

Report No.

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Executive**
For Pre Decision Scrutiny at the Children, Education and Families PDS Committee on 10 March 2021

Date: **31st March 2021**

Decision Type: Non-Urgent Executive Non-Key

Title: **Award of Contract to Bloom Procurement Ltd for the provision of specialist resources**

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Ward: All

1. REASON FOR REPORT

- 1.1 To engage specialist resources to support the implementation of a new Social Care Information Management System.
 - 1.2 The Council is currently making use of Bloom Procurement Services Ltd. via the NEPRO Framework, this report seeks to make further use of that arrangement to conclude the implementation of the new Social Care Information Management System.
 - 1.3 Funding to enable this award of contract was approved by the Executive in a business case to replace Bromley's Social Care Information Management System (September 2018, Gateway 1 Report ED10868).
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2. RECOMMENDATION(S)

The Executive is recommended to:

- 2.1 Approve the continued use of Bloom Procurement Services Ltd via a direct award on the NEPRO Framework for a further £450k of specialist resources to continue the implementation of a new Social Care Management Information System.
- 2.2 Delegate to the Chief Officer the approval of the award from the framework of individual contracts following further competition as/if required.
- 2.3 Delegate to the Chief Officer the approval of the award from the framework of individual contracts without further competition, subject to the agreement of the Assistant Director Governance & Contracts, Director Corporate Services, and Director of Finance.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The Social Care Case Management System ensures the delivery of a fit for purpose children's and adult social care service to support the needs of vulnerable adults and children.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Children and Young People Supporting Independence Safer Bromley.
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Financial

1. Cost of proposal: Estimated cost £450k
 2. Ongoing costs: Non-recurring cost.
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: £3,000k
 5. Source of funding: Approved Capital Programme
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Staff

1. Number of staff (current and additional): The Social Care Case Management System is widely used within Bromley across children and adult social care, with up to 700 user licences in operation and up to 300 concurrent users per day.
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 11,300 client referrals and 15,000 active cases, this amounts to around 5,000 assessments, 5,000 reviews and 6,000 care plans per year.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The Executive approved a business case in September 2018 to replace Bromley Social Care Information Management System, including the addition of £3m to the Capital Programme (Gateway 1 Report ED10868).
- 3.2 An initial contract was awarded to Bloom Procurement Services Ltd via the NEPRO Framework under delegated authority, which secured resources to deliver the specified procurement phase outputs. This included a baseline of all business processes to establish current ways of work and future aspirations, which led to the development of a robust specification and an efficient and effective tender outcome in 8 months.
- 3.3 A second contract was awarded to Bloom Procurement Services Ltd contract via the NEPRO Framework under a delegated Executive decision on 19 May 2020 which enabled ongoing access to the specialist resources to continue to deliver this programme effectively and at pace.

4. DESCRIPTION OF SERVICE AND SUMMARY OF THE BUSINESS CASE

- 4.1 The North East Procurement Organisation (“NEPRO”) Framework allows the Council to engage specialist resources quickly and flexibly through an award to *Bloom Procurement Limited* (Bloom). Bloom is the delivery partner of the neutral vendor framework for specialist professional services delivered through the NEPRO Framework which is fully OJEU Compliant.
- 4.2 Bloom focuses on “Outcomes” and driving value for money by giving contracting authorities the best choice of large and small suppliers in a quick, compliant and collaborative way.
- 4.3 Bloom’s unique neutral vendor approach is a safe and viable alternative to traditional procurement methods. Bloom manage the complexities of supplier management, assisting the Council to select the best sub-contractor available based on the brief. Bloom also manage and assure delivery of the Outcomes to the Council’s satisfaction.
- 4.4 Prior to the engagement of the initial Bloom Contract, the project sponsor had attempted to appoint a suitability qualified and experienced Programme Manager through a national advert on a fixed term contract and a round of recruitment through Adecco. These alternative routes were unsuccessful. Given the high value and risk of the programme accessing a pool of highly skilled and experienced resources is recommended to be most advantageous. The bloom contract remains competitive in that it engages resource at market value and ensures that the Council can use and manage resources as required against specified outcomes to implement the new social care management system.

5 CONTRACT AWARD RECOMMENDATION

- 5.1 **Recommended Framework and Provider** – Direct Award to Bloom Procurement Limited via the NEPRO Framework
- 5.2 **Estimated Contract Value (annual and whole life)** – £450k
- 5.2 **Other Associated Costs** – None
- 5.3 **Proposed Contract Period** – April 2021 until March 2022
- 5.4 The advantages of utilising the Bloom arrangement through the NEPRO Framework are:
 - a) This is the quickest option and would ensure value for money

- b) Competition within the 'safety' of Bloom to evaluate the potential market leaders and ensure Value for Money
- c) It is a transparent process which allows separate Work Packages based upon defined costs and agreed outcomes
- d) Weekly specialist reports are submitted by resources to ensure progress is on track and deliverable Outcomes are achieved. Payments are made in line with these agreed deliverables. This provides accurate information about progress compared to plan and which, when collated, form the basis of information for the project management and reporting to ensure governance scrutiny
- e) Utilising Bloom also ensures there is flexibility for recruitment of specialists; additional resources can be bought in quickly and efficiently. Payment is for the deliverables, not the resources, so there are no IR35 implications and the Supplier is responsible for the delivery.

6 MARKET CONSIDERATIONS

- 6.1 Bloom Procurement Ltd is a delivery partner in the North East Procurement Organisation ("NEPRO") Framework who source, appoint and manage specialist professional services offering fast access to the most relevant suppliers, with transparent governance, robust reporting and efficient budget control.
- 6.2 There are different providers within the market that offer procurement solutions for acquiring specialist resources. However Bloom is the exclusive provider of the "neutral vendor approach" which means they take full control of the process. Bloom act as the single point of contact between suppliers and the local authority, through the operation of a managed service, helping buyers select the most suitable supplier and achieve the best outcome.

7. STAKEHOLDER ENGAGEMENT

- 7.1 There has been extensive engagement with children's and adult social care practitioners and managers throughout the procurement phase, with direct input into the development of the system specification and subsequent evaluation exercise.
- 7.2 Officers will continue to engage with the service throughout the programme. Adults and children's social care practitioners, services managers and other key representatives from the related business areas including information technology and external bodies such as NHS health representatives, will be involved in a series of design workshops to ensure the new solution supports the Council's operating model and any new models derived from the Transformation Programme outcomes.
- 7.3 The Programme Board have agreed Terms of Reference and meetings are chaired by the Assistant Director of Strategy, Performance and Corporate Transformation. The Board signed off the system specification and agreed the evaluation method and stakeholder representation. The Board will continue to oversee the implementation of the Programme and will monitor any impacts on other projects and programmes underway across the Council. The Board will resolve any issues/blockages that arise to keep the programme on track for delivery.

8. SUSTAINABILITY AND IMPACT ASSESSMENTS

- 8.1 It is anticipated that a replacement case management system will not have any adverse impact on the environment, residents, local people, communities or employees.
- 8.2 The Programme Board is engaged to provide governance; the Chair is a member of the Council's Corporate IT Strategy and Governance Board and will continue to work in close partnership with the Board. This will enable links to be maintained to related IT and change management priorities across the Council to ensure a co-ordinated approach and mitigate any potential impact on other projects or on the upgrade of any other line of business systems.

9. POLICY CONSIDERATIONS

- 9.1 The procurement and implementation of a fit-for-purpose care management system enables the Council to meet the strategic priority of “Ensuring efficiency and effectiveness” in both the Portfolio Plans for Education, Children and Families and the Portfolio Plan for Adult Care and Health Services.
- 9.2 The flexibility of the new system will enable the London Borough of Bromley to quickly respond to any changing needs for example legislation changes and this would have assisted the Council in responding to the COVID-19 pandemic.

10. IT AND GDPR CONSIDERATIONS

- 10.1 The Council, as part of its on-going commitment and sustaining an evolved approach to data protection and information management, requires the following to be considered and evidenced for all (if any) systems provided by the contractor;
- Privacy By design – A Data Protection Impact Assessment to be carried out where necessary
 - Review of contractual agreement including hosting and support services with attention paid to the requirements of the GDPR and UK Data Protection Act
 - Providers must have necessary GDPR compliance evidence in place including policies, training, Information Asset Register, Register of processing activities for example
 - Data protection Officer – providers must appoint one where required
 - Breach notification – the providers must alert the Council of a breach within 24 hours of becoming aware of it to allow the Council to meet it's 72 hour reporting commitments
 - Data Sovereignty – providers that use hosted or cloud based services must ensure they are in UK Data Centres
 - Information management control – the provider must employ and evidence appropriate information security and management controls to safeguard personal and sensitive personal data
 - A retention period for personal and sensitive personal data must be identified and documented. This must be applied to information throughout the lifecycle of the contract
 - Explicit determination of what happens to the information collected and stored by providers after the contract finishes must be identified, documented and actioned as appropriate.
- 10.2 All personnel utilised by Bromley through the Bloom contract must complete the London Borough of Bromley Information Governance Training.

11. PROCUREMENT RULES

- 11.1 The previous two reports approved under delegated authority in September 2019 and by the Executive in May 2020 authorised the direct award of a contract to NEPRO, via the North East Procurement Organisation Framework. NEPRO have appointed Bloom as a delivery partner and their exclusive operator in the UK. The Council is able to make use of the Framework and has been properly included on the Contract Notice. This report requests approval from the Executive to make further use of the arrangement.
- 11.2 In accordance with Clause 3.5 of the Contract Procedure Rules, the Head of Procurement has been consulted regarding the use of the Framework.
- 11.3 The total value of the services to be awarded via the contract is up to £450k. Bloom take their fee as a 5% of each requirement.

- 11.4 Officers must use this arrangement in the first instance to fulfil individual requirements by way of a further competition. The further competitions will be conducted by Bloom Procurement Services Ltd. rather than via the Council's e-procurement system, as usually required by CPR Rule 3.6.1. The report requests to delegate to the Chief Officer the awarding of individual contracts from the framework which are likely to range in value and duration but will not exceed the values set out in this report.
- 11.5 Should officers want to appoint a contract without competition, this must be authorised only where there must be sufficient justification to do so. The report requests to delegate to the Chief Officer the approval of award of individual contracts from the framework without further competition as required, with agreement from Assistant Director Governance & Contracts, Director Corporate Services, and Director of Finance.
- 11.6 In accordance with CPR 2.1.2, Officers must take all necessary professional advice.
- 11.7 The Council's Contract Procedure Rules require the following for authorising awards of contract via a framework for this aggregated value; the Approval of the Executive following Agreement by the Portfolio Holder, Chief Officer, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance must be obtained.
- 11.8 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

12. FINANCIAL CONSIDERATIONS

- 12.1 At its meeting in September 2018 the Executive approved a business case to replace Bromley's Social Care Information Management System and approved the addition of £3m to the Capital Programme based on estimated costs as set out in the table below:

	Year 1	Year 2	Year 3	Total
	£'000	£'000	£'000	£'000
Programme Manager	140	140	140	420
Adults Business Analyst	70	70	70	210
Children's Business Analyst	70	70	70	210
Data Test Manager	70	70	70	210
Trainers (Care Managers)	0	120	120	240
Reports Specialists	0	20	20	40
Total Resources	350	490	490	1,330
Decommissioning & Network Charges	0	0	100	100
System Cost	420	350	350	1,120
Contingency	0	120	330	450
	770	960	1,270	3,000

- 12.2 In September 2019 an initial award to Bloom was approved under delegated authority by the Directors of Children's and Adults Services for a value of up to £450k, which has successfully delivered the first phase of this programme.
- 12.3 In May 2020 a further award of contract to Bloom was approved by the Executive for a value of £866k to enable the implementation of the new social care management system. This contract has enabled the continued access to specialist resources and work packages in a quick and efficient way.
- 12.4 Officers are seeking the Authority to award a further contract to Bloom for £450k to enable the programme to continue to access the specialist resources and work packages in a quick and efficient way. This will result in total spend with Bloom of up to £1,766k, which will see

the utilisation of the £450k contingency allocation within the agreed Capital programme budget.

13. PERSONNEL CONSIDERATIONS

- 13.1 In the event that this contract is awarded there are no HR/Staffing implications.
- 13.2 Bloom Procurement Limited is a supplier responsible for the delivery of the specified outcomes. The Council makes payments against the receipt of quantifiable deliverables only.
- 13.3 Bloom have a supplier accreditation process and ensures all standard documentation such as professional indemnity insurance, collateral warranties, right to work and recent references are in place.

14. LEGAL CONSIDERATIONS

- 14.1 This report seeks to make a direct contract award to Bloom Procurement Ltd total value of £450k for the reasons detailed in the report to continue the work on this important capital programme. The value of the service is above the EU threshold level and as such needs to be procured in full compliance with the Public Contracts Regulations 2015 (Regulation) and the Councils own Contract Procedure Rules. The Council may under Regulation 33 award the contract through a Framework Agreement set up by another public authority provided it has been competitively tendered in compliance with the Regulation and the Council is named as a body who can access the Framework.
- 14.2 Any contract awarded will need to be in accordance with the Framework call-off procedure and using the call-off terms and conditions under the Framework, which in this case allows for a Direct award to Bloom Procurement Limited. The Council have consulted with NEPRO to use the framework. The Head of Procurement has also been consulted as per Clause 3.5 of the Councils Contract Procedure Rules.
- 14.3 Should officers want to appoint a contract without competition, this must be authorised only where there is sufficient justification to do so, in addition the report requests to delegate authority to the Chief Officer the approval of award of individual contracts from the framework without further competition as required, with agreement from Assistant Director Governance & Contracts, Director Corporate Services, and Director of Finance.
- 14.4 In accordance with CPR 2.1.2, Officers must take all necessary professional advice.
- 14.5 The use of the framework, award of the contract and the delegations can all be carried out in accordance with the Regulation and the councils Contract procedure rules.

Non-Applicable Sections:	None
Background Documents: (Access via Contact Officer)	Social Care Case Management System Gateway 1 Report 12 th September 2018