

North Somerset Council Decision



Decision Of: Executive Member for Children's Services and the Director of Adult Social Services (delegated).

With Advice From: Director of Children's Services and the Head of Procurement

Directorate: Adult Social Services and Children's Services

Decision No: ASC31 (2023/24 scheme)

Subject: Procurement Plan for the Provision of the Pathways to Adulthood Service

Key decision: No

Reason:

This Procurement Plan is covering the route to market only, the Commissioning Plan, presented to the Executive on 8th February 2023, covered authority to proceed with the project.

Background:

The proposal is to procure a contract to deliver overnight respite care to young people with complex needs between the ages of 14 – 25.

The Commissioning Plan covers the elements of the Corporate Plan and Directorate Business Plan that supports the commissioning decision from an Adult Social Care and Children's Services perspective.

The Strategic Procurement Team commitments in the Corporate Services Annual Directorate Statement 2022/23 that supports the commissioning/procurement decision are as follows:

Strategic Procurement Commitments

Our Commitment	What is the Outcome we Expect
Identify and agree specific Social Value in all procurements.	Measurable Social Value committed and delivered by our providers

Work with Services on a business partnering basis to tender and awards contracts as required	Robust, compliant contracts offering value for money, Services are happy with the service they receive from the Procurement Team
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Decision:

It is requested that the procurement plan be approved to proceed with a legally compliant tender for a Pathways to Adulthood Service contract, which will be published on the council’s Supplying the Southwest procurement portal and on the Find a Tender Service.

Reasons:

Introduction

The current contract expires on 31st March 2024 and is delivered by Brandon Trust Ltd.

The service meets the needs of young people between the ages of 14 and 25 with Special Education Needs and/or Disabilities (SEND) to access short breaks and reach their optimum independence. The service focuses the provider on delivering outcomes which support individuals towards their independence and improve the readiness for transition into the most appropriate and cost-effective forms of support as adults. It reduces the reliance on long term residential care or similar placements and allows individuals to remain with families for longer.

This is the only service that provides dedicated respite and pathways to independence in the North Somerset area. It is of critical importance to the young people who attend and their families, and the delivery of statutory functions to young people and their families.

Commissioning Plan

Commissioning Plan – Agreed by the Executive at their meeting on 8th February 2023.

Lessons Learned from previous projects

Previous procurements for this type of contract have sometimes resulted in bids being received from larger organisations who have the resources to employ professional bid writers. This has meant that the responses are submitted by people far removed from the delivery of care and also makes it difficult for smaller, local providers to compete.

A supplier engagement event was held in February 2023 to talk about this opportunity and to give suppliers an overview of how the procurement process will work, tips on how to respond to method statement questions and what evaluators will be looking for. This was designed to help smaller, more local suppliers navigate our processes.

Previous procurements have highlighted the difficulty of attracting suitable bidders to cover the North of the region. This procurement acknowledges this risk and the affordability envelope for the contract has been evaluated and improved to take account of recent cost of living rises in an effort to improve the financial attractiveness of the opportunity.

Requirement

The Council is looking for one provider to deliver a high-quality Pathways to Adulthood contract to the young people of North Somerset. The current contract expires on 31st March 2024. The new contract will run from 1st April 2024 for an initial term of 48 months, with the option to extend for 3 further 12-month periods in any combination.

For the avoidance of doubt, the new contract will end on 31st March 2028 unless extended in line with the agreed terms.

The Council believes that TUPE applies to this contract. The timeline has been created to take account of increased mobilisation and consultation periods required as a result of possible TUPE transfers. The existing provider will be asked to provide their current staffing information ready for the publication of the opportunity.

Market / Suppliers

The system for funding social care is widely recognised as no longer fit for purpose with a national solution for sustainable funding being essential. Care markets locally and nationally are challenged by rising costs, staff shortages and the ongoing need to maintain quality. As demand for these services increases, so does the cost to the council, coinciding with almost a decade of reducing government funding for local authorities.

The budget available for the service has been increased in recent months to ensure the budget envelope is adequate to provide the desired service. The new contract will allow for an annual uplift to ensure the sustainability of the service.

Insurance Levels

Employer's liability min £5m
Public Liability min £5m
Professional Indemnity Insurance min £5m

Route to market

It is proposed that we tender the opportunity using the Light Touch Regime of the Public Contracts Regulations 2015, via the Supplying the Southwest portal.

Timescales for this procurement:

- Release Advert: 4th September 2023
- Tender Return: 2nd October 2023
- Evaluate Responses: 2nd - 15th October 2023
- Moderation Session: 16th – 19th October 2023
- Presentations: 13th November 2023
- Final Evaluation/Moderation: 13th November 2023

- Award Report Approved by Director: 30th November 2023
- 10 Day Standstill Period: December 2023
- Contract Mobilisation: Jan – March 2024
- Contract Start: 1st April 2024

Governance

- Commissioner: Strategic Commissioning Manager (Children's), Adults Head of Commissioning;
- Strategic Procurement Service: Procurement Manager
- Finance: Finance Business Partner for Adult Social Services and Children's Services
- The subsequent contract award report will be signed off by the Director of Adult Social Services, Director of Children's Services, the S151 Officer & the Head of Procurement.
- The Contract Manager will be the Strategic Commissioning Manager (Children's) in conjunction with Adult Services

Social Value, TOMs, Sustainability & VCSE

Given the nature of the contract, and again trying to create a level playing field for smaller providers, NSC and the Social Value Portal (SVP) have agreed that the National TOMS Light 2022 version can be used for this procurement. This reduces the list of TOMS quite significantly and allows Bidders to focus their social value commitments on areas that are more relevant to this type of contract. This also avoids larger providers using their resources to commit to a larger range of Social Value outcomes which attract a higher financial value and evaluation score compared to smaller providers. Further information on the TOMS applicable to this procurement is available from the Procurement Team.

All Bidders will be required to submit their SV commitments onto the Social Value Portal for evaluation and scoring during the tender process. The successful provider will then be required to pay a charge to SVP to monitor and manage their commitments throughout the term.

Evaluation

100% Quality/Method statements

Stage 1 – Method Statement Questions – 95%

Method statement breakdown

- Service Delivery Model (including Health, Well-being & Independence) - 20%
- Recruitment & Retention of Staff - 15%
- Partnership Working, including communicating with parents - 10%
- Service Implementation - 10%
- Scenario - 10%
- Voice of the child/young adult person - 10%
- Promoting Independence (newsletter to be scored by children/young adults) - 5%

- Climate Emergency - 5%
- Social Value - 10%

We will reserve the right to exclude bidders that score below 3 on one or more method statement questions.

Presentation - 5%

The top scoring bidders (maximum of 3) after the method statement questions will be required to deliver a 30-minute presentation on the following:

- *How you would plan for a young person arriving for a 2-night stay and what a typical day would look like including any activities.*

Your presentation should include how you would communicate with the young person and their family to ensure personal preferences are considered.

The presentation will be scored by an evaluation panel including parents and carers.

Bids will be scored in line with the standard NSC scoring matrix below.

Score	Classification	Award Criteria
5	Excellent	A response that inspires confidence; specification is fully met and is robustly and clearly demonstrated and evidenced. Full evidence as to how the contract will be fulfilled either by demonstrating past experience or through a clear process of implementation.
4	Good	A response supported by good evidence/examples of the Bidders' relevant ability and/or gives the council a good level of confidence in the Bidders' ability. All requirements are met and evidence is provided to support the answers demonstrating sufficiency, compliance and either actual experience or a process of implementation.
3	Satisfactory	A response that is acceptable and meets the minimum requirement but remains limited and could have been expanded upon.
2	Weak	A response only partially satisfying the requirement with deficiencies apparent. Not supported by sufficient breadth or sufficient quality of evidence/examples and provides the council a limited level of confidence in the Bidders' ability to deliver the specification.
1	Inadequate	A response that has material omissions not supported by sufficient breadth and sufficient quality of evidence/examples. Overall the response provides the council with a very low level of confidence in the Bidders' ability to deliver the specification.
0	Unsatisfactory	No response or response does not provide any relevant information and does not answer the question.

Pricing:

Bidders will **not** be required to submit a price for the delivery of the service. Bidders will be provided with the total budget envelope for the provision and will be asked to submit, as part of their method statement response, what they will deliver for the budget.

Bidders will be required to provide a breakdown of the budget as part of their method statement response (service delivery model), to indicate, for example, what element of the funding is allocated to staff salaries, management overheads, etc.

Selection Questionnaire

The standard selection questionnaire will be used. This will include some additional project specific scored questions to demonstrate previous experience.

Evaluation Panel

Stage	Panel Members	Role
Method Statements	Senior Social Worker -Transitions	Adults
	Family Support Worker	Childrens
	Representative	Parent Carer Forum
	Contracts & Commissioning Manager	Adults
	Head of Children's Commissioning	Children
	Head of Strategy & Commissioning	Adults
Presentations	Contracts & Commissioning Officer	Adults
	Representative	Parent Carer Forum
	Representative	Parent Carer Forum
	Head of Children's Commissioning	Children
Newsletter	Young People	North Somerset People First

Contract Management

The contract will be managed jointly by Adults and Children's Services. The Contract Manager, with the support of the Procurement team, will develop a contract management plan at the end of the tender process.

The following meetings will be held:

- Quarterly KPI meetings, and data reports
- Yearly – full reports including social value

Options Considered:

- End the service – not an option as we have a duty of care to the young people of North Somerset
- Extend the current contract – this is non-compliant as the current contract has used all existing permitted extensions. After several years it is now time to test the market.
- Run a full procurement to create a new contract – preferred and chosen option

Financial Implications:

As this is recommissioning an existing service, there are no new spending commitments.

Costs

The budget per annum for the current contract is as follows:

- Children's £225,796
- Adults £398,817
- Total £624,613

This provision has received significant uplifts over the last year to ensure the service is sustainable. This total includes an element of enabling hours per annum. We would expect the re-commission to be within the same financial envelope.

Funding

The costs can be fully met from existing Children's and Adults' revenue budgets.

Legal Powers and Implications:

Section 5 of the Care Act 2014 requires local authorities to help shape the market for services within their area, what this means is that local authorities must ensure steps are taken so that there is a sufficient supply of short breaks to meet local need as disabled young people transition to adulthood.

The provision of suitable respite care services remains a statutory requirement under the Chronically Sick and Disabled Persons Act 1970, although the type of support is not specified. The Children and Families Act 2014 and Care Act 2014 requires local authorities to ensure access to more personalised care services.

Climate Change and Environmental Implications:

Following completion of the climate emergency risk register, it was agreed that the environmental implications are relatively low in relation to this tender and service. The provision itself is residential and therefore no travel between service users. The contract will encourage the provider to use local suppliers. Any waste generated in the provision of the services, such as PPE and clinical waste, will be kept, collected, and disposed of appropriately. A method statement question has been developed and agreed with Libby Watts from the Climate Emergency Team.

The property at Pizey Avenue belongs to NSC and the Council pays all utility bills at the property. The successful provider will be required to work with staff, the young people and the council to encourage environmentally conscious activities, such turning off lights, turning down thermostats when the property is empty/overnight.

Consultation:

The Commissioning Plan contains detail on the consultation undertaken by Commissioning Officers in preparation for this procurement.

A provider engagement session was held with interested providers in February 2023. This was to inform providers of the opportunity, help providers navigate the procurement process and also gave some information on what NSC is looking for in a good response to the method statement questions and those related to Environmental Impacts and Social Value.

Risk Management:

The risk matrix indicates two instances where the inherent risk remains med/high after mitigation:

1. Provider/Service Failure – Due to the nature of the social care market currently there remains the possibility of provider failure and the impact of this would be high. Mitigation is to ensure a robust procurement process is undertaken including full due diligence on the winning bidder and strong contract management, however the risk remains and is accepted. In an emergency the contract could be direct awarded/novated to an alternative provider.
2. Risk of procurement challenge – The likelihood is low but should it occur the impact on the authority would be high due to the officer time and council resources required plus any external legal representation. Mitigation is to ensure the procurement process is fair open and transparent, however the risk remains and is accepted.

Equality Implications:

An Equalities Impact Assessment (EIA) summary has been completed and has not highlighted any negative impact.

Corporate Implications:

There are no corporate implications.

Appendices:

Background Papers:

Commissioning plan – approved at Executive 8th February 2023

Signatories:

Decision Maker(s):



Signed:

Title: **EXECUTIVE MEMBER CHILDREN'S SERVICES**

Date: 18.9.23



Signed:

Title: **DIRECTOR OF ADULT SOCIAL SERVICES**

Date: 18.9.23

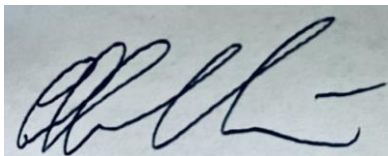
With Advice From:



Signed:

Title: **DIRECTOR OF CHILDREN'S SERVICES**

Date: 18.9.23



Signed:

Title: **HEAD OF PROCUREMENT**

Date: 18.9.23

Footnote: Details of changes made and agreed by the decision taker since publication of the proposed (pre-signed) decision notice, if applicable: