



Executive
11 November 2013

**Report from the Strategic Director
of Regeneration and Growth and
Director of Adult Social Services**

For Action

Wards Affected: ALL

**Approval to Award Contract for Emergency Response
service.**

Appendix 2 is not for publication in accordance with the Local Government Act 1972,
Schedule 12(A) (3).

1.0 Summary

1.1 This report seeks the approval of the Executive to award a contract for the provision of Supporting People - Emergency Response as required by Standing Order 88(c). This report summarises the results of the procurement process undertaken by Brent officers and following completion of the evaluation, recommends a provider for award of the proposed contract. The report also sets out the financial implications and other benefits associated with the contract.

2.0 Recommendations

2.1 That the Executive approve the award of the contract for Emergency Response to the Barnet Group for an initial contract period of two (2) years with the option to extend for a further period of one (1) plus one (1) years.

2.2 That the Executive note that the value of the contract for the provision of Emergency Response Service is estimated to be circa £100,000 per annum for the contract period stated at paragraph 2.1 above.

3.0 Detail

3.1 Overview

3.1.1 An approval to the pre - tender considerations and criteria for the new procurement exercise was reported at the Executive meeting in June 2013. This report now provides the outcome of the procurement and the resulting recommendation for award of contract.

3.2 Background

- 3.2.1 Supporting People is a national preventative programme administered by local government which aims to enable vulnerable people to live independently in the community through providing housing-related support services.
- 3.2.2 The Emergency Response service is part of the current Sheltered Housing Contract, which is also part of the portfolio of services commissioned within the Supporting People programme. This contract expired on 31st March 2013; however the services continue to be provided by Willow Housing on a spot purchase basis. This contract is for services targeted at older people and is comprised of 4 elements:
- housing-related support for people living in sheltered housing,
 - scheme management for people living in extra care schemes,
 - emergency response for out of hours support, and
 - activities co-ordination to enable older people to participate in meaningful activities during the day.
- 3.2.3 Responsibility for the commissioning of these services is with Brent Council's Adult Social Care (ASC) department and the budget is held by Regeneration and Growth. Governance of this service area is maintained jointly by the ASC Departmental Management Team and the One Council Supporting People Project Board.

3.3 Procurement Process

- 3.3.1 Emergency Response Service is defined as Part B services under the Public Contract Regulations 2006 (as amended) ("the Regulations").
- 3.3.2 The Open tender process under the Regulations was followed for this tender. Whereby providers' bids were evaluated in a one-stage approach, covering pre-selection and qualitative criteria.
- 3.3.3 In order to adhere to the Council's Contract Standing Orders, the Treaty on the Functioning of the European Union (EU Treaty Principles) and achieve best value; the Council carried out a competitive tender process in an open, fair and transparent manner with full advertising of the requirements in the London Tenders Portal, Brent local Newspaper and on the Community Care place website and compliance when inviting and evaluating tenders to ensure Value for Money for the Council in the delivery of the Emergency Response Contract.

4.0 The Tender Process and Council's Contract Standing Orders

- 4.1 The tendering process was undertaken in one stage (open tender process) in accordance with the Council's Standing Orders 96 (b) and via the Council's eTendering system (Due North).
- 4.2 The tender opportunity was advertised on Due North - The London Tenders Portal, Brent local Newspaper and on the Community Care place website

4.3 A Qualification Questionnaire (QQ) was used to assess those suppliers with the financial, economic and technical capacity to deliver the requirements under the contract using the process and criteria as set out in Appendix xx:

4.3 Tenders Received

Following the advertised Expressions of Interest for the tender opportunity, 43 organisations responded to the Emergency Response Service:

There were 6 tender submissions in total, out of which 1 was non compliant.

The remaining 5 submitted bids were evaluated and 1 organisation failed the H&S QQ section.

Outcome of Qualification Questionnaire evaluation shown in table below:

Bidders	Total PQQ Score	Comments
The Barnet Group Limited	90.21%	1st
Bidder 2	80.06%	2nd
Bidder 3	76.56%	3rd
Bidder 4	38.92%	4th
Bidder 5	Failed H&S	Failed H&S

4.4 Evaluation of Quality Factors

4.4.1 Method Statements submitted outlined the Tenderers' Proposals for delivering the qualitative aspects of the contract requirements as outlined in the specification document issued out with the tender pack.

4.4.2 The evaluation of the qualitative elements was carried out by the evaluation panel in line with the evaluation criteria set out further above in part 4 of this document.

4.4.3 The table below details the quality scoring for the 4 bidders

Organisation	Question(s)	Question Weighting	Max Score Available	Weighted Score		
Barnet Group	Question 1	7.5%	4	6%		
	Question 2	5.0%	4	2%		
	Question 3	7.5%	4	6%		
	Question 4	5.0%	4	3%		
	Question 5	2.5%	4	2%		
	Question 6	2.5%	4	2%		
				Bidder 1 Total Quality Score	Max. Overall Quality score	20.21%
					30%	
Bidder 2	Question 1	7.5%	4	3%		
	Question 2	5.0%	4	3%		
	Question 3	7.5%	4	3%		
	Question 4	5.0%	4	3%		

	Question 5	2.5%	4	1%		
	Question 6	2.5%	4	2%		
				Bidder 2 Total Quality Score	Max. Overall Quality score 30%	15.21%
Bidder 3	Question 1	7.5%	4	6%		
	Question 2	5.0%	4	4%		
	Question 3	7.5%	4	6%		
	Question 4	5.0%	4	3%		
	Question 5	2.5%	4	2%		
	Question 6	2.5%	4	2%		
				Bidder 3 Total Quality Score	Max. Overall Quality score 30%	22.08%
Bidder 4	Question 1	7.5%	4	6%		
	Question 2	5.0%	4	2%		
	Question 3	7.5%	4	4%		
	Question 4	5.0%	4	3%		
	Question 5	2.5%	4	1%		
	Question 6	2.5%	4	2%		
				Bidder 4 Total Quality Score	Max. Overall Quality score 30%	18.33%

4.4.4 The highest score attainable for this section was 30%.

4.4.5 The tenderers were expected to respond to 6 questions relating to the contract tendered for. The panel marked and scored each question to support the tender submission.

4.5 Summary of Price Evaluation

4.5.1 Tenderers were evaluated on the pricing section as laid out in Appendix xx headed 'Pricing Evaluation Criteria'. The pricing elements of this tender accounted for 70% of the overall tender score. Please note that bidders were free to quote a different price for each of the four years, and bidders who took advantage of this feature in the pricing schedule will not have a maximum value that is equal to the year 1 price x 4.

<u>Price for ERS</u>	<u>Barnet Group</u>	<u>Bidder 2</u>	<u>Bidder 3</u>	<u>Bidder 4</u>	<u>70%</u>
Year 1 - 4 Total Price - Mobile	£523,000	£554,925	£674,850.16	£1,007,108	

Wardens					
Year 1 - 4 Total Price - Helpline	£60,712	£75,160	£75,160	£977,786	
Total Service Price	£583,712	£630,085	£750,010	£1,984,893	
Weighted Score	70.00%	64.85%	54.48%	20.59%	

<u>Price per annum for Mobile Wardens</u>	<u>Barnet Group</u>	<u>Bidder 2</u>	<u>Bidder 3</u>	<u>Bidder 4</u>	<u>70%</u>
"The Price" submitted	£131,125	£139,795	£163,723	£244,623	
Weighted Score	70.00%	65.66%	56.06%	37.52%	

<u>Price per annum for Helpline</u>	<u>Barnet Group</u>	<u>Bidder 2</u>	<u>Bidder 3</u>	<u>Bidder 4</u>	<u>70%</u>
"The Price" submitted	£15,178	£18,788	£18,790	£236,236	
Weighted Score	70.00%	56.55%	56.54%	4.50%	

4.5.2 The current comparable service element is valued at £100,000 per annum.

4.5.3 Prior to this tender being issued, there was a mini competition carried out off the Supporting People framework, however there was only one submission and because TUPE liability to this contract is greater than the actual value of the contract itself; the price was so much higher than the current cost to the point of being financially unviable to the Council. Therefore the Council decided not to proceed with an award off the Brent Supporting People Framework and instead made another attempt to procure these services by rebalancing the quality price ratio to encourage more focus on pricing and by opening the opportunity to the wider market.

4.5.4 A service delivery model review was carried out and a decision was made to isolate the previously combined services of Emergency Response and Floating Services in order to make it more attractive to the market and encourage a more reasonable price submission.

4.5.5 Furthermore the Emergency Response service was broken down into its two key elements - Mobile Wardens and Helpline in order to incentivise the market to retain what is currently a relatively low price for the Helpline element.

4.6 Preferred Bidder Recommendation

4.6.1 It is recommended that **The Barnet Group** be awarded the contract for the delivery of the Emergency Response to the London Borough of Brent. The contract would be awarded for up to 4 years (2 years plus 1 plus 1) with an expected contract start date of February 2014.

4.6.2 Please see the table below, which details the total overall score combining the Financial and Quality aspects of the Evaluation.

Overall Tender Score and High level Criteria Analysis				
Award Criteria	Bidders			
	The Barnet Group	<u>Bidder 2</u>	<u>Bidder 3</u>	<u>Bidder 4</u>
Total QUALITY SCORE RATING AS 30%	20.21	15.21	22.08	18.33
Total PRICING SCORE RATING AS 70%	70.00	64.85	54.48	20.59
TOTAL SCORE RATING AS 100%	90.21	80.06	76.56	38.92

4.6.3 Please see the table below, which details the total overall score and clearly shows the final bidder's final position.

Overall Tender Score and Bidder's position		
Name of Bidder	Overall Score	Rank
The Barnet Group	90.21%	1st
Bidder 2	80.06%	2 nd
Bidder 3	76.56%	3 rd
Bidder 4	38.92%	4 th

5. Risks

5.1 There are no known risks associated with this contract award.

6.0 Financial Implications

6.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £250k or works contracts exceeding £500k shall be referred to the Executive for approval to invite tenders and in respect of other matters identified in Standing Order 89.

6.2 Investment associated with the current service specification for the Willow Sheltered Housing Contract is £505,145 per annum. The Supporting People programme budget for 2013-14 is £8.4m. This budget has been reduced by £3.3m since 2010-11. The expected cost of these services has been budgeted for within the reduced

financial envelope. The cost difference can be tolerated within the context of wider savings delivered over the past twelve months associated with the procurements of other Supporting People services. In particular, the savings to be achieved through re-procurement of the older people floating support services could not be realised without letting the emergency response contract at this price, and should be viewed as producing a net benefit to the council for this reason.

6.3 The new contract is anticipated to start in February 2014.

6.4 It is anticipated that the cost of this contract will be funded from existing resources

7.0 Staffing Implications

7.1 There are TUPE implications arising from the award of the contract. TUPE applies to the incumbent provider's staff currently providing a proportion of the services that are included in this process. As such, protection will be afforded under the TUPE regulations to such staff assigned to the service immediately prior to the contract start date and who do not object to transferring; so that they will transfer to the organisation awarded the contract on their existing terms and conditions.

8.0 Legal Implications

8.1 The contracts for the Supporting People funded Emergency Response service is a Part B services contract for the purposes of the Public Contracts Regulations 2006 ("EU Regulations"), and thus only subject to partial application of the EU Regulations when tendering to include requirements covering technical specifications and the need to publish a Contract Award Notice following award. Where such services are of interest to providers located in other EU Member States, the contract must be procured in line with the Treaty on the Functioning of the European Union in respect of non-discrimination, equal treatment, fairness and transparency in the award process. Officers have followed a fair and transparent tender process, which is clearly set out within the body of this report and appendices.

8.2 The proposed Emergency Response contract, if let, will be deemed a High Value services contract (exceeding £250,000 over the life of the contract, taking into account any extensions) and as such, in accordance with the Council's Contract Standing Orders, the Executive is required to review and agree the award of contract in accordance with Contract Standing Order 88(c).

8.3 In the present case, there is an incumbent provider currently providing elements of the service being procured. As a result, the Transfer of Employment (Protection of Employment) Regulations 2006 ("TUPE") apply if the contract is awarded to a new provider, where immediately before the change of contractor, there is an organised grouping of employees situated in Great Britain which has, as its principal purpose the carrying out of the activities concerned on behalf of the Council and where the employees are assigned to that organised grouping. Subject to the right of the employee to object to transferring, the employee's contract of employment will transfer to the new contractor. Further information concerning the staffing issues is detailed in paragraph 7 of this report.

9.0 Diversity Implications

9.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications. An Equalities Impact Assessment (EIA) has been undertaken in accordance with the Equality Act 2012. A copy of the EIA is appended to the 12th November Executive report which requested authority to award the Supporting People Framework, of which the Emergency Response service formed part of. This EIA has been approved by the Customer and Community Engagement Team. As the two services recommended for tendering in this report will be essentially the same as those currently delivered by the incumbent providers, it is considered that a further Equalities Impact Assessment is not required.

10.0 Appendices

Appendix 1 – Evaluation Criteria and Pricing Methodology.

Appendix 2 - The tender process and evaluation comprising commercial-in-confidence information

11.0 Background Papers

- Executive Report 17 June 2013 -Supporting People Services – approval of contract extensions and pre-tender considerations
<http://democracy.brent.gov.uk/documents/s17486/asc-supporting-people.pdf>
- Equalities Impact Assessment (EIA) report Appendix 5 of 12 November 2012 Exec.
<http://democracy.brent.gov.uk/documents/s13102/asc-supporting-people-app-eia.pdf>

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Appendix 1

Evaluation Criteria and Weightings Overview

Emergency Response Service		
Questions	Type	Weighting
Section A Contact and Administrative Information		
Name of the organisation submitting this application	For Information only	0
Person applying on behalf of the organisation	For Information only	0
Trading name of organisation (if different from the name previously given)	For Information only	0
Registered name of organisation (if different from the name previously given)	For Information only	0
Registered Office address	For Information only	0
Is your organisation a sole trader, traditional partnership, limited liability partnership, private limited company, public limited company or other (please specify in the comments section)?	For Information only	0
If applicable, please state the number and date and provide a copy of the Certificate of Incorporation or Registration (and change of name) under the Companies Act 2006 or Industrial and Provident Societies Acts 1965 to 1978, or any other legislation.	For Information only	0
Please complete the attached document with the full names of all directors / partners / company secretary (or other persons with a similar position of control to a director or partner) in the organisation. Please also include the job title.	For Information only	0
If any of your directors / partners / company secretary are or have been employed by Brent Council, please complete the attached document. Please give department / unit and dates of employment.	For Information only	0
If any of your directors / partners / company secretary are or have served as Councillors at Brent Council, please complete the attached document. Please give department / unit and dates of employment.	For Information only	0
If your directors / partners / company secretary have a spouse, co-habiting partner, child, parent or business associate who is employed by Brent Council at a senior level or who is a Councillor, please complete the attached document including details of relationship.	For Information only	0
If your directors / partners / company secretary have any involvement in other organisations (e.g. as employee, director) who provide services to Brent Council, please complete the attached document and explain the nature of your involvement.	For Information only	0
Are you aware of any existing customers of your organisation whose interests may overlap with those of the Council, such that your organisation could have a conflict of interest in advising that customer as well as the Council? If yes, please provide details of the conflict.	For Information only	0

Section B Sub-Contracting and Consortia		0
Is your organisation bidding to provide the services required by itself?	For Information only	0
Does your organisation intend to work with other parties to provide some services?	For Information only	0
Section C Professional Conduct		0
Has your organisation or any directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?	Pass/Fail Question	0
Is any of the following true of your organisation?	Pass/Fail Question	0
Has your organisation committed any of the acts/ omissions listed below?	Pass/Fail Question	0
Section D Economic and Financial Standing		0
If the organisation is a member of a group of companies, please state where the parent company is incorporated and give the names and addresses of the parent company and the ultimate holding company (if different)	Pass/Fail Question	0
Would the parent or ultimate holding company be prepared to guarantee your contract performance as its subsidiary?	Pass/Fail Question	0
Please confirm your willingness to provide a Performance Bond should this be required (Note: This would be paid for by the Council)	Pass/Fail Question	0
Please state the name and title of the person in the organisation responsible for financial matters	For Information only	0
Please attach electronic versions of the organisation's audited accounts for the past three years, to include: please see options listed below	Pass/Fail Question	0
If the Accounts you are submitting are for a year ended more than 10 months ago, please provide (a) Turnover since the end of last financial year (b) Estimate of Profit before and after tax, if available (c) Confirmation that the company is still trading.	Pass/Fail Question	0
Has your organisation met the terms of its banking facilities and loan agreements (if any) during the past 3 years?	Pass/Fail Question	0
Has your organisation met all its obligations to pay its creditors and staff during the past year?	Pass/Fail Question	0
Please state the amount of any outstanding fine arising out of civil or criminal proceedings, or imposed by an enforcement agency such as the Serious Fraud Office or the Competition Commission, which your organisation remains liable to pay. Please confirm over what period the outstanding amount is payable, together with the estimated impact on your organisation's balance sheet. Please only include fines etc which when imposed exceeded £5,000.	Pass/Fail Question	0
What is the name and address of your Bankers (who could provide a reference).	Pass/Fail Question	0
Section E Insurance		0
Employers Liability Insurance held (Minimum acceptable amount as set out in the Questionnaire Instructions)	Pass/Fail Question	0

document)		
Public Liability (Third Party) Insurance held (Minimum acceptable amount as set out in the Questionnaire Instructions document)	Pass/Fail Question	0
Please see the Questionnaire instructions document to see whether you are required to have a “Principals” clause in your Employers and Public Liability Insurance Policies. If so, please confirm whether you have this.	Pass/Fail Question	0
In the event that the Council requires Product Liability Insurance as part of the contract award, please confirm that you are able to provide and enclose a copy of your policy (Minimum acceptable amount as set out in the Questionnaire Instructions document).	Pass/Fail Question	0
In the event that the Council requires Professional Indemnity Insurance as part of the contract award, please confirm that you are able to provide and enclose a copy of your policy (Minimum acceptable amount as set out in the Questionnaire Instructions document).	Pass/Fail Question	0
Section F Health and Safety		0
Membership and Accreditations: Are you a member of an approved scheme under SSIP, Safety Schemes in Procurement? (See www.ssip.org.uk for details); and/or are you accredited to BS OHSAS18001 (or its equivalent)?	Pass/Fail Question	0
Have you been issued with any Improvement Notices, Prohibition Notices or other Enforcement Notices by the Health and Safety Executive, Local Authority or Fire Service in the last three years?	Pass/Fail Question	0
Have you been prosecuted by the Health and Safety Executive, Local Authority or Fire Service in the last three years?	Pass/Fail Question	0
Additional Health and Safety Questions		0
Do you have a health and safety management system in place?	Pass/Fail Question	0
Do you have access to competent health and safety advice?	Pass/Fail Question	0
Do you have a procedure for recording and reporting of accidents, incidents, violent incidents, dangerous occurrences, occupational ill-health and near misses?	Pass/Fail Question	0
Do you have a procedure for risk assessment and risk management?	Pass/Fail Question	0
Do you have a health and safety policy that has been developed or reviewed in the last two years?	Pass/Fail Question	0
Do you have a training plan to ensure staff competency?	Pass/Fail Question	0
Do you have a procedure for consulting and communicating with staff over health and safety issues?	Pass/Fail Question	0
Do you have a procedure for managing and monitoring sub-contractors (if applicable)?	Pass/Fail Question	0
Section G Quality Assurance		0
Please confirm if your organisation has acquired a Quality Assurance Accreditation. Please select one or more of the below as applicable.	Pass/Fail Question	0

Section H Equality		0
There are 9 “protected characteristics” under the Equality Act: age, race, religion or belief, disability, sex, age, gender reassignment, pregnancy and maternity, marriage and civil partnership or sexual orientation. Has any finding of unlawful discrimination been made against your organisation in the last three years in respect of an individual having one of these protected characteristics?	Pass/Fail Question	0
What does your organisation do to ensure that promotion of equality and diversity are embedded throughout the organisation?	Pass/Fail Question	0
Can you give an example of how your organisation has adapted its service or work environment to meet the needs of a group or individual with a protected characteristic? The protected characteristics are: Age, race, religion or belief, disability, sex, age, gender reassignment, pregnancy and maternity, marriage and civil partnership or sexual orientation.	Pass/Fail Question	0
Section I Environmental		0
Do you have a certified Environmental Management System (“EMS”) to ISO14001 or EMAS standard or equivalent (example, Acorn BS 5558)?	Pass/Fail Question	0
Do you have an environmental policy?	Pass/Fail Question	0
Within the last 3 years has your organisation:	Pass/Fail Question	0
Please give an example of how you have changed your working practices to reflect your environmental policy.	Pass/Fail Question	0
Section J Method Statement Questions		30%
Explain how your organisation will deliver an emergency response service in such a way as to ensure that service users achieve the specified outcome, (staying safe) to the fullest extent possible.	Scored	7.5%
Explain how you will ensure that sensitive data is protected and maintained to a high standard.	Scored	5%
Explain how you will mobilise the operations of the Emergency Response service in an efficient manner, including your approach to the logistics of service delivery across Brent.	Scored	7.5%
Explain how you will ensure that partners (including statutory/ voluntary sector organisations), are effectively involved in the delivery of the supports required for service users to achieve the specified outcomes.	Scored	5%
Explain how your organisation will design and deliver services such that they are tailored to the needs of individuals to the fullest extent possible.	Scored	2.5%

Explain how you will ensure that all service users are treated with dignity and respect, and how the service will effectively meet the cultural, ethnic, gender, language, disability, sexuality and age-specific needs of a diverse population.	Scored	2.5%
Section K Pricing Schedule		
Organisations are required to attach their pricing schedule to this section.	Attachment Required	70%

Evaluation Methodology for scored questions for both QQ and Method Statement

In the evaluation of scored questions, a scoring range of between 0 and 4 was used to score Potential Bidders response. The assignment of a score of 0, 1, 2, 3 or 4 was based on the following assessments:

Assessment	Score
Deficient – Response to the question (or an implicit requirement) significantly deficient or no response received.	0
Limited – Limited information provided, or a response that is inadequate or only partially addresses the question.	1
Acceptable – An acceptable response submitted in terms of the level of detail, accuracy and relevance.	2
Comprehensive – A comprehensive response submitted in terms of detail and relevance.	3
Superior – As Comprehensive, but to a significantly better degree.	4

In order to assess tender returns, a method statement and pricing schedule for completion was included in the tender documentation.

Bidders will fail the Method Statement Questions evaluation if they:

- a) Score 0 out of the available 4 for any of the Method Statement Questions.
- b) Score 1 out of the available 4 for any three of the scored Method Statement Questions.
- c) Score less than 50% for the overall quality score.

Price Evaluation Criteria

Price consisted of 70% of the evaluation weightings. The evaluation method will ensure that the lowest price achieves the maximum available marks, with other Bidders scores calculated proportionately. The lowest price will achieve the maximum available score (70%) with the other Bidders prices scoring points inversely proportionate to the lowest.

A cost of service (the Price) was established using the Price submitted in the ITT Pricing Schedule. The cost of service was calculated using the following methodology:

The Price was calculated by adding the year 1 to year 4 Mobile Warden Annual Price, to the year 1 to year 4 Helpline Annual Price to calculate a total cost of service.

The lowest Bidders Price submitted was divided by the Bidders Price, and then multiplied by the price weighting percentage and rounded up to two decimal places to give the Bidders price score i.e.

$\text{Lowest Bidders price} / \text{Bidders price} \times \text{Price weighting.}$

The Quality of service was assessed based on bidder's method statement responses and there were three evaluators from the Service Area.

Each evaluator individually scored each organisation. All evaluators provided detailed commentary against their marking not only to support their scoring but to enable a constructive feedback for all bidders.

Once all scores were merged to compile an overall matrix of the evaluation panel's collective assessments. These were then reviewed to test for any anomalies and extreme disconnects between the majority scores. After evaluator clarification if there was a common view that moderation was appropriate then this was made. Where there was a justification for the anomaly then this was left unaltered.