

	<b>Officer Key Decision</b>
	<b>Report to the Assistant Chief Executive</b>
<b>AUTHORITY TO AWARD CONTRACT FOR BRENT HEALTHWATCH SERVICE</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part exempt Appendix 1 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
<b>No. of Appendices:</b>	Three Appendix 1 - exempt Appendix 2 – evaluation grid Appendix 3 - Equalities Impact Assessment (can be found in the authority to tender report published 7 October 2020)
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Julia Mlambo Interim Partnerships and Engagement Manager Julia.mlambo@brent.gov.uk

## 1.0 Purpose of the Report

- 1.1 This report concerns the Brent Healthwatch Contract and requests authority to award contracts as required by Contract Standing Order 88. This report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

## 2.0 Recommendation(s)

That the Assistant Chief Executive:

- 2.1 Approves the award the contract for Brent Healthwatch services to **The Advocacy Project** for a term of three (3) years commencing on 1<sup>st</sup> April 2021 with an option to extend for two (1+1) years.

### **3.0 Detail**

- 3.1 Brent Council has a statutory duty to provide local Healthwatch provision under the Health and Social Care Act 2012. The legislation states that local authorities who commission adult social care services are required to fund an independent Healthwatch in their local area.

Healthwatch is responsible for a number of statutory functions, including:

- obtaining the views of local people and using these to inform commissioning and other health and social care decisions;
  - undertake community based research and make recommendations about how local health and social care services might be improved;
  - promote and support the involvement of local people in the monitoring, commissioning and provision of local health and social care services;
  - provide information, guidance and advice to the public about accessing health and social care services in their local areas;
  - make recommendations to Healthwatch England to advise the CQC to carry out special reviews or investigations into areas of concern.
- 3.2 The Service Specification development and evaluation process was designed to ensure that potential providers focus on key priorities such as COVID-19 impact, engaging with hard to reach groups and addressing racial and social inequalities. Potential providers also had to demonstrate extensive local knowledge, possibly by developing partnerships with local voluntary sector providers.

### **The Tender Process**

- 3.3 A market-warming event held was on the 2<sup>nd</sup> of September attended by 10 organisations including a range of providers large and small, as well as some local providers. In addition, Strategy and Partnerships, the Procurement Service and the Business Development Team arranged a number of events to build the capacity of smaller local organisations, and provide them with the tools to make high quality bids. The invite list include all providers known to the three services listed above.

The following capacity building events were organised:

- Doing Business with Brent Council on the 2<sup>nd</sup> of October 2020, this - was an outline of the process for bidding for tenders in Brent attended by 35 providers
- Bid writing and presenting skills on the 5<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> of October 2020 attended on average by 27 providers

- Partnerships and Consortia Building on the 6th of October 2020, a series of four workshops successful partnership development attended by 13 providers
  - Healthwatch Policy and Service models on the 13th of October 2020 attended by 13 providers
- 3.4 The new contract will be let using standard terms and conditions for three years with an option to extend for two 1 year extensions.
- 3.5 This procurement was conducted in accordance with The Public Contracts Regulations 2015 (the Regulations). The Healthwatch services are listed under Schedule 3 of the Regulations as a social or other specific service. At the time of the commencement of this procurement exercise the threshold for Schedule 3 services for the purposes of the Regulations was £663,540. Accordingly, as the value of the proposed contract exceeds the aforementioned threshold for this category of service a Contract Notice was published in OJEU, the London Tenders Portal and the opportunity listed on Contracts Finder. Advertisements were placed on 16th October 2020 to seek initial expressions of interest, which elicited 26 initial enquires. Contractors were provided with an outline specification and details of the tender approach and were invited to complete a selection questionnaire using the Council's Electronic Tendering Facility. 4 contractors subsequently completed the Selection Questionnaire and tender response
- 3.6 An initial review was carried out on the basis of the contractors' financial viability, technical ability and tender compliance. Tenderers were also asked a number of service specific questions covering; CQC registration, Regulatory Reports, Complaints, Alerts or Notices and Policies covering health and safety, safeguarding, Equality/Diversity
- 3.7 The tendering instructions stated that the contracts would be awarded on the basis of the most economically advantageous tender(s) calculation based on: 40% of the points being awarded for the quality criteria, 10% on the Social Value criterion, 10% presentation and 40% Cost. The tender document stated that in evaluating tenders Presentation and Q and A, the Council would have regard to proposed arrangements for performing the contract including (but not limited to) the following:

Service Delivery	17.5%
Workforce	10.0%
Mobilisation	12.5%
Social Value	10.0%
Presentation and Three Questions	10.0%
Pricing	40.0%

### **Evaluation process**

- 3.8 The tender evaluation was carried out by a panel of officers from Strategic Partnerships, finance and procurement services.
- 3.9 All tenders had to be submitted electronically no later than 18<sup>th</sup> November. Tenders were opened on 18<sup>th</sup> November and four valid tenders were received. Each member of the evaluation panel read the tenders and carried out an initial evaluation of how well they considered each of the award criteria.

- 3.10 The panel met on 14<sup>th</sup> December and each submission was marked by the whole panel against the award criteria, apart from the research question that had additional input from Public Health. The top three ranking bidders were then invited to a presentation and question session with a panel of officers and service users
- 3.11 The names of the tenderers are contained in Appendix 1 (exempt). The scores received by the tenderers are included in Appendix 2. It is noted that Tenderer C was the highest scoring tenderer. Officers therefore recommend the award of the contract to Tenderer c, namely The Advocacy Project
- 3.12 The contract will commence on 01/04/21 subject to the Council's observation of the requirements of the mandatory standstill period noted in paragraph [5.4] below].

#### **4.0 Financial Implications**

- 4.1 Part 3 of the Council's Constitution states that the Assistant Chief Executive has delegated authority to approve the award of contracts for services or supplies valued at less than £2 million.
- 4.2 The estimated value of this contract is £627,712 (5 years including the option to extend after 3 years for a further 2 years). This contract value is fully covered by the current level of funding provided to the council via the Local Reform Community Voices grant (LRCV).
- 4.3 The pricing template has been reviewed and forms the basis of the contract value. A further request was made to review the current cashflow forecast for the year end 31st March 2021, especially because of the impact of COVID-19 and reserve pressure.
- 4.4 It is anticipated that the cost of this contract will be funded from Strategy and Partnerships Service budget. The Strategy and Partnerships Service sits within the Chief Executives department.

#### **5.0 Legal Implications**

- 5.1 The Health and Social Care Act 2012 and regulations subsequently issued under it, require Local Authorities to establishment and maintain Local Healthwatch in their area to act as consumer champion and voice for publicly funded health and social care.
- 5.2 The value of the contract over its lifetime as mentioned in paragraph 4 above is in excess of the relevant threshold for Schedule 3 service contract and the award of the contract is therefore governed by the Public Contracts Regulations 2015 (the "Regulations"). The procurement process undertaken as set out in paragraph 3 above is in compliant with requirements of the Public Contracts Regulations 2015.
- 5.3 The award of the contract is also subject to the Council's own Standing Orders in respect of Medium Value Contracts. Chief Officers have delegated to them power to award Medium Value Contracts in accordance with paragraph 9.5, of Part 3 of the Constitution.

- 5.4 The Council intends to observe the minimum 10 calendar day standstill period as required under the Regulations before the contract can be awarded. Therefore once the Assistant Chief Executive has determined which tenderer should be awarded the contract, all tenderers will be issued with written notification of the contract award decision. A minimum 10 calendar day standstill period will then be observed before the contract is concluded – this period will begin the day after all Tenderers are sent notification of the award decision and additional debrief information will be provided to unsuccessful tenderers as required by the Regulations. As soon as possible after the standstill period ends, the successful tenderer will be issued with a letter of acceptance and the contract can commence.

## **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. The Assistant Chief Executive is referred to the contents of this report for information, in particular the Equality Analysis at Appendix 3 of the authority to tender report published 7 October 2020.
- 6.4 The contract outlined in this paper are all designed to provide services for the most vulnerable residents in Brent. Therefore, it is particularly important for robust Equality Impact Assessment to be carried out as part of the development of service specifications

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

- 7.1 The Partnerships and Engagement Manager worked closely with stakeholders to develop the service specification for this tender. Partners such as Public Health and the Clinical Commissioning Group (CCG) have agreed to contribute and be part of a reference group that will oversee the mobilisation of the new service as well as support the development of the first year Healthwatch workplan.
- 7.2 The Strategy and Partnerships service also consulted with Councillors including the Chair of the Health and Wellbeing Board and service users for example the Brent

Mencap Service users group. We also worked with our partners to select a community representative to be part of the evaluation panel.

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

8.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the contract.

8.2 This service is currently based in offices situated at 3 Rutherford Way, Wembley, and London, HA9 0BP. These offices are subcontracted from Brent CVS. Brent CVS is currently negotiating an extension of the lease with its landlord, so it unclear whether this space will be available after March 2021. We will require the successful bidder to have some presence in the Borough.

In light of the COVID-19 pandemic providers were asked to outline how they intend to deliver services with social distancing measures in place and/or working from home arrangements.

## **9.0 Public Services (Social Value) Act 2012**

9.1 The Council is under a 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.

9.2 Initiatives relating to Strong Foundations, every opportunity to succeed and Borough which is Safe and Secure Happy Healthy were requested being 10% of the evaluation score.

Proposals were received for delivery of

- learning disability workshops
- poetry competition
- workshops, accessible resources and a governance manual on ‘Effective and meaningful user participation’ with Brent VCS

These initiatives will be project managed and their impact monitored by a dedicated CSR team

### **Relevant documents:**

Authority to Tender Brent Healthwatch – 7 October 2020

**Report E-sign off:**

**SHAZIA HUSSAIN**

Assistant Chief Executive

## **EQUALITIES IMPACT ASSESSMENT**

The Equalities Impact Assessment was included in Healthwatch Authority to Tender published on the 7<sup>th</sup> of October 2020.