

	<p style="text-align: center;"><b>Executive</b> 23 May 2011</p> <p style="text-align: center;"><b>Report from the Director of Children and Families</b></p>
<p style="text-align: right;">Wards Affected: All</p>	
<p style="text-align: center;"><b>Authority to award a contract for the delivery of services at Stonebridge Adventure Playground and Special Educational Needs Afterschool Clubs in Brent</b></p>	

## 1.0 Summary

- 1.1 This report requests authority to award a contract for the delivery of services at Stonebridge Adventure Playground and SEN Afterschool Clubs (including Manor School, The Village School and Middlesex House) in Brent to Brent Play Association on the basis that there are good operational and financial reasons for doing so.

## 2.0 Recommendations

- 2.1 The Executive award a contract for the delivery of services at Stonebridge Adventure Playground and SEN Afterschool Clubs in Brent to Brent Play Association for the period 1<sup>st</sup> June 2011 to 31<sup>st</sup> March 2012, such award being exempted from the normal requirements of Brent's Contract Standing Orders in accordance with Contract Standing Order 84 (a) on the basis that there are good financial and operational reasons as set out in paragraph 3.7.

## 3.0 Background

- 3.1 In November 2008 following a full tendering process a contract to deliver Play Services in Brent was offered to a contractor called Kids. Kids subsequently indicated that it would not be able to proceed with the contract. Owing to the need to ensure continuity of delivery of play services during the period of tendering, the existing arrangements with Brent Play Association (BPA) have been extended on a number of occasions. Initially the extension was authorised under delegated powers but more recently extensions have been authorised by the Executive on 17 November 2008 and 14 July 2009. The Executive on 14 July 2009 agreed to extend the existing arrangements with BPA to 31 August 2010.

- 3.2 Following Executive authority to retender play services in July 2009, officers advertised the contract on 7 October 2009 in both national and local publications. This resulted in eight organisations expressing an interest in the procurement. Pre-qualification questionnaires were submitted by four organisations and these were assessed. The Play Services contract was funded through a number of funding streams and at the time of finalising the specification and prior to inviting tenders it became clear that some of this funding was not likely to be available throughout the contract period. Until such issues were resolved, officers did not consider it was appropriate to progress the procurement.
- 3.3 Given the lack of certainty over future budgets, officers sought Executive approval in August 2010 to extend the BPA contract to 31 March 2011. Further, officers did not consider it appropriate to seek Executive approval to further extend the BPA contract in its current form and therefore the BPA contract expired on 31 March 2011.
- 3.4 Whilst the budget for Play Services remained uncertain, officers considered it appropriate to procure the following specific services, some of which were previously supported by the Big Lottery Funding from the Service's core budget:
- a) Stonebridge Adventure Playground – term time After School Clubs
  - b) Stonebridge Adventure Playground School Holiday Play services
  - c) Manor School Special Needs After School Club.

Officers considered provision of services at Stonebridge Adventure Playground should be maintained as failure to provide these services could trigger repayment of Big Lottery Funding in respect of the Playground. Officers therefore used delegated powers to award a two month contract to BPA for the period 1<sup>st</sup> April to 31<sup>st</sup> May 2011.

- 3.5 Future contractual arrangements with BPA, if any, and the duration of the contract is likely to be different from that for which Executive authority was obtained in July 2009. Future play provision is likely to be targeted at supporting the most vulnerable children. In the circumstances, officers consider that the most appropriate way forward is to award an interim contract to BPA for the period 1<sup>st</sup> June 2011 to 31 March 2012 to ensure continuity of service. It is also unlikely another organisation would be interested in taking over provision of the services for a limited period of 10 months given the likelihood that the Transfer of Undertakings (Protection of Employment) Regulations 2006 applying. As a result, Officers consider that there are good operational and financial reasons for not seeking 3 quotes as ordinarily required by Contract Standing Orders.
- 3.6 During the summer term officers will consider options for the most appropriate future service delivery models for providing play services in Brent. This will include working more closely with schools and full integration with children's centre activities. Officers will report to the Executive in the near future with intended details of procurement if appropriate. Within a reduced budget it is likely this service will be increasingly targeted to those in greatest need.

## **4.0 Financial Implications**

- 4.1 The extension of this contract is within existing budget allocations for the financial year 2011- 2012. The budget for this service is £150k in total, including all running costs listed in 7.2. If Stonebridge is not utilised in accordance with the conditions on which the Big Lottery Funding was provided, there will be a need to pay back funding; awarding this short term contract would remove the risk of having to pay back this funding.

## **5.0 Legal Implications**

- 5.1 As detailed in section 3, a contract with BPA ran for the period April 2007 to 31<sup>st</sup> March 2011. Following expiry of the contract, Officers used delegated powers to enter into a 2 month contract with BPA in respect of the delivery of services at Stonebridge Adventure Playground.
- 5.2 Officers seek authority to award a 10 month contract to BPA. This contract is valued at £150k and is therefore classed as a Low Value contract under Brent's Contracts Standing Orders. This would ordinarily require Officers to obtain 3 quotes in accordance with Brent Standing Orders and Financial Regulations, unless the Executive grants an exemption in accordance with Standing Order 84(a). A request for an exemption under Standing Order 84(a) can be approved by the Executive where there are good operational and / or financial reasons, and these reasons are set out in paragraphs 3.7 above.
- 5.3 The Council entered into a deed of dedication on 22<sup>nd</sup> July 2008 with the Big Lottery Fund to receive lottery funds for the Stonebridge Playground Project. This included requirements that the site only be used for the purposes of the Project and not to dispose of the site without the consent of the Fund. There are in addition standard terms of conditions applicable to all funded projects. The standard terms and conditions provide that the Fund can withdraw /require repayment of funds at its discretion if the recipient does not comply with any term.
- 5.4 There is an intention to report back to the Executive in the near future with intended details of procurement options for future delivery of play services.

## **6.0 Diversity Implications**

- 6.1 There are no equalities or diversity implications arising from the award of this interim contract with BPA for 10 months.

## **7.0 Staffing/Accommodation Implications**

- 7.1 There are no staffing implications should an interim contract be awarded.
- 7.2 BPA operates after-school clubs and holiday play schemes at the Stonebridge Adventure Playground. Parents and carers pay fees to BPA for attendance. The interim agreement with BPA will include provision that the Council shall provide BPA with financial support which shall require the Council:
- To pay the running and utility costs relating to the BPA's use and occupation of the Stonebridge Centre for the running of Play Schemes (with BPA paying for the phone charges relate to such use and occupation).
  - BPA would continue to occupy the Stonebridge Adventure Play Ground during the period of this interim agreement to ensure the councils duty to provide services as specified by the Big Lottery are continued

## **8.0 Background Papers**

- Report to the Executive 12 February 2007 Review of Play Services Ref: C&F-06/07-019
- Ofsted Registration of childcare providers from September 2008
- Report to the Executive 17 November 2008 Authority to Extend the Existing Contract and Award a New Contract for the Delivery of Play Services in Brent Ref: C&F08/09-008
- Report to the Executive 16 March 2009 Authority to Extend the Existing Contract for the Delivery of Big Lottery Funded Play Services in Brent Ref: C&F08/09-021
- Report to the Executive 14 July 2009 Authority to extend the existing contract and invite tenders for the delivery of play services in Brent. Ref: C&F-09/10-002
- Report to the Executive 11 August 2010 Authority to extend the existing contract

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