

	<p>Forward Plan Select Committee 3rd November 2009</p> <p>Report from the Director of Housing & Community Care</p>
<p>For Action</p>	<p style="text-align: right;">Wards Affected: ALL</p>
<p>Extensions of the Direct Payments Support and Advice Service (DP) Contract with Penderels Trust and proposals to review the current arrangements for the service</p> <p>Having noted that this contract had already been extended, Members have requested a briefing note, to the meeting on the 3rd November 2009, providing an explanation as to what the reasons for a delay in issuing a new contract were and when this would occur. Information ensuring confirmation that tendering had taken place was also requested</p>	

Background

This section will confirm that a full tendering process was carried out and explains why a contract was not awarded.

In May 2009, following the conclusion of the tender process, a report was sent to the Executive recommending that a new DP contract be awarded to Penderels Trust, (the incumbent contractor). However, the second placed tenderer, Brent Mencap raised concerns over the procurement process leading to the recommendation. As a result officers were advised to delay the award of the contract pending further clarification of the concerns.

Following a subsequent exchange of correspondence between the Council's Legal and Democratic Services Unit and Brent Mencap, it became evident that the Council had new information about the take up of Direct Payments and had tenderers had this information in advance of their bid it may have influenced the way they priced the contract.

It was agreed to invite both tenderers to clarify their prices by completing and re-submitting a revised pricing Schedule taking account of:

- the Council's latest predictions of service user take-up up for the Managed Account Service (MAS) and
- a slight increase in the number of established service users from 350 to 390

It was agreed with both tenderers that this clarification exercise would only apply to pricing and that the earlier scoring in respect of the evaluation of qualitative aspects evaluated in February should not be revisited.

The schedules were received and evaluated and one of the tenders appeared to be more favourable. Unfortunately, the response from one of the contractors showed a reduction in the resources (i.e. staffing levels) and the response from the other tenderer showed a significant increase in the resources. Such changes in the predicted staffing requirement of the contract have a direct bearing on the quality of the service to be provided.

Because it was specifically stated in the instructions that the qualitative criteria would not be re-examined and because both tenders had made changes to the identified resource requirements, the panel had to seek legal advice about how to proceed. The panel were advised to get clarification from the tenderers about their reasons for the changes to their staffing levels.

Further clarification was sought and these were considered by the panel on Thursday 3rd September 2009. Based on the responses the panel felt the tenderers proposed staffing levels would potentially affect the validity of the scores previously allocated in the qualitative award criteria.

Consultation with the tendering team, legal services and corporate procurement resulted in a consensus that the contract could not be awarded and the Council withdrew the tender.

Future Action

We could have sought permission to retender for the service. However, the Committee will be aware that there are rapid changes in the provision of social care services due to the introduction of the personalisation agenda and we now have an opportunity to review our service needs in line with the government policy for personalisation and self direct support. Over the next few years significant changes in adult social care provision will be implemented whereby service users will have greater independence, choice and control of their services they receive. Although Direct Payments will remain an integral part of this process further developments are needed to provide the range of services needed to implement the new approach. This will include advocacy, brokerage and self directed support services in the community. In consideration of these developments a strategic review in adult social care has been proposed. The review will look at other models of practices for delivering personalised services and it proposed that this review is carried out before a decision to re-tender the Direct Payments Support and Advice service is taken.

A report with details of this proposal will be presented to the Executive on 19th October 2009. The report will recommend the following:

- Discontinue the tender the process for a new Direct Payments Support Service
- Approve a strategic review of all relevant support services and resources required to implement the 'Putting People First Policy (know as personalisation) and report back in February 2010.

As the current contract will Penderels Trust will expire on 30th October 2009, the report also proposes the transfer of the Direct Payment Support and Advice Service to the Council at the end of the contract period. This will allow for the continuity of service during the period of the review. Both Penderels and Mencap are aware of the current situation and Penderels are committed to ensuring that any agreed transfer is a smooth process and that service continuity for people receiving DPs is maintained.

Beverleigh Forbes
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Service Development and Commissioning
6th Floor Mahatma Gandhi house
beverleigh.forbes@brent.gov.uk
020 8937 4163