



Officer Key Decision

Report to the Operational Director of Adult Social Care

AUTHORITY TO AWARD CONTRACT FOR TWO CONTRACTS FOR ACCOMODATION BASED SUPPORT SERVICES FOR 2 NAIL PROPERTIES (127-129 HARROWDENE ROAD)

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| Wards Affected: | Sudbury |
| Key or Non-Key Decision: | Key Decision |
| Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act) | Part Exempt – Appendix 1 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)" |
| No. of Appendices: | Two Appendix 1 - Names of the tenderers Appendix 2 - Scores received by the tenderers |
| Background Papers¹: | Authority to Tender Two Supported Living Services for People with Learning Disability Report |
| Contact Officer(s): (Name, Title, Contact Details) | Lorraine Regan NAIL and HRS Programme Manager Lorraine.Regan@brent.gov.uk 020 8937 4162 |

1.0 Purpose of the Report

- 1.1 This report concerns the outcome of the tender for two Supported Living services for people with Learning Disability. This report requests authority to award contracts as required by Contract Standing Order 88. This report

summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

2.0 Recommendation(s)

That the Operational Director of Adult Social Care:

- 2.1 Approves the award of two block contracts for two accommodation based support service providing a total of 10 units for people with Learning Disability at 127 and 129 Harrowdene Road to Centre 404 for the period of two (2) years with the option to extend for a further one (1) year.

3.0 Detail

- 3.1 127 and 129 Harrowdene Road were purchased by the Council in 2017 and were re-furnished in 2018. Both properties form part of the wider NAIL portfolio and were assigned to provide a Supported Living services for people with moderate to severe Learning Disabilities needs. Due to initial complications in identifying and placing appropriate clients into the properties, Adult Social Care (ASC) offered Housing the use of both buildings to help alleviate the need to find good quality temporary accommodation (TA). This was only ever a temporary arrangement until ASC could identify a suitable cohort.
- 3.2 The properties have been designed as two separate group homes. Each has a shared communal lounge, a fully equipped kitchen with spacious gardens. As such Officers recommend that there should be two separate contracts for each service but with one provider delivering both services. Extensive cost modelling has been undertaken which has given due regard to a single provider delivering both services under separate contracts. This should achieve economies of scale such as the apportioning of office equipment and staffing which could equate up to £33k per annum. In procuring the service, pricing schedules were explicitly clear in asking potential bidders to set budgets that are realistic and should notice be given on one service, then the other service is expected to continue to be delivered without requesting additional funding.
- 3.3 The new contracts will be let for a maximum of two (2) years with the option to extend for a further one (1) year.

The Tender Process

- 3.4 This procurement has been conducted in accordance with The Public Contracts Regulations 2015 (the Regulations). The supported Living services are listed under Schedule 3 of the Regulations as a social or other specific service. At the time of the commencement of this procurement exercise, the threshold for Schedule 3 services for the purposes of the Regulations was £663,540. Accordingly as the value of the proposed contract exceeds the aforementioned threshold for this category of service a Contract Notice was published in OJEU, the London Tenders Portal and the opportunity listed on Contracts Finder. Advertisements were placed on 30/07/2020 to seek initial expressions of interest, which elicited 167 initial expressions of interest to tender. Contractors were provided with an outline specification and details of the tender approach and were invited to complete a selection questionnaire and tender response. Using the Council's Electronic Tendering Facility on 21st August 2020, 19 contractors subsequently completed and submitted the Selection Questionnaire and tender response.
- 3.5 An initial review was carried out on the basis of the contractors' financial viability, technical ability and tender compliance. Tenderers were also asked a number of service specific questions covering; CQC registration, Regulatory Reports, Complaints, Alerts or Notices and on policies covering health and safety, safeguarding and Equality/Diversity
- 3.6 The tendering instructions stated that the contracts would be awarded on the basis of the most economically advantageous tender(s) calculation based on: 50% of the points being awarded for the quality criteria, 10% on the Social Value criterion and 40% Cost. The tender document stated that in evaluating tenders, the Council would have regard to proposed arrangements for performing the contract including (but not limited to) the following:

| | |
|------------------------------------|-------|
| Service Delivery | 15.0% |
| Quality Governance and Performance | 12.5% |
| Workforce | 12.5% |
| Mobilisation | 10.0% |
| Social Value | 10.0% |
| Pricing | 40.0% |

Evaluation process

- 3.7 The tender evaluation was carried out by a panel of officers from Adult Social Care, Finance and Procurement.
- 3.8 All tenders had to be submitted electronically no later than noon on the 3rd September 2020. Tenders were opened on 3rd September 2020 and nineteen valid tenders were received.

- 3.9 Shortlisting was carried out on the basis of incomplete or incorrectly completed bids and by using the Selection Questionnaire (SQ) Pass/Fail criteria including a CQC registration, Regulatory Reports, Complaints, Alerts or Notices and policies. Five submissions were evaluated as not compliant and failed at selection questionnaire stage. All post Covid moderations took place successfully online via video conferencing.
- 3.10 The tender response was evaluated in accordance with invitation to tender and clarifications issued and received. The panel of evaluators met online and moderation was undertaken. Two bid submissions were evaluated as being non-compliant due to not meeting the basic requirement of providing the minimum 532 hours of support on the pricing schedule. One bid submission was evaluated as non-compliant as no pricing schedule was submitted 8 bids were deemed to be failed overall as they had scored 2 or less for two or more Quality/Technical or Social Value questions as stated in Section 22.9 of the ITT
- 3.11 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. It will be noted that Contractor L was the highest scoring tenderer.
- 3.12 Having carried out clarifications on the front running bidders one of them failed to meet the financial criteria set out in the tender documentation.
- 3.13 Officers therefore recommend the award of the contract to Tenderer Contractor N, namely Centre 404.
- 3.14 The contract will commence on 1st March 2021 subject to the Council's observation of the requirements of the mandatory standstill period noted in paragraph 5.4 below

4.0 Financial Implications

- 4.1 Part 3 of the Council's Constitution states that the Operational Director of Community Wellbeing has delegated authority to approve the award of contracts for services valued at less than £2 million.
- 4.2 The annual budget for each service is highlighted in the table below Finance are in agreement with the proposed financial envelope which takes account of London Living Wage which increases from £10.75 to £10.85 from April 2021.

4.3 Budget Table

| Property | 20/21 | 21/22 | 22/23 | TOTAL |
|---------------------|-----------------|-----------------|-----------------|-------------------|
| 127 Harrowdene Road | £262,561.50 | £262,561.50 | £262,561.50 | £787,684.50 |
| 129 Harrowdene Road | £262,561.50 | £262,561.50 | £262,561.50 | £787,684.50 |
| TOTAL | £525,123 | £525,123 | £525,123 | £1,575,369 |

4.4 A representative of Brent Financial Services has carried out a financial evaluation as to the viability of this provider and reviewed the budget allocation in the service area to ascertain affordability

4.5 It is anticipated that the cost of this contract will be funded from Adult Social Care budget

5.0 Legal Implications

5.1 The Supported Living related services fall within the social and other services listed in Schedule 3 ("Schedule 3 Services") of the Public Contract Regulations 2015 ("PCR 2015"). The threshold for application of Schedule 3 services is £663,540.00. The contract is over this threshold and therefore subject to the full procurement regime applicable to Schedule 3 services.

5.2 Officers have confirmed that they have complied with the publishing requirements set out in the PCR 2015 and also the steps taken to comply with the principles, of transparency, non-discrimination and equal treatment.

5.3 The award of the contract is subject to the Council's own Standing Orders and Financial Regulations in respect of Medium Value Contracts. Chief Officers have delegated to them power to award Medium Value Contracts in accordance with paragraph 9.5, of Part 3 of the Constitution.

5.4 The Council must observe the requirements of the PCR 2015 relating to the observation of a mandatory minimum 10 calendar day standstill period before the contract can be awarded. Therefore once the Operational Director has determined which tenderer should be awarded the contract, all tenderers will be issued with written notification of the contract award decision. A minimum 10 calendar day standstill period will then be observed before the contract is concluded – this period will begin the day after all Tenderers are sent notification of the award decision – and additional debrief information will be provided to unsuccessful tenderers in accordance with the PCR 2015. As

soon as possible after the standstill period ends, the successful tenderer will be issued with a letter of acceptance and the contract can commence.]

- 5.5 As this is a new service, the Transfer of Undertaking (Protection of Employment) Regulations does not apply to this service

6.0 Equality Implications

- 6.1 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Previous consultation regarding the NAIL properties and subsequent service provision has already been undertaken. The Lead Member for Adult Social Care has also been informed of the tender.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 The Provider will have no Housing Management responsibilities and this function will be delivered by Brent Housing Management.

9.0 Public Services (Social Value) Act 2012

- 9.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation.

- 9.2 Social value had a weighting of 10% of the evaluation score and in evaluating tenders, the Council requested proposals address the following initiatives:

- encouraging participation, collaboration and co-design
- encouraging residents to support key initiatives in their local community
- that contribute a number of hours to local businesses, voluntary and community organisations
- helping with community clear-up days gardening and food growing projects

- 9.3 The contract will deliver the following social value benefits to Brent;

- digital training events to Family carers of people with learning disabilities and people with learning disabilities in order improve digital literacy
- remote Mental health and Wellbeing awareness sessions annually for voluntary and community organisations
- remote HR information sessions annually to voluntary, community organisations and SMEs

Report sign off:

Helen Woodland
Operational Director of Adult Social
Care