

Notice of KEY Executive Decision

Subject Heading:	Learning Disabilities Supported Accommodation Contract Award
Decision Maker:	Barbara Nicholls, Director of Adult Social Care
Cabinet Member:	Councillor Gillian Ford, Cabinet Member for Health and Adult Care Services
SLT Lead:	Barbara Nicholls, Director of Adult Social Care
Report Author and contact details:	Daren Mulley, Senior Commissioning Manager, Joint Commissioning Unit E: daren.mulley@havering.gov.uk
Policy context:	At a local level, this contract supports Havering Council to meet its People Theme priorities in its Corporate Plan 2022/23 – 2026/27. 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 contract ensures the Council fulfils its aim of ensuring that people with learning disabilities are helped to live independent, socially connected and healthier lives.
Financial summary:	The budget for this procurement will come from existing revenue social care budgets. The value of the contract is £1,545,708.78 over the five years length of the contract. The

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	total contract value is £55k below the available financial envelope (£1.6m) for the contract.
Reason decision is Key	Expenditure of £500,000 or more
Date notice given of intended decision:	22 nd June 2023
Relevant OSC:	People
Is it an urgent decision?	No
Is this decision exempt from being called-in?	No

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.

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

For the reasons set out in this report, the Director of Adult Social Care is recommended to agree to the award of a care contract with a value of £1,545,708.78 for the provision of a supported accommodation service for adults with learning disabilities, for a term of 5 years, from 1st December 2023 until 30th November 2028.

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

This service provides support to vulnerable adults with mild to moderate learning disabilities to enable them to maintain their independence in their own home. The current contract comes to an end on 30th November 2023 and the commissioning of a new contract was the preferred approach to maintain this service provision. This will ensure that the Council continues to provide low level support to promote independence, prevent the need for more costly care and support interventions, making the most of existing personal and community resources and fulfils the Council's duties under the Care Act 2014 to support vulnerable people remain safe in the community.

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 Execview on a monthly basis
- 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

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- 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 monthly basis from November 2022 – April 2023 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 followed a formal tender process in line with the EU procurement open process in accordance with the Public Contracts Regulations 2015, which requires compliance with the principles of non-discrimination, equal treatment and transparency. The procurement was an open procedure. In more detail, the procurement timetable is as follows;

- a) Project Board developed and prepared tender documents in December 2022
- b) Tender was published in February 2023
- c) Project Board evaluated the bids in March 2023
- d) New contract to be formally awarded in June 2023
- e) The service will be mobilised between July and November 2023
- f) The contract will begin on 1st December 2023 for a five year period

4. Evaluation

The evaluation focused on examining how the suppliers would deliver a quality service (technical) and the cost of the service (commercial). Cost was evaluated at 70% of the total score. Suppliers submitted a cost for the service that was within the parameters set by the Council with scores weighted in favour of the lowest price.

The quality factors were weighted according to their importance with 30% of the total score assigned to quality. The quality factors evaluated were:

- a) Service Delivery Model
- b) Service Structure & Workforce
- c) Achieving Positive Outcomes
- d) Managing and Responding to Safeguarding
- e) Partnership Working

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- f) Social Value
- g) Mobilisation Planning

Suppliers completed and submitted their tender documents by the closing date on 10th March 2023. Project Board members evaluated the bids over a four week period and held a moderation meeting to conclude the evaluation of the technical bids. At this meeting, held on 19th April, the Board were able to agree on the most economically advantageous tender to recommend for award. The recommendation is to award the contract to London & Quadrant Living (Bidder A) who is the incumbent supplier. In summary, the weighted scores of each bidder are presented in the table below:

Bidder	Technical Score	Commercial Score	Total Score
Bidder A (L&Q)	19.4	69.07	91.47
Bidder B	17.2	70.00	90.20

In summary, Bidder A achieved high scores for both the technical and commercial aspects. Firstly, with regards to the commercial aspect, Bidder A submitted a competitive price within the available financial envelope. Secondly, Bidder A's technical bid achieved high scores for its proposed service model, service structure and workforce delivery plans, partnership working plans, managing outcomes and safeguarding arrangements.

Once approved, all suppliers who submitted bids will be informed of the Council's decision in writing via the Council's procurement system. 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 A in July 2023. Ahead of this meeting, Bidder A will be expected to draft and present its risk management and mobilisation plans to the Council for the mobilisation period (July – November 2023) leading up to the formal start of the contract on 1st December 2023. Mobilisation meetings will be held regularly with Bidder A until the contract begins.

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OTHER OPTIONS CONSIDERED AND REJECTED

1. Extend existing contract: The existing contract has already been extended as 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

The pre-decision consultation has involved engaging with a number of stakeholders to prepare the tender. In summary, the table below presents the type, methods and stakeholders engaged in the pre-decision consultation:

Type	Methods	Consultees
Project Board	Formal regular meetings, phone, email	a) Joint Commissioning Unit b) Adult Social Care c) Housing Services d) Mental Health Services e) Procurement f) Finance
Review of Tender Documents	Desktop research, phone, email, meetings	a) Current Provider b) Neighbouring boroughs c) Joint Commissioning Unit d) Project Board members
Prior Information Notice	Notice published via the Council's procurement system	a) Current Care provider b) Other interested Providers in the market
Market Engagement Event	Meeting with potential bidders	a) Joint Commissioning Unit b) Procurement

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

Name: Daren Mulley

Designation: Joint Commissioning Unit

Signature:



Date: 18th May 2023

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has power to enter into the contract under s111 of the Local Government Act 1972 which permits the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

The Council also has a general power of competence under Section 1 of the Localism Act 2011 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 proposed contract value is above the applicable Public Procurement threshold for Light Touch Regime contracts stipulated in the Public Contracts Regulations 2015 ("PCR") of £633,540 and therefore, will be subject to the full rigours of the PCR 2015 requirements.

Whilst the award does fall to be considered under the PCR regime, when considering whether to approve the award of the contract, the Council must comply with the procurement and evaluation requirements of the Council's Contract Procedure Rules. The weighting criteria is in compliance with rule 18.4 of the Council's Contract Procedure Rules.

For the reason set above, the Council may award the contract to the successful incumbent supplier.

FINANCIAL IMPLICATIONS AND RISKS

The report is seeking approval to award the Learning Disabilities Supported Accommodation Service contract following a competitive procurement process. The contract is for 5 years and will commence on 1st December 2023 and run till 30th November 2028. The total cost of the contract over the 5-year period will be £1,545,708.78. The total cost of the contract came in £54,291.22 under the financial envelope available.

The total annual budget available for this contract is £276,900 per year on cost centre A34070. Based on the total contract value being £1,545,708.78, the annual cost of the contract will be £309,141.76 per annum. The annual cost of the current contract is £218,000 per annum which is an increase of £91,141.76 on the annual contract amount. This increase in the financial envelope is due to previously going out to tender with the current contract value which resulted in a failed procurement.

The increase in the contract value gives rise to an increase in the budget requirement of £32,242 per annum resulting in a total additional budget requirement of £161,209 over the life of the contract. Provision has been made from the 22/23 growth monies to fund the shortfall arising from the increased contract value.

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The contract is due to start on 1st December so the pro rate effect on the 23/24 financial year is an over-spend of £10,747 which will be met from the identified growth monies.

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

There are no implications or risks anticipated to Council staff as the employees involved in the delivery of the current service are employed directly by the existing Supplier. As the incumbent Supplier will be awarded the new contract the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 will not apply.

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.

The action undertaken will include monitoring how the service meets the needs of all eligible users, including those from ethnic minority communities and the disabled. The Council will also ensure that potential providers have undertaken equality training and adhere to the Council's Fair to All Policy or their own equivalent.

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HEALTH AND WELLBEING IMPLICATIONS AND RISKS

Havering Council is committed to improving the health and well-being of all residents including those most vulnerable. This contract will have a positive impact on the health and well-being of people who use the service.

The new service will ensure that it supports adults achieve positive outcomes, with access to high-quality health and social care services and reduce health inequalities through personalised support with the service user's involvement.

Positive impact is expected to be achieved by explicit requirement of the Supplier to support the following health and well-being outcomes:

- Promoting the independence of individuals to lead the life they wish
- Behaviour and lifestyle such as diet, exercise or self-care
- Mental health and wellbeing
- Access to and quality of education or other training opportunities
- Employment, income, opportunities for economic development
- Access to green space, sports facilities and opportunities to be active
- Opportunity to interact socially with other people, social isolation, community support networks and being able to live independently
- Ability to access health and social care services
- Transport, and connections to places within or between the Borough

To conclude, this contract will impact positively on the quality of life, health and wellbeing of the service users.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

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

- a) Eliminating the need for one use plastics
- b) Ensuring that all waste is correctly recycled
- c) Utilising public transport when this fits with Infection Protection Control measures
- d) Employing locally wherever possible to reduce the environmental impact of travelling to work
- e) Employing digital solutions to reduce the need for manual recording and disposable materials.

BACKGROUND PAPERS

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None

APPENDICIES

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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: Barbara Nicholls

Cabinet Portfolio held:

CMT Member title:

Head of Service title:

Other manager title:

Date: 22nd June 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 _____