

	<b>Officer Key Decision</b>
	<b>Report to the Corporate Director Service Reform and Strategy acting in consultation with the Cabinet Member for Adult Social Care, Public Health and Leisure</b>
<b>AUTHORITY TO AWARD TWO CONTRACTS FOR THE PROVISION OF EXTRA CARE HOUSING SUPPORT FOR SIX EXTRA CARE SCHEMES IN ACCORDANCE WITH PARAGRAPH 13 OF PART 3 OF THE CONSTITUTION</b>	

<b>Wards Affected:</b>	Kingsbury, Stonebridge, Sudbury, Wembley and Willesden
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt – Appendices 1 and 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 – List of Tenderers (exempt) Appendix 2 – Evaluation Grid Appendix 3 – Social Value Commitments (exempt)
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Name: Mark Mulvenna Job Title: Market Oversight Manager Email: Mark.mulvenna1@brent.gov.uk

## 1.0 Executive Summary

- 1.1 This report concerns the authority to award 2 Contracts for the provision of Extra Care Housing Support for six extra care schemes. This report requests authority to award contracts as required by Contract Standing Order 88. This report summarises the process undertaken in procuring the contracts and, following the completion of the evaluation of the bids, recommends to whom the contracts should be awarded.

## 2.0 Recommendation(s)

That the Corporate Director Service Reform and Strategy previously known as the Corporate Director, Community Health and Wellbeing acting in consultation with the Lead Cabinet Member for Adult Social Care, Public Health and Leisure, previously known as the Lead Member for Community Health and Wellbeing, in exercise of the delegated powers given by Cabinet on 10 February 2025:

- 2.1 Approves the award of 2 Contracts for the provision of Extra Care Housing Support services for six extra care schemes (three schemes each) for both Core Hours and Assessed Hours as follows:
- a. Contract 1 – Schemes at Beechwood House, Harrod Court and Tulsi House, to Creative Support Ltd for a period of three (3) years in the sum of £2,529,738, with an option to extend for yearly periods at the annual sum of £843,246 and up to a maximum of two (2) further years. The total contract value should the council decides to extend will be up to £4,216,230 for a maximum length of five (5) years.
  - b. Contract 2 - Schemes at Rosemary House, Newcroft House and Willow House, to London Care Limited for a period of three (3) years in the sum of £2,322,888, with an option to extend for yearly periods at the annual sum of £774,296 and up to a maximum of two (2) further years. The total contract should the council decides to extend will be up to £3,871,479.40 for a maximum length of five (5) years.

### **3.0 Detail**

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

- 3.1.1 Strategic Priority 5 within the Brent Borough plan 2023-27: Moving Brent Forward Together<sup>1</sup> is about building a healthier Brent. One of the desired outcomes of this is Desired Outcome 1 under tackling health inequalities, to ensure all adults with care and support needs are able to access support and services and they are integrated with health, culturally competent and responsive to individual need. To work with NHS and partners to deliver more cross-sector working within services that impact on health, such as housing, mental health and community safety.
- 3.1.2 Desired outcome 2 of the Strategic Priority 5 is for localised services for local needs. This includes continuing to support people to be cared for closer to home, by developing health and social care community services to help people, including those with complex needs, to live at home independently while also addressing key health issues including heart disease and respiratory conditions.
- 3.1.3 The proposed extra care contracts at these 6 schemes will help achieve desired outcome 1 and 2 of the Strategic Priority 5 by ensuring extra care accommodation with core and assessed support is available to adult social care residents over the age of 55 to allow them to live more independently and promote their wellbeing.

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<sup>1</sup> <https://www.brent.gov.uk/the-council-and-democracy/strategies-priorities-and-policies>

## **3.2 Background**

- 3.2.1 The Council currently has two contracts for the provision of Extra Care Housing support services for six extra care schemes. These two contracts were let for an initial period of five years with an option to extend by up to two further years (the “Contracts”).
- 3.2.2 The Contracts were extended and varied to align their termination and enable the procurement of all six extra care schemes before their expiry date on 2<sup>nd</sup> June 2025. Details of the extension and variations of the Contracts are in the Officer Key Decisions of 3<sup>rd</sup> August 2023 and 22<sup>nd</sup> August 2023 and the Director of Adult Social Care’s decisions of 28th May 2024, and so the Contracts were scheduled to expire on 2<sup>nd</sup> June 2025.
- 3.2.3 Due to the timescales of the procurement exercise, the mobilisation and implementation time for the new contracts, the Contracts were further extended by 90 days from 3<sup>rd</sup> June 2025 to 31<sup>st</sup> August 2025. Details of the extensions are in the report to the Director Adult Social Services (DASS) dated 6 May 2025.
- 3.2.4 The six extra care schemes are placed in properties owned and managed by SNG (Sovereign Network Group) that gave permission for the properties to be included as part of this tender exercise as they will continue to be properties specifically for those over 55 years of age.
- 3.2.5 Council officers have now completed the procurement exercise and have identified two contractors that provide the most economically advantageous offer in accordance with relevant evaluation criteria and are therefore recommending the award of 2 extra care housing support contracts at these six extra care schemes.
- 3.2.6 The extra care housing services are designed to meet the varying needs of residents, to promote health and wellbeing and to enable borough residents to live independently in their home and reduce the potential of moving to residential care. The scheme generates efficiency savings to the Adult Social Care Council’s budget through the provision of care and support in place of residential placements, where the council is responsible for care and accommodation costs. In an extra care service, the council funds care using the Housing Benefit to pay for accommodation costs. The services are available for people who self-fund and are able to afford their rent and care costs.
- 3.2.7 The council’s eligibility threshold for extra care housing (ECH) support was reviewed as part of a strategic move towards maximising service provision and best meeting the needs of the residents of Brent. This procurement of the ECH support contracts is to ensure that the two successful providers are able to meet the needs of a mixed group of residents from the community with a range of age groups from 55 years + and a range of needs including adults with physical

needs, sensory, mental health (including Dementia) and learning disabilities as well as those with complex needs and behaviours that challenge. In maintaining the eligibility to those 55 years and above, the service is best able to meet the wider demand for ECH support within the community.

- 3.2.8 These contracts will be based on a core and flexi model with only the core element being the “contracted amount” as per the current contract. The core service is designed to meet unplanned and emergency care needs and night support. The flexi hours will be based on service user’s assessed needs and support hours will fluctuate as individuals’ needs change. Residents will be able to choose another care provider to deliver their assessed hours, or arrange their own care through a Direct Payment, but the successful provider will deliver the core hours in the service.
- 3.2.9 Core care and support hours will be available throughout the day and night to meet the planned and unplanned needs of residents for example, fluctuating/unpredictable care needs, responding to emergency alarm calls, requests for assistance with toileting, thereby ensuring a safe and responsive service delivery.

### **3.3 The Procurement Process**

- 3.3.1 Officers, having obtained approval to invite tenders, invited tenderers to bid for the six extra care schemes for a period of three (3) years with the option to extend by a maximum of two (2) years on a one plus one basis (3+1+1). The contract opportunity was divided into two Lots (contracts):

Lot 1: Beechwood, Harrod & Tulsi House

Lot 2: Rosemary, Newcroft & Willow House

- 3.3.2 Although tenderers were able to bid for both lots (contracts), the Council set out in the Invitation to Tender that a single provider could not be awarded more than one lot. Tenderers were therefore, asked to price each lot individually and to specify whether they have a preferred lot.
- 3.3.3 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 a Tender service, the London Tenders Portal and Contracts Finder on 21<sup>st</sup> February 2025. Bidders were provided with the tender documentation that included: specification for each of the lots, the Council’s contract terms and conditions and details of the tender approach. Tenderers were also invited to complete a selection questionnaire, quality, social value and pricing proposals using the Council’s Electronic Tendering Facility. 37 tenderers subsequently completed the questionnaire.

- 3.3.4 The tendering instructions stated that the contract(s) 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:

Criteria	Weighting
Safeguarding	11%
Support and Care planning in delivering outcomes	13%
Risk Assessment and Risk Management. Working effectively with residents to achieve outcomes	14%
Workforce management and development	6%
Effective Mobilisation	6%
Social Value	10%
Price	40%
<b>Total</b>	<b>100%</b>

### Evaluation process

- 3.3.5 All tenders had to be submitted electronically not later than 2nd April 2025. 37 bidders responded to the invitation to tender on time but only 17 passed the initial compliance checks to participate in the tender. Of those 17 bidders, six failed to pass the SQ previous experience question, one failed to pass the SQ CQC rating question one failed both previous experience/CQC rating. Nine bidders had their full SQ scored, and one did not meet the required 60% SQ quality threshold and was therefore excluded from the process. Although eight bidders passed the SQ quality threshold of 60%, the Council's aim was to only move forward with the top six tenderers, as per the tender documentation. The Council decided to take the seven (7) top scoring tenders to have their Quality, Social Value & Price evaluated as the third to seventh ranked bidders achieved the same score at the SQ quality stage.
- 3.3.6 The evaluation of tenders was carried out by an evaluation panel of Council Officers from the Service Reform and Strategy (previously Community and Wellbeing) team on the basis set out in the Evaluation Criteria.
- 3.3.7 The seven (7) bidders that were shortlisted on the basis of technical ability, financial resources, business eligibility and relevant experience and that were taken forward to have their tender evaluated on the above award criteria submitted bids for both: Lot 1 and Lot 2. The bidders shortlisted for each Lot were as follows:

Lot 1 Schemes at Beechwood House, Harrod Court and Tulsi House	Contractor 1, Contractor 5, Contractor 8, Contractor 16	Contractor 3, Contractor 6, Contractor 13.
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Lot 2 Schemes at Rosemary House, Newcroft House and Willow House	Contractor 1, Contractor 5, Contractor 8, Contractor 16	Contractor 3, Contractor 6, Contractor 13.
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3.3.8 The evaluation panel met between 04/06/2025 - 12/06/2025 and each submission was considered and final scores agreed by the whole panel against the award criteria.

3.3.9 Following the completion of the quality/technical and social value evaluations, as well as the moderation process, a pricing evaluation was undertaken. During this stage, it was identified that Contractor 13—whose pricing schedule had initially appeared compliant—had omitted key figures from their submission. Upon seeking clarification, the contractor revised their pricing upwards. However, as this adjustment was made after the tender submission deadline, it could not be accepted. Consequently, the bid was deemed non-compliant and was disqualified from the process.

3.3.10 The names of all tenderers are contained in Appendix 1. The scores for the top seven ranking tenderers are included in Appendix 2. Officers recommend the award of Lot 1 to Contractor 8, namely Creative Support Ltd and the award of Lot 2 to Contractor 16, namely London Care Limited. London Care Limited was the highest scorer on both Lots and Creative Support Ltd the second highest scorer on both Lots. Both expressed a preference to be awarded Lot 2. However, as the highest scorer was London Care Limited it is recommended, they are awarded their preferred contract. It should be noted that London Care Limited are also the incumbent provider for the existing services on the schemes under Lot 2 so there will also be a continuity service. As part their bids, Creative Support Ltd and London Care Limited submitted social value proposals as set out in Appendix 3.

3.3.11 It is proposed that the Contract will commence on 01/09/2025 that is subject to the Council's observation of the requirements of the mandatory standstill period noted in paragraph 6.3 below. The implementation of the two contracts will be managed in line with the successful bidders mobilisation plan submitted as part of this tender.

#### **4.0 Stakeholder and ward member consultation and engagement**

4.1 The Cabinet Member for Adult Social Care, Public Health and Leisure has been consulted, and consultation took place with the incumbent providers and service users prior to the published tender.

#### **5.0 Financial Considerations**

5.1 The Corporate Director of Service Reform & Strategy has been delegated authority to approve the award of contracts for services valued at more than £2 million but does not exceed £5 million in consultation with the lead member.

- 5.2 The estimated value of the Contracts are as follows Lot 1 is £4,216,230 for the term of five years (3+1+1), which amounts to £843,246 annually and Lot 2 is £3,871,479.40 for the term of five years (3+1+1), which amounts to £774,295.88 annually. This has been calculated based on the submission for the core service required for each contract and works out as an hourly rate of £22.65 for Lot 1 and £20.80 for Lot 2. Each provider was asked to submit an hourly rate for an assessed hours that are required by service users based on their statutory care act assessment. The hourly rate for the assessed hours is, Lot 1 £21.84 and Lot 2 £19.60.
- 5.3 The annual cost of this Contract is likely to increase each year when the London Living Wage (LLW) commission announce the annual uplift. Brent is committed to ensuring all contractors pay LLW as a minimum. The likely increase to the Contract value each year to ensure Brent's commitments are adhered to is taken into consideration as part of the Council's Medium Term Financial Planning.
- 5.4 The new Contract is an extension of an existing service, and the cost of the new Contract will be contained within the existing budgets.

## **6.0 Legal Considerations**

- 6.1 The services subject to this procurement (care and support) fall within the list of services covered by Schedule 3 of the Public Contracts Regulations 2015 ("PCR 2015"). The estimated value of the two proposed contracts over their lifetime (including possible extensions) is in excess of the threshold for Schedule 3 Services currently set at £663,540 (inclusive of VAT) and as such their award are subject to the "light touch" regime under the PCR 2015 and that require the Council to advertise the contract opportunity on Find a Tender; comply with procurement principles of transparency and equal treatment; and also to publish a contract award notice. Section 3 of the report outlines how the opportunity for the contracts was procured in accordance with the PCR 2015.
- 6.2 The award of these contracts is subject to the Council's own Standing Orders in respect of High Value Contracts and Financial Regulations. Cabinet on 10 February 2025, delegated authority to the Corporate Director, Community Health and Wellbeing (now Corporate Director Service Reform and Strategy) in consultation with the Lead Member for Community Health and Wellbeing (now Cabinet Member for Adult Social Care, Public Health and Leisure) to award the contract for each of the two lots and is therefore required to consider approval to award these contracts as set out in Standing Order 88(c).
- 6.3 As advised in the report for Cabinet on 10 February 2025, requesting authority to tender these contracts, the Council will observe a 10-calendar day standstill period before the contracts are awarded. Therefore, once the Corporate Director, Community Health and Wellbeing (now Corporate Director Service Reform and Strategy) in consultation with the Lead Member for Community Health and Wellbeing (now Cabinet Member for Adult Social Care, Public Health and Leisure) has determined which tenderer should be awarded each of the contracts, all tenderers will be issued with written notification of the

contract(s) award decision(s). A minimum 10 calendar day standstill period will then be observed before the contracts are concluded – this period will begin the day after all Tenderers are sent notification of the award decisions – and additional debrief information will be provided to unsuccessful tenderers. The standstill period will run concurrently with the Council's usual call-in process. As soon as possible, after the standstill period ends, and subject to there being no call-in, the successful tenderers of each contract will be issued with a letter of acceptance, and the contracts can commence.

- 6.4 The value of each contract renders the decision to award, a Key Decision. Key decisions are subject to the Council's Access to information Rules within Part 2 of the Constitution. This means that any award proposal must be published on the Forward Plan at least 28 days before the decision to award is taken (see 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 will involve the transfer of staff from one of the incumbent providers to the new provider of Lot 1 pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE"). Further details concerning this TUPE transfer are contained in Section 9. The TUPE process and any issues that may arise from it will be managed during the mobilisation phase.

## **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 proposals in this report have been subject to screening and officers believe that there are no adverse equality implications. This authority to award seeks to confirm a provider for supported living which will help vulnerable residents with sensory loss and a learning disability and/or a physical disability, providing support in line with the 'active' model of care. The provision of services will have a positive impact on these service users and is in line Strategic Priority 5 of Brent Council's Borough Plan, which states our commitment to working with residents as partners in their own care to live independent, safe, happy, and fulfilling lives.
- 7.6 The proposals in this report have been subject to screening and officers believe that there are no adverse health equality implications.

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

- 8.1 Given the nature of the services to be delivered, Officers do not envisage that there will be any direct Climate Change and Environmental Considerations

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

- 9.1 This extra care housing services are currently provided by two external contractors and there are no direct staffing implications for Council staff arising from retendering the Contract. However, there will be TUPE implications with staff from the incumbent providers liable to transfer pursuant to TUPE to the new providers. As part of the procurement process all employee liability information was shared with bidders.

## **10.0 Communication Considerations**

- 10.1 A robust communication plan will be put in place with the incumbent provider and new provider in order to relay the decision and any material changes to the service to the service users and their families/advocates.

### **Related documents:**

Cabinet's Authority to Tender Contracts for the provision of Extra Care Housing Support for six extra care schemes report dated 10<sup>th</sup> February 2025

Director Adult Social Services' approval to extend and vary two contracts for the provision of extra care housing support for six extra care schemes dated 06.05.2025

### **Report sign off:**

***Rachel Crossley***

Corporate Director, Service Reform and Strategy