

	CHIEF OFFICER IN CONSULTATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT 05 /2021
Title	Authorisation to extend the existing Domestic Abuse Solace – Refuge contract for a period of seven months beyond the existing contract term.
Report of	Chris Munday - Executive Director, Children’s Services in consultation with Theme Committee Chairman
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Clare Slater-Robins Senior Children and Young People Commissioner Clare.slater-robins@barnet.gov.uk

Summary

The report provides authority to extend (as a single tender action) the existing ‘Domestic Abuse Solace – Refuge’ contract for a period of seven months beyond the existing contract term from 1 September 2021 to 31 March 2022.

As required by clause 9.1 of Barnet’s Contract Procedure Rules permission for this single tender action has been sought from both the Head of Procurement and the Commercial and Customer Services Director.

The original term of this contract was for a three-year period from 1 April 2016 to 31 March 2019 followed by a 12-month extension period, specified in the original procurement and contract, from 1 April 2019 to 31 March 2020. The contract was then extended further via a single tender action authorised by Full (Chief Officer in consultation with Theme Committee Chairman) DPR up to 31 August 2021.

The total value of the extension will be: £120,333. The costs of the services to be delivered under the extension will be no more than the existing annualised costs rates and are entirely covered within the Domestic Violence budget (11344).

This extension is beyond the original contract duration as set out in the original OJEU tender notice. Regulation 72 of the Public Contracts Regulations 2015 (PCR) sets out a number of instances where changes can be made to awarded public contracts without triggering a requirement for a fresh tender process. Specifically, this extension is sought under Regulation 72(1)(b) which is applicable in this case as to not extend would cause significant inconvenience or substantial duplication of costs for the contracting authority and furthermore the increase in price of the extension over the period of seven months does not exceed 50% of the overall contract value.

The factors necessitating that the existing services be extended for a period of seven months beyond the existing contract term to 31 March 2022 are as follows: a) the essential nature of the services delivered through these contracts, and b) the need to avoid disruption or loss of continuity to these services during the ongoing period of Covid-19 restrictions c) the need that there be sufficient time to carry out a full procurement exercise for the procurement of this service for the findings and learning of a recently completed review into the Domestic Abuse services to inform a redesign of the service specifications.

It is noted that the re-procurement commencement should have commenced no later than January 2020, but this did not happen due to an oversight in the business area managing this contract. The rectification of this oversight was further delayed by the exigencies of the Covid-19 pandemic (in particular and the impact the Covid-19 restrictions and lockdown measures) which demanded significant work on both the Council side and Service provider to reconfigure operational delivery of the Domestic Violence related services to ensure that they could continue to operate and support victims of Domestic Abuse during and beyond the March 2020 lockdown.

This necessary focus on ensuring operational delivery was not disrupted did delay the preparatory work for re-procurement (including the bringing forth of this report) by the business area.

Decisions

- 1. To authorise the extension of the Domestic Abuse contract (listed below) for a seven-month period from 1 September 2021 up to 31 March 2022:**

- (i) Solace – Refuge;**

2. WHY THIS REPORT IS NEEDED

- 2.1 The Domestic Abuse Solace Refuge services contract is due to expire on 31 August 2021. In order that the delivery of the essential services provided by this contract is not disrupted this report seeks authorisation to extend the contract by a period of seven months beyond the existing contract term to 31 March 2022.
- 2.2 As the value of this extension of the contract is £120,333, an amount which is within budget, and in accordance with Article – 10 Decision Making, Table B (Authorisation and Acceptance Thresholds) this report is seeking authorisation for a seven months extension via Full (Chief Officer in consultation with Theme Committee Chairman) DPR.

3. Background Information

- 3.1 The original term of this contract was for a three-year period from 1 April 2016 to 31 March 2019 followed by a 12-month extension period, specified in the original procurement and contract, from 1 April 2019 to 31 March 2020.
- 3.2 Details of the contract are set out in the table below:

Contract	Provider	Service area ¹	End of '3+1' contract term
Domestic Violence and Abuse Refuge Service ('Refuge Service')	Solace	Community Safety (DVA)	31/03/2020

- 3.3 The contract has been extended via a single tender action authorised by Full (Chief Officer in consultation with Theme Committee Chairman) DPR up to 31 August 2021.
- 3.4 The Domestic Abuse Refuge service is one of five contracts which supports the delivery of the Barnet Violence Against Women and Girls (VAWG) Strategy 2017-2020. This strategy sets out how the Barnet Safer Communities Partnership works to prevent and respond to Domestic Abuse and underlines the partnership's commitment to working together to prevent all forms of violence against women and girls (VAWG).
- 3.5 The Strategy was endorsed by the Community and Leadership Committee (CLC) on the 21st June 2017 and is currently being refreshed for 2021 – 2023.
- 3.6 Within the overall Barnet Community Safety Strategy 2015-2020, one of the seven priority objectives is that: "The Safer Communities Partnership prevents

¹ Responsible for contract management and budget

violence against women and girls, improves outcomes for victims and their children and holds perpetrators to account.

3.7 REASONS FOR DECISION

3.8 The factors necessitating that the existing services be extended for a period of seven months beyond the existing contract term to 31st March 2022 are as follows: a) the essential nature of the services delivered through these contracts, and b) the need to avoid disruption or loss of continuity to these services during the ongoing period of Covid-19 restrictions c) the need that there be sufficient time to carry out a full procurement exercise for the re-procurement of this service.

3.9 It is noted that the re-procurement commencement should have been no later than January 2020, but this did not happen due to an oversight in the business area managing this contract. The rectification of this oversight was further delayed by the exigencies of the Covid-19 pandemic (in particular and the impact the Covid-19 restrictions and lockdown measures) which demanded significant work on both the Council side and Service provider to reconfigure operational delivery of the Domestic Violence related services to ensure that they could continue to operate and support victims of Domestic Abuse during and beyond the March 2020 lockdown. This necessary focus on ensuring operational delivery was not disrupted did delay the preparatory work for re-procurement (including the bringing forth of this report) by the business area.

4. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Alternative Option 1: Do not extend: This option is unfeasible as the services delivered by these contracts are essential in nature and their disruption could result in an increased risk of harm to victims of Domestic Violence and Abuse.

5. POST DECISION IMPLEMENTATION

5.1 Following approval of this report, notice of the contract extension will be issued to the service provider seeking their agreement to extend the service provision for seven months, via a single tender action, from 1 September 2021 to 31 March 2022.

5.2 As this extension relies on PCR Regulation 72(1)(b) clause, officers will publish an OJEU notice stating that we have extended contracts under this clause.

5.3 Officers will have populated a Procurement Launch Document, the Procurement Team have assigned a procurement lead, and work is underway to undertake a full procurement process for mobilisation of the new service by 1 April 2022.

5.4 See below for timeline from time of writing up to 1 Apr 2022 contract start date.

Task	Owner	Start date	End date
Project Meeting: Kickstart and PLD	Proc & Comm & DU	01 Apr	01 Apr
Project Meeting: Discuss extensions and timeframes	Proc & Comm & DU	13 Apr	13 Apr
Draft DPR to extend current contracts	Comm	13 Apr	23 Apr
Project Meeting: DPR update	Proc & Comm & DU	22 Apr	22 Apr
DPR to extend signed off	Comm	30 Apr	30 Apr
PLD signed off	Proc & Comm	03 May	07 May
Ask legal to be assigned support	Proc	03 May	03 May
Specifications drafted (including KPIs and Contract Monitoring)	Comm	03 May	14 June
1.5h Project meeting: Review PLD, Draft SQ, discuss MSQs, Interviews and TUPE and SU engagement	Proc & Comm & DU	10 May	14 May
Confirm Tender Evaluation Team (TET) members	Comm	17 May	21 May
Consider issuing PIN notice	Proc	17 May	21 May
Finalise comms plan for SUs and incumbent Service Providers	Comm	17 May	21 May
Seek legal advice and write to incumbent providers	Proc and legal	24 May	28 May
Engage offsite procurement team	Proc	24 May	28 May
1.5h Project meeting: Commissioning to prepare SQ extra Qs, draft MSQs, & discuss pricing schedule, Service User consultation; Share ME template; confirm Evaluation Panel & book dates	Proc & Comm & DU	24 May	28 May
Release ME event advert online	Proc	31 May	04 June
Service user engagement on MSQs	Comm	31 May	04 June
Market event presentation prep	Proc & Comm	07 June	11 June
1.5h Project meeting: finalise ME presentation and ads, Finalise MSQ weightings, and word counts, review Pricing schedule	Proc & Comm & DU	07 June	11 June
Send final Specification to Legal	Comm	14 June	18 June
TUPE information confirmed by incumbent provider	Proc and provider	14 June	18 June
2h Project meeting: finalise all MSQs, Finalise Pricing schedule, and Quality Thresholds, ME slides finalised	Proc & Comm & DU	14 June	18 June
Market Engagement Event	Proc	14 June	18 June
Sabrina on Annual Leave	Proc	21 June	25 June
ME Questions & Answers prepared	Proc & Comm	21 June	25 June
Release ME responses	Proc	28 June	02 July
Legal to finalise TUPE data (if applicable)	Legal	28 June	02 July
1.5h Project meeting: finalise all remaining documents including eval methodology with quality thresholds	Proc & Comm & DU	05 July	09 July
Draft Find a Tender Service (FTS) notice	Proc	05 July	09 July
Legal to finalise Ts & Cs	Legal	12 July	16 July

Insurance to finalise levels	Insurance	12 July	16 July
ITT documentation: Prepare and finalise instructions, SQ, ITT, Evaluation Methodology for SQ & ITT, and contract	Proc	12 July	16 July
Circulate all tender documentation for final approvals amendments	Proc & Comm and DU	19 July	23 July
Sign off all Tender Docs	Comm	26 July	30 July
Project meeting: Review and finalise all tender docs (optional meeting, if needed)	Proc & Comm & DU	27 July	27 July
Liaise with IPS to build tender	Proc & IPS	28 July	01 August
Review of Ts & Cs	Proc & Comm	26 July	30 July
Finalisation of Ts & Cs	Legal	29 July	30 July
FTS Notice & Adverts Issued	Proc	03 August	03 August
ITT Issued	Proc	03 August	03 August
Out to tender	Proc	03 August	04 September
ITT Bidder Clarifications	Proc & IPS & Comm	09 August	24 August
Tender Evaluation Team training	Proc & Tender Eval Team (TET)	23 August	27 August
Final clarification responses issued	Proc & IPS & Comm	27 August	27 August
ITT Submission Date	Tenderers	04 September	04 September
ITTs logged and SQ checked	Proc & IPS	07 September	07 September
Share Tenders with TET	Proc	08 September	08 September
ITT Evaluation	TET	08 September	24 September
Financial evaluations	Finance	13 September	01 October
Moderation	TET & Proc	27 September	08 October
Draft Full DPR/Committee Report	Comm & Proc	04 October	15 October
Full DPR/Committee Report signed off	Comm & Proc	18 October	29 October
Draft letters to providers	Proc	11 October	29 October
ITT Successful/unsuccessful letters issued	Proc & IPS	01 November	01 November
Standstill	Proc	01 November	11 November
Contracts prepared	Legal	08 November	15 November
Legal contracts issued	Legal	01 November	26 November
Contracts signed and sealed	Comm & Winning T	29 November	10 December
Issue contract award notice	Proc	13 December	17 December
Contract Mobilisation	Winning Tenderer	13 December	31 March
New vendor and new contract forms for integra	Proc & DU	13 December	17 December
Contracts set up on Curtis Fitch	Proc	17 January	21 January
Lessons Learnt	Proc & TET & Legal	24 January	28 January
Customer Satisfaction Feedback Form	Comm	31 January	04 February
Extended incumbent contracts end date	Incumbent Provider	31 March	31 March
Contracts start date	Winning Tenderers	01 April	01 April

6. IMPLICATIONS OF DECISION

6.1 Corporate Priorities and Performance

6.2 The Council's Corporate Plan 2019-24 sets out three main outcomes:

- 1) A pleasant well-maintained borough that we protect and invest in
- 2) Our residents live happy healthy independent lives with the most vulnerable protected
- 3) Safe and strong communities where people get along

6.3 Six key priorities have been set to support the delivery of the third outcome.

- Keeping Barnet safe
- Tackling anti-social behaviour and environmental crime
- Celebrating our diverse and strong communities and taking a zero-tolerance approach to hate crime
- Ensuring we are a family friendly borough
- Focusing on the strengths of the community and what they can do to help themselves and each other
- Supporting local businesses to thrive

6.4 The services delivered by the contract in question supports the delivery of the Barnet Violence Against Women and Girls (VAWG) Strategy 2017-2020. This strategy sets out how the Barnet Safer Communities Partnership works to prevent and respond Domestic Abuse and underlines the partnership's commitment to working together to prevent all forms of violence against women and girls (VAWG).

6.5 The Strategy was endorsed by the Community and Leadership Committee (CLC) on the 21st June 2017 and is currently being refreshed for the period 2021 – 2023

6.6 The effective implementation of the Violence Against Women and Girls Strategy supports Barnet in achieving the outcomes and priorities set out in the corporate plan by helping to keep residents of Barnet safe and protecting the most vulnerable.

6.8 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

6.9 The total (maximum) value of the extension will be: £120,333².

6.10 The costs of the services to be delivered under the extension will be no more than the existing annual costs and are entirely covered within the Domestic Violence budget provision (of which annual amount of £205,285 is allocated for the delivery of the Domestic Abuse Refuge Service)

6.11 The cost for the delivery these services, during the seven months extension period being sought, will remain within the existing budget allocations. This cost will not be any greater than the costs of delivering these services during 2019/20.

6.12 **Legal and Constitutional References**

6.13 The contract is a public services contract as defined in the PCR. The procurement process for this contract has been conducted in accordance with the Council's Contract Procedure Rules.

The value of the seven month contract extension is £120,333 which means the total value of the contract is £1,254,900. Under the Council's Constitution, Article 10 – Decision Making, Table B (Authorisation and Acceptance Thresholds) extension and variation of £500,000 and above can be authorised by Full (Chief Officer in consultation with Theme Committee Chairman) DPR if within budget or if not within budget by Committee Report to the relevant thematic committee.

6.14 As the extension being sought is within budget, authorisation can be provided by Full (Chief Officer in consultation with Theme Committee Chairman) DPR.

6.15 HB Public Law where instructed will advise the client with regard to the application of the PCR and any contractual changes which may be required to reflect any modification.

6.16 Regulation 72 of the PCRs sets out a number of instances where changes can be made to awarded public contracts without triggering a requirement for a fresh tender process. Regulation 72(1)(b) states that; *additional works, services or supplies by the original contractor that have become necessary*

² The total value of the contract over the existing term (to 31st Aug 2021) is £1,134,568. The proposed additional one seven months extension (with a value of £120,333) will therefore give grand total value of £1,254,900.

and were not included in the initial procurement, where a change of contractor—

- (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, or*
- (ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority,*
- (iii) provided that any increase in price does not exceed 50% of the value of the original contract;*

- 6.17 The exception described in Regulation 72(1)(b) (ii) is be applicable in these circumstances and therefore is relied on to extend the contract without triggering a fresh tender process, furthermore the increase in price of the extension over the period of 12 months does not exceed 50% of the overall contract value. As the Council is relying on Regulation 72(1)(b) it will need to publish an OJEU notice stating that it has done so.
- 6.18 In line with clause 9.1 of Barnet's Contract Procedure Rules, this DPR seeks authorisation for a single tender action from the Head of Procurement and the Commercial and Customer Services Director.
- 6.19 s6 of Crime and Disorder Act 1998 ('the 1998 Act') places a statutory duty on responsible authorities (including local authorities, the Police, Probation Trusts, and Fire and Rescue Authorities) to formulate and implement strategies for the reduction of crime and disorder (including anti-social behaviour), for combating the misuse of drugs, alcohol and other substances; and for the reduction of reoffending.
- 6.20 The BSCP is a Community Safety Partnership set up in accordance with the requirement of the section 5 Crime and Disorder Act 1998 as amended by section 108 of the Policing and Crime Act 2009.
- 6.21 Under s.17 of the Crime and Disorder Act 1998, it is also a duty of the Council (and other partner agencies, including Police, Fire & Rescue, GLA, TfL) when exercising its functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder (including anti-social behaviour), misuse of drugs, alcohol and other substances and re-offending.
- 6.22 **Risk Management**

6.23 Risk management varies according to the different initiatives. The partnership and appropriate agencies are made aware of risks and actions to mitigate the risk are agreed and put in place. There is always risk that the partnership may not achieve the targets set due to factors outside its direct control – however there is strong partnership working in place enabling agencies to identify and highlight risk and be open to addressing the risk collectively.

6.24 **Equalities and Diversity**

6.25 Section 149 of the Equality Act 2010 sets out the public-sector equality duty to which the authority must have due regard. The Council's public-sector equality duty is set out in s149 of the Equality Act 2010:

6.26 A public authority must, in the exercise of its functions, have due regard to the need to —

a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.27 The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The Barnet Safer Communities Strategy and the services delivered as part of this strategy take into account the protected characteristics to ensure services are accessible and fair to all sections of the community.

6.28 **Consultation and Engagement**

6.29 The services detailed in this report support the delivery of the Barnet Violence Against Women and Girls (VAWG) Strategy. Extensive consultation was carried out during 2017 to support the development of the Barnet VAWG Strategy. Feedback from these consultations highlighted that service users wanted the process for accessing help, which can often involve multiple agencies, to be as straightforward and clear as possible with strong co-ordination between the agencies involved.

6.30 The quarterly VAWG Forum provides ongoing feedback from partner agencies and organisations on the implementation of the VAWG strategy.

7. **Corporate parenting**

Not relevant to this report.

8. BACKGROUND PAPERS

Community Leadership and Libraries Committee 11th June 2019

Agenda Item 9 "Preventing and Responding to Violence against Women and Girls & Domestic Abuse (VAWG & DA) - Annual Report (2018/2019)"

<https://barnet.moderngov.co.uk/documents/s52884/6826769%20-%20VAWG%20Annual%20Report%20CLLC%2011jun19%20%20%20%20.pdf>

Community Leadership Committee 21st June 2017

Agenda Item "London Borough of Barnet Violence against Women and Girls(VAWG) Strategy 2017-2020"

<https://barnet.moderngov.co.uk/documents/s40298/London%20Borough%20of%20Barnet%20Violence%20against%20Women%20and%20GirlsVAWG%20Strategy%202017-2020.pdf>

9. DECISION TAKER'S STATEMENT

- 9.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision-making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

9.2 OFFICER'S DECISION

I authorise the following action

To extend the existing Domestic Abuse Solace – Refuge contract for seven months beyond the existing contract term.

Chief Officer: Executive Director of Children's Services

Signed Chris Munday

Date 8th June 2021

**Theme Committee Chairman consulted
Signed Councillor Reuben Thompstone**

Date: 8th June 2021