

DYNAMIC PURCHASING SYSTEM FOR LARGE SCALE ADAPTATIONS AND REPAIRS ASSISTANCE TO DOMESTIC PROPERTIES
COUNCILLOR JOHN HOWARD - CABINET MEMBER FOR ADULT SOCIAL CARE, HEALTH & PUBLIC HEALTH IN CONSULTATION WITH COUNCILLOR MARCO CERESTE - CABINET MEMBER FOR CLIMATE CHANGE, PLANNING, HOUSING & TRANSPORT
<b>Deadline date: 30 April 2023</b>

Cabinet portfolio holder: Responsible Director:	Councillor John Howard - Cabinet Member for Adult Social Care, Health & Public Health Debbie McQuade - Interim Director of Adult Services
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/05DEC22/03
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	NO

### RECOMMENDATIONS

The Cabinet Member is recommended to:

- (1) Authorise the award of places on the new Dynamic Purchasing System (DPS) for Large Scale Disabled Facility Adaptations and Repairs Assistance to the successful contractors listed below who have responded to the initial Invitation to Participate (DPS Stage 1). The DPS will run from the 1 May 2023 to 31 December 2026, with an option to extend for a further four 12-month periods:

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Care & Repair Limited
Foster Building Services Ltd
Foster Property Maintenance Limited
Hankinson Limited
Lindum Group Ltd
Maplethorpe and Mooney Ltd
Martin Greaves - Building Contractor
Morley Building Services Ltd
Spotless Cleaning Services Peterborough
Warics Ltd
Westone Housing Limited

The value of the DPS period between 1 May 2023 and 31 December 2026 is £2,388,408.00 and a value of £651,384 per 12-month extension period. The total value of the DPS is £4,993,944.00.

- (2) Delegate authority to the interim Director of Adult Services to admit additional contractors onto the DPS list who are successful in the request to participate (DPS Stage 1), due to the DPS permitting contractors to join at any time during the period of validity of the DPS, subject to them meeting the Council's selection criteria.
- (3) Delegate authority to the interim Director of Adult Services to award contracts under DPS Stage 2 to successful DPS contractors following mini competitions

## 1. SUMMARY OF MAIN ISSUES

- 1.1 This report seeks the Cabinet Member for Adult Social Care, Health & Public Health to authorise the award of placements on the Council's new Dynamic Purchasing system (DPS) for Large Scale Disabled Facility Adaptations & Repairs Assistance to the successful contractors listed in recommendation 1. This DPS will be for a period of 3 years and 8 months from 1 May 2023 to 31 December 2026 with an option to extend for up to a further four years. This will bring this DPS in line with the Care & Repair Framework Agreement (Ref DEC22/CMDN/62) for other Disabled Facilities Grant funded works. The figures are based on the anticipated remaining budget from 1 May 2023 to 31 March 2024 and predicted budgets for the remaining duration of the DPS.
- 1.2 Authorisation is also sought for the interim Director of Adult Services to admit additional contractors onto the DPS list who are successful in the request to participate (DPS Stage 1); and to authorise the Service Director of Adult Services to authorise award of contracts under the DPS to successful DPS contractors following mini competitions (DPS Stage 2).

## 2. PURPOSE OF THIS REPORT

- 2.1 This report is for the Cabinet Member for Adult Social Care, Health & Public Health to consider exercising delegated authority under paragraphs 3.4.3 and 3.4.6 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (a).

## 3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>N/A</b>
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## 4. DETAILS OF DECISION REQUIRED

- 4.1 In 2018 the Council's Care & Repair Home Improvement Agency procured a Framework consisting of five Lots: Lot 1 Minor Aids & Adaptations & Level Access Showers, Lot 2 Boiler & Central Heating Installations, Lot 3 Major Adaptations and Repairs Assistance, Lot 4 Lifts and Lot 5 Specialist De-cluttering and Deep Cleaning Services, in 2018. The Framework commenced on 1 January 2019.
- 4.2 Contractual arrangements within the Care & Repair Home Improvement Agency were reviewed in 2022 due to rapidly changing market and economic conditions following the pandemic and Brexit. Contractors were communicating that spiralling material and labour costs were adversely affecting the viability for them to continue to deliver large scale DFG funded adaptations and Repair Assistance funded works. This resulted in a decreased

number of contractors actively participating in Lot 3 (Major Adaptations and Repairs Assistance), of the Framework.

- 4.3 To address the challenges identified within the review, a decision was made to procure new solutions, which includes:
- 4.3.1 A Dynamic Purchasing System for all Large-Scale Disabled Facility Adaptations and Repairs Assistance being procured (to replace Lot 3 under the 2018 procured framework), with an anticipated commencement date of 1 May 2023 and to align with the dates of the Care and Repair Framework.
  - 4.3.2 A Framework specialising in De-cluttering and Deep Cleaning Services to commence on 1 May 2023 and to align with the dates of the Care and Repair Framework.
  - 4.3.3 A Care and Repair Framework for works and services, including Minor Aids & Adaptations & Level Access Showers, Boiler & Central Heating Installations, Lifts. This framework commenced on 1 January 2023 for a period until 31 December 2025 and an option to extend for two further one-year extension periods. Contractors under the newly procured solution will be directly awarded orders for adaptations under Disabled Facility Grant funding.
- 4.4 The purpose of this Cabinet Member Decision Notice is to authorise award of placement onto the DPS for all large scale and complex adaptations and repairs assistance to vulnerable and low-income householders, to those contractors who have submitted a successful Invitation to Participate.
- 4.5 The purpose of adaptations work is to assist and support elderly, vulnerable and disabled local residents (adults and children) to live independently and allow clients and their carers to have access in, out and around the property. The Council has a statutory duty to meet the needs of a disabled person, once that need has been identified, under The Housing Grants Construction & Regeneration Act 1996 c.53
- 4.6 The Housing Act 2004 imposes a duty on local authorities to deal with Category 1 hazards. Properties are assessed using The Housing Health & Safety Rating System (HHSRS) (Housing Act 2004). For elderly, vulnerable and low income homeowners with existing health conditions that can be exacerbated by living in a cold, damp home, Repairs Assistance can be a route to address defects within the property and reduce the risks to the occupier and their families.

## The Procurement Process

- 4.7 This procurement has been conducted in accordance with the Restrictive Procedure as stated in Regulation 28 of the Public Contract Regulations 2015 (PCR 2015) and subject to the provisions of Regulation 34 - Dynamic Purchasing Systems.
- 4.8 Potential contractors were invited to submit a request to participate for a place on the DPS to deliver works in relation to the construction of large-scale adaptations to domestic properties to provide disabled living facilities and the provision of repairs assistance to low income and vulnerable, owner occupiers of domestic properties.
- 4.9 The DPS operates a two stage process –
- 4.9.1 **First stage to be accepted onto the DPS.** Potential contractors are invited to apply to be included on the DPS. All potential contractors are required to complete a request to participate, which includes submission of an online selection questionnaire. All potential contractors that meet the selection criteria and are not excluded will be admitted to the DPS. Potential contractors are permitted to join at

any time during the period of validity of the DPS.

4.9.2 **Second stage is Mini-Competitions.** Following acceptance on to the DPS, the Council will invite all DPS contractors on the list to bid for a specific order(s) for Care & Repair large scale works, as required, by issuing an invitation to tender ((this is often referred to as the 'mini-competition' stage). All DPS contractors will be invited to bid in each mini-competition and tenders will be evaluated against award criteria. A call-off contract will be awarded to the DPS contractor of the successful tender.

4.10 Potential contractors requesting to participate in the DPS Stage 1 were required to meet the minimum requirements in relation to:

- Financial Standing
- UK General Data Protection Regulation (UK GDPR)
- Modern Slavery
- Insurances
- Safeguarding

4.11 All Bidder's that met the selection criteria within the selection questionnaire proceeded to be awarded a place on the DPS.

4.12 Once the initial list of DPS contractors has been established and the DPS' period of validity commences on 1 May 2023, new potential contractors are entitled to submit a request to participate at any time during the period of validity of the DPS and there shall be no time limit for receipt of a request to participate.

4.13 A total of twelve contractors to date have requested to participate and have been awarded a place on the DPS.

## 5. CORPORATE PRIORITIES

5.1 The recommendations links to the Council's Corporate Priorities as follows:

5.2 The Economy & Inclusive Growth

- Carbon Impact Assessment - This decision is anticipated to have a neutral impact because the award of agreement continues existing arrangements and therefore emissions will not change.

5.3 Our Places & Communities

- Health and Wellbeing – this decision will allow for the provision of grant funded works by the Framework contractors which will enable residents to live independently as far as possible in an accessible, safe and warm home environment that meets their needs.

5.4 Prevention, Independence & Resilience

- Adults & Children – this decision will allow adaptations to be delivered to elderly and disabled adults and children to live within their own home. The adaptations could potentially lead to a reduced care package or the elimination of a care package altogether in certain circumstances.

## 6. CONSULTATION

6.1 Consultation has taken place with existing and potential suppliers through soft market testing and supplier engagement events. The Directorate, Finance, Legal and Procurement have been fully engaged and provided support throughout every stage of the procurement process.

## **7. ANTICIPATED OUTCOMES**

- 7.1 An operating DPS within the Council's Care and Repair Team for the construction of large-scale adaptations to domestic properties to provide disabled living facilities and the provision of repairs assistance to low income and vulnerable, owner occupiers of domestic properties.
- 7.2 It is anticipated that the new DPS will increase the number of contractors available to undertake large-scale adaptations to domestic properties to provide disabled living facilities and the provision of repairs assistance to low income and vulnerable, owner occupiers of domestic properties, which will speed up delivery of works by adopting a practical, efficient mini competition process for each individual work's requirement advertised, in order to obtain the most economically advantageous tender.
- 7.3 Most importantly, this new mechanism will provide Care & Repair the flexibility to admit new contractors onto the DPS list, who are successful in their request to participate. Potential contractors are entitled to submit a request to participate at any time during the period of validity of the DPS and there shall be no time limit for receipt of a request to participate in the DPS at Stage 1. This will mitigate against replicating the situation of contractor shortage for the major adaptations that is currently being experienced within Care and Repair.

## **8. REASONS FOR RECOMMENDATIONS & ANY RELEVANT BACKGROUND INFORMATION**

- 8.1 The provision of mandatory Disabled Facility Grants is a statutory duty on the Local Authority. Failure to provide disabled facility grant funded adaptations or failure to complete them in a timely manner, can result in accidents, falls and injuries and, in the most serious cases, fatalities. Delays result in individuals needing more home care, postpone hospital discharge and increase the number of untimely moves into full time care. Delay can lead to disabled adults and children experiencing increased pain, increased anxiety and a deterioration in physical/mental health. The Council could be considered culpable for a delay or failure in delivery which could result in complaints, challenges, Ombudsman involvement and legal proceedings. Disabled adaptations are a very important preventative measure which results in huge saving for health and social care services.
- 8.2 The award of Repairs Assistance can eliminate or mitigate hazards for vulnerable people who are unable to address the hazard themselves, due to age, disability, vulnerability and low income. Failure to provide repairs assistance heating grants, or completing them in a timely manner, can result in the exacerbation of existing respiratory and cardiac health conditions, accidents, falls, injuries and in the most serious cases fatalities. Delays result in individuals needing alternative help and postponement of hospital discharges. Delays can lead to adults and children experiencing increased anxiety, performing poorly at work or in education and deteriorations in physical /mental health. The Council could be considered culpable for a delay or failure in delivery which could result in complaints, challenges, Ombudsman involvement and legal proceedings. The repairs assistance grants are a very important part of prevention work which results in saving for health and social care services.
- 8.3 The DPS is a procedure available for contracts for works commonly available on the market. As a procurement tool, new suppliers can join at any time. The DPS shall be run as a completely electronic process and is set up using the restricted procedure and conditions as set out in Regulation 34 of the Public Contracts Regulations 2015.

## **9. ALTERNATIVE OPTIONS CONSIDERED**

- 9.1 Extend the current framework (Lot 3) for large scale adaptations for another year, however, due to the shortage of contractors listed within Lot 3, and the inability to add additional contractors a place on that Lot due to it being a framework, it was decided to procure a DPS in order to provide Care and Repair with the greatest flexibility.
- 9.2 To do nothing. This is not appropriate as the Council has a statutory duty in relation to the delivery of mandatory Disabled Facilities Grants and address Category 1 hazards in properties.
- 9.3 Tender the works and services to one contractor. This would reduce the capacity for works and remove the flexibility that a DPS offers the Council.

## **10. IMPLICATIONS**

### **Financial**

- 10.1 Mandatory Disabled Facility Grants and Repairs Assistance are funded through the Disabled Facilities Allocation element of the Better Care Fund. The 2023/2024 budget has been set at £651,384 for this element of work. Budgets have been assumed at similar levels for the full contract period including extensions.

### **Legal**

- 10.2 The Dynamic Purchasing System for Large Scale Disabled Facility Adaptations and Repairs Assistance was procured under Regulation 28 and 34 of the Public Contracts Regulations 2015) and permits the Council to call-off works and/or services which are within the scope of the system procured.

The Council has a statutory duty to meet the needs of a disabled person, once that need has been identified, under The Housing Grants Construction & Regeneration Act 1996.

The Housing Act 2004 imposes a duty on local authorities to deal with Category 1 hazards. Properties are assessed using The Housing Health & Safety Rating System (HHSRS) (Housing Act 2004). For elderly, vulnerable and low-income homeowners with existing health conditions that can be exacerbated by living in a cold, damp home, repairs assistance can be a route to address defects within the property and reduce the risks to the occupier and their families.

### **Equalities**

- 10.3 There are no equalities implications arising from this decision.

## **11. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED**

- 11.1 None.

## **12. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

[Housing Renewals Policy 2021 - 2024](#)