

	Key Decision Report
	Report from the Strategic Director of Community and Well Being
AUTHORITY TO INVITE TENDERS FOR THE PROVISION OF TWO LEARNING DISABILITY SUPPORTED LIVING IN ACCORDANCE WITH PARAGRAPH 13 OF PART 3 OF THE CONSTITUTION	

Wards Affected:	Kenton and Dollis Hill
Key or Non-Key Decision:	Key Decision
No. of Appendices:	None
Background Papers¹:	None
Contact Officer(s): (Name, Title, Contact Details)	Lorraine Regan Brent Supported Living Programme Manager Tel: 07776664452

1.0 Purpose of the Report

- 1.1 This report is about re-procurement of care and support for two Supported Living schemes, which form a part of the Brent Supported Living (BSL) programme, which is a core part of the Adult Social Care strategy to support people to live more independently and lead a normal life. In particular it seeks approval to invite tenders, in accordance with Contract Standing Orders 88 & 89, for the Supported Living services listed below:
- 4 bedded Learning Disability Supported Living service at 7 Kinch Grove, Brent, HA9 9TF
 - 5 bedded Learning Disability Supported Living service at Oxgate Gardens, Brent, NW2 6EA
- 1.2 The total contract value for all services for the initial contract term of three years and two 1-year options to extend (5 years) is estimated to be £2,981,360. Individual contract values are listed under section 3 and under Financial Implications, section 4.
- 1.3 Due to the total value of the contract exceeding £500,000. The request for approval to invite tenders has been placed on to the Forward Plan. Officers

anticipate that contract and service commencement for all these services will be 31st August 2022.

2.0 Recommendation(s)

- 2.1 That the Strategic Director Community Wellbeing in consultation with the Cabinet Member of Adult Social Care:
- 2.2 Approves inviting tenders for two Supported Living services under 1 contract, detailed below:
 - Service 1. Learning Disability Service, 4 Kinch Grove, Brent
 - Service 2. Learning Disability Service, Oxgate Gardens, Brent
- 2.3 Approves inviting tenders referred to in 2.1 above on the basis of the pre-tender considerations set out in section 3.2 of the report.
- 2.4 Approves Officers evaluating the tenders referred to in 2.1 above based on the evaluation criteria set out in paragraph 3.2(vi) of the report.

3.0 Detail

- 3.1.1 Supported Living is an alternative to residential services, and a key part of the Brent Supported Living programme. The 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. 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.
- 3.1.2. There are two supported living services, which ASC are seeking approval to be tendered in accordance with Contract Standing Orders 88 & 89. Both services are existing services and are currently at full capacity. The reason for needing to re-procure these services is due to the contract expiring on 31st March 2022 People living in these services will continue to do so as the service model will remain unchanged.
- 3.1.3 Combining both services and procuring them under the same 'contract' offers the Council economies of scale, while at the same time, hopefully attracting a good mix of providers, both large and small, to bid for both services under one contract.
- 3.1.4 The procurement of these services will relate to the core support hours only. The majority of clients who will live in these Supported Living schemes have additional assessed needs, which is provided through 1:1 support and will not form part of the procurement exercise. The additional support is provided via

a Direct Payment, which means the person has choice and control over who delivers the additional support and can therefore choose the provider of the core hours, or a completely different provider. ASC will ensure that the distinction between core and assessed hours is made explicitly clear in the specification.

- 3.1.5 The duration of the contract 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. ASC are confident that there will be provider interest in bidding for these services. A market engagement day will be held to encourage and alert the market to the proposed tender.
- 3.1.6 If consent is given to proceed to tender, commissioners will intensively manage the contract award and mobilisation process in partnership with council stakeholders and the identified provider.
- 3.1.7 The budgets for each of the services are highlighted below. Finance are in agreement with the proposed financial envelope, which takes account of London Living Wage of £10.90 per hour. Further detailed financial information is provided at Section 4.
- 3.1.8 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Strategic Director in consultation with the Cabinet Member.

Ref.	Requirement	Response	
(i)	The nature of the service	Learning Disability Supported Living Service	
(ii)	The estimated value.	£2,981,361	
(iii)	The contract term.	Initial contract term three years with the option to extend for a further two years on a one plus one basis	
(iv)	The tender procedure to be adopted.	Open tender process	
v)	The procurement timetable.	Indicative dates are:	
		Invite to tender	04/04/2022
		Deadline for tender submissions	25/05/2022
		Panel evaluation	27/05/2022-13/06/2022

Ref.	Requirement	Response	
		Contract decision	27/06/2022
		Report recommending Contract award circulated internally for comment	04/07/2022
		Strategic Director approval	13/07/2022
		Notification of award issued to all tenderers and additional debriefing of unsuccessful tenderers (Followed by a minimum 10 calendar day standstill period)	04/07/2022-13/07/2022
		Contract award date	14/07/2022
		Contract Mobilisation	14/07/2022-01/09/2022
		Contract start date	01/09/2022
(vi)	The evaluation criteria and process.	50% Pricing - 40% Quality - 10% Social Value	
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered associated with entering into the proposed contract.	
(viii)	The Council's Best Value duties.	The aim of combining two existing contracts and procuring them under the same contract reflects an ambition to achieve economies of scale and meet Brent Council's Best Value duties.	
(ix)	Consideration of Public Services (Social Value) Act 2012	Please see Section 9 below.	
(x)	Any staffing	Please see Human Resources Implications below.	

Ref.	Requirement	Response
	implications, including TUPE and pensions.	
(xi)	The relevant financial, legal and other considerations.	Please see Financial and Legal Implications below.

4.0 Financial Implications

- 4.1 The total contract value for all services for the initial contract term of three years and two 1-year options to extend (5 years) is estimated to be £2,981,360. This will be funded from within existing Adult Social Care budgets.
- 4.2 The table shows the current and future revenue costs for the Supported Living service. The differential will be absorbed within the existing Adult Social Care budgets. Cost modelling for both services has factored in the uplift of £0.20p for LLW.

Scheme	Current Annual Cost	Future Annual Cost	Differential Costs
47 Kinch Grove	£272,751	£305,853	£33,102
Oxgate Gardens	£249,924	£290,419	£40,495
TOTAL	£522,675	£596,272	£73,597

5.0 Legal Implications

- 5.1 The nature and value of the contract as set out in section 1.2 above make it subject to the Public Contracts Regulations 2015. In accordance with the Council's Contract Standing Orders, the contract is defined as a High Value

Contract (Standing Order 82). As such the contract shall be entered into and procured in accordance with formal tendering procedures set out in the Standing Orders. (Standing Order 84)

- 5.2 Delegated authority to the Strategic Director for Community Wellbeing, in consultation with the Lead Member for Adult Social Care is sought to appoint Service Providers for the Contracts and therefore, once the tendering process is undertaken, Officers will report back to the Strategic Director for Community Wellbeing, explaining the process undertaken in tendering the contract and recommending appointments to the Contracts.
- 5.3 As this procurement is subject to the full application of the Public Contracts Regulations, 2015, the Council must observe the requirements of the mandatory minimum 10 calendar standstill period imposed by the 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.
- 5.4 Staffing Implications including TUPE and Pension – Officers have set out in section 8.1 that the proposed services will be provided by external contractors. As such, the proposed procurement process is unlikely to have a direct impact on Council staff. There may be TUPE implications as a result of the procurement process as the current provider may not be appointed and the service being subject to TUPE. In this respect, Officers have set out in section 8.1 how it would manage any TUPE issues that might arise as a result of this procurement process.
- 5.5 Key Decision – As the decision that is being sought here is a Key Decision, the decision may not be taken by the Strategic Director unless this matter has been publicised in the Forward Plan. The Key Decision must be included on the Forward Plan not less than 28 days before the decision is to be made. (Paragraph 33 of the Access to Information Rules). Decisions have to be recorded using the “Key Decision” form and published on the internet along with the Key Decision Report.

6.0 Equality Implications

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

7.0 Consultation with Ward Members and Stakeholders

7.1 The Lead Member for Adult Social Care has been consulted. Extensive consultation has also taken place with service users and family members across both services.

8.0 Human Resources/Property Implications

8.1 The services are currently provided by external providers and there are no direct staffing implications for the Council arising from the tender process. However, as part of the procurement process, employee liability information will be sought from current contractors and provided to the tenderers. The TUPE process and any issues that may arise from it will be managed during the mobilisation phase.

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

Report sign off:

Phil Porter
Strategic Director of Community and Wellbeing