

Approval of Contract Award: Provision of Care at Home Services

Councillor Wayne Fitzgerald, Cabinet Member for Integrated Adult Social Care and Health

August 2018

Deadline date: N/A

Cabinet portfolio holder: Responsible Director:	Cllr Wayne Fitzgerald, Cabinet Member for Integrated Adult Social Care and Health Wendi Ogle-Welbourn, Corporate Director for People and Communities
Is this a Key Decision?	YES If yes has it been included on the Forward Plan: YES Unique Key decision Reference from Forward Plan: KEY/02MAY16/01
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	YES - Appendix 2 <i>Tenderers list including unsuccessful providers (Exempt)</i>

RECOMMENDATIONS

The Cabinet Member for Integrated Adult Social Care and Health is recommended to:

1. Approve the award of a contract to deliver Provision of Care at Home Services to the providers under a framework agreement listed in Appendix 1 for a period of three years with the option to extend up to a further seven years (Total Value £17m p.a. includes £3.8 p.a. spend for Peterborough and Cambridgeshire CCG).
2. Authorise the Corporate Director of People & Communities to extend the contract for upto 7 years at a cost agreed at the tender stage plus any variations during the term of the contract should the Council exercise the option to extend.

1. SUMMARY OF MAIN ISSUES

- 1.1 This report seeks the Cabinet Member for Integrated Adult Social Care and Health's approval to award a contract under a framework agreement to the providers listed under Appendix 1 from 20th July, 2018 to 19th July 2021. The Framework is divided into two lots i.e. Generic and Specialist and can extended by a further 7 year period in accordance with the terms of the contract.

- 1.2 The organisations will provide Care at Home Services in Peterborough that will support the Council in meeting its statutory social care duties for vulnerable adults.
- 1.3 This is a joint tendering exercise with Cambridgeshire and Peterborough Clinical Commissioning Group (CCG) as a named user of the framework.
- 1.4 Provisions are included for joint commissioning of these services with Cambridgeshire County Council enabling efficient commissioning on the borders of each local authority.

2. PURPOSE OF THIS REPORT

- 2.1 This report is for the Cabinet Member for Integrated Adult Social Care and Health to consider exercising their delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (b).
- 2.2 Appendix 2, in formation on unsuccessful providers, is NOT FOR PUBLICATION in accordance with paragraph(s) 3 of Schedule 12A of Part 1 of the Local Government Act 1972 in that it contains commercially sensitive information relating to the business affairs of the Council and other organisations The public interest test has been applied to the information contained within the exempt annex and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it as to do so.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
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4. CONSULTATION

- 4.1 Market engagement and consultation was undertaken with the existing providers and potential providers prior to starting the procurement exercise.
- 4.2 Consultation has been undertaken with:
 - Home Care Service users
 - Service Providers
 - Health and social care professionals
 - Council officers

4.3 Stakeholders were kept informed of the progress made throughout the procurement process.

5. ANTICIPATED OUTCOMES

- 5.1 Peterborough City Council (PCC) is committed to achieving positive and personalised outcomes for adults, children, young people and families, including parents and carers (hereafter referred to as 'people'). These outcomes are in line with the Association of Directors of Adult Social Services (ADASS) outcomes and directions in the Care Act 2014.
- 5.2 PCC and CCG are commissioning the Community Based Care & Support services (Generic and Specialist Care) to support people aged 18 and over, living in Peterborough who meet the eligibility threshold for care and support as set out in the Care and Support (Eligibility Criteria) Regulations 2014 relevant to the Care Act 2014 and any subsequent amendments.
- 5.3 Under this framework agreement the Service Providers are required to be registered with the Care Quality Commission (CQC) and to maintain that registration throughout the Contract Period. All Service Providers must meet the 'Fundamental Standards' as set out in Part 3 of

the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014¹ (as amended) (the “Fundamental Standards”), Part 4 of the Care Quality Commission (Registration) Regulations 2009² (as amended) and compliance to NHS Procurement, Patient Choice and Competition (No 2) Regulations 2013 (PPCCR2013)³. Each Service Provider will be inspected as required by the CQC .

5.4 The Council and the CCG have sought to achieve the following aims:

- a) Improve capacity and quality within the service provision in Peterborough
- b) Moving away from the traditional time and task oriented care to securing a homecare market that delivers personalised outcomes.
- c) Provide flexible and innovative community-based care and support that meets personal outcomes, promotes independence and seeks to prevent, reduce or delay the escalation of need or paid support.
- d) Build effective and supportive relationships with our local health and social care providers to better meet the needs of our local community and service users. This is to ensure that disabled and frail older people are supported to live independently in their own homes whilst maintaining their well-being.
- e) Resolute to adopt best practice which is identified by the National Institute for Health Care Excellence (NICE)⁴ in September 2015. The document identifies best practice for older people living in their home who require care and practical support and sets out guidelines for the planning and delivery of person centred care promoting independence and to ensure safe and consistent high quality Care At Home services. It is expected that during the life of the contract that a charter will be developed with the successful providers to extend the current expectations of best practice.

6. REASONS FOR RECOMMENDATIONS & ANY RELEVANT BACKGROUND INFORMATION

- 6.1 The proposed approach will support the Council in meeting its statutory duty to meet assessed social care need.
- 6.2 The tender was carried out in compliance with the Public Contract Regulations 2015 and in line with PCC Contract Rules; further details are set out below.

Background

- 6.3 The provision of Care at Home Services is currently delivered through a framework agreement and spot purchasing arrangements at an annual value of approximately £14 million meeting the needs of around 1000 service users (at any one time).
- 6.4 CCG spend around £3m p.a. and meet the needs of approximately 60 service users.
- 6.5 The current framework agreement is expiring on 19th July, 2018.

¹ The health and social care act 2008 (regulated activities) regulations 20142014, c. Available at: <http://www.legislation.gov.uk/ukdsi/2014/9780111117613/contents>(Accessed: 25 February 2017).

² 2017, C.Q.C. (2017). Available at: <http://www.cqc.org.uk/content/offences-care-quality-commission-registration-regulations-2009> (Accessed: 25 February 2017).

³ Substantive guidance on PPCCR2013
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/283505/SubstantiveGuidanceDec2013_0.pdf

⁴ Home care: delivering personal care and practical support to older people living in their own homes
<https://www.nice.org.uk/guidance/ng21> 2015

Tender process

- 6.6 This tender/procurement process complied with the requirements as stated in PCC's contract procedure rules. An open tendering process was followed under the Light Touch Regime in line with the Public Contract Regulations 2015 and in line with PCC Contract Rules.
- 6.7 The Invitation to Tender was published and 32 bids were received for Lot 1 (Generic) and 27 bids for Lot 2 (Specialist). 7 bids were found to be non compliant for Lot 1 and 3 for Lot 2. 2 bidders for Lot 1 withdrew during the tender process. The evaluation process included the Selection Questionnaire (SSQ), method statement questions, and price evaluations.
- 6.8 The award criteria was split between 60/40 in favour of quality. The weighting was as follows:
- Method statement questions (quality): 60%
 - Price : 40%

Tender evaluation

- 6.10 The Tender assessment was conducted by a panel of Council/CCG Officers.
- 6.11 Tenderers were required to prepare a number of method statements addressing between them all aspects of the required service. The method statements explored the approach and methodology proposed by each tenderer concerning (amongst other things) how the new service would be implemented and delivered. Each method statement was scored using a 0 to 10 points scale.
- 6.12 Each method statement was given a weighting; those areas more critical to the success of the Care at Home Service therefore carried a higher weighting. The specific weighting of each method statement was made clear to bidders.
- 6.13 The tender evaluation panel undertook the evaluations of the method statements independently, followed by a moderation process.
- 6.14 The tender submissions were also evaluated on price.
- 6.15 Summary of bid scores at Appendix 1.
- 6.16 For Lot 1, the tender documents stated that the top 15 organisations with total overall marks will be awarded a place on the framework agreement. The ITT also stated that no bidder would be admitted to the framework with a CQC rating below the stated level. However, one of the bidders that has scored highly is registered with CQC but has yet to be inspected by CQC and awarded a rating. The Council wished to increase the number of bidders admitted to the framework under Lot 1 from that set out in the ITT by one to enable the bidder without a CQC rating to be admitted but not awarded work until and unless a satisfactory CQC grading is awarded.
- 6.17 For Lot 2, the tender documents did not indicate either a limit on the number of suppliers to be admitted to the framework nor a quality threshold. The Council has received a large number of bids including a sufficient number of good quality bids to provide the service and a number of very poor quality bids. The Council wishes to limit the number of suppliers to those who made good quality bids.
- 6.18 Following evaluation of the bids it is recommended that the providers listed under Appendix 1 for both Lot 1 and Lot 2 should be awarded a place on the framework agreement. Please refer to 'Appendix 2 Exempt information' for further information about the unsuccessful providers.

- 6.19 The new framework is anticipated to commence on the 06 August, 2018 for a period of three years with an option to extend up to seven further years subject to satisfactory performance, delivery of outcomes, funding availability, price and the continuing need for the service.

7. IMPLICATIONS

7.1 Financial

- 7.1.1 The total cost of providing the services if all extensions are exercised is estimated to be £140m for PCC and £30m for CCG. The tender process ensures that value for money is achieved.

7.2 Legal

- 7.2.1 The contract will support the Council to comply with its statutory duties under the the Care Act 2014.

7.3 Human resources

- 7.3.1 TUPE (Transfer of Undertakings (Protection of Employees) Regulations) implications are managed through the tender process as TUPE information was provided to all support organisations, to ensure compliance with the relevant regulations.

7.4 Procurement

- 7.4.1 The procurement exercise undertaken complies with value for money requirements and with relevant procurement rules.

8. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

- 8.1 None.

9. BACKGROUND DOCUMENTS

- 9.1 None.

10. APPENDICES

- 10.1 Appendix 1 - Recommended Providers
Appendix 2 - *Tenderers list including unsuccessful providers (Exempt)*