

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3144
Author:	Rasool Bibi Gore
Department:	Strategy and Resources
Contact:	Rasool Bibi Gore (Job Title: Lead Commissioning Manager, Email: rasool.gore@nottinghamcity.gov.uk, Phone: 01158762299)
Subject:	Contract for the provision of a service for citizens on the edge of care
Total Value:	£176,000 (Type: Revenue)
Decision Being Taken:	<p>To dispense with Contract Procedure Rule 5.1.2 in accordance with Financial Regulations 3.29 to award a contract to Fairhavens for the period 1st of April 2018- 31st of March 2019 as the provider of a service for citizens on the edge of care.</p> <p>The extension will allow commissioners to review the service in the context of the adult social care pathway. It will also provide time for transision of citizens from one accommodation to another if the current provider fails to secure a future tender process.</p> <p>Note: Approval to spend in relation to this contract is through the Council's scheme of delegation for adults care packages.</p>
Reasons for the Decision(s)	<p>Fairhaven is an accommodation-based service (17 units) providing for the individual support needs of vulnerable adults (age 40+) that are eligible for adult social care and support primarily under the Care Act 2014.</p> <p>The service has been formally contracted since 3rd February 2017. The original intention was to align this service within the new Care Support and Enablement Contract, which started 1/3/18. However, due to the individual nature of the service, including the low level of the current packages and the difficulty for the service in implementing a progression and recovery outcome based model this has not been possible. Therefore, there is a need to extend the contract up to 31st of March 2019 as an interim measure until a review of the service has taken place and, if required, a procurement process is completed.</p>

Other Options Considered: Do nothing - this would mean that we would be out of contract with the provider and not legally compliant.
Fit within the Care Support and Enablement (CSE) Accredited List: this was considered as part of the CSE strategic commissioning review. Due to the unique nature of this service it was felt that this service fell outside of the CSE accredited list.
Tender out the service without extension- this is not a feasible option as a procurement process needs to be undertaken. This will take time to undertake and therefore the extension of the current contract is required.

Background Papers: Fairhavens EIA, Fairhaven core elements, FairhavenService Specification Oct16

Unpublished background papers: Fairhavens EIA.pdf, Fairhaven core elements appendix 1a.doc, FairhavenService Specification Oct16.doc

Published Works: Delegated Decision 2683 -Accommodation Based Edge of Support Service (December 2016)
Commissioning Procurement Sub-Committee - 11 July 2017 - Contract Extension for Care Support and Enablement Services Contract.

Affected Wards: Citywide

Colleague / Councillor Interests: None

Dispensation from Financial Regulations: Yes

Consultations: Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: Not applicable.

Equality: EIA not required. Reasons: This decision is to extend a current service and therefore does not require a further EIA.

Social Value Considerations: Fairhaven provides social value through encouraging residents to facilitate activities and to engage with other residents. This helps to reduce social isolation and may carry additional benefits to, for example, mental and physical health.

Decision Type: Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

11/05/2018

Advice Sought:

Legal, Finance, Procurement

Legal Advice:

The proposals in this report raise no significant legal issues and are supported. The decision seeks to ensure continued service delivery for vulnerable citizens on the edge of care whose needs do not currently qualify for more intense or complex support arrangements provided under alternative contracts.

The proposed dispensation will allow for an extension to an existing contract with Fairhavens to ensure the services are supported whilst a commissioning review of the service in line with social care provision is undertaken.

The value of the extension and existing service requirements is considered to fall below the EU procurement threshold for Light Touch services and it is understood that procurement for a new supplier for such a short period of time could not be made for economic and technical reasons and would cause significant inconvenience and substantial duplication of costs.

This interim extension will allow for the commissioning review and timely commencement of any necessary procurement for service provision going forward.

The arrangement should be reflected with appropriate contract extension documentation and the client department should ensure that the performance of the contract for the duration is properly managed. Legal services will assist as required with any extension and contract discussions.

Advice provided by Dionne Claire Screamon (Solicitor) on 26/03/2018.

Finance Advice:

The decision to award a contract to Fairhavens for the provision of care services for those citizens on the edge of care does not in itself commit the council to spend over the life of the contract, approval to spend against this contract has been and will be through the council's scheme of delegation for adults care packages. The value represented in this decision reflects the current cohort of citizens receiving support and the actual level of spend will vary over the contract period reflecting the complexity and number of citizens requiring social care support and will be funded through the adult social care purchasing budget.

This decision will allow the continuity of service provision to vulnerable adults whilst the commissioning review and future procurement arrangements are put in place and support longer term value for money by aligning the services to the adult social care pathways.

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 (Senior Commercial Business Partner) on 27/03/2018.

Procurement Advice:

The proposed extension of the current Fairhaven contract will allow time for a commissioning review to be undertaken, procurement of services required to be commissioned and transition of citizens to new arrangements as needed. It will enable the continuity of services to the vulnerable client group during this process and any service transition. For these reasons, dispensation from Contract Procedure Rule 5.1.2 in accordance with Financial Regulation 3.29 is supported from a procurement perspective, provided value for money is secured during the extension period. The extension is considered justified as a change of contractor cannot be made for technical reasons and would cause significant inconvenience or substantial duplication of costs. Advice provided by Jo Pettifor (Procurement Team Manager) on 26/03/2018.

Signatures

Nick McDonald (PH for Adults and Health)
SIGNED and Dated: 03/05/2018
Helen Jones (Director for Adult Social Services (DASS))
SIGNED and Dated: 24/04/2018
Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 09/04/2018
Chief Finance Officer's Comments: