

Decision Maker: **Adult and Community Services Policy, Development and Scrutiny Committee**

Date: 26th January 2011

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **CONTRACTING ACTIVITY IN ADULT AND COMMUNITY SERVICES JANUARY TO JUNE 2012**

Contact Officer: Wendy Norman, Strategic Manager, Procurement and Contract Compliance
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Chief Officer: Lorna Blackwood, Assistant Director Commissioning and Partnerships

Ward: Boroughwide

1. Reason for report

Policy Development and Scrutiny (PDS) Committees are reviewing the contract registers and contractual activity of all portfolios. This report outlines current contractual activity in Adult and Community Services (ACS) and sets out plans for activities to be undertaken in the first half of 2012.

2. **RECOMMENDATION(S)**

2.1 Members are asked to consider and comment on this report.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Excellent Council.
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: Recurring cost.
 3. Budget head/performance centre: 486, 599, 749,750, 803, 806, 813, 817, 819, 820, 821
 4. Total current budget for this head: £62m
 5. Source of funding: ACSPortfolio budgets
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Staff

1. Number of staff (current and additional): 11 FTE in Procurement and Contract Compliance Teams
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Non-statutory - Government guidance.
 2. Call-in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 10,000 service users who benefit from services procured by ACS
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The Executive and Resources Policy Development and Scrutiny (PDS) Committee has recommended that the PDS Committee for each Portfolio reviews the contracts register associated with that portfolio. This report covers activity to be undertaken between January and June 2012.
- 3.2 The current contracts register shows that there are 145 individual ACS contracts. The annual value is £31.3m and the total contract value is £157m. The individual contract values range from less than £1k to £27m over the life of the contract.
- 3.3 Appendix 1 is an extract from the contracts register which shows contracts due to expire between January and June 2012. In total seventy six contracts expire during these six months. However, a significant number of these are contracts with an annual or total value of less than £50k and are not therefore required to be shown on the contracts register. These include support for consultative forums, support for person centred planning, advocacy and some information, advice and guidance services.
- 3.4 A number of these have been included in recent reports to Members regarding future commissioning of these services. Where these contracts are due to continue, discussions will be held with providers to identify opportunities for efficiency savings.
- 3.5 Commissioners have already considered the actions required as a result of the contracts which appear on the register and a programme of work is in place to ensure that pre-tender planning and procurement processes will be completed on time and reported as required. This work will result in a number of significant contract awards which will be reported to the Portfolio Holder and Executive as appropriate.
- 3.6 As outlined in the previous report to this Committee, three framework agreements are currently being developed. Putting these agreements in place will ensure that the department is able to call on quality services from chosen providers at guaranteed prices. Our experience of using framework agreements in the Supporting People programme is that very cost effective contracts can be achieved through both putting the framework in place and through mini competition when services are called off from the framework. These are:
- Extra Care Housing: Framework now in place. Award agreed by Adult & Community Portfolio Holder on 27th Sept 2011
 - Domiciliary Care: Procurement strategy agreed by Executive 20th July 2011. Tendering currently under way.
 - Flexible Support Services for People with Learning Disabilities: Procurement strategy agreed by Executive 7th Sept 2011. Tendering currently under way.
- 3.7 Members agreed the procurement strategy for respite services for older people in September 2011. The Procurement Team is undertaking a tendering exercise and the outcome of this will be reported to Members in March.
- 3.8 Other key contracts which will be subject to further work during 2012-13 are:
- Day centres for older people following the gateway review considered in September 2011.
 - Market testing of in house services if supported by the Executive.
 - Carers Services

- Preparation for the formation of Healthwatch as a successor to the LINK.
- 3.9 A key activity every financial year is to ensure that inflationary increases on all contracts are managed within budget. During 2010/11 and 2011/12 officers were able to negotiate with contractors to deliver efficiencies and help balance the Council's overall budget, whilst at the same time ensuring the rates paid are competitive, deliver savings and ensure good quality.
- 3.10 The contracts team has developed and adopted a work plan based on work arising from all contracts due to expire during the next 3 years. It also outlines the strategy to be adopted for commissioning, the responsible commissioner and key milestones. A traffic light mechanism is used to assess the current status of each project and any projects with red status are reported to fortnightly divisional management team meetings and quarterly to the ACS Departmental Management Team. A red status to a project might be allocated for example when there is slippage in a project timeline resulting from an unexpected lack of interest from the market for a tender. Commissioners and Procurement and Contract Compliance staff implement recovery plans for projects with red status alerts in order to ensure that the department operates within financial regulations.
- 3.11 The Contract Compliance team is responsible for ensuring that all contracts are monitored. The level of monitoring undertaken is decided on the basis of a risk assessment which takes into account the vulnerability of users, previous performance, complaints, safeguarding issues raised and contract value. Monitoring is proportionate to the size of the contract and risk, therefore ensuring that resources are allocated appropriately. The team is also responsible for ensuring that regular performance information is received, analysed and reported to relevant commissioners and making regular visits to services to ensure that they are delivering high quality services at best value. The team also facilitates regular provider forums in order to engage with the supplier market.
- 3.12 The ACS Procurement and Contract Compliance Team has taken a leading role for the Council on the roll out of e-procurement. E-tendering significantly reduces the officer time and resources spent on procurement exercises and the process has enabled the team to complete a high volume of procurement activity during the last 2 years. ACS is now leading on the roll out of e-tendering across the Council for the process of getting quotations for lower value goods and services.
- 3.13 The ACS Procurement and Contract Compliance Team is working in cooperation with Corporate Procurement to look at the opportunities around joint contracting, particularly with the members of the South East London Procurement Group.

4. POLICY IMPLICATIONS

Arrangements for ensuring best value and high quality services are key to delivering the "excellent council" objective within Building a Better Bromley.

5. FINANCIAL IMPLICATIONS

- 5.1 There are 145 individual ACS contracts on the Contracts Register. The annual value is £31.3m and the total contract value is £157m.
- 5.2 There are measures in place to ensure that savings that can be made through procurement processes are identified. All new contract awards where the value exceeds current value less

25% are considered by a Council wide Officer Procurement Board and an officer / Member steering group.

6. LEGAL IMPLICATIONS

Procurement and Contract Compliance work is carried out in accordance with the Council's Financial Regulations and Procurement Rules. Where appropriate procurement exercises are undertaken in accordance with European Union regulations.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	ACS11035 Contracting Activity in Adult and Community Services 2011/12