

**Report of: Commissioning Manager**

**Report to Deputy Director – Safeguarding, Targeted and Specialist**

**Date: 25<sup>th</sup> July 2016**

**Subject: Request to waive the requirements of Contracts Procedure Rule 8.1/8.2 in order to enter into a contract for consultancy without subjecting the matter to competition.**



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. Children's Services commenced a project in 2015 working across the local authorities in West Yorkshire to look at the regionalisation of adoption services. The project is funded by the Department for Education.
2. There was insufficient capacity with sector experience to support the project within the consortium. As part of the work it was agreed that, on behalf of the consortium, Leeds will procure a Project Manager to lead the sub regional project board.
3. The work was required to commence immediately and the time required to undertake a competitive process for contract award was not available. Following approval to waive Contract Procedure Rule 8, a contract was awarded to HL in the sum of £35,000 from December 2015 to May 2016 with an option to extend for a further 6 months.
4. The extension period has been taken up until 30<sup>th</sup> November 2016. A further contract is required from 1<sup>st</sup> December 2016 to 31<sup>st</sup> March 2017, in order that the project can be completed.

## **Recommendation**

5. The Deputy Director of Children's Services – Safeguarding, Specialist and Targeted is recommended to approve the waiver of CPR 8.1/8.2 to award a new contract to HL for a period of four months from 1.12.2016 to 31.03.2017, based on the same contract terms and conditions as A6AS-P3YPJF. The value of this contract is £23,333.

## **1.0 Purpose of this report**

- 1.1 The purpose of this report is to seek approval to waive Contracts Procedure Rule 8 to enable Children's Services to enter into a contract with HL without subjecting the matter to competition.

## **2.0 Background**

- 2.1 Children's Services commenced a project in 2015 working across the local authorities in West Yorkshire to look at the regionalisation of adoption services.
- 2.2 The project is funded by the Department for Education and involves 5 West Yorkshire authorities in a consortium. Leeds are leading the development and organising staffing strand for the consortium.
- 2.3 As part of the initiating and developing the project it was identified that there was a need for additional Project Management capacity with relevant sector experience. As assessment was made across the consortium that there was insufficient capacity to support the project and it was agreed that Leeds would appoint a Project Manager to lead the sub regional project board on behalf of the consortium.
- 2.4 HL was identified as having the skills required for this role and had the capacity to undertake the work.
- 2.5 A waiver was approved in December 2015 to award a contract to HL with immediate effect, to run until 30<sup>th</sup> May 2016, with the option to extend to 30<sup>th</sup> November 2016.

## **3.0 Main issues**

### **3.1 Reason for Contracts Procedure Rules Invocation**

- 3.1.1 It was previously identified that the Directorate needs to engage the services of an external consultant to provide the project management for the Regional Adoption project.
- 3.1.2 The work was required to commence immediately. The time required to undertake a competitive process for contract award was not available and so a contract was awarded from December 2015 to May 2016. A six month extension was subsequently taken up. The total value of this contract is £70,000, based on a daily rate for the consultant of £300 plus expenses.
- 3.1.3 A further four month contract is now required until 31<sup>st</sup> March 2017 in order that the project can be completed.

### **3.2 Consequences if the proposed action is not approved**

3.2.1 The contract has been proposed to ensure the ability of Leeds City Council to deliver the project funded by the Department for Education. If the contract is not put in place LCC will not be able to complete the required project.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 Conversations have taken place with HL in order to ensure that he has the capacity to continue delivering what is required.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 The purpose of this contract is to conduct project management of the sub-regional adoption project. The provider will not deliver direct services to children, young people or families so there will be no adverse equality impact to service users and the wider community in the delivery of this contract.

### **4.3 Council Policies and City Priorities**

4.3.1 The project will contribute to the Children and Young People's Plan priorities:

- Help children live in safe and supportive families
- Ensure that the most vulnerable are protected.

### **4.4 Resources and Value for Money**

4.4.1 The contract is recommended as best value for money given the reasons cited in 3.1 and 3.2 above.

4.4.2 During the scoping of this project it was identified that an external consultant is required as the post could not be appointed to.

4.4.3 The contractor has performed well against all contract requirements, including developing and delivering the project against an agreed project plan and objectives and reporting against the delivery of the project. All work activity has been delivered to a high standard.

4.4.4 Invoices totalling £30,923 were received for the period January 2016 to May 2016, which is within the budget of £35,000.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 This contract is not subject to Call In under the provisions made in the Council Constitution

4.5.2 The decision is Significant Operational as the contract will be for a consultant. Contract Procedure Rule 3.1.12 states that any decision for procurement of Consultants will, as a minimum, be treated as a Significant Operational Decision.

4.5.3 This report does not contain any exempt or confidential information.

#### 4.6 **Risk Management**

4.6.1 There is a minimal risk of challenge from other providers if this service is not exposed to competition.

### 5 **Conclusions**

5.1 A contract for a consultant is required to be able to provide project management for the Sub regional adoption project. Waiving of Contract Procedure Rule 8 in order to enter into a contract with HL would be the best choice in order to ensure the required work is completed.

### 6 **Recommendation**

6.1 The Deputy Director of Children's Services – Safeguarding, Specialist and Targeted is recommended to approve the waiver of CPR 8.1/8.2 to award a new contract to HL

6.2 for a period of four months from 1.12.2016 to 31.03.2017, based on the same contract terms and conditions as A6AS-P3YPJF. The value of this contract is £23,333.

### 7 **Background documents<sup>1</sup>**

None

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<sup>1</sup> 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.