

Officer Delegated Decision

Report Title:	Permission to Procure Care and Support Service at Station View under the Council's Framework Agreement
Date of Decision:	
Decision-Maker:	Cath Whalley – Director of Adult Social Care
Report Author:	Jeremy Farncombe
Cabinet Member:	Patricia Bell
Wards Affected?	Barrow in Furness
Public, Part Exempt, Fully Exempt	Public
Identify exempt information and exemption category	
List of Appendices (if any)	1. Tender Timetable 2. Current Contract & Deed of Variation 3. Equality Impact Assessment

1. Purpose & Executive Summary

- 1.1 This paper seeks authorisation to re-procure the Care and Support services at Station View Extra Care Housing Scheme in Barrow in Furness by mini competition under the Westmorland and Furness Framework Agreement for the Provision of Care and Support in Extra Care housing.

2. Recommendation(s)

- 2.1 For the reasons set out in the report, the Director is recommended to approve the use of the Council's Framework Agreement for the Provision of Care and Support in Extra Care Housing, to re-procure via mini competition the Care and Support services at Station View, for 12 months with the option to extend for 12 months and a further option to extend by 12 months (3 years) to commence 01 May 2024, using the Framework hourly ceiling rates of £17.41(spot) and £19.19 (block).

3. Background to the Proposal Information:

- 3.1 Station View is an established Extra care Housing scheme in Barrow in Furness with a capacity of 42 one bedroom and studio flats. The landlord is Accent Housing and the Council Care and Support contract for this service is currently held by Creative Support Limited.
- 3.2 3 independent providers currently deliver Extra Care Housing Care and Support services in Cumbria using Call-Off contracts under the Framework Agreement for the Provision of Care and Support in Extra Care housing.
- 3.3 Within Station View the Council commissions a Care and Support provider to deliver access to 24-hour care services in order to meet the assessed care needs of the tenants. The Care and Support service is flexible, responsive and able to provide non-scheduled support to people as they require it.
- 3.4 To enable access to 24 hour Care and Support, the Council purchases night-time care via a block contract. In Station View the Council also block contracts for a number of "Supervisory Hours" to ensure that there will be at least 1 carer in the scheme at all times to respond to planned and un-planned support needs.
- 3.5 In June 2019, Cabinet approved the award of a new Extra Care Housing Care and Support Framework (the "New Framework") which commenced on 1st August 2019.
- 3.6 A contract for 3 years plus an Optional 12 month extension was awarded to Creative Support following a "mini-competition" between eligible providers on the Framework. The current contract commenced 5th March 2020 and ends 30th April 2024.
- 3.7 Station View currently has 77 block purchased hours per week made up of 56 night hours and 21 supervisor hours.
- 3.8 The new contract would be procured under the Framework Agreement for a period of 3 years, 12 months with an option to extend for 12 months and an option to extend for a further 12 months beyond the first extension.

Purchased Elements

- 3.9 Block purchased elements are key to the success of schemes, facilitating a flexible and responsive service which has sufficient capacity to respond to fluctuating needs of the tenants. Under the Framework the Council purchases 56 night hours and 21 hours Supervisor Hours weekly as standard. In order to take account of private hours and ensure that the service can be staffed 168 hours each week (24/7).
- 3.10 The Council will review the block hours, delivered spot hours and non-Council funded hours and, where this total falls below the 672 hours required for 24 hour service provision over a 4 week period, the Council will calculate and pay the difference as Flexible hours. This means that if a service has a number of private hours or hours purchased by another organisation, these will be factored into the calculation and reduce Council costs. Flexible hours will be paid at the spot hourly rate for the service.
- 3.11 Provision of support at Station View currently includes a second night member of staff funded via flexible hours, resulting in staffing levels of two day staff and two night staff.
- 3.12 The estimated annual contract value for Station View based upon 2023 figures (£490,500) is £500,800.
- 3.13 Based on the estimate in the above point 3.10, the total estimated contract value over 3 years and the additional 2 year extension periods would be £2,504,000.

Contract Hourly Rates

- 3.14 The hourly rate values in the current contracts have been subject to annual inflation based on changes to the Living Wage Foundation (LWF) and Consumer Price Index (CPI).
- 3.15 Ceiling block and spot hourly rates for each mini- competition were established at the commencement of the Framework linked to Homecare Commissioning rates (minus travel payments and non-Extra Care related costs). The ceiling rates have been uplifted each year in line with the Extra Care uplifts. Providers will also be encouraged to pay the “Real Living Wage” (Living Wage Foundation rate) to promote recruitment and workforce stability.
- 3.16 The Contract would be tendered based on the ceiling rates in the table below.

	Block	Spot
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Tender Ceiling Rate (per hour) (2023-2024 Financial Year)	£19.19	£17.41
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- 3.17 Bidders are required to include a breakdown of how submitted prices have been arrived at. If, in the Council's opinion the submitted rates are not viable nor deliverable the Council reserves the right to reject the bid.
- 3.18 The Council will not evaluate any hourly rates submitted which exceed the ceiling rates (except as described in 4.7 below) Bidders should contact the Council during the tender process if they are aware of factors that would render these ceiling rates undeliverable.
- 3.19 The Council will initially only assess bids which fall within these ceiling rates. If, following this assessment the Council is unable to make an award the Council may evaluate bids which exceed the ceiling rates. Where the bidder submits a bid in excess of the ceiling rates the bidder must evidence, to the Council's satisfaction, that they would be unable to deliver the specified service at these rates.
- 3.20 Inflation provision is established by the Framework and is applied in April each year, based on September CPI of the previous year.

- 3.21 The ceiling rates set out above should ensure that the contract remains affordable and that providers are able to pay staff the "real living wage", aiding successful and sustainable recruitment of care staff.

4. Reasons for the Recommendation(s):

- 4.1 The recommended procurement option will ensure that all contracts are based on the same set of terms and conditions and that the required re-procurement exercises can be undertaken within the timeframes of the existing contracts. The timetable for the recommended procurement is at Appendix1 of this document.

5. Alternative Options Considered Option1 (Recommended Option)

- 5.1 Procurement of Care and Support services at Station View Extra Care Housing Scheme in Barrow in Furness by mini-competition under the Westmorland and Furness Framework Agreement for the Provision of Care and Support in Extra Care housing.

Option 2

- 5.2 Re-procure Care and Support services at Station View via an individual open tender exercise.

6. Risk Implications

Risk(s) around granting Permission to Procure (Option 1)

- 6.1 There is a risk that the Council does not receive a suitable tender through the procurement process and is unable to award prior to the existing service ending on 30th April 2024.
- 6.2 Should no suitable tenders be received, additional legal advice would be required to establish options available to the Council.

Risk(s) around not granting Permission to Procure (Option 2)

- 6.3 This Option is not recommended as it would take significantly longer to complete the exercise. This may impact on statutory TUPE timescale requirements in the event of a transfer of service to an alternative provider.
- 6.4 Cumbria County Council agreed the award of the new Framework in 2019. The Framework has subsequently been extended until 31st March 2024 . It is therefore recommended that this contract is used for the re-procurement of existing Care and Support services in Extra Care.

7. Financial Implications

- 7.1 This contract is fully funded from the existing adult social care operations budget and therefore this permission to procure the service will not have an additional budget requirement.

J.Wright 02/11/23

8. Legal & Governance Implications

- 8.1 As the value of this contract is above the relevant procurement threshold, the procurement process must comply with the Public Contract Regulations 2015.
- 8.2 Under Part 3 – Section 7 of the Constitution (Contract Procedure Rules) rule 6.4, for call off contracts from a relevant framework and approved list, the procurement process must be carried out in accordance with the terms of the Framework Agreement.
- 8.3 As the anticipated total value of the contract is above the Key Decision threshold, the Key Decision process will need to be followed in relation to the award of the contract.

8.4 By virtue of rule 5.28 of the Contract Procedure Rules, the Corporate Director has the authority to approve the start of a procurement exercise for call off contracts of any value from an approved Framework Agreement. (SPB 15/11/2023)

9. Equality & Diversity Implications (including the public sector equality duty)

9.1 Attached as Appendix 3

10. Other Implications Environment & Climate Change/ Social Care & Corporate Parenting Implications Public Health, Health, Safety and well-being Implications

10.1 The Council's vision for care and support in Extra Care Housing is one of holistic, integrated and joined up provision which promotes improved health, emotional wellbeing, independence and social inclusion enabling vulnerable adults to achieve as full and independent a life as possible within their communities.

11. Background Information & Sources (used in preparation of this Report)

11.1 Westmorland and Furness Framework Agreement for the Provision of Care and Support in Extra Care housing.

Cabinet Member Consultation

Name:

Statement: *(insert their agreement / other comments)*

Details of any registrable interest relevant to the decision:

Details of any dispensation granted:

Key Decisions

Notice on Forward Plan?

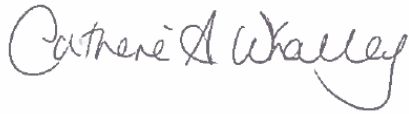
Rule 15 Notice?

Rule 16 Approval by Chair of Scrutiny Committee?

Exempt from call in?

Decision

Signature of the decision record authorises the implementation (following expiry of the Call In period where applicable) of the recommendations in Section 2.



Signature of decision maker:

Name: Cath Whalley

Post title: Director of Adult Social Care

Date: 15 December 2023

Delegated authority to make the decision: rule 5.28, Part 3 – Section 7 of the Constitution

Appendix 1

Tender Timetable

Event	Date
Issue ITT	11/12/2023
Clarification period	11/12/2023 to 22/12/2023
Deadline for receipt of clarification questions	22/12/23 at 5pm
Deadline for receipt of Tenders	12/01/2023 at 5pm
Evaluation of Tenders	W/B 15/01/2024
Intention to award decision	01/02/2024
Contract start date	01/05/2024

Appendix 2 – Current Contract



DoV ECH at Station
View Barrow (Norwel



Care & Support
Services in Extra Care

Appendix 3 – Equality Impact Assessment



EqlA - Station
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