

	Officer Key Decision
	Report to the Corporate Director, Partnerships, Housing & Resident Services
	Lead Cabinet Member for Resident Support and Culture
AUTHORITY TO AWARD CONTRACT FROM A FRAMEWORK FOR WELFARE PROCESSING RESILIENCE SERVICES	

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>	Part exempt: Appendix 1 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:	Appendix 1 – List of Contractors (exempt)
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Name: Deborah White Job Title: Service Manager Revenue and Debt Email: Deborah.White@brent.gov.uk

1.0 Executive Summary

1.1 This report concerns the procurement of Welfare Processing Resilience Services for Revenue and Benefits. This report requests authority to award contracts as required by Contract Standing Order 88. This report summarises the process undertaken in procuring a contract and recommends to whom the contract should be awarded.

2.0 Recommendation(s)

That the Corporate Director, Partnerships, Housing & Resident Services in consultation with the Lead Member for Resident Support and Culture:

2.1 Approves the pre-tender considerations set out in paragraph 3.8.

- 2.2 Approves to award of the contract for Welfare Processing Resilience Services to NEC Software Solutions UK Limited for 2 years with an option to extend for a further one year in the sum of £1,400,000 + VAT.

3.0 Detail

Contribution to Borough Plan Priorities & Strategic Context

- 3.1 The Resilience contract will help contribute to Brent Council's Borough Plan 2023-2037, specifically Strategic Priority 1 Prosperity and Stability in Brent by helping to achieve desired outcome 1, easing the cost of living crisis provide vital services to the residents of Brent when there are unexpected workloads and achieving greater accessibility for our welfare support and advice programmes. The award will contribute to prosperity and stability in Brent, by ensuring the revenue is collected for the council and the needs of the residents are met through our resilience in welfare benefits

<https://www.brent.gov.uk/the-council-and-democracy/strategies-priorities-and-policies>

Background

- 3.2 The Council requires the provision of Welfare Processing Resilience Services (specialist temporary staffing for Revenues & Benefit team). Officers have considered whether the Welfare Processing Resilience Services can be provided by the Council itself but have concluded that this is best provided by a contractor. Officers have reviewed a range of procurement options and have determined that the use of a framework is the most appropriate and cost effective means of procuring a contractor. For the avoidance of doubt, the Council's regular agency staffing contract with Comensura is not considered to cover the requirements for Welfare Processing Resilience Services, as the Council requires very specialist staff who will be managed on our behalf and a provider who can carry out quality checks, which is not provided for in the contract with Comensura.
- 3.3 Officers have undertaken a procurement exercise by calling off from the Tower Hamlets Remote Framework Agreement (R5007), Lot 1, Processing Services (the "Framework"). Officers have identified a contractor providing the most economically advantageous offer in accordance with relevant criteria set out in the Framework and therefore recommend award of a contract for Resilience services] (the "Contract").

The Procurement Process

- 3.4 The Contract will be called off from the Framework, using the form of award and standard call off terms and conditions prescribed under the Framework.

3.5 The Framework permits award by way of a further competition and by way of direct award and sets out rules for the identification of the most economically advantageous contractor under both procedures. Officers consider that identification of the most economically advantageous contractor using the Framework's direct award procedure is most appropriate for the procurement of the Contract for the following reasons:

- Continuity of the services which will avoid any disruption and ensure that a new contract is in place by 1 March 2025.
- continuity of service from the existing supplier is desirable and permitted under the Framework, because of cost of change (e.g. retraining on in-house ICT systems, scoping etc.)
- The Framework agreement was used for the previous procurement exercise, so is a tried and tested means of contracting.
- rates are comparable with those under the existing contract and the existing contract was awarded through a further competition exercise.
- The Framework undertook a further revised pricing exercise to update pricing on Lot 1, which came into effect on 29th August 2023.
- The use of the direct award route of the Framework allows for a quick procurement exercise to be undertaken with pre-approved suppliers and terms and conditions, and saves costs and officer time compared with going through a normal open procedure procurement exercise.

3.6 In compliance with the Framework guidance, Officers have reviewed the framework information for all contractors on Lot 1 of the Framework as set out at Appendix 1. Officers have identified NEC Software Solutions UK Limited as the most economically advantageous supplier. The Contract is for a period of two (2) years with an option to extend for up to one (1) year in the sum of £1,400,000 + VAT (including the value of the possible extension).

3.7 The Contract will commence on 01 March 2025 subject to call-in.

Pre-tender Considerations

3.8 The pre-tender considerations relevant to the Contract are as follows:

Ref.	Requirement	Response
(i)	The nature of the services / supplies / works.	As detailed above
(ii)	The value.	£1,400,000 + VAT.
(iii)	The contract term.	The Contract is for two (2) years with an option to extend for up to one (1) year.
(iv)	The tender procedure to be adopted.	Direct Award from a Framework

Ref.	Requirement	Response	
(v)	The procurement timetable.	Stage in Procurement	Indicative dates
		Invited Bid	Framework rates assessed Oct-Nov 2024.
		Checking Bid	As above.
		Contract start date	01 March 2025
(vi)	The evaluation criteria and process.	N/A – Direct Award	
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the Contract. However, if we do not enter into a contract by 01 March 2025, there will be substantial business risks/disruption.	
(viii)	The Council's Best Value duties.	For the reasons set out in Section 3, it is considered that Direct Award will result in the Council achieving best value.	
(ix)	Consideration of Public Services (Social Value) Act 2012	Officers have had regard to the Public Services (Social Value) Act 2012.	
(x)	Any staffing implications, including TUPE and pensions.	There are no implications for Council staff arising from the procurement.	
(xi)	The relevant financial, legal and other considerations.	Financial – See Financial Considerations at Section 5.	
		Legal – See Legal Consideration at Section 6.	
		Other – N/A	
(xii)	Sustainability	Given the nature and value of the Contract, it is not possible to include specific sustainability requirements.	
(xiii)	Key Performance Indicators / Outcomes	Appropriate Key Performance Indicators / Outcomes will be included in the Contract.	
(xiv)	London Living Wage	The Contract will require the payment of the London Living Wage.	
(xv)	Contract Management	A contract manager will be appointed and appropriate contract management provisions will be included in the Contract.	

4.0 Stakeholder and ward member consultation and engagement

4.1 Non undertaken.

5.0 Financial Considerations

5.1 Part 3 of the Council's Constitution states that the Corporate Director of Partnerships, Housing & Resident Services has a delegated authority to approve the award of contracts for supplied and services valued at less than £2 million. The estimated value of the Contract in question is £1.4m and therefore under this threshold.

5.2 The cost of the Contract is estimated to be circa £0.45m per annum, or £1.4m in total over the initial term of two years with an option to extend for a further one year at today's prices. The contract cost will be funded from the existing budget held within Resident Services.

5.3 The contract is subject to inflationary increases which will need to be considered as part of the Council's Medium Term Financial Planning.

6.0 Legal Considerations

6.1 The estimated value of the Contract over its lifetime is in excess of the Public Contracts Regulations 2015 (the "PCR 2015") threshold for Services and the award of the Contract is therefore governed by the PCR 2015.

6.2 Officers recommend the use of a framework to procure the Contract. 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 agreement need to be carried out in accordance with the framework rules, to include using evaluation criteria specified in the framework agreement and utilising the terms and conditions set out in the framework agreement.

6.3 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 call off under the framework agreement is approved by the relevant Corporate Director or Director and provided that the Corporate Director, Law & Governance has advised that participation in the framework is legally permissible. The Corporate Director, Law & Governance has confirmed that participation in the Framework is legally permissible.

6.4 The award of the Contract is subject to the Council's own Standing Orders in respect of Medium Value Contracts. The Corporate Director Partnerships, Housing & Resident Services has delegated power to award Medium Value Contracts in accordance with paragraph 9.5 [of Part 3 of the Constitution.

6.5 The decision to award the contract will be subject to call-in as provided for in the Council's Constitution. As the procurement of the Contract is from a framework, there is no requirement for the Council to observe a 10 day standstill period under the PCR 2015. Subject to no challenge preventing award, Officers will seek to implement the decision to award.

6.6 There are no Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) implications as the Contract is being awarded to the same provider who is delivering the current services and there will be no Council staff impacted by this decision.

7.0 Equity, Diversity & Inclusion (EDI) Considerations

7.1 The Public Sector Equality Duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a "protected characteristic" and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

7.2 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.

7.3 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.

7.4 The recommendations outlined in this report have been subject to screening and no potential adverse equality implications have been identified.

7.5 The recommendations outlined in this report have been subject to screening and no potential adverse health equality implications have been identified.

8.0 Climate Change and Environmental Considerations

8.1 Officers do not envisage that the award of the contract will have any direct impact on the Council's environmental objectives and climate emergency strategy.

9.0 Human Resources/Property Considerations (if appropriate)

- 9.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the Contract.
- 9.2 There are no TUPE implications as the Contract is being awarded to the same provider who is delivering the current services
- 9.3 Officers do not envisage that there will be any property/accommodation implications as a result of the award.

10.0 Communication Considerations

10.1 N/A

Report sign off:

Peter Gadsdon

Corporate Director Partnerships, Housing & Resident Services