

Permission to vary the contract end date of the Dynamic Purchasing System for the Strengthening Families Protecting Children programme.

Date: 14th March 2024

Report of: Head of Service Children and Families Commissioning and Market Management Team

Report to: Programme Director, Strengthening Families - Protecting Children

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

Leeds City Council (the Council) was awarded funding through the central government's Strengthening Families Protecting Children (SFPC) programme to share learning and support to other local authorities to improve their services for Children and Families.

To deliver this nationwide programme, the Programme Director requires the services of consultants with expertise in service transformation within Children's Social Work and other relevant areas. The establishment of a Dynamic Purchasing System (DPS) was the most efficient way of appointing consultants to work with local authorities across England and meet their specific improvement goals.

The current DPS arrangement is due to expire on 31st March 2024. However, there is further work to be delivered by the SFPC programme. To do this, the DPS contract end date must be extended by a period of 4 years to allow for the work to be satisfactorily concluded. The budget for the extension period is £350,000.

Recommendations

- a) The Programme Director, Strengthening Families - Protecting Children is recommended to approve the request to vary the DPS DN484433 contract end date. The DPS will be extended by 4 years to allow conclusion of ongoing work being delivered at a value of £350,000. The proposed new DPS end date will be 31st March 2028. This variation to the DPS expiry date is permitted under Regulation 34 (28)(a) of the Public Contracts Regulations (PCR) 2015.

What is this report about?

- 1 To seek authority from the Programme Director, Strengthening Families Protecting Children (SFPC) to vary the current expiry date of the Dynamic Purchasing System used to appoint contractors to work with partner local authorities through a further competition process, from the 31st March 2024 until 31st March 2028.

What impact will this proposal have?

- 2 Central government is funding the Council to support local authorities with an 'inadequate' or 'requires improvement' Ofsted rating to put in place structures and processes that model the successful Leeds approach to delivering services for Children and Families. Clearly, this will have a beneficial effect for the recipient authorities as well as helping to solidify the reputation of the Council as a deliverer of excellent services.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 3 Central government is funding the Council to support local authorities with an 'inadequate' or 'requires improvement' Ofsted rating to put in place structures and processes that model the successful Leeds approach to delivering services for Children and Families.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted?

Yes

No

- 4 The DPS relates to contracts awarded for work outside of the Leeds area and as such no consultation has taken place.

What are the resource implications?

- 5 A DPS encourages competition and widens the pool of consultants from which the SFPC programme can appoint. The SFPC programme is fully funded by central government and partner authorities. The funding is ring fenced and cannot be used for any other purpose. Therefore, will not create additional financial pressure to the Council.

What are the key risks and how are they being managed?

- 6 The project team is working closely to manage the risks associated with the procurement, and a risk register will be kept. If the DPS isn't extended, it will make the discharging of duties assigned by the government for the LRPC more or less impossible to complete as their ability to have consultants pick up the work would be limited by the procurement rules.

What are the legal implications?

- 7 This is a Significant Operational Decision and not subject to call-in, as was the original decision to implement the contract due to the value of the agreement. Governance advises this variation to the contract end date should also be taken as a Significant Operational Decision. There are no grounds for keeping the contents of this report confidential within the council's access to information rules.
- 8 The use of Regulation 34 (28)(a) of the Public Contracts Regulations (PCR) 2015 will be used to extend this DPS:

Period of validity of the system

“(28) Contracting authorities shall notify the Commission of any change in the period of validity, using the following standard forms:-

(a) where the period of validity is changed without terminating the system, the form used initially for the call for competition for the dynamic purchasing system.

When the DPS was originally conceived, it was envisaged the work would be completed in the timescales the contract covered. However, due to unforeseen circumstances, the work has taken longer to complete and therefore it has now become critical the contract is extended. This will enable the LRPC team to continue working with the government to drive up standards across local authorities nationally as part of their remit for the Strengthening Families Protecting Children programme.

Extending the period of validity of the DPS is considered low risk, given the structure and nature of the DPS is that consultant suppliers can join or leave the DPS at any time throughout the lifetime of the DPS. The Council at all times has the option to use the DPS or not, depending on their service and financial considerations. Further electronic competition will be carried out on to all consultant suppliers registered the DPS when a service need is generated, so it is an extremely fair and transparent procurement vehicle open to all consultant suppliers.

- 9 The extension is also the most cost effective and efficient way of continuing the current arrangements, rather than undertaking a new tender. It is proposed a new tendering exercise will be undertaken if further work is to be undertaken by the LRPC team at the expiry of the proposed extension to the current DPS (31st March 2028)..
- 10 The Programme Director, Strengthening Families - Protecting Children is recommended to approve the extension of the current DPS to 31st March 2028, as representing the best value and compliance for the Council.

Options, timescales and measuring success

What other options were considered?

- 11 Due to the ongoing nature of the programme, the variation to the expiry of the DPS is the option selected. A new tender was briefly considered; however, it is agreed generally that where it is possible and the arrangements are working well, the extension of those arrangements should be utilised. This also represents the most cost effective and efficient way of ensuring the LRPC team have access to the resources they require to fully discharge their responsibilities.

How will success be measured?

- 12 The ongoing support of local authorities to help them improve standards, leading to improved OFSTED ratings.

What is the timetable and who will be responsible for implementation?

- 13 Once approved, the variation will be implemented immediately.

Appendices

- N/A

Background papers

- N/A