

	Officer Key Decision Report
	Report to the Assistant Chief Executive
Authority to Tender Contract for Voluntary & Community Sector Infrastructure Support	

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One Appendix 1 – Equality Impact Assessment
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Name: Alberta Atkinson Job Title: Interim Contract and Commissioning Email: alberta.atkinson@brent.gov.uk

1.0 Purpose of the Report

1.1 This report concerns the procurement of the Voluntary and Community Sector (VCS) Infrastructure Support Contract. This report requests approval to invite tenders in respect of VCS Infrastructure Support contract as required by Contract Standing Orders 88 and 89.

2.0 Recommendations

That the Assistant Chief Executive:

- 2.1 Approves inviting tenders for the VCS Infrastructure Support contract for initial term of two (2) years, with an option to extend for two consecutive one year periods (4 years in total) with anticipated commencement date of 21 June 2022.
- 2.2 Approves Officers evaluating the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in paragraph 5.12 (vi) of the report.

3.0 Detail and brief summary of decision and reasons for decision

3.1 The council requires the provision of VCS Infrastructure Support. It has been determined that the most appropriate means of providing the VCS Infrastructure Support is through the procurement of a contractor who will be selected by way of a formal tendering process in accordance with the Contract Standing Orders.

4.0 Alternative Options Considered

4.1 Officers have considered whether the VCS Infrastructure Support can be provided by the council itself but have concluded that VCS Infrastructure Support contract is best provided by a contractor because VCS organisations have access to bid for funding and can provide significant benefits to local communities whilst complementing the Council's strategic priorities.

4.2 Officers have reviewed a range of procurement options including the use of frameworks but consider that a tender process is the most appropriate means of procuring a contractor to ensure the council receives bids from across a wide market of suppliers that could have the necessary technical capabilities of meeting the requirement.

5.0 Additional background

5.1 The purpose of this contract is to provide infrastructure support to the VCS in Brent which supports the Council's strategic objectives as set out in paragraphs 5.7 – 5.9. Eligible organisation or individuals who delivers support to residents in the London Borough of Brent include community interest companies, charities, un-constituted groups and social enterprises.

5.2 This report is to seek approval for the commissioning of the VCS Infrastructure Support contract, with the aim of commencing the new service on 21 June 2022.

5.3 The contract delivered by CVS Brent expired on the 31 March 2021. A decision was made by Strategy and Partnerships not to extend this contract beyond the three year term, a 12-month extension was agreed to enable this procurement process to take place. This decision was made as part of a wider strategy to bring all the contracts managed by the Strategy and Partnerships team into line to ensure that all the contracts start and end at the same time.

5.4 Brent Council does not have a statutory duty to provide VCS Infrastructure Support however, Brent Council is committed to supporting the Voluntary and Community Sector to be strong, vibrant and diverse, and for Brent to be a place where communities are empowered to solve the problems important to them in order to build a fair, more equal society.

5.5 This approach is a key aspect of a number of Brent Council strategies and plans including:

- **Building a Better Brent 2021-2022** – the council's refocused Borough Plan.

- **Every opportunity to succeed** – working in partnership to support children and young people, educational attainment, employment support and skills provision, training and youth opportunities.
 - **A future built for everyone, an economy fit for all** – regenerating the borough to grow the local economy and provide the jobs, homes and transport that people need, employment and training support, tackling homelessness.
 - **A cleaner, more considerate Brent** – tackling the climate emergency and keeping our environment clean and pleasant.
 - **A Borough where we can all feel safe, secure, happy and healthy** – safer and healthier communities, reducing health inequalities, opportunities to enjoy Brent’s unique cultural heritage, support for vulnerable children and adults to be as independent as possible.
 - **Strong Foundations** – ensuring the council and its partners are equipped to secure the best possible outcomes for local people within a context of diminishing resource, tailored engagement.
- **Equality Strategy 2019 – 2023** – as part of this strategy the Council expects the voluntary and community sector to help us to **understand the barriers to equality experienced in Brent and act to remove them**
 - **Stronger Communities Strategy 2019-2023** – a strong voluntary and community sector supports the overall aim **of making Brent a borough of culture, empathy, and shared prosperity.**
 - **Brent Poverty Commission 2020** – which includes recommendations that the Council works with the voluntary sector to support residents around housing, digital exclusion and other issues
 - **Black Community Action Plan**, which commits the borough to supporting the black community and voluntary sector by grant funding and procurement.
 - **Procurement Strategy** – outlines the council’s approach to community wealth building, social value and sustainability.
 - **Climate Emergency Strategy** – responds to the climate and ecological emergency declared by Full Council in 2019 and proposes five main areas to cut Brent’s carbon emissions by 2030 including Consumption, Resources and waste, Transport, Homes and buildings, Nature and green spaces and Supporting communities.

- **Emerging Joint Health and Wellbeing Strategy** – establishes the London Borough of Brent’s shared vision for reducing local inequalities in health and wellbeing and ensuring that everyone, irrespective of where they live, has the best possible chance to live a long, fulfilling and healthy life.
- 5.6 The VCS Infrastructure Support contract was reduced from £160k a year to 80k a year in 20/21.
- 5.7 As part of the Strategy and Partnership commissioning programme, funding for all the contracts was reviewed and it was decided to reconfigure a number of its contracts, and to decrease the funding of the VCS Infrastructure Support contract to ensure it provides value for money.
- The new service specification will be outcome-based, enabling bidders to clearly articulate how they can best meet the boroughs priorities. In particular, they will be expected to: demonstrate their knowledge of the borough and its particular needs
 - Build relationships with the smaller community groups, ensuring their voice is heard by the council
 - Support the sector with medium to longer term COVID recovery planning.
- 5.8 Bidders will be expected to have expertise in relationship building, understanding inequalities, lobbying and influencing, capacity building, intelligence gathering amongst other skills. Most importantly, they will be expected to demonstrate an in-depth understanding of Brent’s communities – in particular the small community sector organisations which are often BAME led, who serve their communities without much financial or other support.
- 5.9 The new specification will also require bidders to support the council in delivering its new emerging work programme, which include.
- The new priorities under the borough plan i.e. homelessness and tackling it, youth opportunities, climate change, health inequalities, workforce support, Employment and Training Support.
 - The council’s emerging funding and procurement strategies which include objectives around capacity building, community wealth building and inward investment.
 - Building on the recommendations of the Voluntary Sector Review carried out in 2019, while acknowledging that the landscape continues to change.
 - Its COVID-19 recovery plans, addressing both the immediate to longer term impacts as well as the underlying issues that the pandemic reveals.

- The Civic Society agenda, building an engaged local community including the work of mutual aid groups, volunteering, resident involvement and tackling racial and social inequalities.

5.10 The table below set out the contract value for the period 2022/23 – 2025/26.

Contract Value		
Year 1	2022/23	£160,000
Year 2	2023/24	£160,000
Total for 2 years		£320,000
Option to extend Year 3	2024/25	£160,000
Option to extend Year 4	2025/26	£160,000
Total contract		£640,000

- 5.11 The Council plan to hold a market-warming event, as it has been a number of months since initially planned to publish the tender opportunity. We hope that this will reinvigorate the market and attract new potential providers who might not have felt able to respond to the opportunity due to the COVID-19 situation.
- 5.12 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Assistant Chief Executive

Ref.	Requirement	Response	
(i)	The nature of the services	VCS Infrastructure support contract. The contract will enable Brent Council to fulfil its aim of supporting a thriving local voluntary and community sector.	
(ii)	The estimated value.	The estimated cost of the contract will be £640,000 over four years. This includes efficiency savings.	
(iii)	The contract term.	The contract is a two year contract and will include the option to extend for a further two years on a plus one plus one basis.	
(iv)	The tender procedure to be adopted.	Open procedure. The contract will be put to competitive tender after a market warming exercise.	
v)	The procurement timetable.	Indicative dates are:	
		Market warming event	16/02/2022
		Publish Invitation to Tender	7/06/2022

Ref.	Requirement	Response											
		Tender submissions deadline	7/07/2022										
		Evaluation and Moderation	11/07/2022 - 22/07/2022										
		Scored presentation	29/07/2022										
		Report recommending Contract award circulated internally for comment	05/08/2022										
		Strategic Directors award Decision	12/08/2022										
		10 calendar day Standstill Period – Notification issued to all tenderers and additional debriefing of unsuccessful tenderers	15/08/2022 – 25/08/2022										
		Service Mobilisation	26/08/2022 – 26/09/2022										
		Contract Commencement	27/09/2022										
(vi)	The evaluation criteria and process.	<p>An open tendering process will be used for the procurement. Bidders will be required to complete a selection questionnaire, which officers will review to ensure they meet the Council's financial standing requirements, technical capacity and technical expertise. Bidders who fail any questions in this section will have their tender disregarded.</p> <p>Bidders that pass will be subject to a number of scored questions to understand how they will deliver the service. Bidders who do not meet the required quality and social value threshold will have their tender disregarded and not have their price score evaluated.</p> <p>The most economically advantageous tender calculation will be based on:</p> <table border="1"> <thead> <tr> <th>Criteria</th> <th>Weighting</th> </tr> </thead> <tbody> <tr> <td>Quality/Technical</td> <td>45%</td> </tr> <tr> <td>Social value</td> <td>10%</td> </tr> <tr> <td>Commercial assessment</td> <td>40%</td> </tr> <tr> <td>Presentation</td> <td>5%</td> </tr> </tbody> </table>		Criteria	Weighting	Quality/Technical	45%	Social value	10%	Commercial assessment	40%	Presentation	5%
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		The top two ranking bidders will be invited to a scenario based presentation, which will be scored by an evaluation panel consisting of Council staff and service users. The scenario and format of the presentation will be provided in the published Invitation to Tender.
(vii)	Any business risks associated with entering the contract.	There are limited business risks considered to be associated with entering into the proposed contract. The successful provider might engage with vulnerable people as part of the delivery of its services and therefore will be asked to provide safeguarding, risk assessment and health and safety policies, as part of the due diligence process.
(viii)	The Council's Best Value duties.	We have addressed this by benchmarking costs against similar boroughs and also reviewing costings with the finance department. The use of a competitive process through an Open procurement process will assist the Council in meeting its Best Value duties.
(ix)	Consideration of Public Services (Social Value) Act 2012	See section 11 below.
(x)	Any staffing implications, including TUPE and pensions.	See section 7 below.
(xi)	The relevant financial, legal and other considerations.	See sections 6 and 7 below.
(xii)	Sustainability	This has been assessed in line with the Procurement Sustainability Policy and determined that a quality measure for sustainability is not required and can be captured as part of the Social Value criteria.
(xiii)	KPIs/ Outcomes	Outcome-based KPIs are being developed and will be included in the service specification when published.
(xiv)	London Living Wage	In line with the council's procurement strategy, all providers are required to pay all staff LLW as a minimum.
(xv)	Contract management	The contract will be monitored quarterly with the provider being asked to supply data that demonstrates progress against agreed outcomes.

Ref.	Requirement	Response
		<p>The provider will also be asked to provide quarterly financial monitoring data evidencing spend against budget and an explanation of any variance.</p> <p>The provider will be asked to send their annual report as soon as it is available.</p>

6.0 Financial Implications

- 6.1 The report seeks approval for the commissioning of a new VCS Infrastructure Support contract.
- 6.2 The estimated value of the VCS Infrastructure Support contract is £640,000 for a 4 year period, this being a two year contract with an option for two 1 year extensions. Contract Value table in section 5.10 outlines the yearly figures.
- 6.3 The £640,000 assumes a steady state with no COVID impact in the initial years.
- 6.4 This contract will be funded from the Strategy and Partnership Team's Citizens Advice Bureau Budget Allocation.
- 6.5 All staff employed within this contract will be paid the London Living Wage (LLW) throughout the length of the contract.

7.0 Legal Implications

- 7.1 The estimated value of the proposed contract for VCS Infrastructure Support contract falls below the threshold for Schedule 3 service under the Public Procurement Regulations 2015 (the "PCR 2015"). However, the procurement is governed fully by the PCR 2015.
- 7.2 The procurement is subject to the Council's own Standing Orders and Financial Regulations in respect of Medium Value Contracts given the Council's element of the procurement is valued at £640,000. For Medium Value Contracts, the Assistant Chief Executive must approve the pre-tender considerations set out in paragraph 5.12 above (Standing Order 89) and the inviting of tenders (Standing Order 88).
- 7.3 Once the tendering process is undertaken, Officers will report back to the Assistant Chief Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contract and recommending award.
- 7.4 As this procurement is subject to the full application of the PCR 2015, the Council must observe the requirements of the mandatory minimum 10 calendar standstill period imposed by the PCR 2015 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.

- 7.5 Staffing implications including TUPE and pensions - The service is currently provided by external service provider and there is no direct staffing implications for the Council staff arising from the retendering the contract under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). However, Officers will obtain Employee liability information from the current provider to share with the bidders as part of the procurement process. Officers will also review TUPE costs and consider how best to setup the offer to make the opportunity attractive to the market.

8.0 Equality Implications

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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 1.

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

9.0 Consultation with Ward Members and Stakeholders

9.1 The Strategy and Partnerships team is working closely with stakeholders to develop the service specification for this tender. A survey was carried out with voluntary and community sector to ascertain their capacity building requirements; this and other consultation carried out by the Council's Grant Team is being used to inform the development of the specification.

9.2 The Strategy and Partnerships service has also consulted with the lead member and we plan to include service users as part of the evaluation panel.

10.0 Human Resources/Property Implications (if appropriate)

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

10.2 This service is currently based in offices situated at SEIDs Hub, Empire Way Wembley HA9 0RJ. These offices are subcontracted from CVS Brent. We require the successful bidder to have some presence in the Borough.

10.3 In light of the COVID-19 pandemic providers will be asked to outline how they intend to deliver services with government guidelines in mind such as working from home arrangements.

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 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.

11.2 It is the intention within this tender that 10% of the total evaluation criteria will be reserved for social value considerations

11.3 Bidders will be asked to provide a social value action plan and method statement which then be measured for impact and delivery over the life of the contract through the Contract Management function.

Report sign off:

Shazia Hussain
Assistant Chief Executive