



**Key Officer Decision**  
9 May 2018

**Report from the Strategic Director  
of Community and Wellbeing**

**Procurement of Learning Disability Supported Living  
Scheme at Salmon Street**

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b> (only applicable for Cabinet, Cabinet Sub Committee and officer decisions)	Key
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Mark Mulvenna Interim Supplier Relationship Manager Email: <a href="mailto:mark.mulvenna@brent.gov.uk">mark.mulvenna@brent.gov.uk</a> Tel: 020 8937 3276

## 1.0 Purpose of the Report

- 1.1 This report seeks approval to procure a service for an accommodation based learning disability service in Salmon Street.

## 2.0 Recommendations

- 2.1 That the Strategic Director of Community and Wellbeing:
- 2.1.1 Approves inviting tenders for the provision of a Supported Living service for Adults with learning disabilities at Salmon Street for term of 2 + 1 years on the basis of the pre - tender considerations set out in paragraph 3.7 of the report.
  - 2.1.2 Approve Officers evaluating the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in paragraph 3.7 of the report.

## 3.0 Detail

- 3.1 A one year direct award was approved by Cabinet in February 2017 to a well-established local provider for the provision of a Supported Living service for Adults with learning disabilities at Salmon Street. This was due to the urgent

situation developing with the existing placements for the service users who eventually moved in to Salmon Street.

- 3.2 The current contract for the service at Salmon Street was due to expire on 14 May 2018, however the Strategic Director of Community and Wellbeing has authorised a 3 month contract extension from 15 May 2018 to 14 August 2018 at a cost not exceeding £115K.
- 3.3 Salmon Street opened in May 2017 and 5 service users were moved in from a provider who was ceasing to provide a service in the spring of 2017, with the sixth service user requiring an urgent placement. The service users have settled in well to their new surroundings after initial implementation / mobilisation problems with the delivery of the service and the current provider has responded well to the contract meetings that have taken place to implement service improvements to ensure the service users are getting the best possible service.
- 3.4 With the existing contract expiring on 14 August 2018, Officers wish to procure a new contract. The service to be procured will be for the provision of a 24-hour service and there will be a core staff element of 2 for a 14-hour period, with 1 member of staff expected to cover the 10-hour waking night period. All other hours will be purchased on a spot basis depending on the needs of the service users current at any time. The proposed number of Core Hours is shown in the table below.

Proposed	Core Hours Salmon Street		
	Hours	Staff	Total Hours
Daily Hours	14	2	28
Waking Night Hours	10	1	10
	Total Daily Hours		38
	Total Weekly Hours		266
	Total Yearly Hours		13870
Staff Equivalent		**7.4 Per Week	
** Staff numbers based on 36 hour week			

The existing support plans will be shared with the successful provider and the provider will need to ensure the best possible use is made of the core hours which will benefit the service users and ensure the safety of the service users and staff is met.

- 3.5 Each service user will also have a package of spot purchased hours based on individual assessed needs, where they need extra support from the provider to cater for specific needs, which will include certain activities and accessing the community. The number of staff available within the core hours will cover the basic areas of support, but it is necessary to consider where needs may increase at certain times, so obtaining a rate for spot hours is essential. Officers have estimated that the service users will need a minimum of 16 extra hours per week each and a maximum of 24 and these figures have been used for the purposes of this report.

For Tender Purposes	Spot Hours Salmon Street		
	Weekly Hours (Per Service User)	Total Hours (Per Week)	Total Yearly Hours
Minimum Spot	16	96	5006
Maximum Spot	24	144	7509
Staff Equivalent		** 2.6 - 4 Per Week	
** Staff numbers based on 36 hour week			

- 3.6 The successful contractor identified through the procurement process will be expected to have the expertise to deal with the needs of this client group and a track record of managing adults with a learning disability or autism. We will expect them to be a responsive and cooperative provider who can work proactively with both the client group and the Council.
- 3.7 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for approval.

Ref.	Requirement	Response	
(i)	The nature of the services.	A Supported Living service for Adults with learning disabilities at Salmon Street	
(ii)	The estimated value.	£1.275M	
(iii)	The contract term.	An initial term of 2 years with the ability to extend by 1 additional year	
(iv)	The tender procedure to be adopted.	Mini-Competition via DPS	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Invite to tender	29 May 2018
		Deadline for tender submissions	18 June 2018
		Panel evaluation and moderation	20 – 25 June 2018
		Report recommending Contract award circulated internally for comment	26 June 2018
		Cabinet approval	2 July 2018
		[Cabinet call in period of 5 days (mandatory unless excluded by the Cabinet)]	10 July 2018

Ref.	Requirement	Response	
		OR minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers (contracts covered by the full EU Regulations only)]	
		Contract Mobilisation	12 July 2018 – 14 August 2018
		Contract start date	15 August 2018
(vi)	The evaluation criteria and process.	<p>1. At tender evaluation stage, the panel will evaluate the tenders against the following criteria:</p> <ul style="list-style-type: none"> <li>• Price 60%</li> <li>• Quality 40% <ul style="list-style-type: none"> <li>- Outcomes</li> <li>- Experience, Staffing and Quality</li> <li>- Social Value</li> <li>- Safeguarding</li> <li>- Equality and Human rights.</li> </ul> </li> </ul>	
(vii)	Any business risks associated with entering the contract.	None specific	
(viii)	The Council's Best Value duties.	The evaluation criteria will be based on a model where cost and quality are distributed to ensure that providers are selected on best value. The tendering documentation will also specify how the contract will be managed to ensure the on-going delivery of the service and outcomes for each service user.	
(ix)	Consideration of Public Services (Social Value) Act 2012	See section 9 below	
(x)	Any staffing implications, including TUPE and pensions.	See section 8 below	
(xi)	The relevant financial, legal and other considerations.	See section 4 & 5 below	

- 3.8 The Strategic Director 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 annual value of the contract is estimated at £0.425m pa. The recommendation is for the contract to be tendered on the basis of 2 years with the option of a further 1 year extension (2+1), resulting in a total pre inflation contract value of £1.275m over the 3 years.
- 4.2 This service stipulates that London Living Wage (LLW) is paid by the successful provider as a minimum to all staff undertaking the service, which is the same as the current service which is coming to an end. Therefore this stipulation of paying LLW will not result in any significant increase in cost to the Council.

#### **5.0 Legal Implications**

- 5.1 Supported Living service for Adults with learning disabilities are classified as Schedule 3 Services under the Public Contracts Regulations 2015 (the “EU Regulations”). The estimated value over the lifetime of the proposed contract is such that it is above the threshold for application of the EU Regulations in relation to Schedule 3 Services.
- 5.2 The proposed contract is classified as a Medium Value Contract under the Council's Contract Standing Orders and Financial Regulations and thus needs to be procured through a competitive tender exercise.
- 5.3 For Medium Value Contracts, the Strategic Director must approve the pre-tender considerations set out in paragraph 3.7 above (Standing Order 89) and the inviting of tenders (Standing Order 88).
- 5.3 Once the tendering process is undertaken Officers will report back to the Strategic Director in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.

#### **6.0 Equality Implications**

- 6.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising

disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

- 6.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.
- 6.4 The existing contract was let under the remit of the NAIL (New Accommodation and Independent Living) team within Adult Social Care and this programme has its own Equalities Impact Assessment. The individuals within Salmon Street have all had a personalised assessment to ensure their individual needs have been identified and are being met.
- 6.2 The successful provider will be required to deliver services which are culturally sensitive and take into account the vulnerabilities of the service users and any specific needs they have around communication, culture and diversity.
- 6.3 The successful provider will be able to demonstrate that they have the awareness of the diverse range of issues that this service includes and show how they recruit staff with the specific skills required, as well as maintain the levels of awareness of the staff through regular training and supervision.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 There has been no consultation with Ward Members. The scheme already exists within the Barnhill ward and there is no material change.
- 7.2 Service users' families were made aware in May 2017 that the contract with Dimensions was for 1 year and that it would be re-procured in 2018. There has been no active family involvement with the current cohort of service users since they moved into Salmon Street.

## **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 This contract is delivered by external contractors, therefore there are no implications for Council staff arising from the re-procurement of this contract.
- 8.2 The service will be the same under the new contract therefore the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) are applicable. The current provider has been asked to supply TUPE information.

## **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. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement. Providers will be asked to provide details of how they will deliver Social Value within this contract and this will be scored as part of the tender process.

**Report sign off:**

**PHIL PORTER**

Strategic Director of Community and Wellbeing