

Tender for National Adoption Learning and Development: Dynamic Purchasing System and Electronic Market Place and the award of contracts following a further competition process on behalf of the One Adoption West Yorkshire (OAWY).

Date: 30/11/2021

Report of: National Adoption Strategic Lead

Report to: Director of Children and Families

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- This report seeks approval to establish a Dynamic Purchasing System (DPS) and an Electronic Market Place (EMP) on behalf of the One Adoption West Yorkshire (OAWY) and in support of the [National Adoption Strategy](#). These will enable the National Adoption Recruitment Steering Group (NARSG) to call off providers to undertake specific activities during 2022/23 and beyond dependent on funding being available. The DPS will cover consultants required to undertake adoption practice improvements. The EMP will have two separate lots for: training and development; and the management and delivery of adoption events.
- This proposal supports the 2020-25 Best Council Plan priority to make Leeds a Child Friendly City where families are supported to give children the best start in life.

Recommendations

a) The Director of Children and Families is recommended to:

Approve the establishment of a Dynamic Purchasing System (DPS) and an Electronic Market Place (EMP) in support of the National Adoption Strategy that will be used to award contracts through a further competition process as and when required.

Approve spend of up to £300,000 to be awarded through the DPS and £525,000 to be awarded through the EMP over the initial contract term period of 3 years. Estimated contract value, including extensions, has been estimated at £500,000 under the DPS and £875,000 under the EMP. Both contracts are to commence on 1st April 2022 and finish on 31st March 2025, with the option to extend for a further two years (dependent on funding being available).

b) The Director of Children and Families is also recommended to:

Approve the acceptance onto the DPS and the EMP of all suppliers who successfully pass the Standard Selection Questionnaire (SSQ) and meet the quality threshold in their method statement submission.

Approve the subsequent award of contracts to those suppliers who are successful in the further tender competitions under the DPS and EMP as detailed in this report.

Why is the proposal being put forward?

- The Department for Education (DfE) has made available grant funding to undertake adoption recruitment activity on a national and regional scale, to further support the adoption regionalisation reforms that were introduced in 2017. This grant is intended to boost adopter recruitment across England and continue the successful recruitment strategies employed by Regional Adoption Agencies (RAAs) since this funding was first made available in 2019. It is also increased this year to support the development of a national team including a National Adoption Strategic Lead and project team to improve the adoption system for vulnerable children and young people in the country.
- The DfE and Regional Adoption Agency (RAA) leaders have again agreed collectively to pool the resources, working collaboratively to achieve better outcomes for children waiting for adoption. One Adoption West Yorkshire (OAWY) has agreed to act as a central repository for the grant funds on behalf of all RAAs.
- In support of the National Adoption Strategy the RAA Leaders group would like to procure a DPS and an EMP to start 1st April 2022 for a period of three years, with the option to extend for a further two years. These will enable the National Adoption Recruitment Steering Group (NARSG) to call off providers to undertake specific activities during 2022/23 and beyond dependent on funding being available.
- The DPS will cover consultants required to undertake adoption practice improvements. The EMP will have two separate lots for: training and development; and the management and delivery of adoption events.
- A DPS and an EMP are an electronic systems which create an approved provider list from which call-offs can be made. They are considered the most efficient processes through which to award contracts to consultants and organisations for this work.

What impact will this proposal have?

Wards Affected:

Have ward members been consulted? Yes No

- No individual wards in Leeds will be impacted by these proposals because the work will be delivered to support the National Adoption Strategy at a national and regional level.
- An Equality Impact Assessment Screening document has been undertaken. This identifies there is a positive impact in respect of equality and diversity in that it will advance equality of opportunity for children that are looked after, particularly those most vulnerable i.e. those with special educational needs and disabilities; those from BME backgrounds and older children awaiting adoption.

Establishing the DPS and EMP

- Overarching specifications will be produced that outline the minimum experience, qualifications and qualities potential providers must have to submit a tender. The Standard Selection Questionnaire (SSQ) and method statement questions will test their suitability for the work and cover the following themes:
 - Experience in Children's Services, with experience of adoption
 - Expertise in the world in adoption
 - Understanding of children's social work and adoption practice
 - Social Value
- To join the DPS and EMP, potential providers will apply through Yortender and complete SSQ and method statements. Tenderers who pass the evaluation of the SSQ questions will be evaluated on their method statement questions. All applications will be scored by a panel of officers from the National Adoption Project Team and a consensus score will be applied to each question. Those who meet the minimum threshold (both per criteria and overarching) on all questions will be accepted onto the DPS and EMP.
- Once live, consultants will be able to submit a tender to join both the DPS and the EMP at any time.
- Procurement regulations impose restrictions on how quickly new providers must be given access to a live DPS (all supplier requests must be evaluated within ten days) which do not apply to the EMP. Tender submissions to join the EMP will only be evaluated at specific intervals - four times a year - which offers the Authority greater flexibility.
- Providers accepted onto the DPS/EMP will immediately be eligible to submit tenders for call-off contracts advertised on Yortender.
- New providers or those who may not be able to meet the selection criteria at the time of the initial DPS/EMP tendering exercise will be able to apply for acceptance onto the DPS/EMP at a later stage – this avoids supplier lock out.
- Both DPS and EMP improve efficiency as there is no requirement to advertise each call-off in Find a Tender and suppliers only need to demonstrate suitability and capability once.

Tendering of call-off contracts through the DPS and EMP

- A short specification will be drafted for each subsequent contract opportunity outlining the expectations, requirement for individual call-off as well as method statement questions relevant to the piece of work focusing on expertise and availability.
- Call-off contract opportunities will be advertised on Yortender and only organisations on the DPS/EMP will be eligible to bid. Tenderers will be required to submit a method statement and pricing schedule that will include a day rate and expenses. In order to control and reduce the cost to the Authority, this will be capped.
- All quality submissions will be scored by the DPS/EMP panel, and a consensus score will be applied to each question.
- The call-off contracts will be evaluated on a 60% quality/ 40% price combined basis and awarded to the tenderer who scores the highest overall score in line with Contract Procedure Rule 15.2 c. Careful consideration will be given to the requirements in the specification, the quality questions and the maximum price for each call-off opportunity to ensure the successful organisation/individual is able to deliver the contract at a competitive price. It is essential that the best organisation/individual is successful for each call-off in what will largely be a very niche market. These contracts are funded by a national grant,

governed through a national adoption steering group and managed by the national adoption project team. They consider the risk associated with the price/quality separated approach, that a tender scoring significantly higher on quality than another tender but losing to that tender by a very small price difference, is considered too high for this exercise.

What consultation and engagement has taken place?

- There are no particular legal or statutory requirements to undertake consultation as part of this decision. Consultation has taken place regularly at regional RAA meetings with the National Adoption Strategic Lead and representatives from the DfE and RAA leaders to explore options on how to best continue management of the grant to achieve positive outcomes for prospective adopters and children awaiting adoption.
- On 2nd September 2021 the Executive Member for Children, Families and Adult Social care have been consulted about this decision.

What are the resource implications?

- Contract value of £300,000 under the DPS and £525,000 under the EMP has been estimated over the initial contract term period of 3 years. Estimated contract value including extension will be £500,000 under the DPS and £875,000 under the EMP. Both contracts are to commence on 1st April 2022 and finish on 31st March 2025, with the option to extend for a further two years. Setting up these agreement does not commit to spend and will be used as and when required.
- Funding for the DPS and the EMP will come from a grant from the DfE for continued delivery of national adopter recruitment strategies. The DfE and RAA leaders agreed collectively to pool the resources and deposit the funds into one RAA. In 2021/22, the value of this grant is £2m and it is anticipated a similar level of funding will be made available for the next three years.
- The grant is managed by OAWY on behalf of all RAAs, with Leeds acting as the lead local authority. This funding is additional revenue funding that is ring fenced to deliver the outcomes specified in the DfE grant agreement.

What are the legal implications?

- Advice has been sought from Procurement and Commercial Services (PACS) with regard to utilise a DPS and an EMP. It was confirmed that training and development & the management and delivery of adoption events are covered by Schedule 3 of the Public Contracts Regulations 2015; in particular, administrative social, educational, healthcare and cultural services. As such, they can be dealt with under the Light Touch Regime which allows for an EMP (an adapted version of a DPS) to be utilised. The requirement for consultants does not fall under the Light Touch Regime. The full procurement regime will apply which requires a standard DPS will be utilised.
- This is a key decision and has been published on the List of Forthcoming Key Decisions. The decision can be taken from 6/10/21. Details of the decision can be found [here](#).
- Subsequent decisions arising from this report, for example the decision to award the contract, will be treated as a direct consequence of this Key Decision and will therefore be treated as a significant operational decision at most, which will not be subject to call in.

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

- The funding for this work comes from the Department of Education and oversight, compliance and management of this budget is undertaken by the national adoption strategic lead. The tender project team, with representatives from LCC Commissioning and Procurement and from the National Adoption Project Team will work closely to manage the risks associated with the procurement, and a risk register will be kept. It is essential that the process of evaluating bids is fair and transparent to avoid challenge. The method of evaluation will be clearly explained in the tender instructions and strictly adhered to by the evaluation panel. The panel will consist of individuals with relevant knowledge and understanding of the national adoption strategy.

Does this proposal support the council's 3 Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

- This proposal provides strong support for the refreshed Children and Young Peoples Plan and the Council's ambition to be a Child Friendly City. The outcomes delivered through this grant funding will contribute to a number of the outcomes and priorities within the plan, including the outcome to ensure all young people are safe from harm and the priority to help children live in safe and supportive families.
- This proposal also supports the 2020-25 Best Council Plan priority to make Leeds a Child Friendly City where families are supported to give children the best start in life.

Options, timescales and measuring success

a) What other options were considered?

One of the options considered was the use of a framework as the potential route to market however, upon review, it was agreed that framework lacks flexibility i.e. they can only operate for a maximum of 4 years and efficiency required on both contracts

b) How will success be measured?

- The primary indicator of success will be a year on year improvements in adoption practices in line with the National Adoption Strategy ambitions. Progress against these ambitions will be monitored by the National Adoption Project Team.

c) What is the timetable for implementation?

- The intention is to publish these tenders by December 2021 for the DPS and EMP to be in place from 1st April 2022.

Appendices

- Equality Impact Screening Form.

Background papers

- None.