

Report of Commissioning Programme Manager

Report to Deputy Director of Children's Services (Learning, Skills and Universal)

Date: 17th December 2014

Subject: Waiver of contract procedure rules in order to award a contract to Leeds GATE.



Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. A review has taken place of service to Gypsy, Roma and Traveller children, young people and families
2. The current contract with Leeds GATE for work with young people from Gypsy and Irish Traveller communities, to increase their engagement with activities for young people from all communities and improve engagement with education and training. The contract ends on the 31st March 2015.
3. It should be agreed that a new contract should be awarded to Leeds GATE to begin from 1st April 2015. This contract will be at the same value as the previous year but will be reviewed and updated to fit with changes to other services. It is the intention that the contract is awarded for 1 year with 4 options to extend for a further year.
4. There is a need to ensure a contract is put in place for April 2015. The service provider will be asked to submit a service delivery model, in line with the service specification, which will be evaluated by the project team before contract award is confirmed.
5. Leeds GATE have been delivering services to young people from Gypsy and Irish Travellers with funding from LCC Children's Services for a number of years. This organisation is the only community organisation in Leeds with the capacity and ability to reach children, young people and families from these communities. The review of the

offer to children, young people and families from Gypsy, Irish Traveller and Roma communities identified the need to maintain a contract with a community based organisation in order to continue to deliver effective outreach and engagement work.

Recommendations

6. The Deputy Director of Children's Services (Learning, Skills and Universal) is recommended to approve the waiver of the following Contracts Procedure Rule(s):

Contracts Procedure Rules No 8.1 and 8.2 – Intermediate value procurements

And award a contract to **Leeds GATE** in the sum of **£26,601**. The contract shall commence on the **1st April 2015** and expire on the **31st March 2016** with the option to extend for a period of **1 year** such option not to be taken up more than **4 times**.

1 Purpose of this report

- 1.1. To set out the reasons for a waiver of contract procedure rules in order to award a contract to Leeds GATE without subjecting the matter to competition for a value of £26,601 per year.

2 Background information

- 2.1. A review has taken place of service to Gypsy, Roma and Traveller children, young people and families. The review considered current specialist delivery from LCC services and the contract with Leeds GATE alongside the support offered within other services that are not specifically focused at Gypsy, Irish Traveller and Roma children and young people.
- 2.2. The current contract with Leeds GATE for work with young people from Gypsy and Irish Traveller communities, to increase their engagement with activities for young people from all communities and improve engagement with education and training. The contract ends on the 31st March 2015.
- 2.3. Different options for future delivery were put forward in an options appraisal. The decision for future arrangements will be reviewed by LSUS SLT and CSLT.
- 2.4. As part of the recommendations it should be agreed that a new contract should be awarded to Leeds GATE to begin from 1st April 2015. This contract will be at the same value as the previous year but will be reviewed and updated to fit with changes to other services. It is the intention that the contract is awarded for 1 year with 4 options to extend for a further year.
- 2.5. The contract award will be subject to the new service delivery model submitted being evaluated and deemed appropriate by the project team.
- 2.6. There is a need to ensure a contract is put in place for April 2015. The service provider will be asked to submit a service delivery model, in line with the service specification, which will be evaluated by the project team before contract award is confirmed.

3 Main issues

Reason for Contracts Procedure Rules Waiver

- 3.1 Leeds GATE has been delivering services to young people from Gypsy and Irish Travellers with funding from LCC Children's Services for a number of years. This organisation is the only community organisation in Leeds with the capacity and ability to reach children, young people and families from these communities.
- 3.2 The review of the offer to children, young people and families from Gypsy, Irish Traveller and Roma communities identified the need to maintain a contract with a community based organisation in order to continue to deliver effective outreach and engagement work.
- 3.3 Ensuring we can communicate our intentions early will mean that Leeds Gate, who are delivering a service that meets our three obsessions, will continue to be focused on high quality delivery rather than focusing on whether or not the service will be funded.
- 3.4 In allowing the current provider of services to deliver services from April 2015, LCC will benefit from the following:

- Continuation of current provider ensures continuity in service delivery and will prevent the need for transfer or redundancy of staff. Contract monitoring arrangements indicate that current provider is meeting their performance objectives.
- Current provider would offer the best value for money option to LCC, as an open market competition leading to a change of provider would not be possible in the timeframe available and would incur disproportionate transition costs.

3.5 There are no internal HR implications but a failure to act promptly will affect the capacity of the contracted organisation to deliver against our priorities.

Consequences if the proposed action is not approved

3.6 If the waiver is not approved LCC will not be able to undertake a competitive tender process in the time available before the end of the current contract, we would therefore have a gap in service provision to Gypsy and Irish Traveller communities.

Advertising

3.7 This contract has not been advertised to other providers. It is a medium value contract and below the threshold for EU procurement regulations.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Consultation with stakeholders took part in the Review of service for Gypsy, Irish Traveller and Roma children, young people and families. Views of different professionals and young people were taken in to account to inform the options for future service delivery and the recommendations that were agreed.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The award of a new contract to current service provider means that the service will be to the same client group at the same value. The decision to continue delivery of current service arrangements will not have any adverse impact on any equality group.

4.3 Council Policies and City Priorities

4.3.1 The contract delivers against the priorities set out in the Children and Young People's Plan, in particular:

- Help children to live in safe and supportive families
- Improve behaviour, attendance and achievement
- Increase numbers in employment, education or training
- Support children to be ready for learning
- Encourage activity and healthy eating
- Increase participation, voice and influence

4.4 Resources and Value for Money

4.4.1 The contracts represent Value for Money by:

- Reducing disruption to existing service by ensuring continuity of current provider from April 2015.
- Ensuring performance measures and contract monitoring of current provider to ensure good quality delivery ahead of new service delivery arrangements. The provider will be asked to submit a delivery plan and financial profile, which will be reviewed to ensure value for money in service delivery and appropriate performance measures are in place to evaluate delivery.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The decision to waive CPRs is a significant operational decision under CPR 27.2; therefore, this report will be published but is not subject to call-in.
- 4.5.2 Awarding the contract to this provider without competition could leave the Council open to a potential claim from other providers, to whom this contract could be of interest, that it has not been wholly transparent. In terms of transparency it should be noted that Contracts Procedure Rules suggests that contracts of this value should be subject to a degree of advertising. It is up to the Council to decide what degree of advertising is appropriate. In giving the work to this provider without competition there is a potential risk of challenge from other providers who have not been given the chance to tender for this opportunity.
- 4.5.3 Whilst there is no legal obstacle preventing the waiver of CPR 9.1 and 9.2, the above comments should be noted when making the final decision, the Deputy Director of Children's Services should be satisfied that the course of action chosen represents Best Value for the Council.

4.6 Risk Management

- 4.6.1 In the event this waiver to award this contract is not approved, LCC will have a gap in service delivery to communities which would impact on service offer to young people and reputation of Children's Services.
- 4.6.2 In order to ensure good quality delivery and value for money Leeds GATE will be required to submit a full service delivery model including pricing schedule. This information will be scrutinised prior to the contract being issued.
- 4.6.3 This contract opportunity has not been advertised. The contract value is below current EU threshold so there is no requirement for the contract to be tendered in accordance with the Public Contracts Regulations, but there is a requirement to comply with the Council's Contract Procedure Rules.
- 4.6.4 Leeds GATE is the only community organisation in Leeds with the capacity and ability to reach children, young people and families from these communities.

5 Conclusions

- 5.1 It is deemed appropriate to award a new contract to Leeds GATE, in order to ensure continued delivery of support to Gypsy and Irish traveller young people and families. During the process of awarding a new contract revision of the service model will take place to shape the service in line with changes to other services for Gypsy, Irish Traveller and Roma communities.

6 Recommendations

- 6.1. The Deputy Director of Children's Services (Learning, Skills and Universal) is recommended to approve the waiver of the following Contracts Procedure Rule(s):

*Contracts Procedure Rules No 8.1 and 8.2 – Intermediate value procurements**

And award a contract to **Leeds GATE** in the sum of **£26,601**. The contract shall commence on the **1st April 2015** and expire on the **31st March 2016** with the option to extend for a period of **1 year** such option not to be taken up more than **4 times**.

7 Background documents¹

7.1

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.