

	<b>Officer Key Decision</b>
	<b>Report to the Strategic Director of Customer and Digital Services</b>
<b>AUTHORITY TO AWARD CONTRACT FOR THE PROVISION OF INTERPRETING AND TRANSLATION LANGUAGE SERVICES</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt – Appendix 1 and 3 are 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>	Appendix 1 - Names of tenderers (exempt) Appendix 2 – Tenderer’s scores Appendix 3 – Social value commitments (exempt)
<b>Background Papers:</b>	Authority to tender report
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## 1.0 Purpose of the Report

1.1 This report concerns the award of a contract for the provision of interpreting and translation language services. This report requests authority to award contracts as required by Contract Standing Order 88.

## 2.0 Recommendation(s)

That the Strategic Director of Customer and Digital Services:

2.1 Approves the award of a Call Off contract from the Crown Commercial Service Language Services Framework RM6141, Lot 5g: Regional Managed Service -

London for the provision of interpreting and translation language services to D A Languages Limited for a period of 3 (three) years with an option to extend for up to 1 (one) year.

### **3.0 Detail**

3.1 The Council's current interpreting and translation service is predominantly used by the Children and Young People's Services department (89% of usage). It is also used by Housing Needs, Adult Social Care and Customer Services. The Children and Young People's Services department ("CYPS"), as the major user, was represented throughout the process including to refine the specification, and be part of the evaluation panel.

3.2 The services to be delivered under the contract are:

- Spoken face to face interpreting
- Non-spoken face to face interpreting
- Video interpreting
- Telephone
- Translation

3.3 Whilst demand can be managed in some areas, for example by encouraging customers to be accompanied by family members who are able to interpret, there are many situations where this can't be done, particularly in CYPS where an independent professional interpreter is needed. In this area, there is demand for interpreters for:

- Social work safeguarding assessments
- Family Court proceedings
- No Recourse to Public Funds assessments
- Assessments of Unaccompanied Asylum seekers

Demand is also managed by CYPS through the allocation of case workers with relevant language skills where possible, and the use of available bilingual staff for ad hoc interpreting needs.

3.4 Overall demand can be affected by external factors, such as changes in the Brent demographic due to major world events affecting population migration, or as a result of changing immigration policies. The Covid-19 pandemic has forced council users and providers to amend the type of language service requested with video and telephone interpreting increasing and usage of face to face interpreting decreasing by 81% between April 2020 – March 2021 over same period in the previous year.

### **The Tender Process**

3.5 A new Call Off contract will be let from the framework for a period of 3 (three) years with an option to extend for up to 1 (one) year.

- 3.6 The tender was carried out as a further competition exercise among the suppliers appointed to the Crown Commercial Services Language Services Framework RM6141, Lot 5g Regional Managed Service - London. There are 10 suppliers in Lot 5g of the framework.
- 3.7 Tenders were invited on 09 August 2021, using the London Tenders Portal. Four tenders were submitted by the deadline of 08 September 2021.
- 3.8 The Invitation to Tender 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:

<b>Award criteria</b>	<b>Weighting</b>
Implementation	15%
Service delivery	30%
Contract management and administration	10%
Innovation and continuous improvement	5%
Social value	10%
Price	30%

### **Evaluation process**

- 3.9 The tender evaluation was carried out by a panel of officers from Customer and Digital Services, Children’s services, Information Governance and moderated by Procurement.
- 3.10 All tenders had to be submitted electronically no later than 4pm, 08 September 2021. Tenders were opened on 09 September 2021 at 10:04:50 and four valid tenders were received. Each member of the evaluation panel read the tenders and evaluated the bids in accordance with the evaluation criteria set out in the Invitation To Tender documents.
- 3.11 Moderation meetings were held on 20 September and 23 September 2021 and each submission was moderated by Procurement and in presence of the evaluation panel.
- 3.12 The names of the tenderers that bid are contained in Appendix 1 (exempt) with their moderated score detailed in Appendix 2. It will be noted that Tenderer A was the highest scoring tenderer. Officers therefore recommend the award of the contract to Tenderer A, namely D A Languages Limited.
- 3.13 The contract is anticipated to commence immediately after the call in period week commencing 12 November 2021. As the proposed contract represents a call off under a framework agreement, a mandatory standstill period is not required.

## **4.0 Financial Implications**

- 4.1 The value of the proposed call-off is estimated at £318k per annum based on volumes from April 2020 to March 2021.
- 4.2 The cost of this contract will be funded from the existing approved budget.

## **5.0 Legal Implications**

- 5.1 The estimated value of this contract over its lifetime is in excess of the threshold for Services under the Public Contracts Regulations 2015 (the “PCR 2015”) and the award of the contract is therefore governed by the PCR 2015. The award is subject to the Council’s own Standing Orders in respect of Medium Value Contracts and Financial Regulations.
- 5.2 Officers recommend the award of a call-off contract from a framework. The PCR 2015 allow the use of framework agreements and prescribe rules and controls for their procurement. Contracts may then be called off under such framework agreements without the need for them to be separately advertised and procured through a full procurement process. Call offs under the framework need to be carried out in accordance with the framework rules, to include using evaluation criteria specified in the framework and utilising the terms and conditions set out in the framework.
- 5.3 The Council’s Contract Standing Orders state that no formal tendering procedures apply where contracts are called off under a framework agreement established by another contracting authority where the call off under the framework agreement is approved by the relevant Chief Officer and provided that the Director of Legal, HR, Audit and Investigations has advised that participation in the framework is legally permissible. The Director of Legal, HR, Audit and Investigations confirmed that participation in the relevant framework is legally permissible.
- 5.4 As indicated in paragraph 5.1, the award of the contract is 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. Therefore, the Strategic Director has authority to award the Contract.
- 5.5 As the contract was procured under a Framework Agreement, there is no legal requirement for a 10 day Standstill Period under the PCR 2015 however, Officers are required to observe the Council’s Call-in Period of 5 clear days prior to award.

## **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 Under the Public Sector Equality Duty, 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 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.
- 6.4 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 Feedback of the service had been sought in January – February 2021 from the Children and Young People department who regularly use the existing service to help consider what changes can be made to the specification to improve and incorporate into the new Services.

## **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.

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

- 9.1 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 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:

- Employment support and skills provision, including significantly increasing the take-up of apprenticeships.
- Encouraging people to contribute to clean air in Brent by using alternatives to cars for those journeys where it makes sense, by prioritising more walking and cycling routes, promoting sustainable means of transport and the health benefits of being more active.
- Working alongside residents and organisations in parts of Brent that are particularly disadvantaged, with a view of improving outcomes.

9.3 Details of the D.A. Languages Limited's social value offer are contained in Appendix 3 (exempt).

**Report sign off:**

**PETER GADSDON**  
Strategic Director Customer and Digital Services