

 Brent	<p style="text-align: center;">Cabinet 16 January 2017</p> <p style="text-align: center;">Report from the Director of Performance, Policy and Partnerships</p>
<p style="text-align: right;">Wards Affected: All</p>	
<p>Award of a Contract for Translation and Interpreting Services</p>	

Appendix 2 to this report is not for publication

This part of this report is not for publication as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information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)"

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 selecting the supplier for the contract and recommends to whom the contract should be awarded.

2.0 Recommendations

Members are requested to:

- 2.1 Approve the award of a contract for Translation and Interpreting Services to DA Languages Limited, for a period of three years from 1st April 2017 to 31st March 2020, with an option to extend for a further year to 31st March 2021.

3.0 Detail

- 3.1 The Council currently has a contract with Pearl Linguistics for the provision of its translation and interpreting services. Pearl has been providing these services since 1st September 2015 and the current contract expires on 31st March 2017.

- 3.2 In order to put a new contract in place, a tender exercise has been carried out on behalf of the London Boroughs of Barnet, Brent and Harrow, with the aim of appointing one supplier to deliver a managed service for all three Council's translation and interpreting requirements, whilst achieving cost reductions as a result of the aggregated service volumes and the attractive opportunity that this represents to the market.

Outline of Tender Process

- 3.3 The tender was carried out as a further competition exercise among the suppliers appointed to the Crown Commercial Services Framework RM1092, Language Services, Lot 1 Managed Service Provision. There are six suppliers on Lot 1 of the framework. The process was led by Brent (and from 1st September 2016 onwards by the new Procurement Shared Service).
- 3.4 Tenders were invited on 3rd November 2016, using the CCS eSourcing system. Of the six suppliers on Lot 1 of the framework, four submitted tenders by the deadline of 25th November 2016.
- 3.5 The Invitation to Tender stated that a single supplier would be selected for award of all three contracts, i.e. one contract with each borough; that the selection of the Supplier would be made on the basis of the most economically advantageous tender; and that in evaluating tenders, the Council would have regard to the following, in addition to the evaluation of Social Value proposals:

• Implementation Plan	5%
• Implementation Approach	20%
• Booking Systems and Processes	5%
• Interpreter Recruitment and Selection	5%
• Dealing with Fluctuating Demand	5%
• Language Matching	10%
• Savings and Service Options	5%
• Meeting Language Demand	5%
• Meeting Urgent Demand	5%
• Monitoring and Reporting	10%
• Invoicing	5%
• Complaints and Feedback	10%
• Using Feedback to Improve Service	5%
• Incorporating Innovation	5%

These quality criteria were then weighted against tender price and Social Value in the ratio 45:45:10, in line with the framework requirements.

Evaluation Process

- 3.6 The tender evaluation was carried out by a panel of officers from Barnet, Brent and Harrow. As Children's Services are the biggest user in each of the boroughs, these service areas were represented on the panel.

- 3.7 All tenders had to be submitted electronically no later than noon on 25th November 2016. Tenders were opened on 25th November 2016 and four valid tenders were received. Each member of the evaluation panel read the tenders, using evaluation sheets to note down their comments on how well each of the award criteria was addressed.
- 3.8 The four suppliers were invited to attend presentation and clarification meetings on 1st December where they presented their proposals and the panel asked, and received answers to, some clarification questions.
- 3.9 The panel then discussed the submissions and each submission was marked by the whole panel against the award criteria.
- 3.10 The names of the tenderers are contained in Appendix 2. The scores received by the tenderers are included in Appendix 1. It will be noted that Tenderer B was the highest scoring tenderer. Officers therefore recommend the award of the contract to DA Languages Limited.
- 3.11 It is anticipated that the Brent contract will commence on 1st April 2017. As the proposed contract represents a call off under a framework agreement, a mandatory standstill period is not required.
- 3.12 The Harrow and Barnet contracts will commence on 1st March 2017 and 1st May 2017 respectively.

The Service

- 3.13 The Council's translation and interpreting service is predominantly used by the Children and Young People's Services department (78% of usage). It is also used by Housing Needs, Adult Social Care and Customer Services. The Children and Young People's Services department, as the major user, was represented throughout the process, and on the evaluation panel.
- 3.14 The services to be delivered under the contract are:
- Spoken face to face interpreting
 - Non-spoken face to face interpreting
 - Telephone Interpreting
 - Translation
- The contract also allows for the use of video interpreting.
- 3.15 Information relating to the contract value and savings can be found in the Financial Implications section of this report.
- 3.16 Whilst demand can be managed in some areas, for example by encouraging customers to be accompanied by family members who are able to interpret, there are many situations where this can't be done, particularly in CYPS where an independent professional interpreter is needed. In this area, there is demand for interpreters for:

- Social work safeguarding assessments
- Family Court proceedings
- No Recourse to Public Funds assessments
- Assessments of Unaccompanied Asylum seekers

Demand is also managed by CYPS through the allocation of case workers with relevant language skills where possible, and the use of available bilingual staff for ad hoc interpreting needs.

- 3.17 Overall demand can be affected by external factors, such as changes in the Brent demographic due to major world events affecting population migration, or as a result of changing immigration policies.

Current Costs

- 3.18 The spend in the first full year of the contract with Pearl Linguistics, i.e. to the end of August 2016, was £238,500.
- 3.19 The above figure was split between the different services under the contract as follows:

Non-spoken face to face interpreting (British Sign Language)	£17,515.00
Spoken face to face interpreting	£167,399.00
Translation	£28,527.83
Telephone interpreting	£25,056.88
	£238,498.71

4.0 Financial Implications

- 4.1. Based on the volumes from September 2015 to August 2016, the annual cost of the new contract will be £224k, which represents a 6% saving of £14k. The cost of the contract over three years would therefore be £671k. This is less than the Council's target procurement savings of 10% per contract.
- 4.2. Spend through the contract can be reduced by encouraging use of the telephone interpreting service, which has no minimum charges, and no late cancellation charges. An interpreting appointment of less than 45 minutes will always cost less if telephone interpreting is used instead.
- 4.3. Based on historic usage, 50% of spoken face to face appointments of 1 hour or less actually take 45 minutes or less. Moving these to telephone interpreting would save a further £6k. This would allow the Council to broadly meet its 10% procurement savings target on this contract.
- 4.4. Currently, the costs of the contract are met from the budgets of the individual departments that use the translation and interpreting services.

5.0 Legal Implications

- 5.1 The estimated value of the Council's call off contract over its lifetime, as mentioned in paragraph 4.4 of this report, is above the EU threshold for services. Therefore the requirements of the Public Procurement Regulations 2015 ('PCR 2015') will apply in respect of the award of the call off contract. The call off contract is also deemed a High Value Contract as defined in the Council's Contract Standing Orders and Financial Regulation, and as such Cabinet approval is required to award the call off contract.
- 5.2. The procedures and rules for establishment and use of framework agreements are contained in Regulation 33 of the PCR 2015. The term of a framework is not ordinarily to exceed 4 years and contracts based on a framework agreement are required to be awarded in accordance with the procedures laid down in the PCR 2015. The Council is able to call off under the framework without the need for advertising the contracts in the Official Journal of the European Union (OJEU), as it is only the framework agreement itself that has to be advertised in the OJEU.
- 5.3 The Council's Contract Standing Orders also provide that where it is proposed by the Council to call off under a framework established by another contracting authority, the Council may do so with the relevant Chief Officer approval, provided that the Chief Legal Officer has advised that participation in the framework is legally permissible. The Crown Commercial Services Framework RM1092 has been reviewed by Legal Services and it has been confirmed that it is legally permissible to call off from the framework .

6.0 Equality Implications

- 6.1. Brent Council aims to ensure that all its current and future residents, staff and stakeholders are treated fairly and receive appropriate services and equal opportunities.
- 6.2. The Council also recognises its Public Sector Equality Duty under the Equality Act 2010 to make equality a greater part of its day-to-day business, and in carrying out its activities, to consider how it can:
- eliminate unlawful discrimination, harassment and victimisation
 - advance equality of opportunity between different groups
 - encourage good relations between people from different groups.
- 6.3. The provision of a translation and interpreting service is an essential part of ensuring that the Council can fulfil this duty. It facilitates equality of access to information and services for Brent's highly diverse community, and in particular for those who do not speak English, or have a hearing impairment.
- 6.4. An Equality Analysis has been carried out, and is attached as Appendix 3 to this report.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the contract.
- 7.2 No property / accommodation implications.

Background Papers

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