



Havering
LONDON BOROUGH

Notice of Non-key Executive Decision

Subject Heading:	Approval to Waive the Council's Contract Procedure Rules for the evaluation of the tender of the Extra Care Contract at Paines Brook Court, St Ethelburga Court & Dreywood Court extra care Housing Schemes
Decision Maker:	Councillor Gillian Ford, Cabinet Member for Adults and Health
Cabinet Member:	Councillor Gillian Ford, Cabinet Member for Adults and Health
SLT Lead:	Barbara Nicholls, Director of Adult Social Care
Report Author and contact details:	Suzanne West, Commissioning & Project Manager, Joint Commissioning Unit E: suzanne.west@havering.gov.uk
Policy context:	<p>The Supported Housing Strategy 2022 - 2025 states that the estimated number of housing units with care needed (after existing extra care supply is deducted) to 2030 is 228 units. To meet the needs of the ageing population, plans are in progress to develop further Extra Care Schemes.</p> <p>At a local level, this contract supports Havering Council to meet its Communities Theme priorities in its Corporate Plan. This plan sets out how the Council intends to invest and transform the borough with an emphasis on helping young and old fulfil their potential through high-achieving schools and by supporting people to live safe, healthy and independent lives. In</p>

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	<p>summary, this contract will ensure the Council fulfils its aim of ensuring that the needs of our most vulnerable residents are identified and met and that Havering residents are healthy and active.</p> <p>As outlined in the Joint Health & Well Being Strategy 2019/20 - 2023/24, the Council's vision is that everyone in Havering enjoys a long and healthy life, and has access to the best health and care services. For Extra Care housing, the Council's vision is for quality housing for older people who wish to live independently with high quality care and support services that promote well-being, meet individual needs, lifestyles and inclusive communities.</p>
Financial summary:	There are no committed financial costs associated with this decision.
Relevant OSC:	People's OSSC
Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision

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

People - Things that matter for residents X

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

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Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To agree to

1. waive Council Procedure Rule (CPR) 18.4 which requires officers to evaluate a tender against pre-determined best price-quality ratio of 70% cost and 30% quality weighting; and
2. subject to 1 being approved, to apply ratio of 60% weighting for quality, 5% for Social Value and 35% weighting for price in the tender evaluation for Extra Care Service.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 2.5 The following Functions may be delegated to individual Cabinet members by the Leader.

(g) To approve an exception to the Contracts Procedure Rules set out in Part 4 of this constitution, in accordance with Rule 14(1) of those Rules.

STATEMENT OF THE REASONS FOR THE DECISION

1. The Council is intending to commence a competitive tender process to recommission the Council's Extra Care Service. The tender is due to be published in May 2023 and the contract is to be awarded in October 2023. The contracts are commencing on 1st December 2023. With an estimated cost of £1.5 million p.a. for a 3 year contract with the option to extend for a further 2 years).
2. Extra Care housing is one of the range of options for people aged 55 and over who require some care and support but wish to retain the independence of living in their own home, rather than having to move into a care home setting. Extra care housing can provide a more intensive level of support than standard sheltered housing, normally with a 24 hour care team on site. Extra care housing may suit people who need a significant level of personal care or support, as well as those with relatively low support needs, but who are otherwise able, and wish, to live independently on their own.
3. The Council requires quality services, delivering positive outcomes that reduces or delays the need for more costly residential care settings. Extra care can offer a number of benefits to residents including improving health and wellbeing, quality of life and allowing the continued involvement of family carers. In addition, there are a number of other key benefits that distinguish extra care housing from residential care settings:
 - a) Extra Care can offer cost savings to local authorities as households maintain independence that reduces or prevents the need for residential care.

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- b) People live in their own self-contained homes, which they have legal rights to occupy and which are underpinned by housing law.
 - c) It is self-contained accommodation - one or two bedrooms
 - d) Couples are able to stay together
 - e) Residents come and go as they choose, in the same way as they would if living in the community
 - f) The provision of care and support is separated from the provision of accommodation
 - g) Care and support is based on an individual assessment of needs and can be more easily tailored to the individual and the on-site staff are empowered to be flexible in their delivery of care and support.
4. Due to the nature of the service, the Council needs to ensure that the successful provider can evidence sufficient levels of quality to deliver the service. It is proposed that quality will be evaluated against the following criteria:
- Service delivery model
 - Accessing the service
 - Achieving positive outcomes
 - Effective partnership working
 - Effective safeguarding
5. This service will support vulnerable residents from needing other more costly statutory services as well as improving the quality of life for vulnerable people and have the knock on effect of reducing expenditure for the Council. Therefore, focusing on quality when evaluating bids will be essential to ensure the Council awards the contract to the most suited, high quality provider that will deliver the best preventative service. Within the Pricing Schedule bidders are being asked to price the Core Element within a set price range and in addition a maximum hourly rate has been set. This will result in the prices being submitted being quite similar in value and therefore officers want to focus on the quality of the bids to ensure the contract is awarded to the highest quality provider.
6. As a result, this decision concludes that it is the best interest of the Council to waive the Council's Contract Procedure rules in respect of the requirement that tenders are evaluated according to a weighting of 70% for cost and 30% for quality, and ensure the tender evaluation focuses on examining how bidders will deliver their proposed services by assigning an 60% weighting to quality, 5% Social Value and the cost of the service being weighted at 35%.

OTHER OPTIONS CONSIDERED AND REJECTED

Do nothing and evaluate providers at 70%, price 25% quality and 5% social value: This option was rejected, as it could result in a bidder with a marginally lower price being successful over a provider better able to deliver longer-term benefits and

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higher quality care and support service to vulnerable older people. This would be a false economy, in that the financial benefits to the authority will come from the quality of the service.

PRE-DECISION CONSULTATION

The pre-decision consultation has involved engagement with key stakeholders including Joint Commissioning, Procurement, Legal, and Finance business partners.

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

Name: Suzanne West

Designation: Joint Commissioning Unit

Signature:



Date: 02/05/2023

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

This report seeks to waive the Contract Procedure Rules and for the tender to be evaluated on the following weightings: 60% quality, 5% social value and 35% price.

The Council has a general power of competence under section 1 of the Localism Act 2011, which allows the Council to do anything an individual can do, subject to any statutory constraints on the Council's powers. None of the constraints on the Council's s.1 power are engaged by this decision.

The Council's Contract Procedure Rule 18.4 (CPR 18.4), requires officers to evaluate tenders against a pre-determined best price-quality ratio of 70% cost and 30% quality weighting. Exemptions to this rule are provided in CPR18.5 but none of the exemptions apply. CPR 14 permits exceptions to the competitive requirements where it does not infringe any applicable procurement laws; and meets the criteria set out in CPR 14.3. The body of this report confirms that the proposed tender evaluation/ weighting criteria is in the Council's best interest to ensure that the contract is awarded to the most suited and high quality provider.

In accordance with CPR 14, a waiver is being sought to authorise the application of the proposed tender evaluation/ weighting criteria. Subject to the waiver being approved, officer seek to apply a weighting criteria of 60% for quality, 5% for social value and 35% for price for all bids they will receive.

The proposed contract value is above the threshold for light touch services of (£663,540) and will therefore, also be subject to the Public Contracts Regulations 2015. Note that waiving the rule and changing the MEAT criteria will not contravene the PCR 2015.

Subject to the waiver being approved, the Council may proceed with the application of the proposed weighting criteria.

FINANCIAL IMPLICATIONS AND RISKS

This report is seeking approval to waive the Council Procedure rules of evaluating the Extra Care tender at 70% price and 30% quality and for the tender to be evaluated on the following weightings: 60% quality, 5% Social Value and 35% price.

Evaluating the tender on the proposed weightings 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 service should mitigate increased costs in other areas. Bidders have also been asked to price the core element

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of the service within a set limit and a maximum hourly rate has been provided for the flexi element, the prices submitted are therefore expected to be within a similar range. Having a higher weighting for quality will ensure that we receive a high quality service and the risk that the tender values submitted may be higher is mitigated by the limits set within the pricing schedule.

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, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

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.

In a service such as this, it is important that quality of service is a more important factor than the price of the service. By focussing on quality of service the chosen provider is more likely to meet the needs of the client. This fits with the provisions of S149 of the Equalities Act listed above. For the type of clients mentioned above, quality needs to be the key criteria.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The Council's Social Value Framework will be used to assess the environmental impact and plans of those suppliers bidding for this contract. As a result, suppliers will be required to describe how they intend to minimise impact on the environment by:

- Ensuring that all waste is correctly recycled

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- Utilising public transport
- 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.

BACKGROUND PAPERS

None

APPENDICIES

None

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Part C – Record of decision

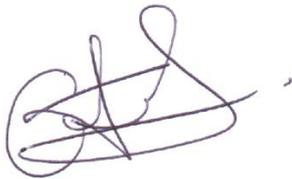
I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed

A handwritten signature in purple ink, appearing to be 'Gillian Ford', written over a faint circular stamp or watermark.

Name: Councillor Gillian Ford
Cabinet Member for Adults and Health

Date: 23/05/2023

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 _____