

	<p align="center">Officer Key Decision October 2020</p>
	<p align="center">Report to the Operational Director of Adult Social Care</p>
<p>AUTHORITY TO TENDER THE TECHNOLOGY ENABLED CARE SERVICE</p>	

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt: Appendix 2 of the report contains exempt information as defined in paragraph 3 of Part 1 Schedule 12A of the 1972 Local Government Act namely - information relating to the financial or business affairs of any particular person (including the authority)
No. of Appendices:	Two Appendix 1 Equality Impact Assessment Appendix 2 Financial TEC Report (confidential)
Background Papers:	None
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1.0 Purpose of the Report

- 1.1 This report sets out the commissioning and delivery approach for the Adult Social Care Technology Enabled Care (TEC) service. TEC covers any technology related product or service designed to enable independence for older or disabled people, to manage their health or compensate for a disability. This sector has evolved from Telecare to Assistive Technology to TEC.
- 1.2 The report seeks the approval of the Operational Director of Adult Social Care to invite tenders in respect of the provision of Technology Enabled Care goods and services as required by Contract Standing Orders 88 and 89.

2.0 Recommendation(s)

That the Operational Director of Adult Social Care:

- 2.1 Approves the invitation of tenders for a contract for a Technology Enabled Care (TEC) service on the basis of the pre-tender considerations set out in paragraph 5.1 of the report.
- 1.2 Approves that officers evaluate the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in paragraph 5.1 of the report.

3.0 Detail

- 3.1 The vision of Adult Social Care in Brent is to put people at the heart of our thinking and to promote their independence and wellbeing. Central to this vision is Brent's strength-based approach. This approach is key to achieving the best outcomes for the residents we support. Wellbeing is the overall social work, occupational health and sensory impairment practice goal of Brent's Adult Social Care supported by our foundations and our work on trust commitment and partnerships. Wellbeing is a broad concept, sitting at the heart of the Care Act 2014.
- 3.2 Brent's current assistive technology provision has largely remained unchanged for over ten years. The existing service is based on a block-based model that is split between three services and contracts, who deliver the overall Assistive Technology (AT) offer. This consists of an out-of-hours response service; alarm monitoring services; equipment installation, delivery and maintenance. There are approximately 2900 residents receiving a service.
- 3.3 Each contract has a slight nuance, whereby additional duties have been added to the original service specification. The current contracts do not support the vision and direction of travel for TEC in Adult Social Care. A summary is provided below:

3.4

Provider	Summary
Provider 1	Provision of 24/7 monitoring and response of building based / hard-wired alarms, which are largely smoke / fire alarms, door entry and pull cords.
Provider 2	Screen Out Of Hours calls (between 5 pm and 830 am Monday to Friday and all day Saturday and Sunday) for Mental Health, Adult and Children's Social Care. They will contact Brent's Emergency Duty Team (EDT) who will then takeover the enquiry.

	<p>Monitor individuals in the home or outside in the community where assisted technologies are in place. This also includes the monitoring of those of have purchased their own devices.</p> <p>When an alarm is triggered, the provider will attempt to make contact with the resident and if not refer to Provider 1 for a physical response (as describe above). Provider 2 will also co-ordinate telecare equipment supply and maintenance.</p>
Provider 3	Supply and install all telecare equipment.

- 3.5 Having the current service spread across three individual providers makes it difficult to accurately understand the needs of current AT service users; what benefits are being realised, financial and non-financial; how AT is being used to compliment and / or support maintain and promote independence and wellbeing. These are just a few examples of the challenges from our current model.
- 3.6 In November 2019, Adult Social Care agreed the principles of a new Technology Enabled Care strategy and a number of high level elements of any future service. The council's Adult Social Care Change and Improvement Board subsequently signed off this approach. Brent's TEC vision is to provide an offer that is easily accessible and contributes to the improved health and wellbeing for local adults. It aims to deliver an improved choice of services and products offered, which support the ability to live as independently as possible at home while retaining a good quality of life. TEC is also one of the fundamental pillars of the Adult Social Care Transformation programme, the new Wellbeing and Front Door service, and the recently established SMART Team. Further development of what role TEC can play to support these services will run parallel to the digital programme.
- 3.7 A market warming event was held in September 2020, which 21 providers attended. Prior to the event, a questionnaire covering five areas was sent to all attendees. Using this information, the event focused on four key themes. The information gleaned has been used to inform the principles and objectives of the new service specification.
- 3.8 The strategic commissioning objectives of the new service will be to:
- 3.8.1 Move to a volume based contract for improved monitoring;
 - 3.8.2 Rationalise current TEC to those people who would clearly benefit from it, based on a utilisation review of existing clients, and the development of a refreshed protocol for allocation of such support;

- 3.8.3 Shift investment into new and existing TEC for people who have potential to remain or become independent with reduced dependency on statutory care or support;
- 3.8.4 Drive improvement of standards in our monitoring, response and installation and maintenance provision, with an emphasis on the analogue to digital switchover in 2025;
- 3.8.5 Innovate, by piloting and developing new and better operational process and practices, alongside training and access to a best practice for referrers. Ensuring we are taking a truly person focused approach to promote independence.

4.0 High level service specification

- 4.1 The new service will be seen as a partnership between Brent and the selected provider, working closely together to inform and advise the future strategy and business of the TEC service. The provider will act as a collaborative partner in further developing the design of the service; leading, driving and embedding change while working flexibly with the Council in the further implementation of TEC provision.
- 4.2 The new service will deliver the following three core elements:
 - 4.2.1 Identification, purchasing of TEC Devices – identifying and implementing innovations in the market. Installation, maintenance & Delivery / Collection of TEC Equipment, Decommissioning of equipment, including recycling.
 - 4.2.2 Monitoring TEC using one single platform for multiple products from a range of suppliers, whilst providing real-time access to key data in order to understand TEC usage, spend, etc.
 - 4.2.3 Appropriate first-line response when an ‘alarm’ is triggered, initially utilising remote and digital technology and a tiered (initially carer, family and friends) physical response when needed. In the first instance, connecting devices with family, friends and carers rather than to a monitoring centre.
- 4.3 In addition to the above, the provider will also need to deliver:
 - 4.3.1 Move from analogue assistive technology to digital-ready TEC products and a single monitoring platform, with the ability to manage and integrate a variety of products from a wide range of suppliers. However, this should not be a barrier to any new TEC. This will require auditing those with a current TEC device and understanding usage within the first year.
 - 4.3.2 Developing TEC provision across all service user groups, including residential and the supported living sector and day services.

4.3.3 Developing Brent Adult Social Care and Brent CCG staff's knowledge or TEC and its practical uses. Ensuring prescribers are fully versed in TEC and confident to make referrals, make TEC one of the first 'offer's alongside a direct payment. This includes embedding TEC into the key core pathways within the department (i.e. Front Door, Hospital Discharge, Safeguarding and the Integrated Rehab and Rehabilitation Teams).

4.3.4 Joint working with local authority and Brent CCG colleagues, providing a holistic approach for resident with health and social care needs and making the link between the two.

4.4.5 Real-time access to access to health and social care data harvested from TEC equipment, including analysis of patterns and predictive modelling – when advancements in this field are made. This would also include real-time tracking, reporting and realisation of financial benefits, cost avoidance and improvements to the wellbeing of Brent residents.

4.5 Officers have considered the optimum duration of the contract and have concluded that this would be a contract for an initial term of 3 years with the ability to extend by a further two years (1+1). Such a contract would have an estimated annual value of £377,000 or £1,885,000 over five years and would need to be procured by way of a tender.

5.0 Procurement

5.1 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Strategic Director.

Ref.	Requirement	Response
(i)	The nature of the Services	Delivery approach for the Adult Social Care Technology Enabled Care (TEC) service. TEC covers any technology related product or service designed to enable independence for older or disabled people, to manage their health or compensate for a disability. This sector has evolved from Telecare to Assistive Technology to TEC.
(ii)	The estimated value.	Total estimated contract value is £1,885,000 for the duration of the contracts (3+1+1 years in total).
(iii)	The contract term.	The contract will be for three (3) year with an option to extend for a further maximum two years on a one plus one basis.
(iv)	The tender procedure to be adopted.	There was consideration and evaluation of other compliant routes for tendering such as the use of Frameworks however after an evaluation of several frameworks it was considered that a bespoke OJEU

		compliant tender was the best approach. Solutions offered by frameworks were judged to be generic and the specification sought by Brent offered by limited suppliers and across multiple lots within each framework. Open tender process was chosen as the optimal route to market.	
v)	The procurement timetable.	Indicative dates are:	
		Adverts placed including issue of OJEU notice on London Tenders Portal	8 November 2020
		Issue Tender	9 November 2020
		Deadline for tender submissions	10 December 2020
		Panel evaluation and moderation	December 2020 / January 2020
		Operational Director's decision to award	28 January 2021
		Simultaneous call in period of 5 days and minimum 10 calendar day standstill period – notification of intention to award issued to all tenderers and additional debriefing of unsuccessful tenderers	29 January -10 February 2021
		Contract mobilisation	February-March 2021
		Contract start date	1 April 2021
(vi)	The evaluation criteria and process.	<ol style="list-style-type: none"> 1. At selection stage (Stage 1) a shortlist is to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of a Selection Questionnaire and evaluation criteria to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise. 2. At tender evaluation stage (Stage 2), the panel will evaluate the tenders against the following criteria: 	

		<p>The most economically advantageous tender calculation will be based on: 45% of the points being awarded for Quality assessment, 45% of the points being awarded for Commercial assessment and 10% on Social Value.</p> <p>At tender evaluation stage, the panel will evaluate the tenders against the following Quality criteria:</p> <ul style="list-style-type: none"> • The Tenderer’s proposal to meet the requirements and outcomes as stated in the service specification • The Tenderer’s proposed plans for ensuring effective quality management of the Services and maintenance of the Contract Standard, including self-monitoring and evaluation • The tenderer’s proposed approach to workforce, including staffing development and staffing retention • The Tenderer’s proposed approach to contract mobilisation including TUPE • The Tenderer’s proposed application of their business continuity plan or equivalent to ensure ongoing service delivery in the event of unforeseen occurrences. • The Tenderer’s proposal for Stakeholder Engagement / Partnership working. • The Tenderer’s proposal on how their safeguarding policies will be applied to this contract. • The Tenderer’s proposed approach to Social Value delivered through this contract (weighted at 10% of the total evaluation criteria)
(vii)	Any business risks associated with entering the contract.	<p>Risk 1</p> <p>The Council will be committing to an initial three-year contract. This may disadvantage the Council as follows:</p> <ul style="list-style-type: none"> • The awarded provider(s) performance may not meet expectations and the Council will be in contract for the three year duration

		<ul style="list-style-type: none"> The Council requirement may change <p>Mitigation 1 These risks will be mitigated by having a robust contract management procedure and terms and conditions in place.</p> <p>Risk 2 The impact of COVID-19 on the organisation and service:</p> <ul style="list-style-type: none"> Providers may not be able to bid due to COVID-19 COVID-19 may still be prevalent at the time of contract commencement impacting on mobilisation and service delivery. <p>Mitigation 2 The Council will be scoring how tenderers will apply their business continuity plan or equivalent to ensure an ongoing service as part of the tender evaluation. The current service provider and other potential organisations have stated they expect to be in a position to bid for this contract.</p> <p>Financial Services and Legal Services have been consulted concerning this contract.</p> <p>Risk 3 During the market warming event providers flagged the potential short mobilisation period. The current mobilisation period may be between 4-8 weeks, which at either end of this range would be considered short.</p> <p>Mitigation 3 Legal have advised that each of the three contracts can be extended if additional time is required for mobilisation.</p>
(viii)	The Council's Best Value duties.	The adoption of an open tendering process will enable the council to achieve best value.
(ix)	Consideration of Public Services (Social Value) Act 2012	See Section 11 below.
(x)	Any staffing implications, including TUPE and pensions.	See section 10 below.

(xi)	The relevant financial, legal and other considerations.	See sections 6 and 7 below.
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5.2 The Operational Director is asked to give approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

5.3 TUPE considerations and recruitment actions have been considered as part of the mobilisation phase. At least two months between contract award and commencement have been allowed to manage these issues.

6.0 Financial Implications

6.1 The estimated value of the new contract is £1,885k (£377k annually) over a 5 year period consisting of a 3 year contract with the option to extend for another 2 years (1+1). Further detail relating to the breakdown of costs has been provided Appendix 2 (which contains exempt information).

6.2 It is anticipated that the cost of this contract will be funded from existing budgets held within Adult Social Care service.

7.0 Legal Implications

7.1 The Care Act 2014 sets out how local authorities can build services based on the needs of the individual. Local authorities have a duty to consider the physical, mental and emotional wellbeing of the individual requiring care. The deployment of a Technology Enabled Care goods and services can play a key role in supporting more joined-up, continuous care and support. The deployment of such services will need to be in accordance with delegated powers in Part 3 of the Council's Constitution. There will need to be an agreement between the Council and the organisation delivering the goods and services to govern the terms and conditions of the arrangement.

7.2 The nature and value of the contract is such that it is above the relevant threshold for application of the Public Contract Regulations 2015 (the EU Regulations). The services to be procured fall under Schedule 3 of the EU Regulations. The Contract must therefore be procured in accordance with the EU Regulations applicable to Schedule 3 services.

7.3 Based on the estimated value, as set out in table 5.1 (ii) above, the contract is deemed a Medium Value Contract under the council's Contract Standing Orders (CSO) and for such contracts, CSO provides that tenders should be invited in accordance with CSO 89, CSO 95 (a) and CSO 95 (b).

7.4 Approval of the pre-tender considerations set out in paragraph 5.1 above and the invitation of tenders is required in accordance with Standing Order 89 and

Standing Order 88. Paragraph 5.1 of this report sets out the procurement process that will be used and the pre-tender considerations for approval.

- 7.5 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.
- 7.6 As this procurement is subject to the full application of the EU Regulations, the intention would be for the Council to observe the requirements of a mandatory minimum 10 calendar days standstill period imposed by the EU Regulations before the contract can be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.
- 7.7 As this procurement may result in a change of Provider the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply as a result of a service provision change. The relevant TUPE forms have been sent to each of the three providers. Three providers have indicated that there are a number of staff affected. Going forward, consideration will be given to the impact on the budget and legal implications. At the time of writing this report, this detail is still being reviewed.

8.0 Equality Implications

- 8.1 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.
- 8.2 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.

8.3 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.

8.4 A full Equality Impact Assessment has been undertaken to ensure that there are no adverse impacts for any groups on the basis of protected characteristics and has been enclosed at Appendix 1.

9.0 Consultation with Ward Members and Stakeholders

9.1 The Lead Member for Adult Social Care has been informed of the approach set out in this report.

10.0 Human Resources Implications

10.1 The service to be commissioned is currently provided by one external provider and therefore there are no direct staffing implications for the Council.

11.0 Public Services (Social Value) Act 2012

11.1 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 wellbeing 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.

11.2 The services under the proposed contract have as their primary aim improvement of the social wellbeing of vulnerable groups in Brent. In procuring the services and in accordance with the council’s Social Value Policy, 10% of the total evaluation criteria will be reserved for social value considerations.

Report sign off:

Helen Woodland
Operational Director, Adult Social
Care