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Decision Maker: Executive

With pre-decision scrutiny from Adult Care & Health Policy Development and Scrutiny Committee on 22 November 2022

Date: 30 November 2022

Decision Type: Non-Urgent Executive Key

Title: Learning Disability Short Breaks Contract Award

Contact Officer: Michael Fowle, Strategic Commissioner
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Chief Officer: Kim Carey, Interim Director of Adult Services

Ward: All wards

1. REASON FOR REPORT

- 1.1 The Council has a contract in place with Ambient Support to provide a bed-based short breaks (formerly referred to as respite) service for adults with a learning disability. The contract was awarded for a two-year period from 1 April 2021 to 31 March 2023 and, as the contract was awarded following a direct negotiated contract award process, there is no opportunity to extend.
 - 1.2 The short breaks block contract currently provides 6 beds at the 118 Widmore Road short breaks service with up to 4 additional beds available for spot purchase from Ambient Support.
 - 1.3 A gateway report, setting out proposals in relation to the bed based short breaks service and seeking agreement to progress a tender process was scrutinised by ACH PDS on 28 June 2022 and received Executive agreement on 29 June 2022.
 - 1.4 This report details the outcome of the tender process and seeks Executive agreement to award the contract as set out in Part 2 of this report. The contract is to provide 34 block bed nights per week and will commence on 1 April 2023 for a period of 5 years with an option to extend for another 3 years at a contract value as detailed in the Part 2 version of this report. The option to purchase additional beds on a spot basis will be in place to meet any peaks in demand.

- 1.5 The report should be read in conjunction with the Part Two report 'Learning Disability Short Breaks Contract Award'.
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2. RECOMMENDATION(S)

- 2.1 Adult Care and Health PDS is asked to note and comment on the contents of the report.
- 2.2 Executive is recommended to:
- i) **Award the contract for the provision of 34 block bed nights per week at the residential short breaks service at 118 Widmore Road for a period of 5 years from 1 April 2023 to 31 March 2028 with an extension option of 3 years from 1 April 2028 to 31 March 2031 to the provider and at the contract value as detailed in the Part 2 report.**
 - ii) **Delegate to the Director of Adult Services, in consultation with the Portfolio Holder for Adult Care and Health Services, the Assistant Director Governance & Contracts, the Director of Finance and the Director of Corporate Services, authorisation to exercise the 3-year extension period.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: To ensure the continued development and provision of statutory services to adults with learning disabilities living in Bromley.
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Transformation Policy

1. Policy Status: Existing Policy
 2. Making Bromley Even Better Priority:
 - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents
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Financial

1. Cost of proposal: Estimated Cost Please refer to the Part Two report.
 2. Ongoing costs: Recurring Cost Please refer to the Part Two report.
 3. Budget head/performance centre: Learning Disabilities
 4. Total current budget for this head: £495k.
 5. Source of funding: 2022/23 Existing Revenue Budget
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Personnel

1. Number of staff (current and additional): N/A
 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: Applicable
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Procurement

1. Summary of Procurement Implications: The Procurement was undertaken in accordance with the Public Contract Regulations 2015 and in compliance with the Council's Contract Procedure Rules.
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Property

1. Summary of Property Implications:
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications:
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Customer Impact

1. Estimated number of users or customers (current and projected): 70-100
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 A gateway report, setting out the proposed way forward in relation to learning disability short breaks was scrutinised by ACH PDS on 28 June 2022 and Executive subsequently provided agreement to commence a tender process on 29 June 2022. The report advised that the services are currently provided under a block contract with Ambient Support which was awarded for a two-year period from 1 April 2021 to 31 March 2023 via a direct negotiated contract award process and therefore no extension was possible.
- 3.2 The contract award relates to the 10-bed registered short breaks facility at 118 Widmore Road. It provides both planned and emergency short breaks with approximately 70 people using it for planned short breaks purposes. Carers of people with learning disabilities play a significant role in caring for vulnerable residents in Bromley and the Council recognises the importance of supporting carers via the statutory provision of short breaks.
- 3.3 In line with the outcomes from co-production work with current and future service users, the revised service specification for 118 Widmore Road included the requirement for the provider to operate a short term, short breaks service and a day service within the building.
- 3.4 This report details the outcome of the tender process and asks ACH PDS to note and comment upon the outcome of the tender process and seeks Executive agreement to award the contract as detailed in Part 2 of this report.
- 3.5 Subject to approval, the winning provider will be notified in mid-December with contract mobilisation taking place over a 3-4 month period before commencement on 1 April 2023.

4. CONTRACT AWARD RECOMMENDATION

- 4.1 **Recommended Provider(s):** Please see the Part 2 report.
- 4.2 **Estimated Contract Value (annual and whole life):** Please see the Part 2 report.
- 4.3 **Other Associated Costs:** The Council has the option to purchase bed nights that are additional to the block contract at the rate stated in the Part 2 report.
- 4.4 **Proposed Contract Period:** 5 years from 1 April 2023 to 31 March 2028 with an extension option of 3 years from 1 April 2028 to 31 March 2031 (8 years in total).
- 4.5 The 2-stage tender process was undertaken in accordance with contract procedure rules and in consultation with the Corporate Procurement Team using the online tendering system Pro-contract. Bids were evaluated during the initial stage 1 process with successful bidders taken through to Stage 2. The Stage 2 process included interviewing each bidder in relation to their written submissions. The tenders were evaluated with the Council's usual 60% price / 40% quality split, with the results analysed using the CIPFA model.
- 4.6 – 4.9 Please refer to the Part 2 report for details relating to tender evaluation and scoring.

5. SOCIAL VALUE, CARBON REDUCTION AND LOCAL / NATIONAL PRIORITIES

- 5.1 The continuation of a bed-based short breaks provision at 118 Widmore Road provides economic and social value by employing local staff, accessing local amenities and sharing knowledge with other local learning disability services via the Learning Disability Partnership Board and Learning Disability Hub provider meetings.

- 5.2 The inclusion of day activities at 118 Widmore Road provides further choice for Bromley's adults with learning disabilities and is in line with the Learning Disability Strategy; this also improves utilisation of the building and achieves greater benefit from its carbon footprint.

6. TRANSFORMATION/POLICY IMPLICATIONS

- 6.1 The Council's statutory duty under the Care Act 2014 includes consideration in relation to the procurement and delivery of these services.

The Care Act (2014) guidance states that:

Local authorities should consider the contract arrangements they make with providers to deliver services, including the range of block contracts, framework agreements, spot contracting or 'any qualified provider' approaches, to ensure that the approaches chosen do not have negative impacts on the sustainability, sufficiency, quality, diversity and value for money of the market as a whole – the pool of providers able to deliver services of appropriate quality. The proposed contract award is in alignment with the above.

- 6.2 The proposed arrangements for short breaks provision are in alignment with the ambitions set out in the Making Bromley Even Better (2021 to 2031) Corporate Strategy.

7. IT AND GDPR CONSIDERATIONS

- 7.1 Information governance and security form part of the evaluation process. All bids taken through to Stage 2 of the process were evaluated as being compliant

8. STRATEGIC PROPERTY CONSIDERATIONS

- 8.1 Engagement with Estates was undertaken and the lease arrangements for the service at 118 Widmore Road under the new contract will mirror the arrangements currently in place with Ambient Support.

9. PROCUREMENT CONSIDERATIONS

- 9.1 This report seeks to award a contract for the provision of a Short Breaks Service to the Provider detailed in the Part 2 report. The contract will commence on 1st April 2023 for a period of five (5) years expiring on 31st March 2028, with the option to extend for a further period of three (3) years (eight years in total). The estimated annual value of the Service is detailed in the Part 2 report.

- 9.2 This is a Services contract and is covered by Schedule 2 of the Public Contract Regulations 2015, and thus the procurement was undertaken in accordance with the 'Light Touch Regime' (LTR) of these Regulations. A summary of the Consensus scores against the quality criteria are set out in Appendix 1 of the Part 2 report.

- 9.3 The tender process was carried out in line with the requirements of the Public Contract Regulations 2015, and the Council's Contract Procedure Rule 8.2.1.

- 9.4 The Council's requirements for authorising an award of contract are covered in Contract Procedure Rule 16. For a Contract of the value set out in the Part 2 report, the Approval of

Executive, following Agreement by the Portfolio Holder, Chief Officer, the Assistant Director Governance & Contracts, the Director of Finance, and the Director of Corporate Services.

- 9.5 In accordance with Contract Procedure Rule 2.1.2, Officers must take all necessary professional advice.
- 9.6 Following the decision, a Find A Tender Notice will be issued, and as the Contract value is over £25,000, an award notice will be published on Contracts Finder.
- 9.7 A mandatory Standstill Period will be observed in accordance with the Public Contract Regulations 2015.
- 9.8 The actions identified in this are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their current content.

10. FINANCIAL CONSIDERATIONS

- 10.1 Financial implications are detailed in the Part 2 report.

11. PERSONNEL CONSIDERATIONS

- 11.1 There are no direct personnel considerations for the Council to consider.

12. LEGAL CONSIDERATIONS

- 12.1 This award report demonstrates a procurement procedure that complies with relevant law (the Public Contracts Regulations 2015) and the Council's Contract Procedure Rules. This report indicates that the services being procured fall within the 'light touch' regime of the Public Contracts Regulations 2015.
- 12.2 Officers may, if they wish to do so, consult with Legal Services with a view to the preparation of an appropriate contract.

Non-Applicable Headings:	[List any of headings 4 to 16 that do not apply.]
Background Documents: (Access via Contact Officer)	[Title of document and date]