

Decision Maker: EXECUTIVE

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

Date: 30th November 2022

Decision Type: Non-Urgent Executive Key

Title: SUPPORTED LIVING AT PADUA ROAD, BROMLEY ROAD AND BROSSE
WAY

Contact Officer: Andrew Royle, Strategic Commissioner
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Chief Officer: Kim Carey Interim Director of Adult Services

Ward: All

1. REASON FOR REPORT

- 1.1 The Council has a contract with Southside Partnership (also known as Certitude) to provide care and support into 3 supported living properties within the Borough. A Gateway report, setting out the strategy for undertaking the procurement of these services was agreed at Executive on 29th June 2022.
- 1.2 This report details the outcome of the procurement process and seeks Executive approval for the award of contract to the provider detailed in the Part Two report commencing 6 March 2023 for a period of 4 years to 5 March 2027 with an option to extend for a further 4 years from 6 March 2027 to 5 March 2031. The estimated total cost of the award over the full 8-year term (excluding inflationary increases and fluctuations due to individual client need) is detailed in the Part Two report.
- 1.3 The report should be read in conjunction with the Part Two report 'Learning Disability Supported Living Contract Award'

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 supported living services to the provider detailed in the Part Two report commencing 6 March 2023 for a period of 4 years to 5 March 2027 with an option to extend for a further 4 years from 6 March 2027 to 5 March 2031. The estimated total cost of the award over the full 8-year term (excluding inflationary increases and fluctuations due to individual client need) is detailed in the Part Two 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 4-year extension period.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: To ensure the continued 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: Further Details: 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: £18.3m per annum
 5. Source of funding: Existing revenue budget, client contributions
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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:
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Customer Impact

1. Estimated number of users or customers (current and projected): 16 adults with a learning disability
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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 The Council has a contract with Southside Partnership to provide care and support to 16 people with learning disabilities living in 3 supported living schemes within the Borough. The contract has been in place with the current provider since 3 September 2018. A Gateway report, setting out the strategy for undertaking the reprocurement of these services, was agreed at Executive on 29 June 2022.

3.2 The tender was comprised of the following supported living schemes:

| Schemes | Postcode | No. of service users |
|-----------------|----------|----------------------|
| 34 Padua Road | SE20 8FF | 6 |
| 15 Brosse Way | BR2 8FF | 4 |
| 44 Bromley Road | BR3 5JD | 6 |

3.3 The 16 people living in these services have tenancies with a Registered Social Landlord. The Council retains sole nomination rights into these properties which are a mix of houses and self-contained flats. The contract relates to the provision of care and support which may include assistance with:

- Managing bills and money
- Shopping, cooking and healthy eating
- Learning new skills for independence
- Accessing employment, sports and social activities
- Personal care and well-being
- Managing medication

3.4 The services are monitored regularly by the Council's monitoring officers and Quality Checkers. Contract management meetings take place quarterly using feedback from the monitoring officers (who use the Council's Quality Assurance Framework) and the Quality Checkers. In addition, the Key Performance Indicators and Service Outcomes (included in the Gateway report) form part of the Contract / Service Specification and will be used by commissioners to monitor performance.

3.5 The people living in these properties have a right of tenure and many tenants have lived in their homes for more than 10 years. People living in supported living have greater independence, choice and control over their lives when compared to living in a care home. The supported living model of care has been adopted by councils nationally and, when compared with registered care services, is a cost-effective way of meeting needs; this is due to housing and general living costs being met by welfare benefits, with the Council being responsible for the cost of care and support only.

3.6 Subject to award, the provider will be notified in mid-December, with contract mobilisation taking place over a 3-month period with commencement on 6 March 2023. Service users are aware that the retendering of services is taking place and for the majority of them, this will have happened at least twice before while they have lived in their homes. Most service users will not experience significant change should a different provider be awarded the contract as staff tend to transfer to new providers under TUPE arrangements.

4. CONTRACT AWARD RECOMMENDATION

4.1 Recommended Provider(s):

Please refer to the Part Two report.

4.2 Estimated Contract Value (annual and whole life):

Please refer to the Part Two report.

4.3 Other Associated Costs:

Please refer to the Part Two report.

4.4 **Proposed Contract Period:** An initial period of 4 years, from 6 March 2023 to 5 March 2027, with the option to extend for a further period of up to 4 years from 6 March 2027 to 5 March 2031.

4.5 The 2-stage tender process was undertaken in accordance with contract procedure rules and in consultation with the Contracts Team using the online tendering system Pro-contract. Bids were evaluated during the initial stage 1 process with qualifying bids 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. The scoring summary is detailed in the Part Two report at Appendix 1.

4.6 – 4.8 Please refer to the Part Two report.

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

5.1 Social Value forms part of the evaluation process. The continuation of these services provides economic and social value by employing local staff and enabling access to local amenities. All of the bidders taken through to Stage 2 of the process were evaluated as being compliant.

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 supported living services 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 All of the properties that this procurement relates to are owned by External Registered Social Landlords. The property at 44 Bromley Road is leased directly to the Council by the Clarion Housing Group and in turn, the Council issues licence agreements directly to the tenants living in the scheme. The current lease is due to expire on 28 February 2029 and dialogue will commence with Clarion during the initial 4-year term of the contract to determine the ongoing lease arrangements for 44 Bromley Road. The Strategic Property Team will be asked to manage the negotiations with the Clarion Housing Group.

8.2 The extension of the proposed contract for the subsequent period of up to 4 years from 1 March 2027, will be influenced by the outcome of the future lease arrangements at 44 Bromley Road. The contract

will provide for the current uncertainty in relation to the future lease arrangements at this property.

9. PROCUREMENT CONSIDERATIONS

- 9.1 This report seeks to award a contract for the provision of supported living services at 3 properties to the Provider detailed in the Part 2 Report. The Contract will commence on 6th March 2023 for a period of four (4) years expiring on 5th March 2027, with the option to extend for a further period of up to four (4) years until 5th March 2031. The estimated annual and whole life values of the Service are detailed in the Part 2 Report.
- 9.2 This is a Service 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 'Stage 2 Scoring' of the Part 2 Report.
- 9.3 A Restricted 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 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 statutory Standstill Period will be observed in accordance with the Public Contract Regulations 2015.
- 9.8 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 current content.

10. FINANCIAL CONSIDERATIONS

- 10.1 Financial considerations are included 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 The Council has various statutory duties and powers for the provision of care and support within the Borough. This is echoed generally under the 'Care Act 2014' as per clause 6.1 of the Report, as well as in the 'Making Bromley Even Better (2021-2031) Corporate Strategy' as per clause 6.2 of the Report. In furtherance of these powers, the Council has the legal power to enter into a Contract with Southside Partnership (also known as Certitude) and the Council may provide and commission through a contract the services outlined in this report.
- 12.2 This Report seeks approval from the Executive to award the contract for the provision of supported living services to the provider as detailed in the Part Two report commencing 6 March 2023 for a period of 4

years to 5 March 2027 with an option to extend for a further 4 years from 6 March 2027 to 5 March 2031. The estimated total cost of the award over the full 8-year term (excluding inflationary increases and fluctuations due to individual client need) is detailed in the Part Two report.

- 12.3 The 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 Two Report and generally for the awarding of Contracts that are expected to exceed £1,000,000 shall be Approved by the Executive.
- 12.4 This Report also asks the Executive to delegate to the Director of Adult Services, in consultation with the Portfolio Holder for Adult Care and Health Services, the Assistant Director of Governance and Contracts, the Director of Finance and the Director of Corporate Services, authorisation to exercise the 4-year extension period. Under the Council’s Contract Procedure Rules (CPR), the Councils requirement for authorisation of an extension to a Contract, is in accordance to CPR 23.7 and 13.1
- 12.5 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.
- 12.6 Should Members award this contract, then Officers should consult with Legal Services with a view to concluding the contract as it was advertised in the tender documentation.

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| Non-Applicable Headings: | |
| Background Documents: (Access via Contact Officer) | ACH22-020 Gateway Report - Supported Living at Padua Road, Bromley Road And Brosse Way – 29 th June 2022 |