

	<b>Officer Key Decision</b>
	<b>Report to the Corporate Director, Service Reform &amp; Strategy</b>
	<b>Lead Cabinet Member for Adult Social Care, Public Health and Leisure</b>
<b>AUTHORITY TO AWARD CONTRACTS FOR THE PROVISION OF CARE AND SUPPORT AT SIX SUPPORTED LIVING SITES FOR ADULTS WITH LEARNING DISABILITIES.</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 Appendix 3 are exempt as they contain 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 for each Lot Appendix 2 – Evaluation grid for each Lot Appendix 3 – Social Value Commitments
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Name: Edwin Mensah Job Title: Head of Commissioning Contracting and Market Management Email: Edwin.Mensah@brent.gov.uk

## 1.0 Executive Summary

- 1.1 This report concerns the procurement of care and support for six supported living schemes as set out at paragraph 3.2.1.
- 1.2 For the purposes of this procurement the 6 sites were divided into 3 lots of 2 services each as detailed at paragraph 3.2.2.
- 1.3 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 following the completion of the evaluation of the bids, recommends to whom the contract should be awarded.

## **2.0 Recommendation(s)**

That the Corporate Director of Service Reform and Strategy, in consultation with the Lead Member for Adult Social Care, Public Health and Leisure:

- 2.1 Approves the award of the contract for Lot 1 for Learning Disabilities Supported Living Service at Preston Road and Woodhill Crescent to Centre 404 for an initial period of three (3) years with the option to extend by yearly periods up to a maximum of two (2) years (on 3+1+1 basis) with a total contract value of £3,072,605.
- 2.2 Approves the award of the contract for Lot 2 for Learning Disabilities Supported Living Service at Beechcroft Gardens and Manor Drive to Creative Support Ltd for an initial period of three (3) years with the option to extend by yearly periods up to a maximum of two (2) years (on 3+1+1 basis) with a total contract value of £2,468,912.
- 2.3 Approves the award of the contract for Lot 3 Learning Disabilities Supported Living Service at Gladstone Park Gardens and Ruby Street to Dimensions (UK) Limited for an initial period of three (3) years with the option to extend by yearly periods up to a maximum of two (2) years (on 3+1+1 basis) with a total contract value of £3,166,494.

## **3.0 Detail**

### **Contribution to Borough Plan Priorities & Strategic Context**

- 3.1.1 These contracts which are for care and support services at the six supported living sites as detailed at paragraph 3.2.1, are strategically positioned to significantly contribute to Brent Council's Borough Plan 2023-2027 Strategic Priority 5, by achieving desired outcome 1 Tackling Health Inequalities and desired outcome 2 Localised Services for Local Needs.
- 3.1.2 The six sites are dedicated to serving vulnerable adults with a learning disability, and or those diagnosed as being on the autistic spectrum disorder. This will include some tenants who present with behaviour that may challenge. The services were designed to provide supported living accommodation which enable service users to live more independently, promote their wellbeing and reduce the potential of having to move to more restrictive forms of care, such as residential care services.
- 3.1.3 By providing an inclusive and accessible environment, the services actively work towards reducing health inequalities and strengthening community ties through supporting people closer to home, engagement initiatives and robust partnerships with local organisations. Furthermore, the settings not only support employment in the local community through job creation and specialised training but also enhances the resilience of these communities by fostering

supportive networks. These services will ensure the continued alignment with and contribution to the Council's aspirations, promoting a healthier, more equitable, and unified community.

## **3.2 Background**

3.2.1 The Council requires the provision of care and support for six supported living schemes as follows:

- 5 bed learning disabilities supported living service at 57 Preston Road
- 5 bed learning disabilities supported living service at 36 Woodhill Crescent
- 3 bed learning disabilities supported living service at 54 Beechcroft Gardens
- 4 bed learning disabilities supported living service at 63 Manor Drive
- 6 bed learning disabilities supported living service at 115 Gladstone Park Gardens
- 5 bed learning disabilities supported living service at 18 Ruby Street

3.2.2 Council officers have undertaken a procurement exercise where the six supported sites have been split into 3 separate Lots (each Lot containing 2 sites). The Lots are as follows:

- Lot 1: Learning Disabilities Supported Living Service at Preston Road and Woodhill Crescent
- Lot 2: Learning Disabilities Supported Living Service at Beechcroft Gardens and Manor Drive
- Lot 3: Learning Disabilities Supported Living Service at Gladstone Park Gardens and Ruby Street

3.2.3 Officers have identified a contractor for each Lot providing the most economically advantageous offer in accordance with the relevant evaluation criteria and therefore recommend the award of three contracts for care and support for six supported living schemes (the "Contracts"). The 6 sites identified at paragraph 3.2.1 are home to up to 27 adults. The buildings are all owned by Brent Council and managed by the Brent Housing Management. The current contracts for the 6 sites are all due to expire on 31<sup>st</sup> September 2025.

3.2.4 The Contracts are based on a core and flexi model enabling each service user to have an equal share of the core hours including the waking night support. The flexi hours are based on residents' assessed needs, with their care and support plan outlining support to ensure their outcomes are met. Assessed hours and those for additional needs are subject to an assessment by a Social Worker to meet the service users' individual needs.

3.2.5 The core hours for each Lot will ensure that there is 24-hour continuous care including a waking night member of staff. Core hours are as follows:

- Lot 1 Preston Road and Woodhill Crescent jointly require 532 core hours per week
- Lot 2 Beechcroft Gardens and Manor Drive will jointly require 434 core hours per week
- Lot 3 Gladstone Park Gardens and Ruby Street jointly requires 532 core hours per week.

3.2.6 Eligibility at all the sites is for adults with an identified housing need who also have a learning disability, and or those diagnosed as being on the autistic spectrum disorder. This will include some tenants who present with behaviour that may challenge.

3.2.7 The demand for a service such as these is high and vacancies will be managed through the Supported Living Brokerage team to ensure any void periods are kept to a minimum. In the event that there is a void for any period of time, the core support will be re-directed towards the other residents and our specification contains details of negotiation that will take place between the Council and the contractor to ensure that void support costs are kept to a minimum.

### **The Procurement Process**

3.3 The Contracts will be let using the Council's contract terms and conditions for an initial period of three (3) years with an option to extend by yearly periods up to a maximum of two (2) years (on a 3+1+1 basis).

3.4 The required service was categorised as Schedule 3 Services under the Public Contracts Regulations 2015 and the value of the Contracts exceeds the Schedule 3 Light Touch Regime threshold. The Council advertised the opportunity on the Find Tender service, the London Tenders Portal and Contract Finder on 23/12/2024. Bidders were provided with a specification for each Lot and details of the tender approach and were invited to complete the published tender documents comprising of selection questionnaire (SQ), client group specific quality questions, pricing schedules and social value action plan using the Council's Electronic Tendering Facility. 32 bidders subsequently completed the questionnaire.

3.5 The tendering instructions stated that the Contracts would be awarded on the basis of the economically advantageous offer to the Council and that in evaluating the tenders, the Council would have regard to the following:

Criteria	Weighting	Question Weighting
<b>Quality, made up of:</b>	<b>50%</b>	
Safeguarding Policy and Procedure		20%
Care & Support Planning **lot specific question**		25%
Staff Recruitment and Management		20%
Quality and Governance Arrangements		10%

Managing Risk		15%
Mobilisation		10%
<b>Social Value</b>	<b>10%</b>	
Best Start on Life – raise aspirations		3%
Thriving Communities – support the voluntary and community sector		3%
Prosperity and Stability – Employ local people		4%
<b>Price</b>	<b>40%</b>	
<b>Total</b>	<b>100%</b>	

## Evaluation Process

- 3.6 All tenders had to be submitted electronically no later than 07/02/2025. Thirteen compliant tenders were received. Three failed to pass the SQ previous experience question and one failed to pass the SQ CQC rating question, and were therefore excluded from the process. The remaining nine bidders met the required 60% SQ quality threshold.
- 3.7 In total nine bidders were shortlisted on the basis of technical ability, financial resources, business eligibility and relevant experience to be taken forward to have their tender evaluated on the above award criteria. Some contractors bid for more than one Lot. From those nine bidders the number of bidders shortlisted for each Lot were as follows:

Lot 1 Preston Road and Woodhill Crescent	8
Lot 2 Beechcroft Gardens and Manor Drive	6
Lot 3 Gladstone Park Gardens and Ruby Street	8

- 3.8 The tender evaluation was carried out by a group of Council Officers from Service Reform and Strategy.
- 3.9 The panel met between 02/04/2025 and 28/04/2025 and each submission was marked by the whole panel against the award criteria.
- 3.10 The names of the tenderers are contained in Appendix 1. The scores for the shortlisted tenderers are included in Appendix 2. It will be noted that Contractor 5 was the highest scoring tenderer for Lot 1, Contractor 9 was the highest scoring tenderer for Lot 2 and Contractor 10 was the highest scoring tenderer for Lot 3.
- 3.11 A summary of the submitted social value proposals for each winning contractor has been set out in Appendix 3.

## 4.0 Stakeholder and ward member consultation and engagement

- 4.1 Co-production is at the heart of the Brent approach. Officers visited the six service sites, met with all the service users and some family members. The feedback received was considered in the development of the specification and delivery model proposed.

## **5.0 Financial Considerations**

- 5.1 Cabinet has delegated authority to the Corporate Director of Service Reform and Strategy to approve the award of these Contracts.
- 5.2 The cost of the Contracts will be funded from Strategic Commissioning & Capacity Building Budget with a value of £8,708,011.68 over the duration of the contract.
- 5.3 Based on the most recent accounts available Centre 404, Creative Support Ltd and Dimensions UK Ltd, passed Brent Council's financial assessment.
- 5.4 As part of the award of these Contracts, the suppliers will be permitted use of office space within these sites, for which they will be entering into a lease agreement with the Council. This will be a peppercorn lease, with no rent payable to the Council. There will be no additional impact on the comprehensive income and expenditure statement as a result of this arrangement, as it will be an operating lease with no income.

## **6.0 Legal Considerations**

- 6.1 The procurement of the Contracts for care and support for six supported living schemes commenced prior to 24 February 2025 and as a result the procurement and award are subject to the requirements of the Public Contracts Regulations 2015 ("PCR 2015"). The value of the Contracts over their lifetime are in excess of the PCR 2015 threshold for Schedule 3 Services and the award of the Contracts are therefore governed by the PCR 2015. Section 3 of the report outlines how the Contracts were procured in accordance with the PCR 2015.
- 6.2 The award of the Contracts are subject to the Council's own Standing Orders in respect of High Value Contracts given the value of each Contract individually is above £2m. On the 12<sup>th</sup> November 2024, Cabinet approved the delegation of the award of the Contracts to the Corporate Director, Service Reform & Strategy in consultation with the Lead Member for Adult Social Care, Public Health and Leisure. The Corporate Director, Service Reform & Strategy therefore has authority to approve the award of the Contracts.
- 6.3 This procurement is subject to the application of the PCR 2015 in relation to Schedule 3 Services. The Council will observe a voluntary 10 calendar day standstill period under the PCR 2015 before the Contracts 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. This period will begin the day after all tenderers are sent notification of the award decision – and additional debrief information will be provided to unsuccessful tenderers in accordance with the PCR 2015. The standstill period will run concurrently with the Council's usual call-in process. Subject to there being no call-in or challenge pursuant to the PCR 2015, after the standstill period ends, the successful tenderer will be issued with a letter of acceptance and the Contracts can commence.

- 6.4 As the decision that is being sought here is a Key Decision, the decision may not be taken by the Corporate Director unless this matter has been published on the Forward Plan. The Key Decision must be published on the Forward Plan (Paragraph 30 of the Access to Information Rules) and must be included on the Forward Plan not less than 28 days before the decision is to be made. (Paragraph 34 of the Access to Information Rules). The decision to award has been on the Forward Plan for the requisite 28 days.
- 6.5 The recommended award for Lots 1 and 2 is likely to involve the transfer of staff from the existing contractor to the new contractors pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE"). Further details concerning this TUPE transfer are contained in Section 11. The TUPE process and any issues that may arise from it will be managed during the mobilisation phase for Lots 1 and 2. The recommended award for Lot 3 will not involve the transfer of staff pursuant to TUPE as the recommendation is to award to the incumbent contractor already in place for the existing service. No Council staff are impacted by this decision.
- 6.6 There are 6 properties being leased to the successful bidders. The properties being used for supported living service are all owned by Brent Council. The Titles to Lot 2 Beachcroft Gardens and Manor Park Drive have covenants on them that affect their disposal. We require the prior written consent of NHS Property Services Ltd in order to grant the leases to these two properties. Legal are looking into getting the required consents.
- 6.7 The successful bidders will be granted a Lease of part of the properties, with additional rights to use some common parts. The Lease will be contracted out of the Landlord and Tenant Act 1954. The successful bidders shall be permitted to use the property as an office and for delivering the agreed services under the Contracts. This Lease will form part of the Contract and will be for the same term as the Contract.

## **7.0 Equity, Diversity & Inclusion (EDI) Considerations**

- 7.1 Pursuant to s149 Equality Act 2010 (the "Public Sector Equality Duty"), the Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
- (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,

7.2 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.

7.3 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.

7.4 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.

7.5 The very nature of supported living services for adults with learning disabilities means that they are accessed by vulnerable adults who are also more likely experience multiple disadvantage due to their age, and health conditions. Equalities issues were throughout the review of the services and were a key focus in the service model and service specification.

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

## **8.0 Climate Change and Environmental Considerations**

8.1 N/A

## **9.0 Human Resources/Property Considerations (if appropriate)**

9.1 Two external contractors currently provide these services and there are no implications for Council staff arising from retendering the Contracts.

9.2 The recommended award for Lots 1 and 2 to different contractors is likely to involve TUPE implications with staff from the incumbent contractor liable to transfer pursuant to TUPE to the new contractors. As part of the procurement process all employee liability information was shared with bidders for each Lot. The recommended award for Lot 3 will not involve TUPE implications as



the recommendation is to award to the incumbent contractor already in place for the existing service.

- 9.3 The successful bidders will be granted a Lease of part of the properties, with additional rights to use some common parts. The Lease will be contracted out of the Landlord and Tenant Act 1954. The successful bidders shall be permitted to use the property as an office and for delivering the agreed services under the Contracts. For further details please refer to paragraphs 6.6 and 6.7.

## **10.0 Communication Considerations**

- 10.1 To enhance the existing communication plan, given our familiarity with the resident population, a tailored communication plan will be put in place with service users and their families.

### **Related documents:**

Authority to tender for the provision of care and support for LD Supported Living sites - Cabinet 12<sup>th</sup> November 2024

#### **Report sign off:**

*Rachel Crossley*  
Corporate Director Service Reform and Strategy