



Cabinet
19 October 2015

**Report from the Strategic Director
Adults**

Wards Affected:
ALL

**Authority to award a Direct Payments Advice and Support
Service Contract**

Appendix 1 is “Not for Publication”

1.0 Summary

- 1.1 In accordance with Contract Standing Order 88, this report seeks Cabinet authority to award a 2 + 1 year Direct Payment Services Contract to allow the Council to offer a Support and Advice (general, employment and ongoing), Managed Account and Personal Assistant Service to those Users in receipt of Direct Payments and/or Personal Health Budgets.
- 1.2 The report provides further details on the Service, the procurement process and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

2.0 Recommendations

- 2.1 That Members award a contract to The Penderels Trust Limited for the provision of Direct Payments Services for an initial period of two (2) years with an option to extend the contract for a further one (1) year.

3.0 Background

- 3.1 On 1 June 2015, the Cabinet gave approval for officers to procure a Direct Payment (DP) Service contract to allow the Council to offer an advice, support, managed account, personal assistant service and other value added services (that compliment the take up of personal budgets) for people in receipt of a personal budget (direct payments and personal health budgets).
- 3.2 As Brent is a member of the West London Alliance, the Cabinet gave

approval to the procurement with the knowledge that the PA element of the contract would be accessed by participating authorities namely the London Boroughs of Barnet, Ealing and Hounslow.

- 3.3. The legislative context for direct payments is set out in the Care Act 2014, Mental Health Act 1983, and the Care and Support (Direct Payments) Regulations 2014.
- 3.4 The Care Act 2014 provides a power to enable DPs to be made to meet some or all of a person's eligible care and support needs, or a nominated person acting on their behalf, if agreed by the person with care needs, or the person with care and support needs lacks capacity to manage their DP themselves. DPs are also available to carers. The Care Act 2014 requires the Local Authority to be satisfied that the person is able to manage the DP themselves, or with help or support, will be able to manage the DP.
- 3.5 The Government's vision for social care and the social care sector document 'Think Local, Act Personal' reinforces personal budgets as mainstream and expresses an expectation that DPs should become the principle method of delivery. To meet this expectation, local authorities will need to ensure that suitable arrangements are in place to support the take-up of DPs by the majority of people assessed as needing care and support.

4.0 The services to be contracted

- 4.1 The proposed provider will be required to deliver the following services:
 - 4.1.1 Advice and Support: this service is aimed at individuals that are relatively independent and require a one-off or short term support with setting up and managing their DP/PHB.
 - 4.1.2 DP employment and advice: this service is aimed at individuals that are relatively independent but require support with recruitment, selection and retention of a personal assistant and to set up and manage their DP.
 - 4.1.3 Ongoing advice and support with management of a DP: the services listed above in 4.1.1 and 4.1.2 are intended to foster greater independence and minimal individual support. However, it is accepted that there will be circumstances where some individuals will require short term ongoing support and this is the aim of this service.
 - 4.1.4 Managed Account: this service is aimed at individuals that have difficulty in managing their own finances and therefore cannot fulfil their responsibility as a DP user without assistance. This service will also be available to vulnerable users where there may be safeguarding issues. The new provider will

receive and manage the DPs/PHBs on behalf of the individuals and ensure that they meet their payment responsibilities to their care agency or PA, HMRC and other suppliers.

4.1.5 A Personal Assistant (PA) Service: this service is aimed for individuals who wish to employ their own PA but may not know of someone they wish to employ as their PA, do not know where to look for a PA, have language or literacy issues making it difficult for them to manage the PA process and/or find it difficult to find a PA with sufficient skills, experience and training to match their specific skills. The two elements of this service are:

- a. PA Notice Board – listing PAs available for work after undergoing the process of recruitment, a Disclosure and Barring check and training
- b. PA Matching – where required, assist individuals to find a suitable PA that meets all their criteria of employment either from the Provider’s Notice Board or through agencies such as Job Centre Plus.

4.1.6 The following rates will be paid for each service:

- a. A fixed hourly rate will be payable for the services listed above in 4.1.1 to 4.1.3.
- b. An annual fee will be paid for each individual using the managed account service.
- c. A fee for each PA listed on the Notice Board (including successful recruitment, positive DBS check and training)
- d. A fee for each successful match between an individual and a PA.

4.2 Whilst the participating WLA Authorities shall set up their own payment mechanisms for the PA element, the contract will be managed by Brent’s Adult Social Care and Children Services departments. The Provider will be required to submit monthly and quarterly monitoring reports for each service provided.

5.0 The tender process

5.1 In accordance with the June 2015 Cabinet Approval to Procure report, a Restricted or two stage process was initiated in July 2015 when the procurement was advertised, with a Contract Notice being placed in the Official Journal of the European Union (“OJEU) seeking expressions of interest.

5.2 The advert closed on the 3rd August 2015 with 53 organisations expressing an interest. Each was sent a Pre Qualification Questionnaire (PQQ). Of the 53 that expressed an interest, 7 submitted a response.

5.3 In accordance with the evaluation process described in Section 5.4 below, each PQQ was assessed by representatives from Brent Council

and the participating WLA authorities.

Pre Qualification Stage - Evaluation process

5.4 The PQQ assessment followed a 3 stage process as follows:

Stage 1 - Submission on time:

All bidders submitting a PQQ passed this stage and moved to the stage 2 assessment.

Stage 2 - Mandatory and Discretionary evaluation:

This assessment related to a check on the bidders committing any criminal offences such as bribery, corruption, not paying tax or social security contributions and any professional misconduct. All bidders passed and moved onto stage 3 of the evaluation.

Stage 3 - Final evaluation:

14 questions were then evaluated by applying a pass/fail approach. A further 3 questions, which had a collective quality score of 100%, were also evaluated using a 0 (limited) to 4 (superior) scoring method.

Bidders were informed that they would not be invited to tender if they received 4 fails for any of the 14 pass/fail questions, a 0 for any of the 3 scored questions, a 1 for any 2 of the scored questions and/or scored less than 50% of the total 100% quality score.

As shown in the following table, 5 of the 7 bidders passed the final PQQ evaluation (the names of the bidders are contained within Appendix 1) and were invited to tender.

BIDDER REF	PANEL SCORE (less than 50% = fail)	Number of Pass/Fail marks (if 4+ fail)	Number of 0 scores (if 4+ = fail)	Number of 1 scores (if 2+ = fail)	OUTCOME
1	76.3%	0	0	0	PASS
2	71.9%	0	0	0	PASS
3	70.6%	0	0	0	PASS
4	64.7%	0	0	0	PASS
5	58.4%	0	0	0	PASS
6	45.6%	0	0	0	FAIL
7	43.1%	0	0	0	FAIL

5.5 On the 4th September 2015, of the 5 bidders invited to tender, 4 bidders submitted a tender response. Applying the methodology set out in the tender documents (described in Section 5.6) the responses were scored against a 60% cost and 40% quality criteria weighting.

Invitation to Tender (ITT) Stage - Evaluation process

5.6 The ITT assessment also followed a 3 stage process as follows:

Stage 1 - Submission on time:

All bidders submitting an ITT passed this stage and moved to the stage 2 assessment.

Stage 2 - Method Statement Questions and Price Evaluation:

Quality: Bidders were evaluated against 17 method statement answers which had a total weighting of 40%. The Method Statements looked at different elements of the quality criteria approved by Members as detailed in Appendix 3. Representatives from Brent Council and the WLA participating authorities scored each response applying the same 0 to 4 approach used for the PQQ. At this stage bidders were informed they would not be considered if they scored 0 for any quality answer, scored 1 for 5 quality answers and/or scored less than 20% of the overall quality score. All bidders passed the quality stage.

Cost: Price consisted of 60% of the evaluation weightings. The evaluation process ranked the lowest price for each DP element with the maximum available mark and other bidders scores were calculated proportionately.

Stage 3 – Ranking and Awarded of the Contract:

At this stage the bidders cost and quality scores were combined and ranked with the highest scoring, Penderels Trust, recommended for appointment.

5.7 Appendix 2 contains the scoring details for the ITT evaluation.

5.8 The outcome of the tender scoring is that The Penderels Trust Limited of Seven Stars Estate, Wheler Road, Coventry CV3 4LB received the highest overall combined cost and quality score and is therefore recommended for contract award.

6.0 Financial Implications

6.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £250,000 or works contracts exceeding £500,000 shall be referred to the Cabinet for approval of the award of the contract.

6.2 The estimated value of this contract is £1,662,818 over 3 years. The actual cost per year is dependent upon the number of hours of support provided to service users. The overall value of the contract equates to an estimated annual cost of £554,273.

- 6.3 The contract fee includes the payment of the LLW.
- 6.4 The cost of this contract will be met within the Adult Social Care budget for the next three years and. The cost of the PA services utilised by Boroughs of Barnet, Ealing and Hounslow will be met by the individual Boroughs and are also contained within the contract cost.

7.0 Legal Implications

- 7.1 As detailed in paragraph 3.0 above, the proposed contract will assist the Council to comply with the requirements of the Care Act 2014, Mental Health Act 1983 and the Care and Support (Direct Payments) Regulations 2014 with the provision of a comprehensive DP service.
- 7.2 The estimated value of this contract over its the lifetime is higher than the EU threshold for Services and the award of the contracts therefore is governed by the Public Procurement Regulations 2006 (the “EU Regulations”). The award is subject to the Council’s own Standing Orders in respect of High Value contracts and Financial Regulations and as such Cabinet approval is required to award the contract to the Penderels Trust Limited.
- 7.3 As advised in the Cabinet Report requesting authority to tender this contract dated 1 June 2015, the Council must comply with the EU Regulations relating to the observation of a mandatory minimum 10 calendar day standstill period before the contract can be awarded. Therefore once the Cabinet has determined whether to award the contract to The Penderels Trust Limited, all tenderers will be issued with written notification of the contract award decision. A minimum 10 calendar day standstill period will then be observed before the contract is concluded – 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 EU Regulations. As soon as possible after the standstill period ends, the successful tenderer will be issued with a letter of acceptance and the contract can commence.

8.0 Diversity Implications

- 8.1 The proposed contract will require the provider to deliver services which are culturally sensitive by:
- ensuring that all staff are aware of the multi-cultural population of Brent by providing cultural awareness training for all staff and matching specific language requirements where possible, and;
 - training all staff in areas that will raise awareness of issues faced by vulnerable people from different ethnic groups.
- 8.2 The provider will be monitored to ensure they are complying with these requirements through checking of their records, regular review of

services provided to individual service users where feedback will be sought from service users, quarterly monitoring meetings and provision of quarterly performance information to the Council.

- 8.3 In view of the fact that this procurement represents a change to the existing services provided, it is necessary for the Cabinet, as decision-making body, to consider the equalities implications which are contained within the Equalities Impact Assessment in Appendix 4. In summary the services will enable people of all backgrounds and disability to exercise choice and control and independence to manage their own care and support through direct payment/personal health budget by purchasing this care and support either through an agency or by employing their own personal assistant. The additional new services procured, recruitment and matching of personal assistants, will have a positive impact on our all service users in receipt of personal budgets as they will have a wider choice for service users to recruit and employ their own personal assistant.

9.0 Staffing/Accommodation Implications

- 10.1 This service is to be provided by an external provider and there are no implications for Council staff arising from the award of the contract.

10.0 Public Services (Social Value) Act 2012

- 11.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 (the "Act") to consider how the 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.
- 11.2 The services being procured have as their primary aim improving the social and economic well being of some of the most vulnerable groups in Brent. They are specialist services with only a limited number of organisations who can meet the Council's requirements. Nevertheless, Officers endeavoured to ensure the requirements of the Act were implemented as part of the procurement process, including requiring bidders to submit pricing including the London Living Wage.

11.0 Background Papers

- Cabinet Report - 1 June 2015

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APPENDIX 2 -TENDER EVALUATION GRID

PART 2A – QUALITY QUESTIONS AND PANEL SCORES

METHOD STATEMENT (QUALITY) QUESTION		WEIGHT	BIDDER REF & SCORE			
			4	1	3	5
Q1	Implementation and Resourcing the Contract: There is an estimated four weeks between contract approval and contract start date. Please describe how you will ensure smooth transition of the Service. Please ensure within your response you address the following: a. Implementation Plan with key milestones and dates b. your approach to service continuity for existing service users c. your intentions to work in partnership to achieve good communication and involvement with the outgoing Provider, the Council, other resources in the Borough, Service Users d. Contract Management	5%	2.8%	3.0%	3.5%	1.8%
Q2	Please describe how you would manage the current Service Users' anxieties about the change. How would you keep Service Users informed and involved throughout the implementation of the contract?	5%	3.3%	2.8%	3.3%	3.3%
Q3	Workforce Please describe how you will consult with transferring staff (TUPE), recruit, train and supervise staff and volunteers to ensure the smooth running of the service. Please ensure within your response you address the following: a. TUPE b. Recruitment of staff c. Staff Structure for Service d. Structure of Organisation (including volunteers) e. Job Descriptions & Person Specifications for all staff f. the resources you will use to deliver the service g. details of proposed management structure	5%	3.0%	3.5%	3.3%	2.5%
Q4	Service Delivery: Please describe how your organisation will deliver the required services taking into account the demographics and diverse nature of the population of Brent, Barnet, Ealing, and Hounslow. Bidders response to include the following: • Undertaking an assessment of support need and jointly agreeing services to be provided that will meet individual Service User outcomes and exercising service user choice and control? • How Service Users are supported to exercise choice and control over their recruitment of their care and support agency	5%	3.0%	2.0%	4.0%	2.8%

Q5	<p>Please describe how your organisation will provide the services listed below. Please provide examples of the recent services delivered under contract for the Services listed below. Your response should demonstrate how the services provided have been relevant to the Service Users Groups.</p> <p>a. Initial advice and support b. Advice and Support for Service Users re-accessing the Service</p>	5%	3.0%	2.8%	3.8%	2.5%
Q6	<p>PA Services</p> <p>a. Recruitment How will your organisation actively establish a diverse PA pool to meet / match the differing cultural needs of Service Users?</p> <p>b. PA Training Access to training (and funding for training) for PA's is a major issue for PB Service Users - how will your organisation support Service Users to (a) access reputable training providers, and (b) access funding sources for training i.e. Skills for Care funding stream etc.</p> <p>c. Employment Advice and Support How will your organisation support the Service Users with information and advice on the rights and responsibilities of employing a PA.</p> <p>d. Service User and PA Matching Service How will your organisation support Services Users to find suitable PAs that have the right skills, abilities and availability to provide their care and support needs.</p> <p>e. Time to set up a PA Service How quickly will your organisation be able to move from receiving a request to service commencement for each Service User.</p> <p>f. Sustainability of PA arrangements How will your organisation support Service Users and PAs to maintain a positive relationship and manage disruptions such as leave, sickness, maternity etc.</p> <p>g. Enablement and Reducing Dependency How will your organisation support a PA to increase the independence of Service Users and reduce dependency of paid social care services over time.</p>	30%	21.0%	19.5%	25.5%	16.5%
Q7	<p>Managed Account Service: Please describe how your organisation will jointly and creatively manage Service Users' Personal Budgets making the best use of available budgets to meet Service Users' outcomes.</p>	5%	3.0%	2.8%	3.8%	2.5%
Q8	<p>The Councils will require some Service Users to make a financial contribution to their care and support provision. How and what methods will your organisation adopt to monitor and ensure that these Service Users pay their financial contribution and that there are sufficient funds available in their account to pay for their care and support</p>	5%	3.3%	3.3%	3.5%	2.5%

Q9	Training: Please describe how you will implement the training programme, and promote training to encourage both Service Users to participate. Please provide an example where you have been successful in this area.	5%	2.5%	2.5%	3.0%	2.0%
Q10	Forums: Please describe how your organisation will organise, promote and encourage Service Users PAs play an active part in the forums. How will you ensure that the forums are actively attended. Please provide an example of where you have achieved success in this area.	5%	4.3%	2.8%	3.5%	2.8%
Q11	Policies: Taking into consideration the demographics of the population of the West London boroughs, please describe how you will apply your equalities and human rights policies and procedures when providing services to a range of service users.	10%	6.5%	6.0%	6.5%	5.0%
Q12	Promotion of Services: Please provide your service promotion plan, how you will measure the impact and how the take up of PBs will be increased.	2%	1.6%	1.1%	1.3%	1.0%
Q13	Operative Base: Please confirm the expected main office base from where the service will be administered and any other locations your staff will be based.	2%	1.5%	1.0%	1.5%	1.0%
Q14	Quality Assurance: Please describe what methods will be adopted to engage with Service Users and PAs to ensure that they play a key part of the ongoing review and improvement of the Service. Please explain how Service Users will be consulted and involved in shaping the delivery and development of the Service.	3%	2.1%	2.0%	2.1%	2.0%
Q15	Monitoring and performance: Please provide at least 3 examples of the type of monitoring reports you have produced to evidence the successful outcomes for Service Users, ie. choice, control and independence of the service.	3%	1.8%	1.8%	2.0%	1.7%
Q16	Safeguarding: How does your organisation manage safeguarding incidents and what are your formal procedures in reporting potential safeguarding concerns? - What pro-active measures can you demonstrate to evidence how you implement the safeguarding process in your day to day operation? - how the Pan London Safe Guarding policy is adhered to, including escalation procedures and notification if required.	3%	2.0%	2.0%	2.0%	1.8%
Q17	Added Value: Please describe the added value your organisation will bring to the Councils' commitment to promoting choice, control and independence for Service Users through Personal Budgets.	2%	1.0%	1.2%	1.0%	1.1%

TOTAL	100.0%	65.5%	59.8%	73.3%	52.5%
TOTAL WEIGHTED (OUT OF 40%)	40.0%	26.2%	23.9%	29.3%	21.0%

PART 2B – QUALITY AND COST SCORE

BIDDER REF	QUALITY SCORE (40%)	COST SCORE (60%)	TOTAL	RANK
3	29.3%	43.0%	72.3%	1
1	23.9%	47.0%	70.9%	2
5	21.0%	45.0%	66.0%	3
4	26.2%	22.0%	48.2%	4

APPENDIX 3

The table below indicates how each Method Statement links with the Evaluation Criteria and details the weighting attributable to each Method Statement.

Criteria	Weighting	Method Statement Question	Method Statement Weighting
How experience in delivering similar services will be applied to the proposed contract.	25%	Q1	5%
		Q2	5%
		Q5	5%
		Q8	5%
		Q10	5%
How the Service will be operated to lead to improved personal independence.	32%	Q6	30%
		Q17	2%
How the services will be delivered to increase DP uptake	7%	Q9	5%
		Q12	2%
How the service provider will use its staffing (skills, qualifications and experience and structure) in order to meet the needs of those in receipt of DPS.	7%	Q3	5%
		Q13	2%
How the Service will be operated to achieve delivery of outcomes.	16%	Q4	5%
		Q7	5%
		Q14	3%
		Q15	3%
How policies and procedures regarding equality and human rights will be applied to the range of service users.	13%	Q11	10%
		Q16	3%

