
Meeting	Cabinet Resources Committee
Date	25 February 2013
Subject	CommUNITY Barnet Contract Extension
Report of	Cabinet Member for Education Children and Families
Summary	This report seeks approval to extend the Children's Service agreement with CommUNITY Barnet for 12 months and waive the Contract Procedure Rules for the extension of the contract. This will bring it in line with the corporate contract and will maintain continuity of service.

Officer Contributors	Stav Yiannou, Divisional Manager, Early Intervention & Prevention Team Zahid Parvez, Business Manager, Early Intervention and Prevention Team
Status (public or exempt)	Public
Wards Affected	All
Key Decision	No
Reason for urgency / exemption from call-in	Not applicable
Function of	Executive
Enclosures	None
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1. RECOMMENDATIONS

- 1.1 That the Committee agree to waive Contract Procedure Rule 5.6.1 on the basis that these circumstances are exceptional under 5.8.4 for the reasons set out in paragraph 8.4 below.**
- 1.2 That the Committee approves a 12 month extension period (1 April 2013 – 31 March 2014) to the Children’s Service agreement with CommUNITY Barnet. Extending the contract by one year will bring this contract in line with the corporate CommUNITY Barnet contract and align services. This approach is in line with the council’s wider approach to contract management and commissioning.**

The value of CommUNITY Barnet contract is £252,000 over a 2 year period (1 March 2011 to 31 March 2013). The extended 1 year value is a further £116,550 for the period 1 April 2013 to 31 March 2014, the contract end date. The total proposed contract value including extension is £368,500. This funding has included 7.5% efficiency savings against the original annual value of £126,000.

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The services for consideration will contribute towards the key priorities and objectives of the Council’s 2012-2013 Corporate Plan:
 - Better services with less money;
 - Sharing opportunities, sharing responsibilities and
 - A successful London suburb.

Services will also contribute to the priorities outlined in the Children and Young People’s Plan 2012-2013:

- intervene early to strengthen families;
- ensure the early identification of children and families to enable appropriate preventative interventions through the Common Assessment Framework (CAF);
- invest in early intervention to reduce the number of children and families experiencing complex problems;
- ensure every child has a good start to life by providing access to high quality early years provision and support;
- promote access for all children and young people to positive activities;
- ensure access to affordable and suitable childcare;
- support parents to build confidence and skills;
- address health, including mental health both as a cause and consequence of poverty.

4. RISK MANAGEMENT ISSUES

- 4.1 The increased funding of the contracts will not carry additional risk to the Council; the terms and conditions of the contracts will be reviewed in light of the need for efficiency savings. To mitigate any risk Children's Services officers will work closely with Corporate Services to avoid duplication.
- 4.2 CommUNITY Barnet will continue to provide services for the Early Intervention and Prevention team.
- 4.3 All contracts are otherwise in accordance with the Contract Procedure Rules set out in the Council's Constitution. Details are provided in section 7 (Constitutional Powers).
- 4.4 In accordance with Contract Procedure Rules and to ensure value for money all contracts will continue to be performance managed throughout the term of the contract using a robust monitoring system.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Equality Act 2010 requires that a public body in the exercise of their functions must have due regard to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act; (b) advance equality of opportunity between different groups; and (c) foster good relations between different groups. The Council in award of the contracts and in the proposal for extension of the contracts has considered the potential impact on the protected groups, pursuant to the Equality Act 2010 and is of the view that extended funding will facilitate better services for a larger number of Barnet residents.
- 5.2 Service users will be able to access services, irrespective of their ethnicity, religion, disability, age, gender, or other differences. This will be checked during regular performance monitoring of contracts which measures service-user profile. Where monitoring data identifies hard-to-reach communities are not being sufficiently supported, plans to refocus delivery will be implemented with providers.

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

- 6.1 The value of CommUNITY Barnet contract is £252,000 over a 2 year period (1 March 2011 to 31 March 2013). The extended 1 year value is a further £116,550 for the period 1 April 2013 to 31 March 2014, the contract end date. The total proposed contract value including extension is £368,500. This funding has included 7.5% efficiency savings against the original annual value of £126,000.
- 6.2 The budget for the extended amount falls within the existing commissioning budget for Early Intervention and Prevention for the period 2013/14.

- 6.3 By bringing the Children's Service contract in line with that of the corporate contract the management of both and payment of the instalments can be consolidated.
- 6.4 The variation of the contracts will otherwise be made in accordance with the terms and conditions of the main contract and the Council's Contract Procedure Rules

7. LEGAL ISSUES

- 7.1 With reference to the full European procurement rules, the CommUNITY Barnet contract falls within Category B of Schedule 3 to the Public Contracts Regulations 2006. Although procurement of the services under this contract does not trigger the application of the full EU procurement rule the EU treaty principles of non-discrimination, equal treatment, transparency, proportionality and mutual recognition do apply.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Council Constitution, Part 3, Responsibility for Functions, paragraph 3.6 states the terms of reference of the Cabinet Resources Committee.
- 8.2 Council Constitution, Contract Procedure Rules - paragraph 5.6 sets out that contract extensions are subject to the following:

5.6.1 In the case of an extension to a contract:

5.6.1.1 The initial contract was based on a competitive tender or quotations;

5.6.1.2 the initial contract has not been extended before; and

5.6.1.3 the value of the extension is less than half the cost of the existing contract without the extension and has a budget allocation having had regard to the following:

i. If initial contract was subject to EU tender procedure that the extension option was declared within the OJEU notice; acceptance report (Delegated Powers Report/Cabinet Resources Committee Report) and the contract includes extension clauses

ii. If initial contract value was subject to sub EU threshold procedure (Barnet tender/ quotation process) the extension does not take the value past EU threshold

- 8.3 The Council's Contract Procedure Rules in paragraph 5.8 provides that the Contract Procedure Rules may only be waived by the appropriate decision making body if they are satisfied after considering a written report by the appropriate officer that the waiver is justified because:

- 5.8.1 the nature of the market for the works to be carried out or the supplies or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of Contract Procedure Rules is justifiable; or
 - 5.8.2 the contract is for works, supplies or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or
 - 5.8.3 the circumstances of the proposed contract are covered by legislative exemptions (whether under EU or English Law); or
 - 5.8.4 there are other circumstances which are genuinely exceptional.
- 8.4 A waiver is sought for Contract Procedure Rule 5.6.1.1 as the initial contract was not based on a competitive tender or quotations. This report seeks a waiver of the Contract Procedure Rule on the basis that 5.8.4 is met. Extending the contract by one year will bring the contract in line with the corporate CommUNITY Barnet contract, which ends in March 2014.

9. BACKGROUND INFORMATION

- 9.1 The Early Intervention and Prevention division awarded CommUNITY Barnet a contract for the period 1 March 2011 to 31 March 2013 for;
- resources, staff and core costs
 - representation and reach
 - hard to reach groups
 - safeguarding and early intervention work
 - representation at safeguarding board
 - Youth shield
 - capacity building
 - children and young people participation
 - volunteer programme
- 9.2 Extending the contract by one year will bring the contract in line with the corporate CommUNITY Barnet contract, which ends in March 2014. This will enable officers to align and review the services and scope a new tender for April 2014. This approach is in line with the council's wider approach to contract management and commissioning
- 9.3 An extension will enable officers to scope the services that could be shared in a single contract with Barnet Council to minimise duplication and offer value for money. This will also allow for the re-commissioning process to be undertaken appropriately and to ensure there is no gap in services.
- 9.4 The existing Children's Services, CommUNITY Barnet contract currently ends 31 March 2013. It is requested that this contract is extended for twelve months until 31 March 2014.

10. LIST OF BACKGROUND PAPERS

10.1 None

Cleared by Finance (Officer's initials)	MC/JH
Cleared by Legal (Officer's initials)	SS