



**Executive**  
12 November 2012

**Report from the Director  
Adult Social Services**

Wards Affected:  
ALL

**Authority to award a contract for a Carer Services Hub model**

**Appendix 2 of this report is “Not for Publication”.**

**1.0 Summary**

- 1.1 This report requests authority to award a contract as required by Contract Standing Order No 88. This report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends an organisation to be awarded the contract.

**2.0 Recommendations**

- 2.1 That the Executive agrees to award a contract to Brent Carers Centre for a carer services hub advice and support service for a period of three years followed by discretionary extensions of 1 year plus 1 year (up to 5 years).

**3.0 Detail**

***Background***

- 3.1 Prior to embarking upon a competitive tender process, officers were aware that carers experience inconsistency in their journey when accessing carers services in Brent. This was also highlighted by the Standing Commission on Carers during their visit to Brent in October

2011. Officers subsequently began a consultation process, first announced at Carers Rights Day in December 2011, which continued until March 2012. A survey questionnaire about the role of a Carers Hub, and the preferred priorities was made available in paper and online formats. It was distributed throughout January and at both of the public meetings until the 9<sup>th</sup> March.

3.2 Council officers also ran a number of public events throughout February and March 2012, including two meetings with current providers of carers' services in Brent, and two public meetings with carers. Officers from Brent Council and NHS Brent attended these events, discussing proposals for a Carers Services Hub, and the vision for the future of carers services in Brent. Carers and others who attended the events were invited to take part in an exercise rating the importance of priorities to be delivered by the Carers Services Hub. The top seven priorities identified through the consultation process are now the mandatory priorities to be delivered as part of this contract. They are:

- Information and advice
- Access to health and wellbeing services
- Whole family support
- Money and benefits advice
- Access to work and training
- Caring support and training
- Emergency support

3.3 The full detail of the consultation outcomes and the priorities is available in Appendix A of the Executive Report dated 21<sup>st</sup> May 2012.

3.4 On 21st May 2012, officers sought and obtained approval from the Executive for pre-tender considerations and the criteria to be used to evaluate tenders. Approval was also given to officers to invite expressions of interest, agree shortlists and invite tenders in accordance with the procurement timetable and evaluate them in accordance with the approved evaluation criteria.

### ***The tender process***

3.5 The contract is proposed to be awarded using the London Borough of Brent's terms and conditions of contract for a carers service hub for a period of three years followed by discretionary extensions of 1 year plus 1 year (up to 5 years).

3.6 Advertisements were placed on the London Borough of Brent's website, the trade press and the local paper week commencing the 11<sup>th</sup> June 2012 to seek initial expressions of interest from, which elicited 6 initial enquires.

- 3.7 A Pre Qualification Questionnaire (PQQ), Memorandum of Information (MOI) containing an outline of the specifications and the Evaluation Methodology were available for interested organisations to download direct from the Brent website and subsequently 4 providers returned completed PQQ's:
- Brent Carers Centre
  - Brent Mencap Limited
  - Crossroads Care West London
  - St Luke's Hospice (Harrow & Brent) Ltd
- 3.8 The PQQ's were evaluated in accordance with the evaluation methodology provided to providers. The evaluation assessed providers professional conduct, financial viability, technical ability and experience.
- 3.9 In accordance with the evaluation methodology, providers must score a minimum of 2 out of 4 possible marks for all scored questions.

Following the evaluation the following organisations passed the requirements of the PQQ process, were shortlisted and invited to tender for the proposed Contract as follows:

- Brent Carers Centre
- Brent Mencap Limited
- St Luke's Hospice (Harrow & Brent) Ltd

All providers were informed of the outcome of the PQQ stage and successful providers were issued with Invitation to Tender (ITT) documentation.

- 3.10 The ITT stated that the contract would be awarded on the basis of the most economically advantageous offer based upon price and quality, with 60% of weighted marks allocated to price on a formula driven proportionately marked basis, and 40% against quality.
- 3.10.1 The quality evaluation was split over a two stage shortlisting process, as described below.

**Stage 1** of the quality evaluation consisted of 35% of the evaluation weightings. Method statement questions were issued with the ITT using the following criteria and weightings:

- Proven ability to meet the outcomes of the Service Specification for this procurement (weighting 10%)
- Approach to the delivery of the service (weighting 7%)
- Resource mobilisation and start up commitment plans if awarded a contract and on-going management of the hub in relation to how carers can develop the hub model (weighting 6%)
- Approach to ensuring standards are achieved (weighting 4%)

- Development of good working relationship with the Council and its partners (weighting 3%)
  - Proposed plans for ensuring continuity of service (weighting 5%)
- 3.10.2 Providers were notified that the top 4 ranked providers would be invited to stage 2, unless there are 4 Bidders meeting the requirement, then that number will be shortlisted to stage 2.
- 3.10.3 **Stage 2** of the quality evaluation consisted of 5% of the evaluation weightings. Providers were informed that shortlisted providers would be invited to an interview with carers who would ask questions which they had chosen on how bidders propose to provide a single point of access to services for carers in Brent. The carers would be responsible for evaluation of Stage 2.
- 3.10.4 Carers were invited to be part of the evaluation panel for the tender process during the launch of Carers Rights Week in June 2012. Twelve volunteers expressed an interest in participating and subsequently attended a training and information event. Carers who attended this event were informed of the process and were provided with a confidentiality and conflict of interest documentation to sign and return. Officers received 4 completed sets of documentation and invited those carers to two training days. During the training days carers identified 4 questions relating to the theme and established evaluation criteria in order to evaluate provider's responses to the questions during the interview.

### ***Evaluation process***

- 3.11 The tender evaluation was carried out by a panel of officers from Adult Social Services, Procurement and two carers.
- 3.12 All tenders had to be submitted no later than noon on the 31<sup>st</sup> August 2012. Tenders were opened on the 31<sup>st</sup> August 2012 and 2 valid tenders were received. The ITT advised that all questions in the tender documents must be answered and supporting documentation, where required, must be evidenced and if not provided could result in an application not being considered. The evaluation panel carried out a preliminary compliance review to ensure that the full evaluation was only carried out on compliant tenders. Both submissions passed this stage of the ITT.
- 3.12.1 Sufficient hard and electronic copies of each tender were available for each member of the evaluation panel. Each question was marked by two officers to eliminate bias.
- 3.12.2 Providers were required to score at least 2 marks out of the available 4 for each of the marked questions and a minimum total score of 50% for quality.
- 3.12.3 Upon completion of the evaluation a moderation exercise was carried

out and final scores agreed. This ensured that average scores were not influenced by disparate marks from any member of the evaluation panel.

3.12.4 Members of the panel awarded scores of 0-4 depending upon the quality of the statements tenderers provided for method statements. The definition of awarded scores is as follows in Table 1:

*Table 1.*

Assessment	Score
Deficient – Response to the question (or an implicit requirement) significantly deficient or no response received.	0
Limited – Limited information provided, or a response that is inadequate or only partially addresses the question.	1
Acceptable – An acceptable response submitted in terms of the level of detail, accuracy and relevance.	2
Comprehensive – A comprehensive response submitted in terms of detail and relevance.	3
Superior – As Comprehensive, but to a significantly better degree.	4

3.13 The above marks for each method statement were presented in an evaluation matrix and then applied to the relative weightings outlined in paragraph 3.9 above to give a score which when compiled gave an overall score for each provider for quality. The scores for stage 1 are presented in appendix 1.

3.14 The two providers met the requirements of the method statement scoring and were subsequently invited to stage 2, an interview with carers. There was a marginal difference between the scores at stage 1 of the process. As a result the carers' interviews (stage 2) as outlined in paragraph 3.10.3 would significantly influence the outcome of the tendering process. Prior to the interview the providers were given the questions and evaluation criteria for the interview with the time allocated for them to respond to the questions.

3.14.1 Both providers attended the interview and the carers scored their interviews using the scoring detailed in Table 1. Council officers attended the interview to provide an introduction to the interviews and as observers.

3.14.2 Upon completion of the interview and scoring a moderation exercise was carried out and final scores agreed. This ensured that average

scores were not influenced by disparate marks from any member of the evaluation panel.

- 3.15 The score for price was calculated by a formula that would award scores proportionately by awarding 60% to the lowest and the second being calculated proportionately to the lowest. This was presented in an evaluation matrix along with the quality scores for stages 1 and 2. The process ranked Brent Carers Centre first; a summary of the scores and prices are presented in **Appendix 2**.
- 3.16 Having completed the evaluation officers recommend the contract is awarded to Brent Carers Centre.
- 3.17 It is anticipated that the contract will commence on 1<sup>st</sup> February 2013 subject to the Council's observation of the requirements of the voluntary standstill period noted in paragraph 5.4 below.
- 3.18 Upon award of contract, officers from the Council and NHS Brent will meet with the provider to discuss the initial implementation plan. The implementation plan is a contractual requirement, outlining how the provider will deliver the mandatory priorities set out in the service specification, as well as their plans for meeting the developmental priorities throughout the lifetime of the contract. The implementation plan will be renewed annually. The initial implementation plan will be drawn up by the provider following the first meeting. The provider and officers from the Council and NHS Brent must agree and sign off the plan within the first two months of the contract.

#### **4.0 Financial Implications**

- 4.1 The Council and NHS Brent commission joint services for carers through a pooled budget arrangement established under a partnership arrangement (the "s.75 Agreement") established pursuant to s.75 National Health Service Act 2006. This s.75 Agreement is in place until 31<sup>st</sup> March 2013 with a pooled budget of £677,565. Officers will shortly be commencing discussions with NHS Brent regarding future arrangements for the s.75 Agreement. The Council is committed to funding its element of the contract through existing budgets
- 4.2 To deliver the key priorities an annual spend of £250,000 - £300,000 from the s75 Agreement pooled budget will be invested in the contract, with a potential total value over the initial 3 year term and two 1 year extensions of £1.25million - £1.5million.

#### **5.0 Legal Implications**

- 5.1 The National Health Services Act 2006 ("the NHS Act") requires local authorities and NHS bodies to work together to improve health and social care, which is facilitated under section 75 of the NHS Act. The

NHS Act permits NHS Bodies to form joint committees with local authorities to manage pooled budgets and undertake delegated decisions via lead commissioning arrangements. These arrangements are commonly referred to as 'Section 75 Agreements'. Pooled funding between the Local Authority and the NHS Body are provided for only under a Section 75 Agreement, which provides the ability for each partner organisation to make contributions to a common fund, to be spent on agreed projects or delivery of specific services or delegated functions in an integrated manner. The continuation of the pooled budget under the Section 75 Agreement is yet to be determined and Officers must ensure they meet with NHS Brent to agree on the status of this arrangement post-March 2013, especially in light of legislative changes to the commissioning of health services under the Health and Social Care Act 2012.

- 5.2 The provision of a carer's hub advice and support model service is classified as a Part B Service under the Public Contract Regulations 2006 (the "EU Regulations") and as such is not subject to the full application of the regulations (save that there must be a technical specification contained in the contract documents and on award of contract the Council must issue a Contract Award Notice in the OJEU). The proposed Contract is not therefore subject to the full tendering requirements of the EU Regulations, although it is subject to the overriding EU principles of equality of treatment, fairness and transparency in the award process.
- 5.3 The estimated value of the proposed Contract over its lifetime (including any extensions) is in excess of £500, 000, which is higher than the EU threshold for Services and the award of the contracts is consequently subject to the Council's Contracts Standing Orders in respect of High Value contracts and Financial Regulations. As a result Executive approval is required for the award of the contract.
- 5.4 Although classified as a Part B Services Contract, Officers have determined that the award of the carer's hub advice and support contract will be subject to a voluntary minimum 10 calendar day standstill period before the proposed Contract can be entered into. Therefore subject to Executive approval, all tenderers will be issued with written notification of the award decision. A minimum 10 calendar day standstill period will then be observed before the contract is awarded – this period will begin the day after all Tenderers are sent notification of the award decision – and additional debrief information will be provided to the unsuccessful tenderer in accordance with the EU Regulations. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However, if no such challenge or successful challenge is brought during the period, then as soon as possible after the standstill period ends, the successful tenderer will be issued with a letter of acceptance notifying them of their appointment.

5.5 Following award of the proposed Contract, the Council will be required to publish a contract award notice in the Official Journal of the European Community within 48 days of award.

## **6.0 Diversity Implications**

6.1 An Equalities Impact Assessment (EIA) has been undertaken in accordance with the Equality Act 2012. A copy of the EIA is attached to Executive Report dated 21<sup>st</sup> May 2012.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

7.1 There will be TUPE implications arising from the award of the contract. The assumption is that TUPE is likely to apply to those staff currently providing services that are included in the tender process. As such, protection shall be afforded under the TUPE regulations to such staff where assigned to the service immediately prior to the contract start date and who do not object to transferring so that they will transfer to the organisation awarded the contract on their existing terms and conditions.

## **8.0 Other Implications**

8.1 There are no other known implications that may impact upon the award of this contract.

## **9.0 Background Papers**

9.1 Report to Executive dated 21<sup>st</sup> May 2012 'Authority to invite tenders for the procurement of carers service in a hub model to provide a central point for coordinating and/or delivering a wide range of services.

## **Contact Officers**

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## Appendix 1.

Scored for stage 1 of the ITT evaluation:

ITT 1				
<u>Quality</u>			Average Score	Average Weighted Score
<u>ITT Question</u>	Weightings	Max Score Available		
Method Statement Section 2.1				
Question 1	1%	4	2.00	0.5%
Question 2	1%	4	2.50	0.6%
Question 3	2%	4	2.50	1.3%
Question 4	2%	4	2.50	1.3%
Question 5	2%	4	2.50	1.3%
Question 6	1%	4	2.50	0.6%
Question 7	1%	4	2.00	0.5%
Method Statement Section 2.2				
Question 1	7%	4	2.00	3.5%
Method Statement Section 2.3				
Question 1	3%	4	2.00	1.5%
Question 2	3%	4	2.00	1.5%
Method Statement Section 2.4				
Question 1	4%	4	3.00	3.0%
Method Statement Section 2.5				
Question 1	3%	4	2.00	1.5%
Method Statement Section 2.6				
Question 1	5%	4	2.50	3.1%
			<b>Stage 1 Total Weighted Score</b>	<b>20.1%</b>

ITT 2				
<b>Quality</b>			<b>Average Score</b>	<b>Average Weighted Score</b>
<b>ITT Question</b>	<b>Weightings</b>	<b>Max Score Available</b>		
Method Statement Section 2.1				
Question 1	1%	4	2.00	0.5%
Question 2	1%	4	2.00	0.5%
Question 3	2%	4	2.00	1.0%
Question 4	2%	4	2.00	1.0%
Question 5	2%	4	2.00	1.0%
Question 6	1%	4	2.50	0.6%
Question 7	1%	4	3.00	0.8%
Method Statement Section 2.2				
Question 1	7%	4	2.50	4.4%
Method Statement Section 2.3				
Question 1	3%	4	2.50	1.9%
Question 2	3%	4	2.00	1.5%
Method Statement Section 2.4				
Question 1	4%	4	2.00	2.0%
Method Statement Section 2.5				
Question 1	3%	4	2.50	1.9%
Method Statement Section 2.6				
Question 1	5%	4	2.00	2.5%
			<b>Stage 1 Total Weighted Score</b>	<b>19.5%</b>