



Doncaster Council

OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. (See Annex 2 on Intranet.)

Decision Ref. No:
**AHWB/028/2018 Novation
of the contract to provide
an Electronic Monitoring
System**

Box 1

**DIRECTORATE: Adults Health and
Wellbeing**

Contact Name: Marie Hall

DATE: 24 April 2018

Tel. No.:01302 736287

Subject Matter: Novation of the contract to provide an Electronic Monitoring System used by the STEPS service from CM2000 to HAS Technology Ltd.

Box 2

DECISION TAKEN:

To agree to novate the contract to provide an Electronic Monitoring System (EMS) used by the STEPS service from CM2000 to HAS Technology Ltd.

Box 3

REASON FOR THE DECISION:

Give relevant background information

CM2000 have been contracted to provide the EMS used by the STEPS service since 31 March 2012.

On 31st March 2017, Care Monitoring 2000 Limited was hived up to HAS Technology Ltd.

The corporate restructuring took place with the existing business of Care Monitoring 2000 Limited (CM2000) and Ezitracker Limited being hived up into their parent company (HAS Technology Limited). The restructuring was an accounting exercise removing a layer and bringing all UK brands and operations into a single legal entity, making the financial management of the business easier, but there are no other

material changes to the circumstances of the business.”

There has been no change to any of CM2000's services or the staff and management of the business, which continues to operate as CM2000 (now a trading name of the parent company HAS Technology Ltd) rather than as CM2000 Ltd. CM2000 Ltd will be retained by the Group, but as a dormant non-trading entity.

The novation will not result in any modifications to the manner in which the contract is performed, services delivered or price.

This is a call off contract dependent on the number of carers the annual value of the contract is approximately £42,000.

Box 4

OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:

If other options were considered, please specify and give reasons for recommended option

It is recommended that a novation be put in place between DMBC and HAS Technology Ltd.

Box 5

LEGAL IMPLICATIONS:

Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do.

The report author is advised that the required due diligence will need to be undertaken prior to making the decision to novate.

Legal should be consulted to prepare the novation agreement which must be signed by all of the parties.

Name: Nicky Dobson____ **Signature: __by email_** **Date: _21/5/2018_____**
Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6

FINANCIAL IMPLICATIONS:

This ODR is to agree a Novation of the contract to provide an Electronic Monitoring System used by the STEPS service from CM2000 to HAS Technology Ltd. The novation will not result in any modifications to the manner in which the contract is performed, services delivered or price. The 2017/18 cost of the contract totalled £30k.

This cost is budgeted for within the Steps team. The Steps team is funded from the Better Care fund for 2018/19 and so this proposal is supported.

[redaction]

Name: Nick Cameron Signature: Date: 22/05/2018
Signature of Assistant Director of Finance & Performance
(or representative)

Box 7
HUMAN RESOURCE IMPLICATIONS:

There are no HR implications

Name: Paula Monk Signature: [redaction] Date: 25/04/18
Signature of Assistant Director of Human Resources and Communications (or
representative)

Box 8
PROCUREMENT IMPLICATIONS:

The Public Contract Regulations ('Regulations') 2015 allow a contract to novate from one company to another as in this case provided that the company taking on the Contract meet the contract qualitative selection criteria initially established in the original tender process. It is therefore advised that service area carryout the required due diligence, prior to novation of the contract. If the company taking on the contract fails to meet the qualitative selection criteria, then a new tender exercise should be conducted in line with the Regulations.

Name: __Shaun Ferron__ Signature: _S A Ferron__ Date: __01.05.18__
Signature of Assistant Director of Finance & Performance
(or representative)

Box 9
ICT IMPLICATIONS:

There are no direct ICT implications in relation to the novation of contract to the parent company HAS Technology Ltd.

However, it is understood that the original contract ended 29/3/16, with 3 x 12 month extension options. As such, if there is an ongoing requirement for an electronic monitoring system (EMS) from 30/3/19, AHWB need to submit a proposal for consideration by the ICT Governance Board (IGB) well in advance of the expiry date to allow for the procurement and implementation of any replacement solution. Integration requirements with CM2000 or any replacement EMS solution are also being considered as part of the Integrated People Solution.

Name: Peter Ward (Governance & Support Manager)
Signature: [redaction] Date: 26/04/18
Signature of Assistant Director of Customers, Digital & ICT (or representative)

Box 10**ASSET IMPLICATIONS:**

There are no implications arising from the recommendations of this report that impact on the use of DMBC assets.

Name: Gillian Fairbrother (Principal Property Surveyor)

Signature: By email **Date:** 25th April, 2018

**Signature of Assistant Director of Trading Services and Assets
(or representative)**

Box 11**RISK IMPLICATIONS:**

To be completed by the report author

If novation agreement not put in place there is a potential risk to the continued delivery of the service.

(Explain the impact of not taking this decision and in the case of capital schemes, any risks associated with the delivery of the project)

Box 12**EQUALITY IMPLICATIONS:**

To be completed by the report author

There are no significant equality implications in relation to the novation agreement. No group with protected characteristics will be affected by the novation.

Name: Marie Hall **Signature:** ___Email___ **Date:** 24 April 2018
(Report author)

Box 13**CONSULTATION****Officers**

(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments)

Members

Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult

with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.

Please list any comments from Members below:

N/A

Box 14
INFORMATION NOT FOR PUBLICATION:

In accordance with the Freedom of Information Act 2000, it is in the Public's interests for this decision to be published in full, redacting only the signatures.

Name: Gillian Parker Signature: by email Date: 07/06/2018
Signature of FOI Lead Officer for service area where ODR originates

Box 15

[redaction]

Signed: _____ Date: 31/05/2018
Karen Johnson Assistant Director

Signed: _____ Date: _____
Additional Signature of Chief Financial Officer or nominated representative for Capital decisions.

Signed: _____ Date: _____
Signature of Mayor or relevant Cabinet Member consulted on the above decision (if required).

- This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.
- A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.
- A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.
- A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox