



## Officer Key Decision

### Report to the Strategic Director Community and Wellbeing

**AUTHORITY TO AWARD CONTRACT FOR PROVISION OF SUPPORTED LIVING SERVICES FOR THE FOLLOWING CLIENT GROUP: PROFOUND MULTIPLE LEARNING DISABILITIES SERVICE (PLMD) AND LEARNING DISABILITIES (LD) SERVICE**

<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 – Appendices 1& 2 are exempt as they contain 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>	Appendix 1 (exempt) Social Value Commitment Lots 1 & 4 Appendix 2 (exempt) Names of Tenderers Appendix 3 Tenderer's Scores
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Yasi Siamaki Category Manager ASC Public Health and integration Tel: 0208 937 Email: <a href="mailto:yasi.siamaki@brent.gov.uk">yasi.siamaki@brent.gov.uk</a>  Lorraine Regan, Programme Manager for NAIL and Housing Related Support Tel: 07776664452 Email: <a href="mailto:Lorraine.Regan@brent.gov.uk">Lorraine.Regan@brent.gov.uk</a>

## **1.0 Purpose of the Report**

- 1.1 This report concerns the award of two contracts for care and support for six supported living schemes, which form a part of the New Accommodation for Independent Living (NAIL) programme, which is a core part of the Adult Social Care strategy to support people to live independently. This report requests authority to award contracts as required by Contract Standing Order 88.
- 1.2 This report summaries 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 Recommendations**

- 2.1 That the Strategic Director Community Wellbeing in consultation with the Cabinet Member of Adult Social Care:
- 2.2 Approves the award for the contracts for Lot 1 PMLD services John Wilson House, 167 Willesden Road and 124 Harrowdene Road to Care Management Group for a period of 3 years with an option to extend for 2 years (on a 1+1 basis)
- 2.3 Approves the award for the contracts for Lot 4 Learning Disabilities Service at 2-4 Cranhurst Road and 3 Salmon Street to Lifeways Community Care for a period of 3 years with an option to extend for 2 years (on a 1+1 basis).

## **3.0 Detail**

- 3.1 Supported Living is an alternative to residential services, and a key part of the New Accommodation for Independent Living (NAIL) programme. The NAIL programme is itself central to the long-term vision of Adult Social Care (ASC). By ensuring the delivery of a wide range of different Supported Living services to our most complex and vulnerable people, we ensure that people are given every opportunity to maximise their independence, live within the community and have greater choice and control over their lives. NAIL Supported Living services are individually tailored services, which require providers who are specialists in delivering support to people who present with vulnerable, complex and often challenging behaviours.
- 3.2 There are six supported living services, separated into four Lots, which ASC tendered in accordance with Contract Standing Orders 88 & 89.

This report concerns the award of two lots four services. Lot 1 PMLD services at John Wilson House, 167 Willesden Road and 124 Harrowdene Road and Lot 4 Learning Disabilities Service at 2-4 Cranhurst Road and 3 Salmon Street.

- 3.3 The duration of the contracts will be for a period of three years with the option to extend for a further two years on a one plus one basis. All services will provide 24-hour care and support, including waking night cover.

#### The Tender Process

- 3.4 The new contracts will be let using Contract terms issued with the tender for period of three years with the option to extend for a further two years on a one plus one basis.
- 3.5 A market engagement event was held on 26<sup>th</sup> August 2020 and attended by 51 providers. 167 providers inquired about the event.
- 3.6 This procurement has been conducted in accordance with The Public Contracts Regulations 2015 (the Regulations). The supported Living 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 contracts exceed the aforementioned threshold for this category of services, a Contract Notice was placed in the Official Journal of the European Union (OJEU) and the London Tenders Portal on 21<sup>st</sup> September 2020 to seek initial expressions of interest, which elicited 46 initial enquires. Contractors were provided with a specification and details of the tender approach and were invited to complete a selection questionnaire and quality and pricing proposals using the Council's Electronic Tendering Facility. Twenty contractors subsequently completed the questionnaire for all lots. A total of eleven providers passed the SQ stage and were subsequently evaluated.
- 3.7 The tendering instructions stated that the contract would be awarded on the basis of the most economically advantageous offer to the Council and that in evaluating tenders, the Council would have regard to the following:

Identifying support needs and measuring Outcomes	12.0%
Service Delivery	8.0%
Quality Governance	4.50%
Safeguarding	5.50%
Workforce Proposal	10.0%
TUPE	1.50%

Pensions	1.0%
Mobilisation	7.50%
Social Value	10.0%
Pricing	40.0%

### Evaluation process

- 3.8 The tender evaluation was carried out by a panel of officers from Adult Social care, Health and Public Health, Finance and moderated by Procurement.
- 3.9 All tenders had to be submitted electronically no later than 23<sup>rd</sup> October 2020. Tenders were opened on 23<sup>rd</sup> October 2020 16:00 and 20 valid tenders were received for all lots. 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 was addressed in the tender.
- 3.10 Incomplete or incorrectly completed bids or those that failed the Selection Questionnaire (SQ) Pass/Fail criteria including a CQC registration, Regulatory Reports, Complaints, Alerts or Notices and policies were not evaluated further. Of these:

Lot 1	Ten providers failed on Selection Questionnaire criteria including provision of contract examples required to demonstrate relevant experience.
Lot 4	Five providers failed on Selection Questionnaire criteria including provision of contract examples demonstrating relevant experience

All post Covid-19 moderations took place successfully online via video conferencing.

- 3.11 The names of the tenderers per lot are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. It will be noted that for the following lots the highest scoring tenderer was

Lot 1	Care Management Group
Lot 4	Lifeways Community Care

- 3.12 Officers therefore recommend the award of the contract in respect of Lot 1 to Care Management and Lot 4 to Lifeways Ltd.

- 3.13 The contracts in respect of Lot 1 and Lot 4 will commence following

October 2021 subject to approval of the recommendation to award and the Council's observation of the requirements of the mandatory standstill period noted in paragraph 5.3 below.

#### **4.0 Financial Implications**

- 4.1 The total value of the services to be provided under the contract for Lot 1 and Lot 4 over the contract term of three years plus two years on a one plus one basis (five years in total) is £7,256,900. The cost of this contract will be funded from the existing Adult Social Care budget.
- 4.2 A total saving for the service is estimated to be £1.3m over the 5-year contract period, which is a net of savings on the new services offset by an increase in costs associated with London Living Wage rates.
- 4.3 The financial viability assessments of Lifeways Community Care, their immediate parent company and their ultimate parent company indicated a potential financial risk associated with the Group and Company's ability to continue as a going concern. From a commercial perspective, the level of financial risk associated is considered to be appropriate to be taken in relation to the contract. Lifeways Community Care limited also offered a parent company guarantee, which was considered.

#### **5.0 Legal Implications**

- 5.1 The estimated value of the contracts over their lifetime is in excess of the threshold for Schedule 3 Services and the award of the contracts is therefore governed by the Public Contracts Regulations 2015 (the "Regulations"). The award is subject to the Council's own Standing Orders in respect of High Value Contracts and Financial Regulations.
- 5.2 As indicated in paragraph 5.1, the award of the contract is subject to the Council's own Standing Orders in respect of High Value Contracts. Cabinet authority is ordinarily required to award High Value contracts. On the 7 September 2020, Cabinet delegated award of the contracts to the Strategic Director for Community and Wellbeing in consultation with the Cabinet member for Adult Social Care. Therefore, the Strategic Director has delegated authority to award the contracts.
- 5.3 The Council must observe the Regulations relating to the observation of a mandatory minimum 10 calendar day standstill period before the contract can be awarded. Therefore once the Strategic Director 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 offered to unsuccessful tenderers in accordance with 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 Council must, in the exercise of its functions, have due regard to the need to:

- (a) Eliminate discrimination, harassment and victimisation
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

Pursuant to S149 Equality Act 2010. This is known as the Public Sector Equality Duty.

6.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.3 The purpose of the duty is to enquire into whether a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision. Due regard is the regard that is appropriate in all the circumstances.

6.4 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

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

7.1 The Lead Member for Adult Social Care has been consulted.

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

8.1 The services are a combination of existing and new services. In relation to the existing services, these are currently provided by an external contractor and there are no implications for Council staff arising from retendering the contract. There are no implications for Council staff arising from the new services.

## **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 Social value had a weighting of 10% of the evaluation score and in evaluating tenders, the Council requested proposals address the following initiatives:

- initiatives to engage with disengaged and underrepresented groups
- encouraging participation, collaboration and co-design
- encouraging residents to support key initiatives in their local community
- supply chain encourage increased representation of people with disabilities and mental health conditions in the workforce and BAME representation
- initiatives to support organisations or individuals to encourage healthier lifestyles and increase physical and mental wellbeing

9.3 The contracts will deliver the social value benefits in Appendix 1 to Brent;

**Report sign off:**

**Phil Porter**  
Strategic Director Community &  
Wellbeing