration
Cabinet Lead:	Cllr. Craig Cheney, Deputy Mayor and Cabinet Member for City Economy, Finance and Performance	Executive Director Lead:	Tim O’Gara, Director: Legal and Democratic Services
Proposal Origin:	BCC Staff		
Decision Maker:	Cabinet member		
Decision Forum:	Cabinet		
Purpose of Report:			
To seek approval for the tendering and procurement of a compliant contract for the laboratory analysis of whole organs, tissue and fluid samples for toxicology, histology, neuropathology, virology and microbiology on behalf of HM Senior Coroner for Avon, as part of the determination of the cause of death for cases under the jurisdiction.			
Evidence Base:			
Bristol City Council is the lead local authority - on behalf of Bath and North-East Somerset, North Somerset and South Gloucestershire councils - supporting and meeting the costs of the Avon Coroner, including costs associated with determining the cause of death for cases within the jurisdiction.			
Bristol is authorised by the other authorities to undertake procurement on behalf of HM Coroner; The on-going revenue costs would be split between the four local authorities on the current agreed population basis, of which Bristol’s share is 40%.			
Part of the process of determining the cause of death are autopsies, which are undertaken at Flax Bourton Public and Forensic Mortuary. During an autopsy, depending on the medical history, circumstances of death and/or the clinical findings during the examination, small samples of body fluids or body tissues, or occasionally whole organs, are retained by the pathologist under the authority of the coroner for the purposes of determining the cause of death or confirming the identity of the deceased. All such items retained during autopsy must be analysed in a Human Tissue Authority-compliant laboratory, which can be located within NHS Trusts or private forensic service providers.			
Currently, all such laboratories used for specimens originating from Flax Bourton Public and Forensic Mortuary are located within hospital trusts. The following laboratories are routinely utilised:			
<ul style="list-style-type: none"> • Histopathology Laboratory • Toxicology Laboratory • Neuropathology Laboratory • Microbiology Laboratory • Virology Laboratory 			
These laboratory services are currently provided for the Avon Coroner on a non-contractual basis, under a Service Level Agreement, which is not compliant with current procurement regulations.			

Without a procured contract Bristol City Council would not be able to meet its statutory duties. It is a highly specialised service with a limited number of companies able to meet the legislative and regulatory requirements, however, recent soft market testing has identified at least two potential suppliers.

Cabinet Member / Officer Recommendations:

That Cabinet:

1. Authorises the Director: Legal and Democratic Services, in consultation with the Cabinet Member for City Economy, Finance and Performance to take all steps required to procure and award the contract(s) (including any individual contracts over £500k) necessary for the implementation of specialist laboratory analysis services as outlined in this report for 3+1+1 years at a cost of up to £1.6m in-line with the procurement routes and maximum budget envelopes outlined in this report, noting the associated Legal commentary.

Corporate Strategy Alignment:

1. The Corporate Strategy commits the council to meeting statutory obligations, which this proposal aims to facilitate
2. It will equip our colleagues to be as productive and efficient as possible through partnership with a specialised supplier of specialist laboratory analysis services

City Benefits:

1. Awarded contracts will include a social value element

Consultation Details:

N/A

Background Documents:

1. Human Tissue Authority Codes of Practice and Standards ([Code B: Post Mortem Examination](#))
2. [Coroners and Justice Act 2009](#)
3. [Public Health Act 1936](#)

Financial Information:

Revenue Cost:	Up to £1.6m total (3year+1year+1year contract)	Source of Revenue Funding:	40% contribution from Bristol City Council = c.£0.7m (Statutory Registration service annual Revenue budget) 60% contribution from Avon Authorities = c.£0.9m
Capital Cost:	£0	Source of Capital Funding:	N/A

One off cost Ongoing cost Saving Proposal Income generation proposal

Advice from Financial/Legal/ICT/HR:

1. Finance Advice:

This report requests approval to tender and procure compliant contract(s) for various laboratory cause of death analysis services on behalf of HM Senior Coroner for Avon. It also requests delegated authority for the Director of Legal and Democratic Services in consultation with the Cabinet Member for City Economy, Finance and Performance then to procure and award the contract(s). There are a limited number of companies who meet the legislative and regulatory requirements linked to the provision of these specialised services. However recent soft market testing has identified at least two potential suppliers.

The contract would be for 3+1+1 years and cost c.£0.3m p.a./£1.6m across a maximum 5-year total contract period. Annual revenue costs would be split between the four local authorities on the current agreed population basis. So that Bristol's share is 40% and the associate Local Authorities' share is 60%.

BCC's 40% funding contribution is confirmed as available from Statutory Registration Service annual revenue budget.

Jemma Prince, Finance Business Partner, 21 February 2022

2. Legal Advice:

The procurement process must be conducted in line with the 2015 Procurement Regulations and the Councils own procurement rules. Legal Services will advise and assist officers with regard to the conduct of the procurement process and the resulting contractual arrangements.

Husinara Jones, Commercial and Governance Team Leader, 19 April 2022

3. IT Advice:

No IT Implications are anticipated.

Iain Godding, Head of Enterprise Architecture: 02/03/2022

4. HR Advice:

No HR implications evident.

James Brereton, HR Business Partner, 16 February 2022

EDM Sign-off:	Resources EDM	09/03/2022
Cabinet Member Sign-off:	Cllr. Craig Cheney	14/03/2022
Mayor's Office Sign-off:	Mayor's office	28/03/2022

Appendix A – Further essential background / detail on the proposal	NO
Appendix B – Details of consultation carried out - internal and external	NO
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	NO
Appendix E – Equalities screening / impact assessment of proposal <ul style="list-style-type: none"> • TBC 	YES
Appendix F – Eco-impact screening/ impact assessment of proposal <ul style="list-style-type: none"> • TBC 	YES
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Exempt Information	NO
Appendix J – HR advice	NO
Appendix K – ICT	NO
Appendix L – Procurement	NO