

EXECUTIVE BOARD COMMISSIONING SUB-COMMITTEE
18 DECEMBER 2012

Title of paper:	QUALITY AND COMMISSIONING PROCUREMENT PLAN 2012/15 - UPDATE	
Director(s)/ Corporate Director(s):	Candida Brudenell – Director of Quality and Commissioning Ian Curryer – Corporate Director for Children and Families	Wards affected: All
Portfolio Holder(s):	Councillor Collins	Date of consultation with Portfolio Holder(s): 27 November 2012
Report author and contact details:	Jo Pettifor – Strategic Procurement Manager Tel: 0115 8765026 jo.pettifor@nottinghamcity.gov.uk	
Other colleagues who have provided input:	Tony Maione – Solicitor Geoff Walker – Head of Finance	
Key Decision:		
	No	
Reasons for Key Decision:		
Revenue expenditure of £1,000,000 or more taking account of the overall impact of the decision		
Revenue income of £1,000,000 or more taking account of the overall impact of the decision		
Savings of £1,000,000 or more taking account of the overall impact of the decision		
Capital expenditure of £1,000,000 or more taking account of the overall impact of the decision		
Capital income of £1,000,000 or more taking account of the overall impact of the decision		
To be significant in terms of its effects on communities living or working in an area consisting two or more wards in the City		
Relevant Council Plan Strategic Priority:		
World Class Nottingham		
Work in Nottingham	✓	
Safer Nottingham		
Neighbourhood Nottingham		
Family Nottingham	✓	
Healthy Nottingham	✓	
Leading Nottingham	✓	
Summary of issues (including benefits to citizens/service users):		
This report presents an update of the Procurement Plan for 2012 – 2015 developed by the Strategic Procurement Team in Quality and Commissioning, which sets out the planned programme of procurement activity across all services commissioned by the Directorate.		

The Procurement Plan is attached at Appendix 1.	
Recommendation(s):	
1	It is recommended that the Committee notes the updated Quality and Commissioning Procurement Plan 2012 – 15 and notes that the Plan is indicative of planned procurement activity and timescales, which may be subject to change dependent on the findings of Strategic Commissioning Intention (SCI) Reviews, and full consideration of the procurement options for each service during this process.

1 BACKGROUND

- 1.1. The Quality and Commissioning Directorate is following a programme of Strategic Commissioning Intention (SCI) Reviews as a mechanism to drive forward improved commissioning in the Council and the city through the application and embedding of the Corporate Commissioning Framework.
- 1.2 A Procurement Plan was developed early in 2012 setting out planned procurement activity within the Quality and Commissioning Directorate between April 2012 and March 2015, based on contract expiry dates and the planned programme of SCI Reviews. This Plan was reported to Committee at its meeting on 23rd May 2012.
- 1.3 Since the Quality and Commissioning Procurement Plan was reported to Committee in May 2012, the progress in relation to the procurement activity planned has included the following:
- Procurement has been completed for a framework of providers offering day services for vulnerable adults has been completed, with 19 providers accepted to deliver day care and 15 accepted to deliver 'day opportunities'.
 - Procurement is completed of a framework of providers offering support services for citizens in receipt of Direct Payments. The providers accepted for this framework include: 7 providers of Employment Support services; 6 providers of Managed Accounts and 6 providers of Payroll Services.
 - Procurement is completed for a new mental health resettlement supported accommodation service, using transferred NHS funding.
 - The procurement of 'Independent Living Support Services' (formerly housing related floating support services) is progressing well, with 50 organisations invited to submit tenders following the initial short listing stage. Work is in progress with Strategic Commissioning to specify the detailed requirements for services to be commissioned from this framework.
 - Work is underway through projects led by the Quality and Commissioning Directorate to develop the commissioning requirements for the re-tendering of a number of adult social care service areas, including: homecare; Care, Support & Enablement and residential care services.
 - Work is underway for the procurement of a number of other services including: carers' services, befriending and deaf signing service.
- 1.4 The Procurement Plan has been updated based on the progress of and outcomes emerging from the SCI Reviews and the consideration of the procurement options for all services. A copy of the updated Procurement Plan is attached at Appendix 1. It presents the planned and anticipated procurement projects including for existing services and new commissioning, with the expected commencement and completion dates for each project. The Plan is indicative of procurement activity and may be subject to change, particularly

where the SCI Review is still to be completed, as procurement activity will depend upon the outcome of the reviews. The procurement options for each service are being considered as part of the SCI process and depend on a number of factors, including whether the services are required in future, whether remodelling is necessary, how value for money can be secured, compliance with the Council's financial regulations and Public Procurement Regulations, and the overall risks, costs and benefits of tendering.

2 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 The need for a robust plan of procurement activity across all contract areas was highlighted during the process of planning the Quality and Commissioning SCI programme and aligning existing contracts with these reviews. The Procurement Plan provides a tool for joint planning and working between the Strategic Commissioning and Strategic Procurement Teams and ensuring procurement activity is embedded with the SCI programme.
- 2.2 The Procurement Plan aims to ensure compliance with the Public Procurement Regulations and the Contract Procedure Rules of the Council's Financial Regulations by enabling procurement activity to be planned and undertaken within the duration of existing contracts. This will avoid the need for dispensation from the Financial Regulations to be sought to extend contracts beyond their expiry date without formal tendering being undertaken, other than in genuinely exceptional circumstances. This is particularly important in relation to services that are Part A under the European Procurement Regulations and, therefore, subject to the full application of the European Directives.
- 2.3 The Plan will provide information for internal and external stakeholders about the planned timescales for procurement activity, and enable joint working on these projects. It will allow other service departments (such as Legal Services and the Corporate Procurement Unit) to include support activities for this process in their work plans and will present to stakeholders a clear, transparent and robust process of procurement planning aligned with the Strategic Commissioning cycle.
- 2.4 The Plan provides a tool for the Strategic Procurement Team to plan procurement activity alongside other work priorities for the team, which include contract management across a wide range of contract categories.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 The option to do nothing would impact on the alignment of procurement activity within the programme of SCI Reviews within the Quality and Commissioning Directorate. It would risk non-compliance with the Council's Contract Procedure Rules and Financial Regulations through contracts needing to be extended beyond their expiry date due to SCI reviews and tendering activity not having been undertaken.

4 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 4.1 The recommendations of this report do not have any financial implications, however, as and when the commissioning process commences for services identified in the Procurement Plan, approval to spend will be sought.

5 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)

- 5.1 The Council's Contract Procedure Rules and Financial Regulations and European Procurement Regulations dictate that the Council should undertake a formal tender process for the award of contracts of a particular value. The Procurement Plan addresses the risk of non-compliance with the Contract Procedure Rules by providing a tool for planning procurement activity across all contracts based on their expiry date.
- 5.2 The Procurement Plan sets out an ambitious programme of procurement activity for the Quality and Commissioning Directorate, involving many existing contracts, alongside new commissioning priorities across a wide range of service areas. The delivery of this programme in full depends upon the necessary resources being available within the Strategic Procurement Team. The number of tenders actually undertaken will be dependent on the findings of SCI Reviews and the full consideration of procurement options and implications and will be subject to further decisions making during the SCI process.

Legal Observations:

- 5.3 The recommendations in this report are considered to comply with Financial Regulations and the Contract Procedure Rules. While the recommendations raise no direct legal issues in and of themselves they raise indirect issues around the support legal services offer as part of the procurement activity.
- 5.4 Legal services will contribute to the effective delivery of the matters arising from the delivery of the Procurement Plan. This will include support to ensure that all matters arising comply with Financial Regulations and Contract Procedure Rules, together with all externally applicable law and regulations including the Public Contracts Regulations 2006.

6 EQUALITY IMPACT ASSESSMENT (EIA)

- 6.1 An EIA is not required as the report does not contain proposals or financial decisions. For each procurement, an EIA will be undertaken at an appropriate stage in the commissioning process.

7 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 7.1 None.

8 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 8.1 Quality and Commissioning Procurement Plan Report – Executive Board Commissioning Sub-committee, 23 May 2012.

