



Executive
13 February 2012

**Report from the Director of Adult
Social Services and Children and
Families**

Wards affected:
ALL

Approval of the selection criteria for the procurement of a framework agreement for carers short break and respite services for the Adult Social Care and Children and Families departments

1.0 Summary

- 1.1 A report was approved by the Executive on 17th October 2011 for Adult Social Care and Children and Families departments to procure a joint framework agreement for carer short break and respite services. The report of the 17th undertook to report back to Executive, seeking authority for selection criteria.
- 1.2 In line with 1.1 above this report seeks Executive approval of the project timetable and selection criteria for the procurement exercise.
- 1.3 In addition this report provides an update on progress with the consultation process for the establishment of a Carers Services Hub and review of carer services within Adult Social Care.

2.0 Recommendations

- 2.1 The Executive to give approval to the pre - tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 3.0 of the report.
- 2.2 The Executive to give approval to officers to invite expressions of interest, agree shortlists and invite tenders in accordance with the procurement timetable and evaluate them in accordance with the approved evaluation criteria referred to in 2.1 above.

Detail

3.1 Pre-Tender Considerations

In accordance with Contract Standing Orders 89 and 90, pre-tender considerations have been set out below for the approval of the Executive.

Ref.	Requirement	Response
(i)	The nature of the service.	Provision of Carer related short break, home based support and respite services for Adult Social Care and Children and Families.
(ii)	The future estimated value of the framework contracts	<p>An estimated potential spend of up to £750,000 per annum for Adult Social Care and £500,000 for Children and Families (based on 2011/12 spend). With a potential total value over the 4 years of £5,000,000.</p> <p>However the framework will have no confirmed service levels or spend data this will give service delivery teams across the two departments flexibility to manage budgets according to need.</p> <p>The framework will include the following 7 lots:</p> <p>Lot 1 – Personal care and short break support for disabled children and young people in their family home and or in the community</p> <p>Lot 2 – Short break support in the family home and or in the community for children and young people with behaviour challenges and/or autistic spectrum disorders</p> <p>Lot 3 – Short break support in the family home and or in the community for children and young people with complex health needs, including technology dependent children and young people.</p> <p>Lot 4 – Services for carers of Older people</p> <p>Lot 5 – Services for carers of adults with learning disabilities</p> <p>Lot 6 – Services for carers of adults with mental health needs</p> <p>Lot 7 – Services for carers of adults with physical disabilities</p>

(iii)	The contract term (Framework Agreement term)	4 years	
(iv)	The tender procedure to be adopted.	<p>A two stage restricted tender process in accordance with the Council's Standing Orders.</p> <p>As Social Care transactions are 'Part B Services', under the Public Contract Regulations 2006 ("the Regulations"); the Regulations apply only in part to the tender namely, (adoption of a technical specification and forwarding a Contract Award notice etc.)</p>	
(v)	The procurement timetable	<p>Indicative dates are:</p> <ul style="list-style-type: none"> • Adverts placed • Expressions of interest (Pre-Qualification Questionnaire) returned • Shortlist drawn up in accordance with pre-determined minimum standards as to financial standing and technical competence • Invite to tender • Deadline for tender submissions • Panel evaluation • Report recommending Contract award circulated internally for comment • Executive approval • Contract start date 	<p>14.02.12</p> <p>09.03.12</p> <p>23.03.12</p> <p>30.03.12</p> <p>04.05.12</p> <p>07.06.12</p> <p>11.06.12</p> <p>17.07.12 (pending meeting on this date)</p> <p>20.08.12</p>
(vi)	The evaluation criteria and	<p><u>Stage 1: pre-qualification stage</u> Shortlists are to be drawn up in accordance</p>	

<p>process</p>	<p>with the Council's Contract Management Guidelines by a pre-qualification questionnaire (PQQ).</p> <p>The pre-qualification will test the capacity and capability of potential bidders as well as potential bidder eligibility to take part in the Procurement. This will include the following:</p> <ul style="list-style-type: none"> • Subcontracting/consortia arrangements • Professional conduct • Economic and financial standing • Insurance • Resources • Health and safety • Quality assurance • Equality • Environmental • Sustainability • Carbon policy • Business continuity • Previous experience and references • Child Protection and Safeguarding Adults policies <p>The outcome of this stage will be a list of pre-qualified bidders for the Procurement and a short-list of bidders to be invited to tender.</p> <p><u>Stage 2: Invitation to Tender (ITT)</u> For those that are selected by Stage 1 there will follow an Invitation to Tender (ITT) stage.</p> <p>Tenders will be evaluated on the basis of the most economically advantageous tender in order to award providers onto the framework agreement using the following criteria.</p> <p>1. Quality Quality will consist of 40% of the evaluation weightings. The quality assessment will be evaluated using the following criteria and indicative weightings that may be subject to minor change as required:</p> <ul style="list-style-type: none"> • Proposed business models. (weighting 15%), including but not limited to the following: <ul style="list-style-type: none"> ○ Meeting the requirements of the
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		<p>specifications</p> <ul style="list-style-type: none"> ○ Ensuring the service provision is accessible to adults and parents/carers of children and families from all communities and abilities ○ Methods of contribution to improving the National carers Strategy outcomes. ○ Method of contribution to improving the 'Every Child Matters' outcomes for children ○ The Tenderer's proposals for the number, qualification, experience, training, supervision and retention of personnel to be engaged in relation to the performance of the Services ○ Resource mobilisation and start-up commitment plans if awarded a contract/onto the framework agreement including provision to ensure that there would be no discernible break in Service. <ul style="list-style-type: none"> • Bidders proposed plans for ensuring effective quality management of the Services and maintenance of the Contract Standard, including self-monitoring and evaluation in order to award providers onto the framework agreement. (Weighting 10%). • the Tenderer's proposals for ensuring that the requirements of Child Protection and Safeguarding Vulnerable Adults legislation are fully applied in the delivery of the service (weighting 6%) • Bidders proposed approach for working in partnership with the Council, its partners including Children and Adolescents Mental Health Service (CAMHS), Health Trusts and other relevant providers. (Weighting 5%), • Details of information systems bidders would propose to use to monitor service(s) required by the Specifications. (Weighting 4%),
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		<p>2. Price</p> <p>Price will consist of 60% of the evaluation weightings assessed through the application of a formula that underpins a proportional scoring which will award the maximum of 60% to the lowest priced tender</p>
(vii)	Any business risks associated with entering the contract	No specific business risks are considered to be associated with agreeing the recommendations in this report.
(viii)	The Council's Best Value duties	This procurement process and on-going contractual requirement will ensure that the Council's Best Value obligations are met.
(ix)	Any staffing implications	See sections 7 below
(x)	The relevant financial, legal and other considerations	See sections 4, 5 and 6 below

3.2 The Executive is asked to approve these proposals as set out in the recommendations and in accordance with Standing Order 89.

3.3 There is clear potential for partner boroughs within the West London Alliance (WLA) to be able to access the framework once this is established. Officers will therefore ensure that boroughs within the WLA are approached and asked if they wish to be named when inviting expressions of interest for this purpose. Furthermore, Local Community Health (currently the Primary Care Trust) has agreed to be named when inviting expressions of interest to be able to access the framework once established.

Adult Social Care update – Review of carers services

3.4 The joint framework agreement will allow Adult Social Care Council to access a wider range of providers delivering carer support including a stipulation that providers must now include emergency provision as part of their service. The framework for home-based support for carers is the first stage in improving carers services for London Borough of Brent. The next stage will be the development of a Carers' Services Hub.

3.5 Officers have conducted a high level review of carers' services. The review has been informed by the findings of the Standing Commission on Carers¹. In

¹ The SCoC is an independent advisory body, providing expert advice to ministers on delivering the national Carers Strategy.

October 2011 the Commission reviewed services for carers in Brent. This included a fact finding visit during which they spoke to a number of Council and NHS officers and a large number of carers. The review made a number of recommendations for improvement; which will be addressed through an on-going consultation with carers, service users and stakeholders about a potential Carers' Services Hub. The hub model offers a great degree of flexibility around the types of services that may be on offer.

3.6 Officers are working with carers, service users, providers and other stakeholders to develop and shape the hub model so that it can best meet the needs of carers in Brent. This will be accompanied by an equalities analysis on the impact of the changes. Both of these exercises will provide the basis for a specification for a Carers' Services Hub in Brent. Officers intend to present the Executive with a report on procurement of the Carers Services Hub in May, to seek comment and approval.

4.0 Financial Implications

4.1 Adult Social Care has a pooled budget arrangement in place until 31 March 2013 with NHS Brent subject to finances being available. The Council and NHS Brent have reduced contributions to the pooled budget by 5% year on year as part of the Council and NHS Brent efficiency savings programme. Details of the budget taking account of these reductions for this financial year and the year after are listed below.

Financial year	LA contribution £	NHS Brent Contribution £	Pooled Budget £
2011/2012	566,913	195,000	761,913
2012/2013	538,567	185,250	723,817

It is anticipated that the framework will provide the Council with efficiency opportunities across existing contractual arrangements.

4.2 The estimated Children and Families annual budget provision for the new Short Break Services framework contract has been identified in section 3.1 above as £500,000. This will be met from existing budgets, but will be subject to change over the 4 year term of the contract. This may be as a result of reallocation of funds as a result of Direct Payments allowing service users to purchase their care provision direct, or funding reduction in order to achieve programmed savings.

4.3 There will be costs incurred in the contract process for professional advice, in particular legal. These will be funded from existing resources.

5.0 Legal Implications

5.1 The Council has the necessary powers to enter into the proposed call-off contracts for the provision of a respite and short break services to carers of adults with disabilities and long term conditions and children with disabilities

under (amongst other provisions) s26 and s29 of the National Assistance Act 1948, s45 of the Health Services and Public Health Act 1968, s2 of the Chronically Sick and Disabled Persons Act 1970, the Children Act 1989 (as amended) and s2 of the Local Government Act 2000.

- 5.2 The estimated value of potential call-off contracts under the proposed Framework Agreement over its lifetime is (circa. £5million), in excess of £500,000 (being the Council's threshold for services which are subject to formal tender) and therefore the procurement and award of these contracts are subject to the Council's Contract Standing Orders and Financial Regulations in respect of High Value contracts.
- 5.3 The provision of adult and children's' respite care and support services are classified as Part B Services under the Public Contracts Regulations 2006 ("EU Procurement Regulations") and as such are not subject to the full application (save that there must be a technical specification contained in the contract documents and on award of contract the Council must issue a Contract Award Notice in the OJEU within 48 days of award). The services are however, subject to the overriding EU Treaty principles of equality of treatment, fairness and transparency in the establishment of the Framework and resulting award of contracts.
- 5.4 Being Part B Services, the strict rules and procedures contained in the EU Procurement Regulations regarding the establishment and operation of frameworks are not applicable to this procurement. The framework call-off contracts will however operate in a similar manner to multiple provider frameworks established under the EU Procurement Regulations; namely in relation to the mechanisms for calling-off services under the Framework Agreement by way of either a direct award of contract or a mini-competition under the framework for individual short break packages of care and/or respite services for carers of adults with disabilities.
- 5.5 Once the tendering process is undertaken Officers will report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.

6.0 Diversity Implications

- 6.1 An Equalities Impact Assessment is underway in accordance with the Equality Act 20120.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 The Children & Families and Adult Social Care Services are currently being provided by external providers and there are no implications for the Council staff arising from this tendering exercise.

- 7.2 Where the award of call-off contracts are made under the proposed Framework Agreement to one or more new providers other than the incumbent; the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) may apply so as to transfer from the current providers to the new, those employees of the incumbent provider. TUPE considerations will be considered by Officers when calling-off services under the proposed framework.

Background Papers

Executive Report titled Commissioning Adult Carer Services dated 17th October 2011

Executive Report titled Authority to invite tenders for short break services for disabled children and young people dated 17th October 2011

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