

OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

Decision Reference No: AHWB.001.2020 Extra Care Housing Contract

BOX 1

DIRECTORATE: Adults, Health and Wellbeing

DATE: 6 January 2020

Contact Name: Sarah Sansoa/
Charlene Welsby

Tel. No.: 37048

Subject Matter: Extra Care Housing - award of contracts following procurement of provider framework.

BOX 2**DECISION TAKEN**

To seek approval to award a framework agreement and subsequent call off contracts following procurement of a provider framework for extra care housing care and support services.

BOX 3**REASON FOR THE DECISION**

This ODR is in line with the following Adults Health and Wellbeing Commissioning 2018/19 Cabinet Report (27 March 2018) approved recommendations:

- Delegation of authority to agree and sign off commissioning recommendations, to the Director of People, or nominated deputy, as the work plan is progressed.
- Delegation of award of contracts to the Director of People in consultation with the Cabinet Member for Adult Social Care.

Doncaster Council commissions scheduled care and 24/7 services at the following extra care housing schemes for older people:

- Charles Court
- Rokeby Gardens
- Swallowdale

The current contracts for each scheme, provided by Housing and Care 21, were established in 2015 following mini-competitions undertaken using a previous extra care framework. All three contracts are due to expire on 30 June 2020.

Extensive work has taken place to review the current provision including:

- analysis of care packages across the schemes
- engagement with tenants of current extra care schemes to inform review and development of future specification
- liaison with scheme managers to complement findings from tenant engagement
- cost modelling to determine value for money floor and ceiling rates for re-procurement (informed by benchmarking with Yorkshire and Humber LA's) to determine budgetary impact of re-procurement options
- market engagement event regarding future intentions in respect of establishing a framework of providers
- development of procurement timeline for framework and subsequent call-offs for existing schemes

A working group (comprising Commissioning, Care Management, Procurement, Legal, Finance, SPU) was established to oversee this work, and through this group it was agreed that a further framework of extra care providers should be procured for a period of five years, (plus a possible one year extension), from which immediate call offs will be made to secure individual contracts for existing schemes.

The framework will also provide a mechanism for any potential future schemes that fall out of the housing needs survey and capital works programme led by Strategic Housing. A timeline has been developed on this basis, with a planned tender date of mid-January 2020, in order to secure individual scheme contracts in time for the current contracts expiring.

The framework will be for the provision of scheduled care and/or 24/7 services, (including first response, wellbeing, activity facilitation/delivery) within extra care settings. The framework will be tendered on the basis of 100% quality. Interested bidders will be able to either apply for the framework only with no guarantee of business, or they can also apply for the call-offs for existing schemes at the same time, (interested bidders may bid for one or more schemes). Each call-off will be evaluated on the basis of 80% quality and 20% price, determined through modelling work undertaken with Strategic Procurement. Financial modelling across Yorkshire and Humberside extra care rates, undertaken with Finance colleagues has enabled the establishment of a floor and ceiling hourly rate, which will be used at call-off stage. The floor rate is £14.40 and the ceiling rate is £15.40. Individual scheme contracts are expected to be awarded under the new framework for an initial period of five years, with the possibility of extension(s) for a maximum further five -year period.

This ODR seeks approval to award the framework agreement and subsequent call off contracts for Charles Court, Rokeby Gardens and Swallowdale, following procurement of the framework and based upon the framework procurement evaluation results.

Future schemes are to be called off through the running of mini competitions between appointed framework providers. The right to re- open the framework to new providers will be reserved.

BOX 4

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Consideration of the option to include the schemes within the scope of the Commissioned Care and Support at Home (CCaSH) home care contract, however this option was discounted [REDACTED]

- [REDACTED]

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BOX 5
LEGAL IMPLICATIONS

Section 1 of the Localism Act 2011 gives the council a general power of competence to do anything that individuals may generally do.

Section 111 of the Local Government Act 1972 gives the council the power to purchase goods and services.

Under the Care Act 2014 the council is obligated to meet the eligible needs for care and support of its population in accommodation in a care home or by providing care and support to those individuals in their home or in the community.

The duty can be met by either commissioning the service using a process compliant with the council's contract procedure rules and the public contracts regulations 2015 or by providing the service in house.

The framework agreement is to be procured in compliance with the Public Contracts Regulations 2015 and utilising some of the flexibilities of the so-called light touch regime. This will enable the framework to be re-opened if necessary during its term to admit new participants and to have a term potentially longer than five years.

The award of this framework and subsequent call off contracts for existing schemes appears to constitute a service provision change under the transfer of undertakings protection of employment regulations 2006 ("TUPE") and therefore relevant staff from Housing and Care 21 are expected to transfer new providers (should this not be Housing and Care 21).

Legal services to continue to be consulted regarding putting in place the necessary contractual documentation following the procurement.

Name: Paula Coleman Signature: By e-mail Date: 6th January 2020

Signature of Assistant Director of Legal and Democratic Services (or representative)

BOX 6
FINANCIAL IMPLICATIONS:

[Redacted content]

[REDACTED]

[REDACTED]

[REDACTED]

Name: N Cameron_ Signature: [REDACTED] Date: 14th January 2020

Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

BOX 7

OTHER RELEVANT IMPLICATIONS

PROCUREMENT

The framework agreement is to be procured in compliance with the Public Contracts Regulations 2015 (PCR2015) and Councils Contract Procedure Rules and falling within the scope of Chapter 3 Section 7 of the PCR2015 commonly referred to as the light touch regime.

Using the flexibilities of the light touch regime the framework will be run for an initial five-year term with the potential to be extended for a further twelve -month period. The Council has also reserved the right to reopen the framework during it lifetime to enable new suppliers to apply for entry should the need to do so arise. All Call offs from the framework will be based upon further competitions.

In procuring the framework, the council will be also be running an immediate call for competition for three existing schemes, whose contracts are currently under waiver. These contracts will be for an initial five year term with the option to extend for a further five, twelve month periods. As described in the body of the report, the call off contracts evaluated based upon a quality/price ration of 80/20, with 10% of the quality evaluation criteria being allocated to social value.

Name: _Shaun Ferron____ Signature: __via email__ Date: ____24.01.20____

Signature of Assistant Director (or representative)

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

BOX 8

EQUALITY IMPLICATIONS: (To be completed by the author).

Successful providers will be required to deliver services in such a way that does not discriminate against any of the protected characteristics other than service users must be aged 55+ in line with the criteria for extra care housing. The provider must not tolerate behaviours that are prohibited by the Equality Act 2010 and will actively work to advance equality of opportunity and the fostering of good relations. This will form part of ongoing contract monitoring processes.

BOX 9

RISK IMPLICATIONS: (To be completed by the author)

As the current contracts for existing schemes are due to expire on 30 June 2020, failure to not approve this ODR would result in either a contract breach situation if the contract continued or the potential for a significant number of vulnerable older people to be put at risk if the contract ended.

BOX 10

CONSULTATION

- Commissioning intentions briefing paper for Directors (Public Health and Adults, Health & Wellbeing)
- Consultation with existing provider and tenants
- Market engagement event - open event for interested providers with opportunity to engage outside of event for any provider unable to attend

BOX 11

INFORMATION NOT FOR PUBLICATION

In accordance with the Freedom of Information Act 2000, all commercially sensitive information, as well as signatures will be redacted prior to publication of this decision.

Name: Gillian Parker **Signature** by email **Date:** 27/01/2020

Signature of FOI Lead Officer for service area where ODR originates

BOX 12

BACKGROUND PAPERS

Please confirm if any Background Papers are included with this ODR **YES/NO**

(If YES please list and submit these with this form)

**BOX 13
AUTHORISATION**

Name: Phil Holmes_ Signature: _____

Date: 27/01/2020

Director of Adults Health & Wellbeing

Does this decision require authorisation by the Chief Financial Officer or other Officer

YES/NO

If yes please authorise below:

Name: _____ Signature: _____ Date: _____

Chief Executive/Director/Assistant Director of _____

Consultation with Relevant Member(s)

Name: Cllr Rachael Blake

Signature: _____

Date: 26th January 2020

Designation Cabinet Member for Adult Social Care

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest **YES/NO**

If YES please give details below:

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at Democratic.Services@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.