

	<p style="text-align: center;">Executive 16th April 2007</p> <p style="text-align: center;">Report from the Director of Housing and Community Care</p>
For Action	Wards Affected: ALL
<p style="text-align: center;">Approval of the tendering process for a Multi-Cultural Day Care Service for Older People</p>	

Forward Plan Ref: HCC-06/07-45

1.0 Summary

1.1 Following the approval by the Executive on 15 January 2007 to invite expressions of interest for the contract for day care services provided by Sudbury Neighbourhood Centre as part of a market testing exercise, at the end of the initial contract period advertisements were placed in community care and local press on 1 February 2007. After evaluation of the expressions of interest received officers determined that there was more than one viable expression for this service and therefore this report has been produced to set out the tendering process and evaluation criteria to be followed. This report requests approval of the process and evaluation criteria as required by Contract Standing Orders 88 and 89.

2.0 Recommendations

- 2.1 The Executive to agree that the expressions of interest stage that has already occurred as part of the market testing exercise will be taken as the first stage in a two-stage tender process under Brent's Standing Orders.
- 2.2 The Executive to give approval to the pre - tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 3.4 of the report.
- 2.3 The Executive to give approval to officers to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in 2.2 above.

3.0 Detail

- 3.1 This report sets out the process and evaluation criteria to be followed by officers in the tendering of a multicultural day care service for older people in the borough. Sudbury Neighbourhood Centre currently provides the service Monday to Friday inclusive from their own premises in Sudbury. Older People Services have assessed all the service users as meeting the Fair Access to Care criteria at the critical or substantial level and sixty sessions per week for an average of 45 service users are provided. The Centre transports service users from home to the day service and back and provides refreshments and a hot lunch. A range of activities is offered as well as periodic outings. The Council's approved charge for meals is levied from the service users and although no charge is currently made for attendance or transport these will be introduced in April 2007 as approved by the Executive.
- 3.2 The contract was entered into following approval from the Executive, on 18 November 2002, with an exemption from the Council's Contract Standing Orders from following a tendering process for good financial and operational reasons, to allow negotiations between the Council and the organisation which had previously been in receipt of grant for the services they provided. The contract commenced on 1 April 2003 and initially ran until 31 March 2006 when it was extended for one year until 31 March 2007 by the Director of Housing & Community Care in accordance with Part 4 Paragraph 3 of the Constitution. In the report submitted to the Executive in November 2002 it was set out that officer would carry out a market testing exercise at the end of the contract period to establish if there were any other providers who could deliver a similar service. To allow this process to take place the Executive agree on 15 January 2007 to further extend the contract until 30 November 2007.
- 3.3 Following the approval by the Executive on 15 January 2007 to invite expressions of interest for the contract advertisements were placed in the Community Care journal and the local press on 1 February 2007. Seven expressions of interest were received. These were evaluated and five were discounted for the following reasons
- two provided no information about premises or experience;
 - one had no premises available and did not demonstrate a multicultural service approach;
 - one had premises too far outside the borough and did not demonstrate a multicultural service approach;
 - one had premises too far outside the borough;
- The two expressions which demonstrated the availability of suitable premises in the borough and experience in the care of older people were received from Sudbury Neighbourhood Centre and Willow Housing and Care. As there were two viable expressions of interest a full tendering process was required and as set out in the Executive report considered on 15 January 2007 this service is considered a high value contract and as such the process and evaluation criteria need to be approved by the Executive.
- 3.4 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.	Provision of a multi-cultural day care service in the borough (over a Monday to Friday inclusive period, 50 weeks per year) for older people meeting the critical and substantial levels of the Fair Access to Care Services criteria.	
(ii)	The estimated value.	£741,000 over the period of the contract including any extension provided for under the contract.	
(iii)	The contract term.	3 years plus an extension for up to one further year.	
(iv)	The tender procedure to be adopted.	This is a Part B Service and therefore full EU requirements need not be followed.	
v)	The procurement timetable.	<p>Indicative dates are:</p> <p>Invite to tender</p> <p>Deadline for tender submissions</p> <p>Tender evaluation, site visit/user views /interview</p> <p>Evaluation Panel to recommend contract award</p> <p>Report recommending Contract award circulated internally for comment</p> <p>Executive approval</p> <p>OJEU award notice</p> <p>Contract start date</p>	<p>18 April 2007</p> <p>6 June 2007</p> <p>8 June – 12 July 2007</p> <p>19 July 2007</p> <p>6 August 2007</p> <p>10 September 2007</p> <p>by 22 October 2007</p> <p>3 December 2007</p>
(vi)	The evaluation criteria and process.	Tenders will be initially evaluated against the criteria set out in the Evaluation Matrix attached at Appendix 1. This will include evaluation of documentation and practical application examined during site visits. Service Users'	

		views of the tenderers' proposed accommodation will be collated and included in the evaluation.
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the proposed contract. Financial Services and Legal Services have been consulted concerning this contract.
(viii)	The Council's Best Value duties.	Tenderers will be asked for proposals about securing continuous improvement
(ix)	Any staffing implications, including TUPE and pensions.	See section 5 below
(x)	The relevant financial, legal and other considerations.	See sections 4 and 6 below

3.5 The Executive is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 88.

4.0 Financial Implications

4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval to invite tenders and in respect of other matters identified in Standing Order 88.

4.2 The estimated value of this services contract is £741,000 over the period of the contract including any extension provided for under the contract

4.3 It is anticipated that the cost of this contract will be funded from existing resources/other resources currently used for the service.

4.4 If the tender prices received exceed the current resources available then the number of sessions purchased will be reduced to the level that can be purchased within the existing resources.

5.0 Staffing/Accommodation Implications

5.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the contract. However there may be a TUPE transfer from the current provider to the successful tenderer.

5.2 The Contractor is required to provide suitable accommodation for the provision of the service.

6.0 Legal Implications

6.1 A services contract of this type is not required to be tendered in accordance with the EU public procurement regime. The only requirement to comply with is the publication of a contract award notice in the Official Journal of the European Union. This means that the main concern is the need to comply with Contract Standing Orders.

6.2 This contract is being tendered in unusual circumstances because the Executive approval in January approved a market testing exercise to ascertain what capacity there was in the market. The advert was similar in wording to a standard tendering advert and stated that it was inviting expressions of interest from organisations wishing to deliver the service. As this process was carried out by advertisement in the local and trade press in compliance with the requirements of Standing Order 96(c) for two-stage tendering, the Executive is being asked to approve that this market testing exercise counts as the first stage of the two-stage tender. The only element of Standing Order 96(c) that was not followed was the submission of a pre-qualification questionnaire; instead potential tenderers were asked to outline their experience and accommodation proposals.

6.3 Once the tendering process is undertaken Officers will report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.

6.4 Members need to be satisfied that procuring this service as described in the report and using the evaluation criteria stated in the Appendix will deliver best value for the Council.

7.0 Diversity Implications

7.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

7.2 Members will be aware that there are other lower value tenders in progress for the provision of culturally specific day care services and the service subject to this report will be open to all eligible service users.

8.0 Background Papers

8.1 Executive Report: Options for Older People Day Services – 15 January 2007
Procurement File – Older People Day Care Services 2007

Contact Officer(s)

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Appendix 1

DRAFT Tender Evaluation Grid

PROCUREMENT OF MULTI-CULTURAL DAY CARE SERVICE FOR OLDER PEOPLE - APRIL 2007

TENDER EVALUATION MATRIX

Stage 2	Contractor 1			Contractor 2			Benchmark Min Acceptable Scores		
	Weight	Score	Total	Weight	Score	Total	Weight	Score	Total
Business Probity	pass/fail			pass/fail					
Economic & Financial Standing	pass/fail			pass/fail					
Health & safety documentation and practical application	20			20			20	4	80
Procedures and Administration	10			10			10	4	40
Human resources (recruitment, induction, training, supervision, skills, diversity, volunteers)	20			20			20	4	80
Key Worker system	10			10			10	3	30
Experience and references	20			20			20	4	80
Quality System documentation and practical application	10			10			10	3	30
User satisfaction	20			20			20	4	80
Complaints Procedure	5			5			5	3	15
Premises availability suitability	25			25			25	4	100
Transport arrangements	15			15			15	4	60
Meals	15			15			15	4	60
Activities	10			10			10	4	40
Business Continuity	5			5			5	4	20
Price	30			30			30	4	120
Best Value (proposals for increasing efficiency over contract term)	5			5			5	4	20
									855

Key to Scores

Weight	=weighting, the relative significance of the element	0	Does not meet Council's requirements
Score	=score on a 1- 6 scale as indicated	1-2	Partly meets the Council's requirements
Total	=weighting multiplied by score	2-3	Mainly meets the Council's requirements
		4	Meets the Council's requirements
		5-6	Exceeds the Council's requirements

Panel Members:

