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## NOTTINGHAM CITY COUNCIL

### COMMISSIONING AND PROCUREMENT SUB-COMMITTEE

**MINUTES of the meeting held at Loxley House, Nottingham on 14 January 2020 from 10.00 am - 10.53 am**

#### **Membership**

##### Present

Councillor Sam Webster (Chair)  
Councillor Eunice Campbell-Clark  
Councillor Sally Longford  
Councillor Adele Williams

##### Absent

Councillor Cheryl Barnard (Vice Chair)

#### **Colleagues, partners and others in attendance:**

Celina Adams	- Head of Support Services, NCVS
Mark Bradbury	- Infrastructure Delivery Manager, Building Services
David King	- Head of Building Services
Claire Labdon-West	- Commissioning Manager
Nick Lee	- Director of Education Services
Steve Oakley	- Head of Contracting and Procurement
Christine Oliver	- Head of Commissioning
Phil Wye	- Governance Officer

#### **Call-in**

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 22nd January 2020. Decisions cannot be implemented until the working day after this date.

#### **31 APOLOGIES FOR ABSENCE**

Councillor Cheryl Barnard – other Council business

#### **32 DECLARATIONS OF INTEREST**

None.

#### **33 MINUTES**

The Committee confirmed the minutes of the meeting held on 10 September as a correct record and they were signed by the Chair.

### **34 VOLUNTARY AND COMMUNITY SECTOR UPDATE**

An update document was submitted by Celina Adams, Head of Support Services at Nottingham Community and Voluntary Services (NCVS) and is appended to these minutes.

NCVS will continue to develop links with smaller community groups through its Community Connector who works with groups to help recruit volunteers and support them with training and funding applications.

### **35 PROCUREMENT OF UTILITIES CONTRACT 2020 TO 2024**

This decision is not subject to call in because the Chair of Overview and Scrutiny Committee agreed that the decision is reasonable in all circumstances and should be treated as a matter of urgency because due to EU procurement rules the tender has to be posted on or before the 16<sup>th</sup> January to enable the Council to have lead in time to have a new contract in place from the 1<sup>st</sup> April 2020.

Wayne Bexton, Head of Energy Services, introduced the report about the procurement of the contract for supply of gas and electricity in the financial year 2020/21. It was noted that the procurement will be via an open tender process and the contract will be awarded by the Corporate Director for Strategy and Resources.

#### **RESOLVED to**

- (1) approve the procurement of supply of gas and electricity for Nottingham City Council via an open tender;**
- (2) delegate authority to the Corporate Director for Strategy and Resources to award the contract;**
- (3) approve the spend associated with this supply for 4 years.**

#### **Reasons for decision**

- the Council's contract for the supply of gas and electricity are expiring in the financial year 2020/21 (gas expires 31<sup>st</sup> March 2020 and electricity 30<sup>th</sup> September 2020).
- Nottingham City Council have an opportunity to review the best route of procurement to deliver a value for money type for Nottingham City Council which will contribute towards the Medium Term Financial Plan (MTFP) and the budget gaps.
- This report contains a detailed options appraisal document for the most cost effective route for the Council to take for its supply of energy for the next four years.

#### **Other options considered**

- Not to go to market for gas and electricity supply. This would have seen Nottingham City Council and its partners pay out of contract rates, which would have seen a significant rise in the costs for gas and electricity.
- To procure via a current framework such as ESPO or Crown Commercial Services. This option provides no opportunity for the contribution via a levy on this contract to the Nottingham Jobs Fund.
- In light of the current financial climate for Nottingham City Council it is key that the route that will deliver value for money is undertaken.

## **36 FUNDING FOR NOTTINGHAM SCHOOLS TRUST**

Nick Lee, Director of Education Services, introduced the report seeking to enter into a five year funding agreement with Nottingham Schools Trust (NST). NST opened in September 2017 and was initially funded through a grant funding agreement. This agreement was a temporary measure until the trust had established itself.

### **RESOLVED to**

- (1) authorise the award of three five year contracts to Nottingham Schools Trust relating to intervention, school improvement and quality assurance;**
- (2) agree dispensation from Contract Procedure Rule 5.1.2 in accordance with Financial Regulation 3.29 to allow the direct award of these contracts to Nottingham Schools Trust.**

### **Reasons for decision**

- NST opened in September 2017 and is an education trust where maintained schools and standalone academies have partnered to deliver school improvement in their own schools and the other schools in the trust.
- In the relatively short time NST has been operating, it has enjoyed significant success and 97% of schools in NST are now rated either Good or Outstanding by Ofsted (100% of the primary schools in the trust are Good or Outstanding). NST opened with 33 member schools and three additional schools have since joined.
- Dispensation from financial regulations is required to directly award the three contracts to NST. This is because NST are uniquely placed to deliver the full school improvement package the council is seeking, due mostly to its membership. NST is funded through two income streams; DfE funds via NCC and the £5,100 annual membership fee charged to all of its 36 member schools. Whilst the income allows NST to deliver a comprehensive range of school improvement support, the value of NST also lies with its membership and the time member schools put into peer to peer support and attendance at trust-wide development meetings.
- NST would be destabilised without the school improvement funding from the DfE and NCC and would most likely cease trading which, in light of its

tremendous success in a short period of time is not a desired outcome. Awarding a five year contract to NST will give the trust further stability and time to develop and deliver further ambitious school improvement.

#### Other options considered

The option to go out to tender was considered but this was disregarded. NCC played a significant role in the establishment of NST and the outcomes to date have exceeded expectations. Whilst some of the school improvement functions could be tendered for, the power and success of the NST model comes from the whole package of the trust and this could not be replicated with a different model. Therefore, going out to tender was not considered a reasonable option.

### **37 BUILDING SERVICES, MECHANICAL AND ELECTRICAL TEAM PROCUREMENT REQUIREMENTS – 2020-24**

David King, Head of Building Services, introduced the report setting out the requirements for Nottingham City Council Building Services Mechanical and Electrical (M&E) Team to procure multiple frameworks to enhance the expanding service requirements. The six specific frameworks that will be procured are as detailed below:

1: Electrical Support Framework (£1m over 4 years):

This framework will consist of but no limited to the following disciplines:

- Electrician

2: Mechanical Support Framework (£2.5m over 4 years):

- Plumber
- Domestic Gas Engineer
- Commercial Gas Engineer
- Mechanical Fitter

3: Electrical Contracting Supply and Install Framework (£5m over 4 years):

- Electrical Supply and Install
- Electrical Testing

4: Mechanical Contracting Supply and Install Framework (£4.8m over 4 years):

- Mechanical Supply and Install
- Out of Hours Call Out

5: Flue Fabrication and Install Framework (£0.3m over 4 years):

- Fabrication and install of specialist flue systems

6: Tool Hire Framework

- Small Tools
- Scaffolding
- Power Generation and Lighting
- Powered Access
- Specialist Gas, Water and Electricity Equipment

**RESOLVED to**

- (1) approve the procurement of Framework Agreements in line with Public Procurement Regulations 2015;**
- (2) delegate authority to the Head of Service for Building Services to approve the outcome of the procurement processes and award Framework Agreements in line with criteria as set out within the tender documentation;**
- (3) delegate authority to the appropriate person within Building Services in line with the Financial Regulations, to call off from the Framework Agreements.**

Reasons for decision

- NCC adopts a mixed approach to the delivery of M&E work that utilises the Council's own skilled workforce and fully supports the City Council's ambitious commercialisation agenda.
- Procuring the Frameworks will result in the following advantages:
  - a value for money delivery model with no fixed financial commitment to use the framework;
  - opportunities for local Small to Medium Enterprise (SME) companies to tender for the work;
  - the potential for a local workforce either through direct employment or through regional SME sub-contractors.
- The delivery model has a number of additional benefits including:
  - strong links to the Council's corporate value and objectives;
  - a highly flexible and responsive structure to accommodate short term changes to design programmes;
  - local knowledge available in the planning and assessment of proposed works.

Other options considered

- Do nothing – no authorised procurement is in place for the provision of specialist services and as such would not be compliant with Nottingham City Council's Financial Regulations and Public Procurement Regulation 2015.
- Insource all of the activity covered by the contract areas under consideration for renewal – this option has been rejected due to the following; capacity, complexity, risk and value for money.

**38     MENTAL HEALTH ACCOMMODATION AND SUPPORT PATHWAYS**

Claire Labdon-West, Lead Commissioning Manager, introduced the report seeking approval to commission four Housing Related Support Services and two Independent Living Support Services for people with mental ill health. These services support adults with mental ill health to live independently or to recover sufficiently to move to

more independent living arrangements and to help reduce the need for other more intensive forms of support.

Discussions are ongoing with the NHS around funding for commissioned health-related services.

**RESOLVED to**

- (1) approve the commissioning of a Mental Health Reablement service, which will replace the current Independent Living Support Service for which the contract ends on the 31<sup>st</sup> of March 2020;**
- (2) approve to undertake a tender process for a Mental Health Reablement service, four accommodation based Housing Related Support (HRS) services and the Forensic Outreach Service for a contract period of 3+2+2+2 years. This will be for an annual contractual value of up to £1,595,024;**
- (3) delegate authority to the Head of Service for Contracting and Procurement to approve and sign off the outcome of the tender process for the four HRS services, the Mental Health Reablement service and the Forensic Outreach Service and to award a contract;**
- (4) note that one of the HRS services, Hughenden Lodge, is subject to agreement by NHS Greater Nottingham Clinical Commissioning Partnership to maintain joint funding. Discussions with NHS Greater Nottingham Clinical Commissioning Partnership suggests that they may change the method of payment from a block fund arrangement to a S117 and continuing healthcare arrangement. NCC should receive confirmation by the latest February 2020 as to how they will pay for the service;**
- (5) approve the spend associated with this decision in recommendation (£14,355,216) for a potential contract period of nine years;**
- (6) approve an extension of six months from 1<sup>st</sup> of April 2020 in relation to the current contracts. This will be required if there is a change in provider and a longer implementation period is required or for some other reason. This will be up to a total value of £797,512;**
- (7) approve dispensation from Contract Procedure Rules 5.1.1 and 5.1.2 in accordance with Financial regulations 3.29 to allow for 6 month extensions as outlines in recommendation 6 and for the funding of services for the 6 month period as outlined in appendix 1;**
- (8) delegate authority to the Head of Contracting and Procurement to issue extensions to contracts up to the values noted in appendix 1.**

Reasons for decision

- The services within the scope of this report have been reviewed recently. The review concluded that these services are generally operating effectively in line with current requirements. These services enable the Council to deliver

against its statutory requirements under the Mental Health Act 1983 and the Care Act 2014.

- Approval is sought to procure six services: a Mental Health Reablement Service, four accommodation based HRS services and the Forensic Outreach Service which will support people with mental ill health. A competitive tender process will be undertaken which will deliver value for money.
- The recent review suggests that the current HRS services provide value for money when compared against other provision within the mental health pathway such as residential care or accommodation based Care Support and Enablement.
- Longer contract periods are being recommended for the services outlined in appendix 1 as this will support opportunity for providers to innovate during the contract life and respond to any necessary and permitted contractual changes.
- The provision to extend the current contracts for a period of up to six months is recommended to provide sufficient time for implementation should a new provider successfully bid for the contract. It will allow potential new providers to support services users with transition arrangements. If the existing provider is successful in the tender process then an extension should not be required.
- The contracts will allow commissioners to review services in the context of budgetary pressures as well as managing any changes required due to a shift in policy and legislative changes.

#### Other options considered

- The option not to procure but to directly award the services to current providers was considered however this was discounted as it would mean that NCC were not meeting its legal obligations under procurement law.

### **39     EXCLUSION OF THE PUBLIC**

**RESOLVED** to exclude the public from the meeting during consideration of the remaining items in accordance with Section 100(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **40     EXEMPT APPENDIX - PROCUREMENT OF UTILITIES CONTRACT 2020-2024**

**RESOLVED** to note the information contained in the exempt appendix.

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## **Commissioning and Procurement Sub-Committee 14.01.20**

### **Voluntary Sector Update – Nottingham CVS**

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#### **NCVS general update:**

- **New Chair:**  
Our former Chair (Gerri Bright) has now stepped down and Jonathan Tallant has been appointed as the new Chair of NCVS.  
Jonathan joined NCVS as a Trustee in 2017. He is a Professor of Philosophy at the University of Nottingham and has worked at the university for over 12 years in a number of roles, including Head of the Department of Philosophy and Chair of the University's Quality and Standard's Committee.
- **NCVS Strategy 2020-22:**  
NCVS will soon be launching its new Strategy. This strategy details how NCVS will be delivering services with our imminent departure from our present building on Mansfield Road, Our core purpose is to create:
  - A Thriving VCSE Sector - through support and development.
  - Excellent Volunteering - by setting the standard/encouraging this to be met.
  - A Connected Sector - through representation, advocacy and engagement.Going forward, NCVS services will be increasingly community based and we shall be developing meaningful partnerships that will ensure communities thrive and prosper and where volunteers are valued and recognised.
- **Partnerships Bid:**  
NCVS is in discussion with the Area Based and Community of Identity Leads as well as other partners to consider a citywide bid to The National Lottery Community Fund. This will entail the delivery of citywide satellite Volunteer Centres that will increase and support local volunteers and provide support to local VCS groups and organisations.

#### **Integrated Care System:**

- NCVS is working with the NHS and Nottingham's CCG's, contributing to the successful implementation of Social Prescribing across Nottingham's communities. Social Prescribing is part of the NHSE's 10 Year Forward View to deliver personalised care.  
NCVS are currently supporting the induction process of the Link Workers who will enable patients to access appropriate support in the community, in order to improve their health and wellbeing.

#### **Voluntary Sector Support Grants:**

- NCVS is still keen for further discussion with NCC on a more efficient voluntary sector support delivery model. NCVS feels there are inconsistent levels of support resulting from the current area based funding arrangements, meaning that some groups/organisations in Nottingham cannot access the support they require.  
In the meantime NCVS continue to provide advice, support, casework and training where it is contracted to do so.

## **Funding Updates:**

- **Nat West Skills and Opportunities Funding:**

The NCVS Enterprising Nottingham programme is a 15 month project providing free workshop training and one-to-one support to new and existing (less than 12 months old) social enterprises in Nottingham.

This entails 6 non-accredited workshops covering:

- Introduction to Social Enterprise
- Legal Structures and Governance for Social Enterprise
- Business Planning
- Market Research/Marketing
- Finance for Social Enterprise
- Presenting your Social Enterprise

- **PCC funding: Hidden Harm:**

The aim of this programme was to equip the VCS with the skills and knowledge required to recognise and respond to indicators of various types of abuse and crimes which typically go unreported or unrecognised.

NCVS delivered a Hidden Harm conference with 60 attendees and a series of workshops in March 2019.

We followed this up with 16 safeguarding training sessions over the course of 2019 and concluding in January 2020.

- **D2N2 LEP:**

We are part of a working group looking at how the Voluntary Sector engages with the D2N2 LEP post Brexit. We want to ensure that we can influence future funding from central government and keep up the dialogue with the LEP regarding the importance of the sector in economic development. We have influenced the LEP to ensure there are Inclusion Reps on the main Board and on each of the sub board structures. There are 5 inclusion reps on all Advisory Boards.

- **ESF calls:**

Futures are the organisation that deliver Nottingham's Community Programme. This includes small grants for voluntary organisations. NCVS is a partner and sits on the grants panel. The second round of grants are currently being awarded. Nottingham has demonstrated a high level of quality bids.

- **Practice Development Unit:**

The PDU is a partnership between Opportunity Nottingham and NCVS. Its aims are to promote and facilitate collaborative learning and the sharing of good practice and expertise amongst professionals in Nottingham and neighbouring areas, who work with people experiencing multiple disadvantage (such as mental health, substance misuse, homelessness and offending).

We do this through standalone learning events, as well as ongoing Communities of Practice - a space where practitioners can come together to share ideas and support each other in implementing practice and system change.

PDU members can also access a range of resources, including tool kits, reports and presentations, with both a local and national focus. Please join the portal for more information at: [www.pdunottingham.org](http://www.pdunottingham.org)

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