

## DECISION OF DIRECTOR OF PEOPLE AND COMMUNITIES

### Exception to Contract Standing Orders

#### DECISION NO P&C 71 (18/19 SCHEME) PEOPLE AND COMMUNITIES DIRECTORATE

**SUBJECT:** Exception to standing orders to make a short term direct award of contract for the provision of carers 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 NSAH (Alliance Homes) Ltd for carers support services for the period 1<sup>st</sup> May 2019 until the 31<sup>st</sup> 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 Carers Support Service provides carers with practical and emotional support for as long as they are willing and able to continue with their caring role.

The service identifies carers early in their pathway so as to implement preventative measures to reduce the risk of crisis. The service ensures that carers access appropriate support services and the provider is proactive in early identification. When a crisis does occur the provider supports carers to stabilise the situation and reduce the risk of any further breakdown.

There are several influences on the commissioning of carers support services in North Somerset and the following issues need to be assessed and understood before recommissioning can be completed;

- The BNSSG CCG commission additional carers services, beyond those provided by the local authorities, across the BNSSG area. The services vary between the three local authorities and the BNSSG CCG are reviewing their funding to provide these additional services through local authority contracts.
- The CCG currently contributes £76,000 per annum toward the carers support contract and will fund a prorata contribution for the short-term award.
- The Council's carers lead is piloting a new assessment process with the current provider, the findings from this will inform the recommissioning options for this service.
- As part of the review of carers support services North Somerset Council will complete a consultation exercise and an equalities impact assessment.

The direct award of a further contract with Alliance Homes for a eleven month period, until the 31<sup>st</sup> March 2020, will allow the consultation exercise to be completed. It will also provide time for the BNSSG CCG to consider their own requirements and for a commissioning process to be carried out.

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 carers support contract is £315,865. This includes a contribution of £76,000 per annum from the CCG. The CCG's contribution will continue for the life of the short-term contract award and whilst they complete their review of linked services.

The total contract value for the 11-month short term award is £289,543 including a contribution from the Clinical Commissioning Group of £69,667.

NSC cost for 11 months is £219,876

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

### **Implications for Future Years:**

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

Signed..... Director of People and Communities

Dated.....

**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..... S151 Officer

Dated.....

**And**

Signed..... Head of Strategic Procurement

Dated.....]

## **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.