

Notice of KEY Executive Decision

Subject Heading:	Award of contract for the Domestic Abuse Women's Refuge and Community Based Service
Decision Maker:	John Green, Assistant Director of Joint Commissioning Unit
Cabinet Member:	Councillor Ford, Cabinet Member for Health and Adult Care Services
SLT Lead:	Barbara Nicholls, Director for Adult Services and Health
Report Author and contact details:	Sandy Foskett, Senior Commissioning Manager T: 01708 434742 E: sandy.foskett@havering.gov.uk
Policy context:	At a local level, this contract supports the Council to meet its Communities Theme priorities in its Corporate Plan 2019/20. This plan sets out how the Council intends to invest and transform the borough with an emphasis on improving the lives of vulnerable children, adults and families. In summary, this service ensures the Council fulfils its aim of ensuring that the needs of the most vulnerable are met and that people are supported to be healthy and active.
Financial summary:	The budget for this procurement will come from existing revenue social care budgets based on the value of the current contract value. The

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	<p>current contract costs £233,198 per annum giving a total available core budget of £1,632,386 over the full seven years (5 + 2 years).</p> <p>In addition to the above, an indicative sum of £30,000 per annum of grant from the Mayor's Office for Policing And Crime (MOPAC) London Crime Prevention Fund (LCPF) is allocated to fund advocacy support within the contract however this is conditional funding and there is a risk this element of the service may cease.</p> <p>The total indicative budget set for the contract is £1,842,389 inclusive of MOPAC funding.</p> <p>The total cost of the contract over the seven years is £1,839,950, giving a small underspend of £2,439 over the life of the contract compared to the cost of the current contract.</p>
Reason decision is Key	Expenditure or saving (including anticipated income) of £500,000 or more
Date notice given of intended decision:	16 May 2022

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Relevant OSC:	Individuals
Is it an urgent decision?	No
Is this decision exempt from being called-in?	No
Exempt Information?	<p>This report contains an exempt annex which is NOT FOR PUBLICATION in accordance with paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972 in that it contains information relating to the prices submitted by bidders. The public interest test has been applied to the information contained within the exempt annex and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it as to do so could compromise the Council's position in any future procurement exercise for such services.</p>

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This report seeks approval to award a five year contract with an option to extend for two years for the provision of a Domestic Abuse Women's Refuge and Community Based Service from 1st September 2022.

AUTHORITY UNDER WHICH DECISION IS MADE

Power to authorise the award is delegated to members of the Senior Leadership Team under Part 3 (Responsibility for Functions), Paragraph 3.3 of the Council's Constitution as follows:

Contract Powers

(b) To award all contracts with a total contract value of between £500,000 and £5,000,000.

STATEMENT OF THE REASONS FOR THE DECISION

1. Background

The Domestic Abuse Women's Refuge and Community Based Service supports individuals to escape abusive/violent situations or to live safely in their existing environment, improving their health and wellbeing and preventing the need for statutory services.

The provision of specialist domestic abuse support services aligns with a range of local and national strategic priorities such as the following:

- The Care Act 2014;
- MOPAC Police and Crime Plan priorities; Tackling Violence Against Women and Girl (VAWG) and Keeping Children and Young People Safe (2017-2021);
- London Tackling Violence Against Women and Girls MOPAC Strategy 2018 – 2021

2. Project Management of the Tender

The project was managed using the Council's Project Management toolkit adapted for the particular needs of this project. A formal project management structure will be established, including identification of peoples' roles and responsibilities. Throughout the project the following control measures were put in place:

- Reporting progress to the Project Board on a monthly basis
- Reporting progress on Verto on a monthly basis

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- Managing the progress of the project through the monitoring and delivery of a Project Plan
- Assigning tasks and managing these with a regularly updated Action Log
- Identifying and managing risks with a regularly updated Risk Log
- Communication to wider stakeholders on a monthly basis where deemed necessary.

A Project Board was responsible for seeing that the project objectives were being achieved in a timely and effective manner. The Project Board met on a minimum monthly basis from November 2022 – April 2022 to supervise the tendering of the service carrying out the key functions below;

- a) Supervise the redesigning of the current service so as to ensure that it will deliver the required outcomes
- b) Supervise activities across the tender process whilst ensuring required documentation is returned within specified deadlines.
- c) Ensure that procurement is monitored and effectively follows the project plan, ensuring the tender activities are acted upon within strict deadlines.
- d) Supervise the preparation and completion of other relevant tender documents in alignment with requirements.
- e) Evaluate tender documentation to ensure compliance with the requirements of the Council's tender.

3. Procurement Approach

This procurement was subject to and adhered to the Council's Contract Procedure Rules. The procurement was a light touch, open tender process followed in accordance with the Public Contracts Regulations 2015. In more detail, the procurement timetable is as follows;

- a) Project Board developed and prepared tender documents in November 2021
- b) Tender was published in March 2022
- c) Project Board evaluated the bids in April 2022
- d) New contract to be formally awarded in June 2022
- e) The service will be mobilised between July - August 2022
- f) The contract will begin on 1 September 2022

4. Evaluation

A request to waive the Council's Contract Procedure Rules 18.4, so that the tender can be evaluated against 70% quality weighting was approved on 20 January 2022. Cost was evaluated at 30% of the total score. The supplier submitted a cost for the service that was within the parameters set by the Council. The quality factors evaluated were on the following areas:

- a) Service Delivery Model
- b) Partnership Working
- c) Service Outcomes
- d) Added Value

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- e) Safety Planning
- f) Social Value

42 Organisations expressed an interest in the tender. One supplier completed and submitted their tender documents by the closing date on 4 April 2022. Tender Board members evaluated the bid by 7 April and concluded with a moderation meeting held on 8 April to conclude the evaluation of the technical bid.

The tender submission achieved a score of 47.60% for Quality, 30% for Price, total score of 77.60%. This submission was successful meeting the required minimum score as stated in the invitation to tender.

Havering Women's Aid submitted a competitive price which will lead to the Council making a saving of £2,439 over seven years inclusive. Secondly, the Supplier technical bid achieved good scores for the quality areas outlined above.

Once approved, the Supplier will be informed of the Council's decision in writing via Fusion. A mandatory standstill period of 10 days will then be in force for any supplier to challenge the award process.

5. Contract Award & Mobilisation

Following the end of the mandatory standstill period, the contract with Bidder A will be ready to send out for countersigning. On receipt of the signed contract it will be signed and sealed by the Council and a copy will be returned to the Supplier ahead of the contract commencement date. The Council will use a version of its standard terms and conditions for the provision of these Services with appropriate break and contract modification clauses. These terms and conditions were published with the tender. The contract includes service specification requirements including the need for the supplier to report on outcomes and service performance.

An initial meeting will be arranged between the Council and Bidder in July 2022. Ahead of this meeting, the Supplier will be expected to draft and present its risk management and mobilisation plans to the Council for the mobilisation period (July – August 2022) leading up to the formal start of the contract on 1st September 2022. Mobilisation meetings will be held regularly with the Supplier until September 2022.

6. Contract Management

Contract monitoring meetings will be held monthly for the first three months and then revert to quarterly meetings. A lead Commissioner has been identified within the Council who will be the key liaison officer for the service and contract management.

The supplier will also provide details of their contract manager within the terms and conditions. Each quarter, the supplier will submit a pre-determined performance report ahead of each contract meeting along with an invitation to add any items to the agenda of each meeting. Each agenda will include fixed items including Management Information, Key Performance Indicators, Service Improvements, Complaints Monitoring, Risk Register, Health & Safety and Finance.

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OTHER OPTIONS CONSIDERED AND REJECTED

1. **Extend existing contract:** The existing contract has already been extended as permitted and so this approach would contravene the Council's Contracts Procedure Rules.
2. **Do nothing:** Allowing the existing contracts to lapse would lead to a potential destabilisation of the current services. This is not a practical option and would lead to the Council not being fully compliant with its existing obligations to provide these services.

PRE-DECISION CONSULTATION

None

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: John Green

Designation: Assistant Director of Joint Commissioning Unit

Signature:



Date: 16 May 2022

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council is a local authority as defined by section 270 of the Local Government Act 1972 and has a general duty under section 1 of the Care Act 2014 to promote the well-being of individuals. The Council has the general power of competence under section 1 of the Localism Act 2011 to do anything an individual may generally do, together with the power under section 111 of the Local Government Act 1972 to do anything ancillary to or which facilitates any of its functions, including the matters set out in this report.

Section 17 of the Crime and Disorder Act 1998 places a duty on the Council, as a local authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The proposed contract is pursuant to these duties.

The services fall within the description of “Health, social and related services” under Schedule 3 of the Public Contracts Regulations 2015; and are services to which the light-touch regime (LTR) apply. The estimated total value of the contract is over the relevant financial EU procurement threshold for LTR services (currently £663,540), and therefore required publication of a contract notice on the Find a Tender Service as well as an advertisement on Contracts Finder. Officers have satisfied this requirement.

FINANCIAL IMPLICATIONS AND RISKS

The report is seeking approval to award the domestic violence support contract following a competitive tender process – the contract will also include the domestic violence advocacy service which is funded by Community Safety through MOPAC funding. Under the current contract both services were commissioned separately whilst under the new contract are commissioned joined.

The total cost of the contract is £262,850 per annum (£29,652 higher than current contract) for the full length of the contract.

The total cost of the contract over the full 7 years, (5 years plus 2 years optional extension) is £1,839,950, £207,564 higher than the current contract. The increase is due to including the commissioning of the domestic violence advocacy service. Overall, the financial impact on the council's budget for both services will remain the same as under the current contract.

There is an annual core budget within Adult Social Care of £242,518, which funds the current domestic violence support contract. However, the current contract costs is £233,198 per annum. The budget that was being made available to the procurement of this contract was the cost of the current contract and this is sufficient to fund the contract up to a value of £1,632,386 over the 7-year period.

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The Advocacy element is currently funded from Community Safety through the MOPAC funding, the advocacy element is now included with the domestic violence support contract. The MOPAC funding has only been confirmed for 3 years. There is currently £17,500 available for 2022/23 (new contract starts in September 2022, hence part year) from the MOPAC funding and indicative amounts of £30,000 for 2023/24 and 2024/25.

If the MOPAC funding does not continue beyond the 3 years then the contract will be varied to remove the advocacy element. The advocacy element of the contract amounts almost to the same amount as the MOPAC funding and therefore all other financial implications will remain as they are. If the advocacy element is not removed, then additional funding will need to be sought to fund the shortfall in the event that MOPAC funding does not continue.

The table below summaries the annual costs of the contracts and the funding available each year. This table assumes that the MOPAC funding will continue for the length of the contract. As stated above if this ceases then the contract will be varied and the annual contract amount will reduce in line with the reduced funding available.

Financial Year	Contract Cost	Adult Social Care Funding Available	MOPAC Funding available	Total Funding Available	underspend
2022/23	153,329	136,032	17,500	153,532	203
2023/24	262,850	233,198	30,000	263,198	348
2024/25	262,850	233,198	30,000	263,198	348
2025/26	262,850	233,198	30,000	263,198	348
2026/27	262,850	233,198	30,000	263,198	348
2027/28	262,850	233,198	30,000	263,198	348
2028/29	262,850	233,198	30,000	263,198	348
2029/30	109,521	97,166	12,500	109,666	145
Total	1,839,950	1,632,389	210,000	1,842,389	2,439

Over the 7-year contract there will be a small budget underspend against the current contract costs of £2,439.

The tender was evaluated using a rating of 70% quality and 30% price, this gives rise to a risk that the tender values may be higher than they would have been if a 70% price 30% quality ratio had been used. However, due to the vulnerable clients that this service is supporting, the quality aspect is extremely important and providing a high quality domestic violence service should mitigate increased costs in other areas.

Given that the contract might include inflation review clauses there is a potential risk that the contract price may increase over the contract term. Any additional costs arising from these negotiations will need to have funding identified before being agreed as the current budget is not sufficient to meet any increases in costs.

**HUMAN RESOURCES IMPLICATIONS AND RISKS
(AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

The service will directly support mental health and wellbeing of those victims of domestic abuse. Subsequently it will allow them to have space and time to maintain their health and careers; to access health and care services and to socially interact with other people.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

We are working with suppliers to minimise impact on the environment by:

- Eliminating the need for one use plastics
- Ensuring that all waste is correctly recycled
- Employing locally wherever possible to reduce the environmental impact of travelling to work
- Employing digital solutions to reduce the need for manual recording and disposable materials.

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BACKGROUND PAPERS

None

APPENDICIES

None

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed

Name: Councillor Gillian Ford, Cabinet Member for Health and Adult Care Services

Date:

Lodging this notice

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____