

**AGENDA ITEM: 23**      Pages 169 – 176

Meeting	<b>Cabinet Resources Committee</b>
Date	<b>28 February 2012</b>
<b>Subject</b>	<b>Award of Domestic Violence Contracts</b>
Report of	Cabinet Member for Education Children and Families
Summary	This report seeks approval to award contracts to provider/s for the delivery of domestic violence services in particular an Advocacy and Support Service; Refuge provision and Perpetrator service. The contract/s for these services is for a two year period commencing 1 April 2012.

Officer Contributors	Stav Yiannou, Divisional Manager, Early Intervention & Prevention Team Zahid Parvez, Business Manager, Early Intervention & Prevention Team
Status (public or exempt)	Public, with a separate exempt report
Wards affected	All
Enclosures	None
For decision by	Cabinet Resources Committee
Function of	Executive
Reason for urgency / exemption from call-in	Not applicable

Contact for further information: Zahid Parvez, Business Manager, 020 8359 7394,  
[zahid.parvez@barnet.gov.uk](mailto:zahid.parvez@barnet.gov.uk)

## **1. RECOMMENDATION**

### **1.1 The Council award a contract to:**

**Solace Women's Aid for the Advocacy and Support service (final award £517,998.52)**

**Solace Women's Aid for the provision of Refuge (final award £564,074.68)**

**Solace Women's Aid the Perpetrator and Partner service (final award £220,950.60)**

**The contracts are to start on 1 April 2012 for a two year period with the option to extend for a further year, subject to funding availability and performance.**

## **2. RELEVANT PREVIOUS DECISIONS**

2.1 Cabinet Resources Committee, 13 January 2011 (Decision item 11) – Prevention Services for Vulnerable Adults – Extension of Contracts for 12 months until 31 March 2012.

2.2 Business Management Overview and Scrutiny Committee, 7 March 2011, Domestic Violence Task and Finish Group – the Committee received the report of the Domestic Violence Task and Finish Group and agreed that the findings should be referred to the Safer Communities Partnership Board (7 March 2011)

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

3.1 This service supports the Council's Corporate Plan 2011- 2013:

- Better services with less money, through the early identification of children and families, with the aim of preventing children's needs increasing, in order that families are less likely to require more intensive and expensive statutory intervention;
- Sharing opportunities, sharing responsibilities, by working as part of a multi-agency response to domestic violence in the borough;
- A successful London suburb, by providing a service which enhances the Council's reputation with local families and the community.

3.2 These domestic violence services will contribute to the priorities outlined in the Children and Young People's Plan 2010/11 – 2012/13:

- Embed a safeguarding culture across the partnership to improve the safety of all children at home, at school and in the community
- Invest in early intervention to reduce the number of children and families experiencing complex problems

3.3 The service will support the Safer Community Strategy 2011-2014

- Priority 3 – Violent crime with a specific focus on domestic violence
- Priority 7 – Tackle repeat victimisation

## **4. RISK MANAGEMENT ISSUES**

- 4.1 The procurement process involved evaluations of the applicant organisation's experience, capacity and resources, capability, quality and financial viability. To mitigate any risk to the Council and in accordance with the Council's Contract Procedure Rules, organisations that were invited to tender verified that they would be able to provide a Parent Company Guarantee or a Performance Bond. In the event that the provider fails to deliver the required service, the bond will be called down and used to provide a replacement contractor at no additional expense to the Council.
- 4.2 Service continuity will need to be maintained for the transition process and in order to mitigate this risk, current providers had been requested to submit an exit strategy in January 2012 as part of the notification they received to terminate existing services.
- 4.3 To ensure monies are being spent effectively, all new contracts will be performance managed throughout the term of the contract using a robust monitoring system. This system is currently in place for contracts in the Children's Service

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 Pursuant to the Equality Act 2010, public sector organisations have a responsibility to consider equality as part of every procurement. The council is also under an obligation to have due regard to eliminating unlawful discrimination, advancing equality and fostering good relations in the contexts of age, disability, gender reassignment, pregnancy, and maternity, religion or belief and sexual orientation.
- 5.2 This duty, also, applies to a person, who is not a public authority but who exercises public functions and therefore must, in the exercise of those functions, have due regard to the general equality duty. This includes any organisation contracted by a local authority to provide services on its behalf.
- 5.3 The role for this duty in this procurement, is to make sure that those who might bid for the contract are not discriminated against, which is largely consistent with the requirements of the EC Treaty referred to at paragraph 7 below. In addition, all tenderers were asked to complete and submit a Diversity Monitoring Form as well as answering a specific question about meeting the diverse needs of Barnet's population and supporting the Council's public sector duties in relation to the Equalities Act 2010 in the specification questionnaire.
- 5.4 Service users will be able to access services, irrespective of their ethnicity, religion or disability. This will be checked during the regular performance monitoring of the contract. An Equalities Impact Assessment was completed as part of the re-commissioning process. It concluded that 'The re-commissioning may have a positive impact on male victims as services will be commissioned to meet the needs of male as well as female victims. It should also have a positive impact on those in the older and younger age groups, as age ranges will be broadened so there is more family-focus and older victims are also considered a priority group. The new perpetrator service should have a positive impact on both perpetrators and victims, especially in its potential to help reduce repeat DV incidents. There is however, a possibility that the proposal will have a disproportionate impact on the Jewish community as the overall level of refuge provision will be reduced, much of which is currently Jewish-specific provision. Overall refuge provision is being reduced in order

to direct more resources at early intervention and prevention services, which should have a positive impact by identifying and addressing domestic violence at an earlier stage.'

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

### **Finance**

6.1 The total budget for Domestic Violence in Children's Service is £898,987 per annum. The total amount for tendering is £651,512 per annum.

6.2 The contract value for the life of all three services over two years is £1,303,024, with a breakdown as;

- Advocacy and Support Service is up to £540,000;
- Refuge provision is up to £600,000;
- Perpetrator and Partner service is up to £228,000.

The value of the total contracts will not exceed £1,303,024.

6.3 The commissioning process has been conducted in accordance with Corporate Contract Procedure Rules.

6.4 Contracts for this tender come under a framework agreement allowing Barnet Council and Harrow Council (joint commissioners) to call off services from Lot 3 (perpetrator and partner service) as and when required, thus resulting in potential savings to both Councils. Potentially the full allocation of funding may not be used and this could bring a cost saving for Barnet Council

6.5 Tendering organisations have submitted pricing schedules that reflect a 5% cost reduction in Year 2 resulting in better value for money.

6.6 The council procurement processes were followed and this is detailed in section 9. The tender process operated three stages of evaluation and is detailed in section 9.

6.7 The list of contracts to be approved is detailed in section 9.

### **Staffing**

6.8 TUPE may apply, however the staff have never been Barnet Council employees and this would be a secondary workforce transfer from existing provider to Solace Women's Aid. There are currently 14 members of staff associated to the delivery of Advocacy and Support Service and Refuge provision working for three organisations.

## **7. LEGAL ISSUES**

7.1 The Procurement Rules differentiate between Part A services and Part B services. Part A services are subject to the full European tendering process. Part B services require a similar tendering process but are slightly less stringent in terms of timelines

and the requirement for European advertisement of tenders. Part B services still require that specifications for services are not discriminatory and that reporting and notifying obligations are met.

- 7.2 The proposed domestic violence contract falls within Part B services. However, contracting authorities are still required to comply with the Treaty on the Functioning of the European Union (formerly the EC Treaty principles) in the way they carry out procurements and also to obtain value for money. These principles apply to all procurements with a “cross-border interest”, whether or not the full European procurement regime applies.
- 7.3 A written contract, which complies with the provisions specified by the Council's Contract Procedure Rules, will need to be drawn up and executed on behalf of the parties. The Provider/s will be required to provide a Parent Company Guarantee or Performance Bond which will mitigate any incidence of poor performance of the services or business failure.

## **8. CONSTITUTIONAL POWERS**

- 8.1 The Council's constitution in Part 3, Responsibility for Functions, states in paragraph 3.6 the functions of the Cabinet Resources Committee.
- 8.2 Section 5 of the Contract Procedure Rule designates Cabinet Resources Committee as the body to authorise contracts in excess of £500,000.

## **9. BACKGROUND INFORMATION**

- 9.1 The Early Intervention and Prevention Team in Barnet Children's Service has commissioned domestic violence services through contracts for £651,512 per annum 1 April 2012 – 31 March 2014. The commissioning process was competitive process for the award of £1,303,024 over a 2 year period.

The tender was divided into three lots;

- Lot 1 – Advocacy and Support Service - this service will work alongside refuge provision, and outside of refuge provision, to enable women to have support both during their stay at a refuge and afterwards in the community. This service will respond to both housing-related and very specific support needs, including advice on financial and welfare rights, advocacy, and support on a range of other issues. This service will also include Independent Domestic Violence Advisor services (IDVAS) and work with clients across all levels of risk to provide practical support.
- Lot 2 – Refuge - This service will offer confidential, good quality, safe accommodation to women who are fleeing domestic violence, and who require housing for themselves and their children. Refuge provision will offer both short term and (where required) mid-length stays for clients. Refuge provision will work with the floating support provision to ensure that the support to clients is maximised in both the short and the longer term.

- Lot 3 - Perpetrator and Partner Service - The service will work with perpetrators either who have been self-referred, or who have been referred in by another agency. The service will provide programmes that will address the issue of power and control within the home. A condition of the programme is that perpetrators attend all of the sessions. The service will also work in tandem with the partners of perpetrators to provide confidential support and advice.

- 9.2 Tenderers were permitted to either tender for all three lots or one lot only, as permitted under framework contract rules. Therefore contracts could only be awarded to one provider for all three lots or three separate providers for each of the three lots
- 9.3 The tender notice was advertised nationally on online portals including BIP solutions, Tender Match and Barnet Council website. In addition it was advertised in Against Violence and Abuse (AVA) website, Respect website. Newsletters were circulated to members of AVA and Respect.
- 9.4 Initially, the London Borough of Brent and the London Borough of Harrow had expressed their commitment to jointly tender with the London Borough of Barnet. Brent indicated as appropriate a requirement to purchase services delivered in Lot 1 (Advocacy and Support Service). Harrow had indicated as appropriate a requirement to purchase services delivered in Lot 3 (Perpetrator and Partner Service). However Brent withdrew from the process mid way through the tender. The tender was subsequently suspended and tender pack revised. Interested providers were informed of the suspension and reissued the revised tender with an extended tender submission date of 6 January 2012 (tender had originally been due to close on Friday 25 November 2011)
- 9.5 Evaluation process  
A fair and transparent due process was followed. The tender process operated 2 stages of evaluation:
- 9.6 Stage 1 - Financial evaluation  
This involved checks on credit worthiness and the financial viability of each organisation. Any organisation that failed this analysis would not be progressed to the next stage. Using the submitted accounts and other financial information provided in the commercial questionnaire, a financial ratio analysis was undertaken. Please see table 1 for results.

Table 1 – Pass/Fail of organisations at Stage 1

RANKING	PASS/FAIL	LOT 1 (Advocacy and Support)	LOT 2 (Refuge)	LOT 3 (Perpetrator and Partner Service)
1	PASS	U	V	Y
2	PASS	V	T	V
3	PASS	T		T
4	PASS	W		
5	FAIL	X	X	X

Due to time pressures caused by a one month delay in the tendering process and current Council resources, it was not possible to complete the financial appraisals prior to the quality evaluation. The two had to be undertaken at the same in order to meet reporting deadlines. Following the desk top evaluations, the evaluation team were aware that Provider X did not pass the financial evaluation but were also aware of the fact that there is an obligation to provide all bidders with meaningful feedback. The inclusion of a post tender meeting enabled the evaluation team to clarify certain points of the Provider X submission thus enabling a full understanding of the services

on offer. Procurement rules detail that following award of contract, tendering organisations are entitled to detailed feedback in order to understand relative strengths and weaknesses. The actions outlined support our objective of openness and transparency.

#### 9.7 Stage 2- Quality/Price evaluation

The Commercial Questionnaire evaluated the capabilities of the organisation along with a method statement questionnaire.

70% of the weighted score was attributed to the tenderers' method statements and questionnaire responses and 30% of the weighted score was attributed to the price.

At this stage, there were 5 tender submissions for Lot 1, 3 tender submissions for Lot 2 and 4 tender submissions for Lot 3.

##### Quality evaluation (70% of the weighted score)

A team of officers made up of Senior Children's Service managers and senior officers from the Police, Voluntary Sector, Health, Probation and Magistrates evaluated the tender submissions individually. The 3 Lots were allocated to the officers, according to their expertise. Each of the tender submission lots were scored on:

- experience of providing similar work
- capacity and resource to support the contract
- technical expertise and quality aspects.

The panel of evaluators scored the tender submissions individually and then as a group met and agreed a final consensus score between 23-25 January 2012.

##### Price (30% of the weighted score)

The scoring methodology was to initially calculate the average price of the tenders. This average price was awarded 50 points out of 100. Each tenderer's price was subsequently compared with the average to determine the percentage above or below the average price. For each percentage point above the average, one point was deducted from 50 and for each percentage point below the average; one point was added to 50.

Following the quality and price evaluation, the scores were weighted and all tendering organisations progressed to the post tender clarifications interviews

##### Post tender clarifications Interviews

The final stage involved interviews and tender clarifications over the period 1 -7 February 2012. The interview stage consisted of a presentation followed by questions. The aspects tested for stage 2 were further examined through personal interviews with prospective providers. The interview panel was made up of senior managers within Children's Service.

Please see table 2 for final scores.

Table 2 – Price/Quality score

<b>Advocacy and Support Service (Lot 1)</b>	Weighted Price score	Weighted Quality score	Overall score	Final award

Solace Women's Aid	14.83	61.50	76.33	£517,998.52
Organisation T	15.55	58.00	73.55	0
Organisation W	15.25	58.00	73.25	0
Organisation U	14.57	56.00	70.57	0
Organisation X	14.80	40.50	55.30	0

<b>Refuge (Lot 2)</b>	Weighted Price score	Weighted Quality score	Overall score	Final award
Solace Women's Aid	13.91	57.50	71.41	£564,074.58
Organisation T	14.42	56.00	70.42	0
Organisation X	16.67	49.00	65.67	0

<b>Perpetrator and Partner Service (Lot 3)</b>	Weighted Price score	Weighted Quality score	Overall score	Final award
Solace Women's Aid	13.92	61.50	75.42	£220,950.60
Organisation Y	13.92	58.00	71.92	0
Organisation X	17.51	43.50	61.01	0
Organisation T	14.65	32.00	46.65	0

Following this process the following organisations have been successful:

Lot 1 – Advocacy and Support Service  
Solace Women's Aid £517,998.52

Lot 2 - Refuge  
Solace Women's Aid £564,074.68

Lot 3 – Perpetrator and Partner Service  
Solace Women's Aid £220,950.60

The contracts will be agreed for the period 1 April 2012 – 31 March 2014

## 10. LIST OF BACKGROUND PAPERS

- 10.1 Equalities Impact Assessment on commissioning of domestic violence provision - can be provided on request by contacting Zahid Parvez, Business manager, early Intervention and Prevention Team.

Legal: PD  
CFO: JH/MC