

	<h2>CHIEF OFFICER IN CONSULTATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT</h2>
Title	<h3>Contract Award for Carers and Young Carers Support Services</h3>
Report of	Executive Director, Adults and Health and Executive Director, Children's Services
Wards	All
Status	Public
Enclosures	None
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Summary
<p>The Policy and Resources Committee agreed the procurement of the Carers and Young Carers Support Services described in this report within the Council's Annual Procurement Forward Plan 2020/21 on 8th December 2020.</p> <p>The services were put out to tender on 23rd August 2021 and following the procurement process, it is recommended that the contract is awarded to Barnet Carers Centre (BCC).</p> <p>The contract term is for five years (5) with break clauses available within the contracts at the end of years three (3) and four (4). The total global contract value for the service will be a maximum of £1,775,452.50.</p>

Decisions
<p>Approval to award Carers and Young Carers Support Services contract to Barnet Carers Centre (BCC) for a period of 5 years from 1st April 2022 with break clauses</p>

available within the contract at the end of years three (3) and year four (4). The total global contract value for this service is £1,775,452.50.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Policy and Resources Committee agreed the Annual Procurement Forward Plan 2021/22 on 8th December 2020 which included authorisation for Adults and Health and Family Services to procure the Carers and Young Carers Support Services.
- 1.2 The current contract for the Carers and Young Carers Support Services is delivered by Barnet Carers Centre. The original contract ended on 30th September 2021, but a further extension was enacted until 31st March 2022. This is to enable sufficient time to reprocure and mobilise the new contract.
- 1.3 The Carers and Young Carers Support Services is a statutory service which promotes prevention and wellbeing and provides information and advice to carers and young carers.
- 1.4 Therefore, following consideration of the available commissioning options available Barnet conducted a procurement exercise and the service was put out to tender on 23rd August 2021. Following the procurement process, it is recommended that the contract is awarded to Barnet Carers Centre.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Council is required to commission Carers and Young Carers Support Services to ensure compliance with the Council's statutory duties as set out within the Care Act 2014 regarding prevention, wellbeing, information and advice.
- 2.2 The service also forms part of the Council's statutory duties under the Children and Families Act 2014 regarding assessments for young carers.
- 2.3 The priority focus of this procurement was to build on the success of the current services in place for Barnet residents and focus on further enhancing prevention, wellbeing, information and advice for carers and young carers in Barnet to maximise intended outcomes.
- 2.4 A compliant procurement process was followed and the services were put out to tender on 23rd August 2021. They were advertised on the Council's E-Sourcing Portal, on Contracts Finder and in the 'Find a Tender' (FTS) Service.
- 2.5 Organisations were invited to submit a tender outlining their organisational experience and how they would meet the requirements of the specifications. The closing date for tender submissions was 28th September 2021.
- 2.6 62 providers looked at the advert, there were 7 expressions of interest and only one compliant bid was received, which was of adequate quality and met all requirements of the evaluation. The bid received had particular strengths regarding operational design, ethos, planning, resourcing and social value.

- 2.7 The panel evaluating the tender was comprised of representatives from across Adults, Family Services and Health including Joint Commissioning, Children’s Services, Operational and Care Quality staff.
- 2.8 The procurement approach used for this tender was based on the Open Tender Process and a compliant procurement process was followed.
- 2.9 The tender evaluation was based on 65% quality (inclusive of 5% social value) and 35% price. The quality award criteria for the tender is set out below. The following stages were followed to inform the final scoring applied: -

Stage 1 – Submission on time & acceptance of Terms and Conditions: -

Bids needed to be submitted through the online E-Sourcing Portal (Curtis Fitch) by no later than 12pm on 28th September 2021. Bidders needed to confirm acceptance of the terms and conditions of the contract (subject to acceptance by the Council of any amendments proposed during clarifications).

Stage 2- Compliance Evaluation: -

Organisations needed to submit a selection questionnaire, which is based on the Crown Commercial Services standard selection questionnaire. The selection questionnaire is a declaration by the bidder of their eligibility to deliver the service that they have tendered for. Any questionnaire responses that failed Stage 2 would not be considered further.

Stage 3- Method Statement Questions:

Tender evaluation is based on 65% quality (including 5% social value). For this tender, bidder’s submissions were assessed for quality through the method statement questions.

Stage 4- Price Evaluation:

Tender evaluation is based on 35% price. During the tender stage bidders were required to provide their fixed rates (within the budget range set by the Council) for the contract period.

- 2.10 Procurement guided and supervised the evaluation stage but did not score the bids, they also managed the moderation stage. Tender submissions from bidders who passed the selection questionnaire stage then had their responses to the technical questions evaluated individually by officer panel members. The panel members then took part in a moderation meeting to agree consensus scores.
- 2.11 The quality award criteria accounted for 65% of the total score as set out in the table at 2.11.1 below.

2.11.1 Quality

Section	Criteria	Weighting
Quality (65%)	MSQ 1a: Service Delivery (Model)	10%
	MSQ 1b: Service Delivery (Innovation)	10%
	MSQ 2: Staffing	7%
	MSQ 3a: Engagement (Partnerships)	6%

	MSQ 3b: Engagement (Strategy)	6%
	MSQ 4a: Service Outcomes (Contract)	6%
	MSQ 4b: Service Outcomes (Person-Centred)	6%
	MSQ 5: Mobilisation, Transition Risk Management and Contingency Planning	9%
	MSQ 6: Social Value	5%
Price (35%)	Price	35%
Total:		100%

2.12 Scoring

The following scoring scale was applied to method statement responses:

Score	Definition
0	Very poor, No response
1	Poor response
2	Limited response
3	Satisfactory response
4	Good response
5	Outstanding response

2.13 The quality and price percentage splits for the tender award were 65/35. 35% of the overall score was awarded to price and 65% to quality as set out in table 2.11.1 above. Both price and quality scores were combined to calculate a total score. Based on the overall evaluation criteria above the scores were as follows:

Provider	Price (5 Years)		Quality	Total
	(£)	Score	Score	Score
Barnet Carers Centre	<i>redacted</i>	35%	47.40%	82.40%

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The Council is required to commission Carers and Young Carers Support Services to ensure compliance with the Council's statutory duties as set out within the Care Act 2014 regarding prevention, wellbeing, information and advice, and Children and Families Act 2014 regarding assessments for young carers. Therefore, allowing the current contract to cease after reaching end of its term (31st March 2022) was not an option. To ensure that the council is continuing to comply with its

statutory duties in regard to provision of Carers and Young Carers Support Services, a competitive recommissioning exercise was undertaken.

4. POST DECISION IMPLEMENTATION

- 4.1 If the recommendations in this report are approved the bidder will be notified the outcome of the tender and the 10-day tender standstill period will commence. Following this, officers will work with the successful bidder for Carers and Young Carers Support Services to ensure that the services are mobilised and the contract start date will be 1st April 2022.
- 4.2 Contract Award Notices will be placed in the relevant places as required by the Public Contract Regulations 2015.
- 4.3 Contracts will be issued by HB Law.
- 4.4 Contracts will be monitored by the council to ensure that ongoing performance meets requirements as set out in the performance framework.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 This contract will support the Council in meeting its statutory duties as set out within the Care Act including duties in regard to promoting prevention, wellbeing, information and advice and Children and Families Act.
- 5.1.2 The Council's Corporate Plan (2019-2024) strategic objectives are that the Council, working with local, regional, and national partners, will strive to ensure that Barnet is the place:
 - Of opportunity, where people can further their quality of life
 - Where people are helped to help themselves, recognising that prevention is better than cure
 - Where responsibility is shared, fairly
 - Where services are delivered efficiently to get value for money for the taxpayer.

Awarding this contract as contained within this Delegated Powers Report will ensure that this contract supports the Council in meeting these objectives.

- 5.1.3 The contract with the provider will be robustly monitored and reviewed including their performance through key performance measures and outcome indicators.

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

- 5.2.1 The contract value for the Carers and Young Carers Support Service is effective from 1st April 2022 to 31st March 2027. The maximum contract

value that was available for the delivery of the service was £355,090.50 per annum (with a total global contract value available over the course of the contract term of five years of up to £1,775,000). The recommended bidder submitted a tender price of £1,774,500 for the five-year term of the contract which is £500.00 under the maximum contract value.

This contract will be funded from within the Prevention budget (£7.887m gross in 2021/22).

5.2.2 Regular financial monitoring forms part of the contract, as does working within the ethos of continuous service improvement. The successful provider will be required to evidence key performance indicators that will form part of performance and contract monitoring which will take place on a quarterly basis.

5.2.3 As the successful bidder is the incumbent provider (Barnet Carers Centre) TUPE will not be applicable.

5.3 Social Value

5.3.1 The Public Services (Social Value) Act 2012 requires commissioners of public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders. There is no definitive list of what those improvements could be. The Act is deliberately flexible, giving public bodies freedom to determine what best suits local needs, as well as providers the opportunity to innovate.

5.3.2 Social Value was considered in the evaluation of bids with bidders being required to demonstrate how they will deliver social value throughout service delivery. The successful bid included clear examples of social value commitments for this contract in relation to additional funding, recruitment of volunteers, apprenticeships, training and organisational development.

5.4 Legal and Constitutional References

5.4.1 The procurement is subject to the EU Treaty provisions of equal treatment, fairness and non-discrimination. The tendering process ensured that these requirements were met.

5.4.2 The services delivered under these contracts are subject to the 'Light Touch Regime' under Regulations 74 to 76 of The Public Contracts Regulations 2015 (PCRs).

5.4.3 The contracts opportunity was advertised in OJEU in compliance with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules.

5.4.4 HB Public Law led on the drafting of the contract terms and conditions based on the content of the service specification for Carers and Young

Carers Support Services. The legal procurement process was followed throughout the tender process as advised by the LBB Procurement Business Partner for Adults and Health.

- 5.4.5 Where the Transfer of Undertakings (Protection of Employment) Regulations 2006 ('TUPE') apply, in the circumstances identified in paragraph 5.2.3 above, the contract with the new provider will include appropriate obligations in respect of the provider's responsibilities under TUPE. The Council's role is to facilitate and oversee the supply of appropriate information during the procurement process and following contract award.
- 5.4.6 HB Public Law will be instructed to complete the contracts with the successful provider.
- 5.4.7 The Council's Constitution, Part 2, Clause 17, Contract Procedure Rules, Paragraph 4.1 states that; "Any Procurement ... submitted in the Annual Procurement Forward Plan and approved by the Policy and Resources Committee, is deemed as Authorised irrespective of the Contract value. The Authorisation and Acceptance Thresholds Table states that the acceptance of a contract procurement with a value of £500,000 and above must if within Budget be recorded by means of a Full DPR, (Chief Officer in consultation with the relevant Theme Committee Chairman).
- 5.4.8 The Scheme of Delegation for the Executive Director of Adults and Health, as published on the Council's website, states that contracts over this value must follow authorisation as set out in the Contract Procedure Rules.
- 5.4.9 Although only 1 (one) compliant bid was received, this is in accordance with section 6.2 of the LBB Contract Procedure Rules which states '*Where a competition has been undertaken and only a single bid has been received the Assistant Director Investment and Innovation of Resources and Director Commercial & Customer Services can approve the award of a Contract, subject to an appropriate review being undertaken and an audit trail being available for inspection*'.

5.5 Risk Management

- 5.5.1 The award of the Contract's is unlikely to raise public concern as these Services are already in operation. This is a statutory service and there would be a risk of significant levels of public concern were the services not to be continued.
- 5.5.2 To ensure a smooth transition when the current contractual arrangements expire bidders were asked to submit a mobilisation plan for initiating the service they tendered for, including:
- Key milestones for setting up the new service.
 - Key risks with initiating the contract and how these will be managed by the bidder.
- 5.5.3 The bidder's implementation plan was reviewed as part of the tender

process. Following contract award, implementation plans will be finalised with the successful bidder and key stakeholders. Service mobilisation will follow a project management approach which will include recording and managing risks.

- 5.5.4 Risks of non-delivery will be managed by developing a strategic relationship with the providers in relation to the contract and robust contract monitoring.
- 5.5.5 Alongside this an Implementation, Risk Plan and Performance Framework will be agreed prior to initiating the service. The service specification includes performance and outcome measures which will continue to be monitored and reviewed through contract management.
- 5.5.6 Risks associated with the procurement process were mitigated by ensuring that provision of the services will be consistent with budget resources.
- 5.5.7 The risk that the new services and contracts will not provide value for money has been mitigated by designing the service specification to reflect best practice. Furthermore, the tender set out a price range with a maximum ceiling limit therefore providers had the opportunity to submit their best quote.

5.6 Equalities and Diversity

- 5.6.1 The core provisions of the Equality Act 2010 came into force on 1st October 2010 and the public-sector equality duty (section 149 of the Act) came into force on 5th April 2011. Under section 149, the council must have due regard to the need to eliminate discrimination, harassment and victimisation prohibited under the Act and to advance equality for opportunity and foster good relations between those with protected characteristics and those without.
- 5.6.2 The protected characteristics are age; disability; race; gender reassignment; pregnancy and maternity; religion or belief; sex; and sexual orientation. They also cover marriage and civil partnership regarding eliminating discrimination.
- 5.6.3 Any organisation providing public sector services is subject to scrutiny by the council to ensure that delivery complies with the public-sector equality duty.
- 5.6.4 The contract for the Carers and Young Carers Support Services includes explicit requirements fully covering the council's duties under equality legislation and the specification requires that hard to reach groups are to be identified and have the opportunity to receive the service.
- 5.6.5 The Equality Impact Analysis undertaken for the service found that there will be a positive impact through this contract ensuring; that the council complies with its statutory duties set out within the Care Act and Children and Families Act whilst delivering better value for money for Barnet residents.

5.6.6 The service specification requires involvement and inclusion of the wider community in all areas of work. The success of engagement with the wider community and hard to reach groups will be monitored through the contract monitoring processes and the provider will be required to address any anomalies where potential under-representation can be rectified or when an action has unintended consequences.

5.6.7 Further equality-specific measures may be developed with reference to projects or services as the contracts progress to ensure that the organisation acts in keeping with the council's public-sector equality duty.

5.6.8 The contract for the services will include explicit requirements fully covering the council's duties under equalities legislation.

5.7 Corporate Parenting

5.7.1 None in the context of this report.

5.8 Consultation and Engagement

5.8.1 A wide range of engagement activity occurred with stakeholders to support development of the service specifications including engagement with experts by experience and operational staff.

5.8.2 A formal engagement was carried out with the market to inform the commissioning of local Carers and Young Carers Support Service.

5.8.3 The new contract specification details the requirements for this service to co-design services with carers and young carers and to put service users at the heart of all service development and delivery. Co-production will be a core part of the Barnet Carers and Young Carers strategy refresh.

5.9 Insight

5.9.1 Key indicators regarding the number of local carers and young carers in Barnet were shared with the market as part of this procurement exercise to enable prospective providers to understand volume and current trends. The contract has clear key performance indicators and outcomes identified in the specification.

6. BACKGROUND PAPERS

6.1.1 The Policy and Resources Committee agreed the Annual Procurement Forward Plan 2020-21 on 8th December 2020, which includes authorisation for Adults and Communities to procure Carers and Young Carers Support Services (line 178)
<https://barnet.moderngov.co.uk/documents/s56940/Appendix%201%20Annual%20Procurement%20Forward%20Plan%20202021.pdf>

Chairman: **Cllr Rajput**
Has been consulted

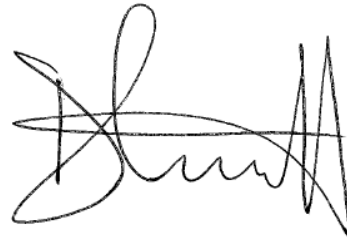
Signed



Date 30/11/2021

Chairman: **Cllr Longstaff**
Has been consulted

Signed



Date 27/11/2021

Chief Officer: **Dawn Wakeling**
Decision maker having taken into account the views of the Chairman

Signed



Date 19/11/2021

Chief Officer: **Chris Munday**
Decision maker having taken into account the views of the Chairman

Signed



Date 08/11/2021
