

APPENDIX 2

Justification re the use of the negotiated procedure without publication of a notice under Regulation 32 (2) (b) (ii) of the public Contracts Regulations 2015 for the award of three interim mental health contracts to Leeds Mind, Community Links and Touchstone for the a period of 18 months (with the option to extend by up to 6 months).

Regulation 32 (2) (b) (ii) states –

“The negotiated procedure without prior publication may be used for public....service contracts in any of the following cases:

(a)...;

(b) where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons:

(i) ...,

(ii) competition is absent for technical reasons,

(iii)....,

but only, in the case of paragraphs (ii) and (iii), where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement”

It is considered that the above grounds apply in this case as competition is absent for technical reasons due to the nature of the services being provided by Leeds Mind, Community Links and Touchstone for the following reasons:

Leeds Mind, Community Links and Touchstone have provided these services for more than ten years and are recognised across the City as delivering high quality services. This was borne out in service reviews that were undertaken and in the performance management data that is collected on a quarterly basis.

Due to the nature of these services it would not be possible to introduce new providers now as this could potentially be destabilising for service users who are experiencing mental health problems. They have built up trusting working relationships and this needs to be taken into account when the procurement is undertaken to ensure that no service user is adversely affected.

The providers have built up considerable local knowledge, expertise and skills and have played important roles in establishing mental health service provision in the City. They will ensure that there is continuity of service whilst the procurement exercise is undertaken.

Once the new CBMHS has been procured a mobilisation period of at least 6 months will be required due to the sensitivities of these services. It would not be possible to bring in new providers without a mobilisation period due how potentially destabilising this would be for services users and for other stakeholders and referrers.

