

**Freedom of Information Request: 0221 2019/20**

University Hospitals Birmingham NHS Foundation Trust (UHB) completed a merger by acquisition of Heart of England NHS Foundation Trust (HEFT) on 1<sup>st</sup> April 2018. Due to historical differences in data collection/reporting across UHB and the former Heart of England NHS Foundation Trust some of this response has been provided by hospital site.

The Trust does hold the information you have requested however we are withholding some of the information for the reasons given below.

**Commercial Sensitivity:**

Section 43 of the Freedom of Information Act 2000 (FOIA) provides,

*“(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).”*

A commercial interest relates to a person’s ability to participate competitively in a commercial activity, with the underlying aim being able to make a profit. The information you have requested is the commercial information of third parties and in order to apply section 43(2), the Trust must satisfy itself that disclosure of the information would, or would be likely to, prejudice or harm the commercial interests of any person (including the Trust).

Disclosure of the information requested would be likely to prejudice the commercial activities of a third party, in this case the providers of our pressure area care devices.

The information you have requested is around the prices paid for the products provided to us and disclosure to the world at large would involve placing elements of the providers’ commercial strategies into the hands of their competitors, which would prejudice their commercial interests. Therefore S43 (2) of the FOIA is engaged as disclosure of the information requested would be likely to prejudice the commercial interests of the contractors.

**The public interest test**

Commercially sensitive information is protected from disclosure by Section 43(2) of the FOIA which is a qualified exemption subject to the public interest test. The Trust considered, in all the circumstance of the case, where the balance of the public interest lies.

**Public interest in maintaining the exemption**

There is a public interest in protecting the commercial interests of individual companies such as the providers and ensuring they are able to compete fairly in a commercial environment.

Disclosure of information may cause unwarranted reputational damage to the Trust or the providers whose information it holds, which may in turn damage its commercial interests through loss of trade.

Revealing information such as a pricing can be detrimental to the Trust's negotiations on future tenders with other providers. If a competitor knows how much the Trust paid for a product then it can exploit this for profit or other gain.

### **Public interest in disclosing the information**

To promote openness and transparency of public expenditure, which would enable the public to better scrutinise how public money is spent.

### **The balancing exercise**

The Trust decided the public interest in maintaining the exemption substantially outweighs the public interest in disclosing the information.

## **1) Current medical equipment contracts – pressure area care**

- a) I would like to know what pressure area care devices are used in your trust. Please include details regarding pressure relieving mattresses and other pressure redistribution devices e.g. pressure relieving cushions, foot protectors, pads etc. Please refer to Excel file attached.**
- b) For each of these devices, how many of each device is used in your trust per year? Please refer to Excel file attached.**
- c) For each of these devices, please detail which company these devices are acquired/bought from and the type of contract this company is operating under**  
Please refer to Excel file attached
- d) Please detail when did each of these contracts start? (If no formal contract, then please detail when purchasing from the company began) Please refer to Excel file attached**
- e) How long is each contract for? Please refer to Excel file attached**
- f) What is the expenditure on each of these contracts per year? (If no formal contract, then please detail how much is spent on each type of device from each company per year)**

Please note that we have a Purchase Pricing Agreement - commitment to purchase over 51 systems over 2 years to 31<sup>st</sup> March 2018 based on NHS Supply Chain prices set up

We are withholding all costs/spend under Section 43 (2) of the Freedom of Information Act, please see above for full details.

- g) For each of these devices, please detail how they were acquired (e.g. acquired through the NHS supply chain or acquired through direct negotiation with**

**companies?** Please refer to Excel file attached - where contract in place subject to use of a framework agreement if in place, or tendering if no framework.

- h) What is the overall expenditure on pressure area care devices in your region per year?** The Trust cannot answer this question as we do not hold spend information for the region.
- i) Does your trust have a preference for a company offering all pressure area care devices providing all of the components of 1a) (e.g. pressure relieving mattress, pressure relieving cushions etc.) or do you instead opt for a collection of different companies each providing one (or more) of the aforementioned devices in 1a) (e.g. separate pressure relieving cushions, pressure relieving mattresses etc.** Depends on product quality and suitability. Prefer to limit choice from a training point of view.

**I would like all the information from 1a to 1g in the form of a table (excel if convenient)**

**An example of the table with one device is below:**

<b>Pressure area care device</b>	<b>Number used in trust per year</b>	<b>Company device acquired from</b>	<b>Type of contract company is operating under</b>	<b>Date contract began</b>	<b>Length of contract</b>	<b>Expense on these devices per year</b>	<b>Method of acquisition</b>
Heelift® Suspension Boot	10	V-M ORTHOTICS	?	01/01/2001	20 years	£1m	Direct negotiating with company

*If, after this, there is still time left as per the FOI Act then please answer the questions of this next section (Section 2):*

**2) Procurement methods**

Please note the following responses cover University Hospitals Birmingham

- a) Which procurement method do you use (e.g. restricted/single source/open tendering/ any quality provider etc.) to identify which supplier will deliver pressure area care devices** Most appropriate based on Trust SFI's.
- b) Please detail the procurement method procedure once a pressure area care device contract has ended (e.g. do you typically offer contracts with the same supplier or do you reopen the tendering process to all potential suppliers/specific suppliers)** Most appropriate based on Trust SFI's.
- c) How often do you invite suppliers to tender for pressure area care devices?** Depends on the length on contract in place. Tenders take place during the final years of existing contracts.
- d) Please detail the number of providers which tendered for a pressure area care device contract each time you invited providers to tender for contracts.**

Depends on whether the procurement is via a framework or open competition. A framework procurement will involve all the suppliers listed and if open competition there is no limit.

Example - The Pressure Area Care area of products was last looked at during 2018 when a specification was sent out via NHS supply chain to all companies on the framework for Patient Handling & Pressure Area Care. There were 19 responses, which Tissue Viability narrowed down to 3 for trial.

**e) Detail the criteria by which you assess a supplier that is tendering for a pressure area care device contract and please rank these criteria in terms of the weighting given to each component.**

A set of criteria is developed for each procurement with the project team.

Example - The specification for Pressure Relieving Mattresses-Dynamic issued during the 2018 exercise requested details for Alternating Air Full Mattress Replacement Systems with the ability to take patients at very high risk of pressure ulcer development and/or patients with Grade/category 4 pressure ulcers. Details for Mattress systems that provide both an alternating and static mode, to take a maximum weight of at least 220-250kg and for the mattress to have a 4-way stretch removal cover, and Mattress to have a transport mode. Details for Alternating Air Cushions for patients at very high risk of developing pressure ulcers or who already have a pressure ulcer. The cushion should be easily attachable to a standard arm chair, and to take a maximum weight of at least 120kg. The responses were short listed by Tissue Viability.

*\*To clarify what I mean by pressure relieving devices, perhaps the below will be helpful. Pressure relieving devices can be of several types. For example:*

- *'Low-tech' continuous low pressure (CLP) support surfaces:*
  - *Standard foam mattresses.*
  - *Alternative foam mattresses/overlays: conformable and aim to redistribute pressure over a larger contact area.*
  - *Gel-filled mattresses/overlays: conformable and aim to redistribute pressure over a larger contact area.*
  - *Fibre-filled mattresses/overlays: conformable and aim to redistribute pressure over a larger contact area.*
  - *Air-filled mattresses/overlays: conformable and aim to redistribute pressure over a larger contact area.*
  - *Water-filled mattresses/overlays: conformable and aim to redistribute pressure over a larger contact area.*
  - *Bead-filled mattresses/overlays: conformable and aim to redistribute pressure over a larger contact area.*
  - *Sheepskins*

- *'High-tech' support surfaces:*
  - *Alternating-pressure mattresses/overlays: air-filled sacs that inflate and deflate sequentially to relieve pressure at different anatomical sites for short periods; these may incorporate a pressure sensor*
  - *Air-fluidised beds: warmed air circulates through fine ceramic beads covered by a permeable sheet; allowing support over a larger contact area (CLP)*
  - *Low-air-loss beds: support provided by a series of air sacs through which warmed air passes (CLP)*
- *Other support surfaces:*
  - *Turning beds/frames: aides manual repositioning of the patient, or by motor driven turning and tilting.*
  - *Operating table overlays: conformable and aim to redistribute pressure over a larger contact area.*
  - *Wheelchair cushions: either conforming cushions that reduce contact pressures by increasing surface area in contact, or mechanical cushions which alternate pressure.*
  - *Limb protectors: pads and cushions of different forms to protect bony prominences*