

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

**Reference Number:**

2215

**Author:**

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**Department:**

Children and Families

**Contact:**

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**Subject:**

Direct Contract Award for Metropolitan Briarwood Supported Living Scheme

**Total Value:**

Exempt (Type: Revenue)

**Decision Being Taken:**

(1) Approval to dispense with Contract Procedure Rule 5.1.2 in accordance with Financial Regulation (3.29) (Operational Issues) to allow for the direct award of a 2 year and 3 month contract (commencing from 1st July 2015 and expiring on 30th September 2017) to Metropolitan for the provision of Care, Support and Enablement (CSE) Supported Living at the Briarwood Shared Accommodation Scheme.

(2) To delegate authority for the Head of Contracting and Procurement to award and sign the contracts arising from the direct award process.

**Reasons for the Decision(s)**

The direct award of a contract will ensure that the 11 citizens currently residing at the scheme will benefit from continuity of service as their current package will be able to be commissioned by the Council on their behalf. If the Council were to move the citizens to an alternative framework provider, it would cause disruption and upset for them and there is a risk that sourcing an alternative placement which will meet their needs appropriately would be difficult. There would also be a cost implication to the local authority as resources would be necessary in order to complete assessments, source alternative provision and move the individuals concerned.

It is proposed that the Direct Award contract will be issued with fixed costs from 1st July 2015 until 30th September 2017 (subject to any inflationary increase agreed as part of the Council's annual review process), ending in line with the current framework agreement in place with contracted providers.

The contract terms and conditions will allow the Council to consider making further placements at Briarwood if / when any (suitable) vacancies arise. If the Council is unable to fill vacancies at the service there is the risk that the service will no longer be viable or that placements to fill the vacancies will be sourced from elsewhere. Metropolitan are the landlord of the property. They have indicated that they are unwilling to allow an alternative provider to deliver the service on site. It is therefore not possible to secure an alternative provider from the Framework to deliver services to the citizens residing at Briarwood without moving them. Leading up to 30th September 2017, Care Support and Enablement provision will be re-tendered and Metropolitan will be able to consider submitting a bid to be a part of the new contractual arrangements for these services post 1st October 2017. The service that is being delivered by Metropolitan is considered to be of a good quality.

**Briefing notes documents:**

a) Briarwood DDM - Background.doc

**Other Options Considered:**

**Do Nothing**  
If a contract is not awarded to Metropolitan it will not be possible for the Council to commission service provision at Briarwood on the citizen's behalf. Citizens will have no choice other than moving to Direct Payments in order to continue with, or take up services from Metropolitan. This may not be suitable or be the preferred option for all citizens, in particular where individual needs are high. It may also lead to the requirement for a managed account which could increase costs to both the citizen and the Council.

**Call-off service provision from the New CSE Framework**  
Citizens may transfer to an alternative provider on the CSE Framework. The citizens are currently receiving a good service and moving them would cause significant disruption and upset. This would also mean that all current residents at Briarwood would require an assessment in order to source and move them to alternative accommodation with an alternative framework provider resulting in additional internal resource being required.

**Tender for service provision at the scheme**  
As the registered landlord of Briarwood, the provider has indicated they would not be willing for an alternative Provider to provide the service on-site. Tendering for an alternative Provider is therefore not an option.

**Background Papers:**

**Published Works:**

**Affected Wards:**

Sherwood

**Colleague / Councillor Interests:**

None known

**Dispensation from Financial Regulations:**

Yes

**Exempt Information:**

**Description of what is exempt:**

This decision contains pricing information which is commercially confidential and exempt from publication. An appendix to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972.

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

**3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the decision contains information relating to pricing which is commercially confidential.

**Documents exempt from publication:**

b) Briarwood DDM - Finance (Exempt).doc

**Consultations:**

Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:**

There are no crime and disorder implications arising from this proposal.

**Equality:**

EIA not required. Reasons: EIA not required. Reasons: This decision will not lead to a new or changing policy, service or function.

**Social Value Considerations:**

The nature of the service is such that it brings social value through its implementation. Care, Support and Enablement aims to provide both care and support provision through formal commissioned mechanisms and also through increased social opportunities. Services are expected to contribute to the wider community to assist in the development of the economic, social, and environmental wellbeing of the local area.

**Decision Type:**

Portfolio Holder

**Subject to Call In:**

No

The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.

**Person Consulted: Cllr Brian Parbutt**

**Consultation Date: 20/10/2015**

The service is already being delivered at the revised rates and under the implied new contract, for this reason we require exemption from call-in.

**Advice Sought:**

Legal, Finance, Procurement

**Legal Advice:**

The proposals in this report raise no significant legal issues and are supported.

The owner of the property is unwilling to allow other service providers to deliver care at the accommodation. The Council is not therefore able to commission care at Briarwood on the citizens behalf using its existing Framework Agreement. Without a contract in place with the on-site provider, citizens residing at the Briarwood would have no choice but to move to direct payment arrangements resulting in disruption and upset directly to citizens in their service provision.

Awarding a contract to Metropolitan for this period will ensure uninterrupted service provision to citizens. The contract will expire in line with the existing framework so that these services can be re-tendered, for which Metropolitan can submit a bid for service delivery under the future framework. For the reasons mentioned in the report, dispensation from the contract procedure rules is supported.

Advice provided by Dionne Claire Screatton (Solicitor) on 24/08/2015.

**Finance Advice:**

The decision to award a care contract to Metropolitan for provision of care at Briarwood Supported Living does not in itself commit the council to spend over the life of the contract.

Approval to support the spend in relation to this decision is through the council's scheme of delegation for adults care packages. The level of spend will vary over the contract period reflecting the level and number of citizens requiring social care support and will be funded through the adult social care purchasing budget.

This decision delivers value for money as identified by the report author and the provider fee rates are comparable to the other providers on the CSE framework.

This proposal seeks dispensation from Contract Procedure Rules (5.1.2) in accordance with Financial Regulations 3.29, and is appropriate in these circumstances. Advice provided by Darren Revill (Finance Analyst) on 03/07/2015.

**Procurement Advice:**

The recommendation to award a contract to MST for the provision of Care, Support and Enablement at the Briarwood Service as proposed will facilitate a formal placement mechanism for this service and will enable CSE to be commissioned by the Council for those residents needing the service and for whom a direct payments are not appropriate. The option of tendering for an alternative provider is not feasible as the landlord has indicated that they would not make the property available for another provider to deliver care on site. Therefore dispensation from Contract Procedure Rule 5.1.2 in accordance with Financial Regulation 3.29 in order to make a direct contract award is supported from a procurement perspective.

Advice provided by Julie Herrod (Procurement Officer) on 29/06/2015.

**Signatures**

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| Alex Norris (PH for Adults, Health and Community Sector)   |
| SIGNED and Dated: 08/10/2015   |
| Alison Michalska (Corporate Director for Children and Adults)  |
| SIGNED and Dated: 08/10/2015   |
| Theresa Channell (Head of Corporate and Strategic Finance) - Dispensation from Financial Regulations |
| SIGNED and Dated: 02/10/2015   |
| Chief Financial Officer's Comments:  |