
**JOINT TENDER FOR A LEARNING DISABILITY/SUPPORTING PEOPLE SERVICE
– PROCUREMENT STRATEGY**

**Responsible Cabinet Member – Councillor Veronica Copeland, Adult Services Portfolio
Responsible Director – Cliff Brown, Director of Community Services**

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to recommend to Cabinet the procurement strategy for the joint tender for a Learning Disability/Supporting People Service, covering services provided by both Adult Social Care and Supporting People.

Summary

2. The current agreements for Specialist Domiciliary Care for Adults with Special Needs: Learning Disability, Physical Sensory Impairment and Mental Health Needs, and the current Supporting People contract are due to end on 1 April 2009 and tenders were planned to renew these services. As all the services are commissioned by Community Services a Joint Tender should be undertaken for the following reasons:
 - (a) A joint specification will be developed to ensure that a seamless service is delivered to those service users who have been assessed as needing both personal care and support from Supporting People.
 - (b) The service will provide care and housing related support to a range of vulnerable adults to enable them to live in their own homes and providers and a joint specification will be developed to ensure that a seamless service is being delivered particular where Supporting People and Adult Social Care are jointly commissioning the care.
 - (c) The jointly commissioned service will improve continuity of care regardless of who the commissioning body is particularly around joint packages of care.
 - (d) It will provide a sound platform for future service design and care reform in terms of Integration and Personalisation Agenda.
3. A report to Cabinet on 8 July 2008 recommended that the procurement of Learning Disabilities/Supporting People Service be considered as a strategic procurement. Council also agreed to waive Contract Procedure Rules and allow the current Agreements to be renewed until 31 September 2009 to enable a joint tender with Supporting People to take place. To comply with Contract Procedure Rules a further report detailing the Procurement Strategy must be brought to Cabinet.

4. Successful contractors will be appointment on a Framework Agreement from which an appropriate service provider will be appointed on a spot purchase basis.

Recommendation

5. It is recommended that:
 - (a) The contract for the Learning Disabilities/Supporting People Service proceeds to tender.
 - (b) Cabinet approves the procurement strategy for the jointly commissioned service.

Reasons

6. The recommendations are supported by the following reasons:
 - (a) This procurement will enable services to be commissioned on a partnership basis, which is supported by a number of government policies.
 - (b) Joint commissioning will streamline provision; provide clarity and continuity, economies of scale for the Council.
 - (c) Meet the requirements of the National Supporting People Strategy.
 - (d) Joint commissioning will focus on the delivery of key requirements of Valuing People Now and REACH standards.

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S17 Crime and Disorder	Providing Adult Social Care enables local vulnerable adults to remain safe and secure in their homes despite changing needs over time.
Health and Well Being	The provision of Adult Social Care optimises independent living for many local vulnerable people and reduces the incidence of hospital and care admissions. Social Care can act as a catalyst to facilitate early discharge or prevent admission to hospital.
Sustainability	The provision of Adult Social Care can contribute to continued and diverse sustainability of local communities by supporting vulnerable people in their neighbourhood.
Diversity	The provision of Adult Social Care is targeted at vulnerable local people with assessed need.
Wards Affected	All.
Groups Affected	Predominantly adults with a learning disability, physical disability, older people.
Budget and Policy Framework	This falls within the Council's budget and policy framework.
Key Decision	This is a key decision.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	Providing Adult Social Care will contribute to a number of key themes: Healthy, Aspiring, Safer and Prosperous Darlington.

MAIN REPORT

Information and Analysis

7. Cabinet agreed on 8 July 2008 that the procurement of Learning Disabilities/Supporting People Services would be undertaken as a strategic procurement and in line with the new Contract Procedure rules that a procurement strategy is brought to Cabinet for approval.

Specification and Purpose

8. The Supporting People Programme delivers housing related support to a range of vulnerable individuals within the borough of Darlington. Prior to the commissioning exercise 36% of the Supporting People grant expenditure is within Learning Disability Services.
9. Adult Social Services currently commissions domiciliary care packages for adults with Learning Disabilities through the Specialist Domiciliary Services for Adults with Special Needs Contract.
10. Both the Supporting People Contracts and the Specialist Domiciliary Services for Adults with Special Needs Contracts end on 30 September 2009. This gives the Council the opportunity to commission services on a partnership basis providing value for money and economies of scale. Joint commissioning meets the agenda for Valuing People Now and other Government legislation including the National Supporting People Strategy. Joint commissioning will focus on the delivery of key requirements of Valuing People Now and REACH standards.

Form of Contract

11. Careful consideration has been given to how Adult Social Care and Supporting People will contract in future having regard to the move towards personalisation and individual budgets.
12. It is therefore proposed that successful providers will be appointed onto a Framework Agreement in line with Procurement Regulations and Guidance from the Office of Government Commerce. A Framework Agreement will enable both Adult Social Care and Supporting People to contract with a large number of providers, while offering no obligation to purchase a service from any of the providers on the Framework. Tenderers will have to demonstrate within the tender process through their methodology statements that they offer both quality and value for money. The methodology statements will explain how the aims and objectives of the service will be met and form the basis of the contract monitoring process.
13. A summary of advantages and disadvantages of this form of contract are:
 - (a) Advantages:
 - (i) No guaranteed hours to any of the providers on the Framework, therefore low financial risk to the Council as there will be no block purchase of hours or guaranteed hours.
 - (ii) Provides a sound platform for future service design and care reform in terms of integration and personalisation Agenda.

- (iii) Quality of the service provision will be stimulated, as providers will need to demonstrate good quality care in order for services to be commissioned from them.
 - (iv) Stimulate provision of new domiciliary providers in the Borough which will provide more choice of providers for service users.
- (b) Disadvantages:
- (i) Providers have no guarantee of hours being commissioned with them.
 - (ii) Providers may not want to tender for a service where there is no guarantee of hours.
14. Joint arrangements will be made in respect of contract management and contract monitoring.

Procurement

15. The contract will commence on 1 October 2009 and will run for two years with the option to extend for a further two 12 month periods.
16. The contract will be for social care in the form of a support service and as such is a Part B service and is not subject to EU rules.
17. We have opted to follow an Open process that will have a one-stage evaluation. Tender will be evaluated on a price/quality ratio.
18. Tenders will be evaluated by Operations Manager - Learning Disabilities, Mental Health and Substance Misuse; Manager - Supporting People; Service Manager, Learning Disabilities; Team Manager - Contracts; Contracts Officers (Adult Social Services and Supporting People); Head of Strategic Procurement; Team Manager - Finance; a User representative and a Carer representative.
19. The intention is to set a ceiling rate whereby tenderers will be invited to submit a price at or under the ceiling price stated within the tender. Budgets are currently being set and discussion is ongoing in terms of setting an appropriate ceiling price.
20. Consideration will be given to the current contract rate, to allow providers to maintain current business, to have the opportunity to grow the level of business whilst also stimulating new providers to increase capacity and taking account of the current financial climate.
21. Should a current provider not be successful within the tender process TUPE (The Transfer of Undertakings (Protection of Employment) Regulations) may apply. Therefore a transition period of four months prior to the commencement of the new contract has been built in to the tender process to allow for staff transfers, reviews of service user care packages and transfers to new providers.

22. Seven weeks have been allowed for the evaluation period, tenderers scoring 60% or over will be appointed to the framework. The evaluation will cover a number of areas such as:
- (a) Health and Safety
 - (b) Equality and Diversity
 - (c) Aims and objectives of the service
 - (d) Quality Assurance
 - (e) Complaints
 - (f) Safeguarding
 - (g) Personalisation
 - (h) Service User Involvement
 - (i) Needs assessment and risk assessments
 - (j) Workforce
 - (k) Business Continuity Plan
23. Tenderers appointed to the Framework will be required to have an enhanced CRB check undertaken by the Council prior to the take up of the contract for the person signing the contract and the manager of the service. All staff employed within the service are required through the contract to have enhanced CRB checks.
24. A risk assessment has been completed and is attached as **Appendix A**.

Proposed Timetable

25. The proposed timetable for the remaining process in the procurement chain is as follows:

November/December 2008	Disability Equality Impact Assessment
Week beginning 26 January 2009	Tender Advert
27 February 2009	Return of Tenders
2 March 2009 - 17 April 2009	Evaluation Period (seven weeks)
28 April 2009	Report outcome of evaluation to Cabinet and recommend award of contracts
4 May 2009	Contract award letters to go out and CRB checks to be undertaken prior to signing of contracts

Outcome of Consultation

26. In respect of Learning Disabilities a strategic review relating to Supporting People has been undertaken and completed, the eligibility criteria have been formally consulted upon. Learning Disabilities Carers Group have been informed of the joint tender and a carer has volunteered to be on the evaluation panel.
27. A Disability Impact Assessment will be undertaken on the new contract and tender.