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|  | Decision of Cabinet Member for Health and Adult Social Care |
| | Report from the Corporate Director, Care, Health and Wellbeing |
| AUTHORITY TO AWARD A CARE AND SUPPORT CONTRACT AT HONEYPOT LANE – EXTRA CARE SCHEME | |

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| Wards Affected: | Queensbury |
| 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> | Part Exempt – Appendix 1 and 3 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)" |
| No. of Appendices: | Three - Appendix 1 - Name of Tenderers (exempt) Appendix 2 - Tender Evaluation Grid Appendix 3 - Social Value Commitments (exempt) |
| Background Papers: | None |
| Contact Officer(s): <small>(Name, Title, Contact Details)</small> | Name: Karen Wren Job Title: Commissioning Manager, Interim Commissioning, Contracting and Market Management – Supported Living. Email: karen.wren@brent.gov.uk |

1.0 Purpose of the Report

- 1.1 This report concerns the procurement of a care and support contract at Honeypot Lane, Extra Care scheme. This report 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)

2.1 That the Cabinet Member for Health and Adult Social Care, having consulted with the Leader in accordance with paragraph 13 of Part 3 of the Constitution:

(i). Approves the award of the care and support contract at Honeypot Lane, Extra Care scheme to Creative Support Ltd for a period of three (3) years with an option to extend for up to a maximum of two (2) years.

3.0 Detail

3.1 This new contract will deliver care and support to 61 service users residing at Honeypot Lane including the 5 step down units. These will support residents after a stay on a hospital ward that are medically well but unable to return home and would benefit from a short term step down service within the community.

3.2 The contract is a core and flexi model enabling the contract to adjust to any changes in occupancy or service user needs, whilst promoting the third, third and third model (in terms of low, medium and high needs) to create a balanced and mixed community. There is the ability to react to changing needs and ensure service users support packages can change in line with their assessed needs so other more restrictive options such as residential services can be avoided.

3.3 The core element of the contract is based on 336 hours per week. This is broken down as 56 units based on 34 hours per day x 7 = 238 hours per week (core payment) 5 step down units with 14 hours per day x 7 = 98 (core payment) per week.

Hours for Assessed and additional needs to be provided on an assessed basis. Additional care and support hours are expected to be required during the early morning and the late evening, to ensure timely responses to the needs of service users. Within the weekly number of hours is provision to meet emergency and unplanned care needs.

3.4 This contract will deliver the following outcomes:

- Maximise service users' long-term independence, choice and quality of life.
- Minimise ongoing support required.
- Maximise the use of assistive technology, where appropriate.

3.5 Eligibility for service users within this contract will be older adults, aged 50 years or over and with assessed care needs as defined by the Care Act 2014. Additionally, a small number of individuals may not have assessed care needs but be on the trajectory to Adult Social Care services and therefore be considered for Honeypot Lane.

The Tender Process

- 3.6 The new contract will be let using the contract terms issued with the Invitation to Tender. Invitations to Tender were advertised on the London Tenders Portal on 31st March 2023.
- 3.7 This procurement has been conducted in accordance with The Public Contracts Regulations 2015 (the “PCR 2015”). At the time of the commencement of this procurement exercise, the threshold for Schedule 3 services for the purposes of the PCR 2015 was £663,540. Accordingly, as the value of the proposed contract exceeds the aforementioned threshold for this category of service, a Contract Notice was placed on the Find a Tender service, Contracts Finder service and the London Tenders Portal. Bidders were provided with a specification, details of the tender approach, and were invited to complete the published tender documents comprising of a selection questionnaire, quality questions, pricing schedule and a social value action plan using the Council’s Electronic Tendering Facility. Thirteen (13) contractors subsequently completed the questionnaire and submitted the tender under LTR open procedure.
- 3.8 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:

| Award Criteria | Sub Criteria | Sub-Weighting | Total Weighting |
|-----------------------|---|----------------------|------------------------|
| Quality | Safeguarding | 10.00% | 50% |
| | Personalised Care | 5.00% | |
| | Support and Care planning including risk management | 10.00% | |
| | Working effectively with service users to achieve outcome | 5.00% | |
| | Workforce Management and Development | 10.00% | |
| | Effective Mobilisation | 10.00% | |
| Social Value | Social Value | 10.00% | 10% |
| Cost | Pricing Schedule | 40.00% | 40% |

Evaluation process

- 3.9 The tender evaluation was carried out by a panel of Council Officers.
- 3.10 All tenders had to be submitted electronically by the 2nd May 2023. Tenders were opened on the 3rd May, 2023. Thirteen (13) bids were received, of which Six (6) were compliant submissions and Seven (7) non-compliant.

Of the 7 tenders that were non-compliant:

- 2 did not submit the pricing schedule.
- 3 did not submit the necessary compliant documents.
- 2 did not comply with declared scheduled hours requirements.

Each member of the evaluation panel read the tenders and carried out an independent evaluation of how well they considered each of the award criteria was addressed in the compliant tenders.

3.11 The evaluation panel and a representative from Procurement met on 5, 6 and 8 May 2023 for moderation of the scores.

3.12 The Invitation to Tender indicated that response that awarded a score of: (a) 0 for one or more Quality/Technical or Social Value question(s); or (b) 2 or less for two or more Quality/Technical or Social Value questions would be deemed to be a fail overall and be excluded from the tender process.

The outcome of the moderation exercise led to the exclusion of four (4) out of Six (6) compliant tenderers. These tenderers failed to pass the technical/social value criteria as they scored 2 or less marks in two or more questions.

The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. Tenderer 4 listed in Appendix 2 (Creative Support) submitted a good bid and scored well across quality, price and social value. The price bid was considered acceptable, affordable and consistent with the range of bids from other compliant tenderers. Officers therefore recommend the award of the contract to Tenderer 4, namely Creative Support Ltd.

3.13 The contract will commence on 4 September 2023 subject to call-in 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 care and support contract at Honeypot Lane, Extra Care scheme has been awarded to Creative Support Ltd.

4.2 Based on the most recent accounts available Creative Support Ltd PASSED Brents financial assessment.

4.3 The estimated value of this contract over the initial three (3) year term is £2,562,277.43. With an option to extend for up to a maximum of two (2) further years at a contract value of £854,092 per annum.

- 4.4 The value of the Contract over its lifetime of five (5) years (including the extension) is £4,270,462.39.
- 4.5 A representative of Brent Financial Services was involved in reviewing the cost modelling and pricing schedule to determine the financial budget for the contract.
- 4.6 The full cost of the Contract will be funded from the Adult Social Care Budget.
- 4.7 Year 1 contract price is based on the London Living Wage of £11.95 per hour that the Council will implement from the start of the contract. Year 2 onwards will be subject to any increases in the London Living Wage. This growth provision will be considered as part of the Council's Medium Term Financial Planning.

5.0 Legal Implications

- 5.1 The estimated value of this contract over its lifetime is in excess of the threshold for Schedule 3 Services under the PCR 2015 and the award of the contract is therefore governed by the PCR 2015 under Light Touch Regime.
- 5.2 The award is subject to the Council's own Standing Orders in respect of High Value contracts and Financial Regulations. As the total value of the contract including optional extensions is £4,270,462.39 for the full 5-year term. For High Value Contracts for services valued under £5M, the Cabinet Member for Health and Adult Social Care has delegated power to award High Value Contracts in accordance with paragraph 13 of Part 3 of the Council's Constitution, subject to consultation with the Leader.
- 5.3 The procurement process undertaken is set out in Section 3 above and is in accordance with the approach set out in the authority to tender report. 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.
- 5.4 The recommended award may involve the transfer of staff, directly employed by residents having employed support staff through a Direct Payment. Pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE"). Further details concerning this TUPE transfer are contained in Section 8.

5.5 The council's duties (as applicable to this procurement) in connection with the Public Services (Social Value) Act 2012 are contained in Section 9.

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 The lead member for ASC has been consulted and consultation with providers and service users is ongoing.

8.0 Human Resources/Property Implications (if appropriate)

8.1 This service will be provided by an external contractor and there are no direct staffing implications for Council staff arising from retendering the contract. However, there may be TUPE implications with staff employed directly by residents through a Direct Payment. Residents will be given opportunity to the transfer pursuant to TUPE to the core provider. As part of the procurement process any potential employee liability information was shared with bidders. At this time, no residents have employed support staff through a Direct Payment.

8.2 This service will be provided by an external contractor and there are no property/accommodation implications.

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:

- Provision of Apprenticeships and sustainable jobs.
- Local spend within the community.
- Various initiatives to promote sustainable travelling to promote healthy environment
- Support charities within Brent to promote health and wellbeing.

9.3 As part of its tender, the tenderer recommended for award indicated it would deliver the social value benefits set out in Appendix 3.

Report sign off:

Cllr Neil Nerva

Lead Cabinet member of Health & ASC.