



Executive
24 March 2014

**Report from Assistant Chief
Executive**

Wards Affected:
[ALL]

**Authority to tender contract for advice and guidance
service for people with disabilities and older people in
Brent**

1.0 Summary

- 1.1 This report follows Executive agreement in July 2013 to proposals for the various advice and guidance arrangements which form part of the Voluntary Sector Initiative Fund. This report requests approval to invite tenders in respect of Advice & Guidance for people with disabilities and older people as required by Contract Standing Orders 88 and 89.

2.0 Recommendations

Executive members are asked:

- 2.1 To approve inviting tenders for Advice and Guidance Service for people with disabilities and older people on the basis of the pre - tender considerations set out in paragraph 3.10 of the report.
- 2.2 To give approval to officers to evaluate the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in paragraph 3.10 of the report.
- 2.3 To delegate authority to the Assistant Chief Executive to agree the award of the contract to the successful bidder, in liaison with the portfolio holder for Corporate Strategy and Policy Coordination, for the reasons set out in paragraph 3.11 of the report.
- 2.4 To agree an extension to the interim contract for advice for people with disabilities provided by Brent Mencap, until the start of the new contract being tendered as referred to in paragraph 2.1.
- 2.5 To note the extension of the grant funded agreements with Age UK for provision of advice to older people and with Brent Mencap for provision of advice to people with learning disabilities until the start of the new contract being tendered as referred to in paragraphs 3.6 and 3.8.

3.0 Detail

- 3.1 The purpose of this report is to seek agreement for the procurement of a new advice and guidance service for two resident client groups: people with disabilities and older people. This new contract will replace existing provision as agreed by Executive in July 2012 as part of a review of advice and guidance services. This service will provide advice and guidance for two adult client groups who are resident in the borough: people with disabilities and older people. Advice is preventative in nature enabling client groups to help themselves and enhance independence. Categories of advice include but are not limited to age and disability related concerns, health, welfare, housing, finance and debt. The new contract will replace a grant funded project for advice for older people, a grant funded project for advice for people with learning disabilities and an interim contract for advice for people with disabilities. The council is aligning the timeframes for the various advice contracts let by the council, funded through the Voluntary Sector Initiative Fund and other departmental budgets with a view to considering how to harmonise provision in future. This is in line with recommendations on advice provision agreed by Executive in July 2013.
- 3.2 The Executive agreed in July 2013, to seek consolidated advice and support services for people with disabilities and older people to begin in 2014, as a result of the review of advice and guidance. The equality analysis undertaken as part of that review identified a need to mitigate the potential impact of changes to the Voluntary Sector Initiative Fund by creating separate advice streams with a specific focus on people with disabilities and older people. In the case of disability this action was expected to have a positive equality impact.

Current Voluntary Sector Initiative Fund advice for people with disabilities

- 3.3 Current provision for people with learning disabilities consists of an information and guidance service that provides generalist and specialist advice. This is currently being delivered by Brent Mencap at a cost of £52,020 a year, funded through a grant.
- 3.4 In addition, Brent Council previously grant funded Brent Association for Disabled People (BADP) to provide general advice for people with all types of disabilities. It was with great regret that the Executive decided it was no longer able to fund BADP when the organisation encountered governance and financial difficulties. The Executive agreed to put in place interim provision of advice for local adult residents with disabilities. Brent Mencap secured this interim contract following a quotation exercise and the service began on 1st December 2013 at a cost of £75,266 for the contract period Dec 2013 – March 2014.
- 3.5 Members are asked to agree the extension of this interim contract provided by Brent Mencap at a cost of £18,816 per month so that the contract end date (July 2014) coincides with the planned start of the new combined advice and guidance contract for people with disabilities (including learning disabilities) and older people. The cost of this is covered by existing budgets for Advice and Guidance within the Voluntary Sector Initiative Fund.
- 3.6 The interim contract for advice for people with disabilities provided by Brent Mencap will be replaced with the combined advice contract for which authority to tender is sought. The grant funded project for people with learning disabilities has been extended and will cease

once the new contract starts in July 2014. The funding will contribute to the budget for the new combined advice contract.

Current Voluntary Sector Initiative Fund advice for older people

- 3.7 The current grant funded project for older people consists of an advice and guidance service to older people and some carers consisting of advice services for older people via telephone, home visits and outreach. This is currently being delivered by Age UK at a cost of £90,474 a year.
- 3.8 The grant funded advice project for older people delivered by Age UK has been extended and will cease in July 2014 once the new combined contract starts. The funding will contribute to the budget for the new combined advice contract.

Commentary

- 3.9 The review referred in paragraph 3.2 identified the need for consolidated and consistent advice services. We held focus groups with both older people and people with disabilities to gather views to shape the specification.
- 3.10 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Executive.

Ref.	Requirement	Response	
(i)	The nature of the service.	To provide an advice and guidance support service for both older people and people with disabilities including learning disabilities.	
(ii)	The estimated value.	£301,874 per annum,	
(iii)	The contract term.	12 months with option to extend for a further year at the same cost	
(iv)	The tender procedure to be adopted.	One Stage procurement process	
v)	The procurement timetable.	Indicative dates are:	
		Adverts placed	26/3/2014
		Invite to tender	26/03/2014
		Suppliers Meeting	4 th April 2014
		Deadline for tender submissions	7 th May 2014
		Panel evaluation	8 th May 2014 – 30 th May 2014
		Report recommending Contract award	6 th June 2014

Ref.	Requirement	Response
		<p>circulated internally for comment</p> <p>Decision on award of contract under delegated authority</p> <p>Executive call in period of 5 days (mandatory unless excluded by the Exec)</p> <p>Contract Mobilisation</p> <p>Contract start date</p> <p>June 2014</p> <p>June 2014-</p> <p>June 2014</p> <p>July 2014</p>
(vi)	The evaluation criteria and process.	<p>The procurement process is a single stage tender process. This involves firstly evaluating tenderers' responses to the Authority's Prequalification Questionnaire (PQQ) and then evaluation of the tender proposal.</p> <p>The PQQ assessments will follow the Council's Contract Management Guidelines. The PQQ evaluation is to ensure that the Council's minimum standards of financial standing and technical capacity are met. The outcome of this stage will be a list of bidders who will then be evaluated against their tender proposals</p> <p>The tender proposals will be evaluated against:</p> <ul style="list-style-type: none"> • Approach to partnership working • Approach to Governance • delivery model • Approach to service delivery and ability to deliver a high quality service • Approach to monitoring of the service • Cost <p>The tender weighting will be assigned as follows: Cost 60% and Quality 40%</p>
(vii)	Any business risks associated with entering the contract.	Financial Services and Legal Services have been consulted concerning this contract [and have identified the implications associated with entering into this contract set out sections [4] and [5] of the report.
(viii)	The Council's Best Value duties.	By procuring this contract competitively it is anticipated that the successful bidder will offer a combination of high quality services for an economic price.
(ix)	Consideration of Public Services (Social Value) Act 2012	The service has been specified in a way that will maximise well-being for users.

Ref.	Requirement	Response
(x)	Any staffing implications, including TUPE and pensions.	See section [7.0] below.

(xi)	The relevant financial, legal and other considerations.	See sections [4.0] and [5.0v] below.
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3.11 Delegated authority for the award is sought as opposed to reporting back to the Executive, to minimise further extension to already extended grant agreements and the interim service contract presently in place (as set out in 3.3 - 3.4). The timetable of executive meetings would add a further two months to the process and require extension of these arrangements for that additional period.

3.12 The Executive is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

4.0 Financial Implications

4.1 The estimated value of this services contract is £301,874 per year. The cost of this contract will be funded from the existing Voluntary Sector Initiative Fund (VSIF) as per the agreement from Executive in July 2013. The breakdown of existing grant agreements and contracts and the new combined contract is set out below. As per paragraph 3.1, the existing provision listed below will cease on commencement of the new contract. The council is aligning contract periods for a range of advice contracts in order to consider future harmonisation of provision.

Provision	2013/14 Budget	2013/14 Spend	2014/15	2015/16	Comment
Grant Advice for people with learning disabilities (Mencap)	£52,020	£52,020	£13,005	Ceased	2014/2015 spend April - June 2014 extension
Grant Advice for older people (Age UK)	£90,474	£90,474	£22,618	Ceased	2014/2015 spend April - June 2014 extension
Interim Contract Advice for people with disabilities (Mencap)	£159,380	£75,266	£56,448	Ceased	Part year spend as ceased funding provider and replaced with interim contract. 2014/2015 spend extension until commencement of new contract.
New Contract	£0	£0	£226,406	£75,469	Full year cost is estimated to be

					£301,874, this is split as follows: Jul- March 2014 and April-June 2015
Total	£301,874	£217,760	£318,477	£75,469	The overspend is covered as a one off from reserves

4.2 As requested by members the table below is included for information only, giving an overview of the whole Voluntary Sector Initiative Fund including the advice funding stream.

VSIF Cost Item	2013/14 £	2014/15 £	2015/16
Advice and Guidance Stream Total	856,642	856,642	TBA
Specialist & General Legal Advice	542,774	542,774	TBA
Advice and Guidance – people with disabilities and older people	301,874	301,874	TBA
London Councils Stream	342,487	340,854	TBA
Themed Grants Stream	690,847	690,847	TBA
Infrastructure Stream	159,249	159,249	TBA
Tenant Engagement Project	33,229	0	0
TOTAL	2,076,457	2,041,595	TBA

5.0 Legal Implications

- 5.1 The estimated value of the contract over its lifetime is in excess of £250,000 and therefore the procurement and award of this contract is subject to the Council's Contract Standing Orders and Financial Regulations in respect of High Value Contracts.
- 5.2 For High Value Contracts, the Executive must approve the pre-tender considerations set out in section 3 above (Standing Order 89) and the inviting of tenders (Standing Order 88).
- 5.3 The provision of advice and guidance services to people with disabilities and older persons are classified as Part B Services under the Public Contracts Regulations 2006 ("EU Procurement Regulations") and as such are not subject to the full application of the EU Procurement 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 within 48 days of award). The services are however, subject to the overriding EU Treaty principles of equality of treatment, fairness and transparency in the award of contracts.
- 5.4 Normally, once a tendering process is completed for a High Value contract, Officers report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award. In this case, it is proposed that authority to award is delegated to the appropriate Authorised Officer.

6.0 Diversity Implications

- 6.1 During 2012/2013 the Service Level Agreements and grant funded projects within the Advice and Guidance Stream were reviewed to identify better proposals for future advice and guidance provision. These services included generalist and specialist provision for older people and people with disabilities.
- 6.2 The potential adverse impact for elderly people identified in the 2012 equality analysis for the fund as a whole is being mitigated by the implementation of the recommendations for this stream alongside the shift in the people benefiting from the Voluntary Sector Initiative themed grant projects, which in more recent rounds have included more elderly people as beneficiaries.
- 6.3 The 2012 analysis was one of the key factors in the creation of the Advice and Guidance stream. The equality analysis highlighted that people with a disability will be positively impacted by the continued provision through the Advice and Guidance Stream and that across the Voluntary Sector Initiative Fund as a whole, the Advice and Guidance stream balances out the slight under representation of disabled people in other grant funded projects.
- 6.4 The proposals in this report have been subject to screening and officers believe that the proposals result in a negative impact on residents with a disability and older people. However this impact is mitigated by the provision of an equivalent service which offers consolidated advice and guidance focusing on older people and people with disabilities. The Equality Impact Analysis of the policy, which is partly being implemented by this request for authority to tender is attached as an appendix 1.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 Where the award is made under the proposed procurement solution to one or more new providers other than the incumbent; The Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") may apply so as to transfer from the current providers to the new, those employees of the incumbent provider. TUPE considerations will be considered by officers before tendering services.

Appendices

Appendix 1: Advice and Guidance Review Equality Impact Assessment, July 2013

Contact Officer(s)

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BEN SPINKS

Assistant Chief Executive