

Report of: Deputy Director, Integrated Commissioning Adults and Health

Report to: The Director of Adults and Health

Date: 10 April 2019

Subject: To seek authority to waive Contracts Procedure Rule (CPR) 15.2 (tender evaluation) in respect of the procurement of Leeds HIV Social Care Support Service

Are specific electoral wards affected? If yes, 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. The purpose of this report is to seek a waiver of CPR 15.2 in order that the evaluation of tenders received in respect of the Leeds HIV Social Care Support Service be determined on a 100% quality basis to ensure that the highest quality and most appropriate provider is awarded the contract, and that full use is made of the available budget to meet increasing demand.
2. A permission to procure report has previously been agreed by the Director of Adults and Health on 24 January 2018. During this time the service specification has been co-produced with service users and other stakeholders and it has now been finalised. The full range of procurement documents have also been prepared including the terms and conditions of the contract which have been brought up-to-date to include current legislation such as GDPR.

3. The budget for the Service is fixed at £293,455 per annum for five years commencing on 1 April 2020. Therefore, bidders will not need to submit a price but they will have to submit a Service Cost Analysis Form (SCAF) to illustrate how the budget will be allocated. The management fee that can be charged for this contract has been set at 12.5% and this will need to be reflected by any potential bidder.
4. The officer responsible for implementing the decision will be the Working Age Adults Commissioning Programme Leader.

Recommendations

1. The Director of Adults and Health is recommended to approve:
 - The waiver of CPR 15.2 to enable the tenders for the HIV Social Care Support Service be evaluated on a 100% quality basis.And note that; the officer responsible for implementing the decision will be the Working Age Adults Commissioning Programme Leader.

1. Purpose of this report

- 1.1 The purpose of this report is to seek the authority to waive CPR 15.2 to allow the tender evaluation panel for the Leeds HIV Social Care Support Service to base their decision on a 100% quality basis with no weighting for price.

2. Background information

- 2.1 Adults and Health currently has a contract in place for the provision of support services for people living with or affected by HIV.

3. Main issues

- 3.1 Following on from the permission to procure report being approved:
 - Consultation has taken place with service users, carers and other stakeholders on the outcomes contained within the draft service specification.
 - The service will be placed out to tender in April 2019.
 - The contract will be awarded in September 2019 allowing for a six month mobilisation period.
 - The new contract will commence 1 April 2020.
 - The process will be overseen by a project team made up of representatives from Public Health, access and care, commissioning and Procurement.
- 3.2 Authority is now being sought to waive CPR 15.2 to allow the tender evaluation panel for the HIV Social Care Support Service to base their decision on a 100% quality basis with no weighting for price. This will ensure that the highest quality and most appropriate provider is awarded the contract, and that full use is made of the available budget to meet increasing demand.

- 3.3 The budget for the Service is fixed at £293,455 per annum for five years commencing on 1 April 2020. Therefore, Bidder's will not need to submit a price but they will have to submit a Service Cost Analysis Form (SCAF) to illustrate how the budget will be allocated. The management fee that can be charged for this contract has been set at 12.5% and this will need to be reflected by any potential bidder.
- 3.4 This budget has previously been reduced by 25% and as a consequence the current service provider had to reduce the level of staffing.
- 3.5 The service had to make one member of staff redundant and also reduced the number of support hours available therefore further efficiencies are unlikely to be achieved as the service would not be financially viable if the staffing levels were to be reduced further.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 A three month consultation has taken place with service users, carers and other stakeholders on the service outcomes contained within the service specification.
- 4.1.2 A Bidders event is not being planned as the number of Providers in this field is relatively small. A previous Market Sounding Exercise resulted in three organisations expressing an interest including the current Provider. Tender documents will be published in April 2019.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 An Equality, Diversity, Cohesion and Integration Screening Tool has been completed and is attached as Appendix One of this report.

4.3 Council policies and best council plan

- 4.3.1 The current services directly contribute to the delivery of key outcomes within the Best Council Plan, the Health and Well Being Plan and the Mental Health Strategy.
- 4.3.2 The current services make significant contributions to all of the City Priority Plans, this is achieved through supporting clients to make healthy lifestyle choices and to live safely.

4.4 Resources and value for money

- 4.4.1 The tender submissions will be evaluated based on 100% quality to ensure that the service delivers to all the requirements set out in the procurement documentation.
- 4.4.2 The annual contract value of £293,455 is within the Directorate's base budget as confirmed in the permission to procure report.

4.5 Legal implications, access to information, and call-in

- 4.5.1 The authority to waive Contract Procedure Rule 15.2 will be a significant operational decision and will not be subject to call-in. The process for waiving Contract Procedure Rule 15.2 is set out in Contract Procedure Rules 1.3 and 27. There are no grounds for keeping the contents of this report confidential within the council's access to information rules.
- 4.5.2 The procurement will be overseen by Procurement and Commercial Services to ensure compliance with legislation and the Council's Contracts Procedure Rules.
- 4.5.3 Although there is no overriding legal obstacle preventing the authorisation, the above comments should be noted. In making their final decision, the Director of Adults and Health should be satisfied that the course of action chosen represents Best Value for the Council.

4.6 Risk management

- 4.6.1 Adults and Health are working closely with Procurement and Commercial Services to manage the risks associated with the procurement, and a risk register will be produced as part of the procurement exercise.
- 4.6.2 If the report is not approved it will mean that the procurement evaluation will need to be undertaken with 40% allocated to the budget. As this budget has previously been reduced by 25% and the current service as a consequence has had to reduce the level of staffing that has led to fewer people receiving one to one support which is not ideal when supporting people who are new diagnosed as being HIV positive.

5 Conclusions

- 5.1 Authority to undertake a procurement exercise for the HIV Social Care Support Service has already been granted.
- 5.2 Evaluation of the tenders on a 100% quality basis will ensure that the highest quality and most appropriate provider is awarded the contract, and that full use is made of the available budget to meet increasing demand.
- 5.2 The funding envelope for the Service is £293,455 per annum for 5 years commencing 1 April 2020.

6. Recommendations

- 6.1 The Director of Adults and Health is recommended to approve:
- The waiver of CPR 15.2 to enable the tenders for the HIV Social Care Support Service to be evaluated on a 100% quality basis.

- And note that; the officer responsible for implementing the decision will be the Working Age Adults Commissioning Programme Leader.

7. Background documents¹

7.1 None

Appendix One

Equality Impact Assessment Screening Tool

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.