



Executive
15 June 2009

**Report from the Director of
Housing and Community Care**

Wards Affected:
None

**Extension of Contract with Penderels Trust for a Direct
Payments Support and Advice Service Contract**

Forward Plan Ref: n/a

1.0 Summary

1.1 This report requests approval for the extension of the Council's existing Direct Payments Support and Advice Service contract with Penderels Trust.

2.0 Recommendations

2.1 That the Executive note the delay in the procurement process for the new Direct Payments Support and Advice Service Contract.

2.2 That the Executive authorise the extension of the current contract with Penderels Trust for a further period or periods of up to a maximum of four months from 1st July 2009.

3.0 Detail

Current Contract

3.1 In July 2003 the Council agreed to award the current Direct Payments Support and Advice Service contract to Penderels Trust. The contract was for a period of 3 years commencing on 1st April 2004 with an option to extend for a further year. The contract includes practical training and support to those service users who want to set up their own care arrangements, about establishing personal care arrangements, recruiting carers and advice on payroll and financial management. The contractor also works closely with Council's care managers to actively promote and raise the profile for the service within Brent.

- 3.2 The contract was extended on 1st April 2007 for one year under delegated powers and was due to expire on 31st March 2008. For reasons detailed in the report to the Executive of 8 October 2007, a re-tendering exercise had not taken place and therefore the contract was extended under delegated powers for a further year until 31st March 2009, as noted in the Executive report of 8 October 2007, to allow time to re-tender the service. Due to difficulties in the tender evaluation process, the Executive on 16 February 2009 agreed a further extension of the contract to 30 June 2009.
- 3.3 The process of re-tendering the service commenced in July 2008. Five organisations were invited to tender, with the submission date for the tenders being 12pm on 3 December 2008. Three tenders were received.
- 3.4 The evaluation panel met on 13 January 2009 after members of the evaluation panel performed site visits and interviewed tenderers. During the evaluation process, the panel felt that further clarification should be sought from tenderers as they had taken a differing approach to the completion of some aspects of the Pricing Schedule. This was due to Tenderers interpreting the information provided by the Council in different ways. Council Officers accept that there may have been some ambiguity in the information provided and accordingly clarification was necessary to ensure that the tenders could be evaluated on a like-for-like basis.
- 3.5 Officers formally requested tenderers to re-submit clarified pricing schedules by 30 January 2009. An evaluation of the clarified pricing schedules was subsequently undertaken with a view to seeking authority to award the contract to the most economically advantageous tender at the Executive meeting on 26 May 2009.
- 3.6 During May 2009, Officers received representations from one of the tendering organisations regarding the Council's evaluation of tenders. Officers are seeking clarification of the tenderer's representations. Given the existing contract with Penderels Trust expires on 30 June 2009, Officers seek authority to extend the existing contract for a further period or periods of up to a maximum of four months from 1 July 2009. This extension period is sought to allow sufficient time to enable the Council to fully clarify the tenderer's representations and to take any action with regard to the evaluation that is considered appropriate.
- 3.7 The price which will apply for the services during the extension are to be confirmed but provisionally it is expected to be at the price agreed for the year 1 April 2008 to 31st March 2009 which the Council has continued to pay from 1 April 2009. Officers will be negotiating for a lower price per head as volume increases.
- 3.8 Officers are of the opinion that the current contractor is providing a satisfactory service and they will continue to monitor the performance of the current contract through regular meetings with the contractor. Officers will also ensure that this information is fed back to the department-wide Direct Payments Steering Group chaired by the Assistant Director for Community Care.

4.0 Financial Implications

4.1 Officers estimate that the cost of the new four month extension period will be £42,913. This cost will be funded from existing resources.

5.0 Legal Implications

5.1 As Officers have in the past extended the current contract with Penderels Trust under the powers delegated to Officers under paragraph 2.5 of Part 4 of the Constitution and Contract Standing Order 112, any further extensions of the contract require the approval of the Executive.

5.2 Legal advice has been given that this further extension will not be in breach of the European Procurement Legislation, and it will not substantially alter the terms and conditions of the contract.

5.3 This Service is a Part B service under the Public Contracts Regulations (“The EU Regulations”). As such the procurement of this service is not subject to the full application of the EU Regulations but is still subject to the overriding obligations of fairness and transparency.

5.4 Once the tendering process has been completed Officers will report back to the Executive in accordance with Contract Standing Orders to inform the Executive of the tender process undertaken and to recommend contract award as appropriate.

6.0 Diversity Implications

6.1 An Equality Impact Assessment to examine the take up of Direct Payments showed significant numbers of people from the Black and Minority Ethnic communities were using the service. This showed the services were being used by a wide range of users that reflected the ethnic, gender and disability make up of the borough.

6.2 All Community Care Contracts currently require providers of health, social care and housing support services to deliver services which are:

- culturally sensitive by providing cultural awareness training for all staff, matching specific language requirements where possible and recruiting a local workforce which reflects the communities of Brent;
- able to provide support and advice to service users with disabilities, parents/carers of children and young people with disabilities and older people; and
- able to provide training for all staff in areas that will raise awareness of issues faced by vulnerable people from different ethnic groups.

6.3 During the four month extension period, Officers will continue to require the current provider to deliver the service in this way. The provider will be monitored to ensure they are complying with these requirements through

checking of their records, regular review of services provided to individual service users where feedback will be sought from service users, monthly monitoring meetings and provision of quarterly performance information to the Council.

7.0 Staffing Implications

- 7.1 This service is currently provided by external providers and a further extension of four months will not raise any implications for Council staff.

Background Papers

Executive Report 8 October 2007 - Extension of Contract with Penderels Trust and Authority to invite Tenders for a Direct Payments Support and Advice Services Contract

Executive Report February 2009 - Extension of Contract with Penderels Trust for a Direct Payments support and Advice Service Contract

Contact Officers

Linda Martin,
Head of Service Development and Commissioning
Housing and Community Care Department
Mahatma Gandhi House,
34 Wembley Hill Road, Wembley Middlesex
HA9 8AD
Tele No: 0208 937 4230 Fax No: 0208 937 4065
Email: Linda.Martin@brent.gov.uk

Beverleigh Forbes
Contracts Manager,
Service Development and Commissioning Unit,
Housing and Community Care
Mahatma Gandhi House
34 Wembley Hill Road, Wembley, Middlesex
HA9 8AD
Tel: 020 8937 4163 Fax: 080 8937 4194
Email: Beverleigh.Forbes@brent.gov.uk

Martin Cheeseman
Director of Housing and Community Care