

**NORTH SOMERSET COUNCIL
DECISION**

**DECISION OF: DIRECTOR OF PEOPLE AND COMMUNITIES
WITH ADVICE FROM: HEAD OF COMMISSIONING, HEAD OF
STRATEGIC PROCUREMENT AND HEAD OF FINANCE AND PROPERTY
DIRECTORATE: PEOPLE AND COMMUNITIES**



DECISION NO: P&C54 (2018/19 scheme)

SUBJECT: Exception to standing orders to make a short-term direct award of contract for the provision of post-diagnostic dementia support services.

KEY DECISION: YES

BACKGROUND:

The contract for delivery of post-diagnostic dementia support is currently provided by the Alzheimer's Society – company number 2115499. The contract was for an initial four-year period from the 1st February 2014 – 31st January 2018 with an option to extend for a further year. Director's approval was given for the contract to be extended - see decision P&C50, 2017/18. The contract therefore ends on the 31st January 2019.

The contract provides a preventative service, working to support those with dementia to remain within the community for as long as safely possible. It gives tailored support and includes specialist activities to encourage cognitive stimulation and reduce risk. Support for those providing care to people with dementia is also included in this contract and these carers are involved and consulted in support planning.

There are several influences on the commissioning of dementia support services in North Somerset and we do not currently have a clear picture of how these fit together or the resulting services which we will require in a new contract. The reasons for this are as follows;

- The BNSSG CCG commission services which sit alongside this dementia support service. The BNSSG CCG are currently reviewing mental health services across the whole of the BNSSG area. The interface between the BNSSG CCG commissioned services and this Council contract will form part of this review.
- The CCG currently contributes £62,000 per annum towards the NSC dementia support contract and has confirmed this will continue for this short-term award. However, the review of mental health services across BNSSG will consider both the local authority and CCG responsibilities for dementia support services and the level

of services the CCG will commission jointly with NSC in our new contract. Governance of this review will be through the Joint Commissioning Group.

- As part of the review of the dementia support services we will complete a stakeholder consultation exercise and an equalities impact assessment.

DECISION:

To approve an exception to Standing Orders to award a short-term contract with the Alzheimer's Society for post-diagnostic dementia support services for the period 1st February 2019 to the 31st March 2020.

REASONS:

Under the Council's Standing Orders, 6.3 Exceptions, where a contract is below EU procurement thresholds the relevant decision maker may approve exceptions to Standing Orders where it is considered there are acceptable reasons to do so. The contract is within the Light Touch procurement regime thresholds and under Standing Orders a decision of this value may be made by the Director.

The direct award of a short-term contract with the current provider until the 31st March 2020 will enable the Council to take part in full commissioning discussions with the BNSSG CCG and South Gloucestershire and Bristol Councils. It will also allow additional time to consult with the community and complete an equalities impact assessment. Seeking this alternative route to a tender process ensures that the most appropriate, efficient and cost-effective services are identified, and these can then be commissioned in a new contract from the 1st April 2020. Under the Council's Standing Orders 6.3.1 a valid reason for exception is where a quantifiable and significant cost and efficiency savings can be achieved through seeking an alternative route.

OTHER OPTIONS CONSIDERED:

The option of tendering for a new contract to deliver the same services as commissioned now, with a contract beginning 1st February 2019, was considered. This option was not considered the best route forward due to the mismatch in timetables with the BNSSG CCG. This route would not have allowed us to consider all the necessary evidence and strategic options available. Procuring a contract ahead of other programmed reviews may have resulted in an inappropriate service and unnecessary costs.

FINANCIAL IMPLICATIONS:

The annual value of the dementia support contract is £287,133.40. This includes a contribution of £62,000 per annum from the CCG. The CCG have confirmed, through the Joint Commissioning Group, that this contribution will continue for the life of the short-term contract award, whilst they complete their review of linked services.

The total contract value for the 14-month short term award is £334,989 including a contribution from the Clinical Commissioning Group of £72,333.

NSC cost for 14 months is £262,656.

The contract costs to the Council are contained within the current budget.

LEGAL POWERS AND IMPLICATIONS

The Council has a statutory duty to provide support service to carers of people with dementia.

CONSULTATION

The current provider the Alzheimer's Society have confirmed their interest in a short-term award based on the existing contract for Dementia Support.

RISK MANAGEMENT

A direct award of contract would ensure continuation of dementia support services while an appropriate commissioning process is completed.

EQUALITY IMPLICATIONS

An equalities impact assessment will be completed prior to retendering of the contract for dementia support services.

CORPORATE IMPLICATIONS

The dementia support contract supports the Public Health outcomes framework and receives a £10,000 per annual contribution from Public Health.

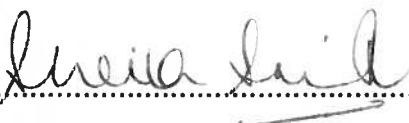
BACKGROUND PAPERS

Director's decision to approve the one-year extension to the Dementia Support contract - P&C50, 2017/18.

Director's Exception to Contract Standing Orders Decision P&C 53 (2018/19 scheme).

SIGNATORIES:

DECISION MAKER:

Signed: 

Title: Director of People and Communities

Date: 18.02.19

WITH ADVICE FROM:

Signed: Garola West

Title: Head of Commissioning

Date: 18.02.19

Signed: [Signature]

Title: Head of Strategic Procurement

Date: 8/2/19

Signed: [Signature]

Title: Head of Finance and Property

Date: 18.02.19



DECISION OF DIRECTOR OF PEOPLE AND COMMUNITIES

Exception to Contract Standing Orders

DECISION NO P&C 53 (2018/19 SCHEME) PEOPLE AND COMMUNITIES DIRECTORATE

SUBJECT: Exception to standing orders to make a short term direct award of contract for the provision of post-diagnostic dementia support services.

In accordance with the provision set out in Contract Standing Orders an exception is being sought.

Exception being sought:

To award a short-term contract with the Alzheimer's Society (company number 2115499) for post-diagnostic dementia support services for the period 1st February 2019 until the 31st March 2020.

This is in accordance with eligible exception clause;

6.3.1 quantifiable and significant cost and efficiency savings can be achieved through seeking an alternative route.

Reason for seeking Exception:

The Dementia Support Contract provides a preventative service, working to support those with dementia to remain within the community for as long as safely possible. It gives tailored support and includes specialist activities to encourage cognitive stimulation and reduce risk. Support for those providing care to people with Dementia is also included in this contract and these carers are involved and consulted in support planning.

There are several influences on the commissioning of dementia support services in North Somerset and we do not currently have a clear picture of how these fit together and the resulting services which we will require in a new contract. The reasons for this are as follows;

- The BNSSG CCG commission services which sit alongside this dementia support service. The BNSSG CCG are currently reviewing mental health services across the whole of the BNSSG area and the interface between these services and this contract will form part of this review.
- The CCG currently contributes £62,000 per annum toward this NSC dementia support contract. The review of mental health services across BNSSG will consider both the local authority and CCG responsibilities for dementia support services and the level of services the CCG will commission jointly with NSC in our new contract. Governance of this review will be through the Joint Commissioning Group.
- As part of the review of the dementia support services we will complete a consultation exercise and an equalities impact assessment.

The direct award of a short-term contract with the current provider until the 31st March 2020 will enable the Council to take part in full commissioning discussions with the BNSSG CCG and South Gloucestershire and Bristol Councils. It will also allow additional time to consult with the community and complete an equalities impact assessment. Seeking this alternative route to a tender process ensures that the most appropriate, efficient and cost-effective services are identified, and these can then be commissioned in a new contract from the 1st April 2020. Under the Council's Standing Orders 6.3.1 a valid reason for exception is where a quantifiable and significant cost and efficiency savings can be achieved through seeking an alternative route.

Financial Implications:

The annual value of the dementia support contract is £287,133.40. This includes a contribution of £62,000 per annum from the CCG. The CCG have confirmed, through the Joint Commissioning Group, that this contribution will continue for the life of the short-term contract award, whilst they complete their review of linked services.

Total contract value for the 14-month short term award is £334,989 including a contribution from the Clinical Commissioning Group of £72,333.

NSC cost for 14 months is £262,656

The contract costs to the Council are contained within the current budget.

Implications for Future Years:

This extension covers the period until 31st March 2020. A full commissioning plan will be completed for the Dementia Support Service beyond this date.

Signed [Signature] Director of People and Communities

Dated 18.2.19

[If value of contract is expected to be over £100,000 the advice of the following will also need to be obtained. Please note that only exceptions up to current EU thresholds can be granted (Goods or Services £164,176 / Works £4,104,394 / Light Touch £589,148)

With advice from

Signed [Signature] S151 Officer

Dated 19/2/19

And

Signed [Signature] Head of Strategic Procurement

Dated 19/2/19]

Eligible exceptions

- 6.3.1 quantifiable and significant cost and efficiency savings can be achieved through seeking an alternative route;
- 6.3.2 reasons of extreme urgency mean that normal time limits cannot be met, including as a result of unforeseen emergency or disruption to Council services. This may include for example, storm damage to public buildings. Not having sufficient time to tender may not in itself constitute urgency.
- 6.3.3 the Council would otherwise be exposed to immediate and significant financial, legal or reputational risk that has been identified in the relevant risk register;
- 6.3.4 only one supplier is objectively able to provide the works, services or goods in question including, but not limited to, where the provision is specialist, where the supplier has exclusive intellectual property rights, artistic or other rights, has a monopoly or where the goods bought are for re-sale. In such circumstance only that one supplier may be asked to quote / tender, however the quote / tender must be evaluated for capability and suitability.
- 6.3.5 Within an RFQ scenario, where fewer than the number of suppliers from which you are required to seek quotes are able to provide the works, services or goods in question, (including but not limited to occasions where the provision is specialist, the market is weaker, the supplier has exclusive intellectual property, artistic or other rights, is a monopoly or where the goods bought are for re-sale) but there is more than one supplier in the market, the exception must be for the number of quotes / tenders that are sought are less than the required minimum.
- 6.3.6 If you conduct a formal, advertised tender or RFQ process where you have invited at least the minimum number of bidders required (see section 9.4) and receive less bids than the minimum required, you are not required to obtain an exception to these CSOs.
- 6.3.7 Contracts to engage artistes, shows, attractions, events or other entertainment media to provide entertainment or facilities.
- 6.3.8 Additional or new services, supplies or works are required which, through unforeseen circumstances, were not included in an existing Council contract and are necessary for the completion of the contract and/or cannot be carried out separately. Forgetting to include the additional or new services will not in itself apply to this exception.
- 6.3.9 Goods are required as a partial replacement for, or addition to, existing goods or installations and obtaining them from another source would result in incompatibility or disproportional technical difficulties in operation or maintenance.
- 6.3.10 The Council has the benefit of a Local Authority Controlled Company under Regulation 12 of the Public Contracts Regulations 2015, and exercises over the company concerned

a control which is similar to that which it exercises over its own departments and, at the same time, that company carries out the essential part of its activities with the Council's control.

