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Approval to direct award a new contract to UST Global Private Limited via a waiver of Contract Procedure Rules 8.1 and 8.2 to support Digital Change

Date: 7th September 2022

Report of: Business Partner Manager - Resources

Report to: Chief Digital & Information Officer

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

- Direct award of a services contract to UST Global Private Limited ("UST Global") as a delivery partner to provide specialist resources to work alongside the Integrated Digital Service ("IDS") to conduct user research, business analysis and agile project delivery to progress critical programmes of work whilst IDS are undertaking a restructure across the whole service.

At present IDS lack specific skills and resources in the areas of user research, business analysis and agile project delivery which are integral to digital transformation work. As part of the engagement UST Global will work alongside the IDS employees to mentor and upskill.

- The preferred supplier has significant experience of this kind of work and is able to provision the required resources for business analysis, user research and agile project delivery as needed. The proposal submitted from UST Global has competitive day rates, covers the roles where we currently have gaps and can deliver within the required timeframe. Getting further quotes or undertaking a procurement at this stage would introduce delays and would not provide sufficient assurances that the Council would receive a better quality and cheaper cost proposal.
- This work is required to support delivery of LCC's Priority One projects, including the NHS 'MUST DO' System Flow programme.

Recommendations

The Chief Digital & Information Officer is recommended to approve the direct award of a new contract via a waiver of Contracts Procedure Rules 8.1 and 8.2 (Intermediate value procurements) by awarding a contract to UST Global Private Limited for the provision of user research, business analysis and agile project management up to a maximum of £100,000. The contract shall commence no later than 12th of September 2022 and expire by 11th December 2022, with the options to extend for a period of 2 x 1-month periods, with such an option not to be taken up more than 2 months in total.

Why is the proposal being put forward?

- 1 Resource in the areas of business analysis, user research and agile project delivery are urgently required to work alongside IDS colleagues to deliver improved digital outcomes across health and social care within the city.
- 2 The System Flow Programme is a programme of work being delivered in Leeds at a place-based level to improve patient flow in to and out of hospital. Patients who are discharged from hospital need to move to the most appropriate care setting via four agreed pathways. The four pathways are as follows:
 - Pathway 0 – Patient returns to usual place of residence, fully independent and without additional support
 - Pathway 1 – Patient returns to usual place of residence with interim support (including Care Home)
 - Pathway 2 - Patient is transferred to a non-acute bed and receives rehab and assessment until able to return safely home
 - Pathway 3 - Patient is transferred to a new long-term bed, assessment bed or usual residence and receives the complex support and/or assessment for their needs.

Improving access to up-to-date management information regarding patients across the Leeds place will enable the discharge process to work more efficiently, which will and improve the KPI's for Leeds which are currently below the national average and improve the patient experience.

What impact will this proposal have?

Wards affected:

Have ward members been consulted?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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- 5 The work will ensure colleagues are using the most up to date data to make decisions about how patients who are ready to leave hospital move on to the most appropriate care setting quickly and with a minimum of disruption.

What consultation and engagement has taken place?

- 6 Consultation between senior staff within IDS has taken place.

What are the resource implications?

- 7 This will involve internal resources working alongside a delivery partner to learn and undertake knowledge transfer. The ongoing support of any solutions developed and deployed will be undertaken by existing resources within IDS.

What are the legal implications?

- 8 The decision to award a contract to UST Global is a Significant Operational Decision and is not subject to call-in but will be published. The report does not contain any exemptions or confidential information under the Access to Information Rules.
- 9 The value of the direct award detailed within this report is below the UK threshold for the application of the Public Contracts Regulations 2015 for the procurement of public services contracts and therefore it is not subject to the full rigour of the procurement regulations. However, the Council's Contracts Procedure Rules 8.1 and 8.2 require competition for procurements valued between £25k and £100K and the invitation of at least three written tenders.
- 10 A waiver of these Contracts Procedure Rules is required to award a contract direct to UST Global. Awarding a contract direct to UST Global without competition could leave the council open to a potential claim from other providers, to whom this contract could be of interest, that it has not been wholly transparent.
- 11 In terms of transparency, it should be noted that Contracts Procedure Rules suggests that contracts of this value should be subject to a degree of advertising. It is up to the Council to decide what degree of advertising is appropriate. In particular, consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices etc.) and the geographical location of the place of performance.

The Chief Digital & Information Officer has considered this and, due to the nature of the services being delivered and the relatively low value and short length of the contract, is of the view that the scope and nature of the services is such that it would not be of interest to contractors in EU member states. In awarding the contract without competition, there is a potential risk of challenge from other providers who have not been given the chance to tender for this opportunity, although this risk is considered low due the technical reasons set out in this report.

- 12 There is a risk of an ombudsman investigation arising from a complaint that the Council has not followed reasonable procedures, resulting in a loss of opportunity. Obviously, the complainant would have to establish maladministration. It is not considered that such an investigation would necessarily result in a finding of maladministration however such investigations are by their nature more subjective than legal proceedings.
- 13 Although there is no overriding legal obstacle preventing the waiver of CPR 8.1 and 8.2, the above comments should be noted. In making their final decision, the Chief Digital & Information Officer should be aware of the risk of challenge to the Council identified above and be satisfied that on balance the course of action chosen represents Best Value for the Council.

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

- 14 Key risks relate to not being able to deliver the process improvements and financial savings identified.
- 15 In order to manage this, consideration has taken place to identify the most appropriate solution for successful and cost-effective delivery for the Council.

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

Inclusive Growth Health and Wellbeing Climate Emergency

16 This will see the introduction of technology that will improve the citizen experience by enabling better collaboration between the council and health partners. This will improve service delivery, and support overall health and wellbeing for LCC residents

Options, timescales and measuring success

What other options were considered?

17 Three quotes were obtained and have been evaluated. The proposal submitted for this work has competitive day rates, covers what we would expect to see in terms of output and can deliver in the required timeframe. Getting further quotes or undertaking a procurement at this stage would introduce delays and would not provide sufficient assurances that the Council would receive a better quality and more cost-effective proposal.

How will success be measured?

18 Implementation of improved processes that create a faster and more seamless flow of information between the council, health partners and citizens.

What is the timetable for implementation?

19 The supplier will commence work in September 2022.

Appendices

20 See below.

Background papers

21 N/A

Appendix 1

What is your reason for waiving CPRs?

There is a genuine, unforeseeable emergency meaning there is no time to go through a procurement process e.g., to deal with the consequences of extreme weather.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
To purchase supplies or services on particularly advantageous terms due to liquidation/administration.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Requirement to put a contract in place with a current provider whilst a review of the services is completed.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Ran out of time to undertake a new procurement exercise	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Other (please provide summary here) Please refer to report.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No