1 PURPOSE OF DECISION

1.1 The purpose of this report is to seek approval to award new contracts for community based learning disability services. This follows a robust evaluation of tenders submitted from short-listed candidates, and a voluntary advertisement in the Official Journal of the European Union (OJEU).

2 RECOMMENDATIONS

2.1 That a learning disability community support services framework agreement commencing on 1 July 2009 is awarded to Tenderer B.

2.2 That a learning disability community support services framework agreement commencing on 1 July 2009 is awarded to Tenderer D.

2.3 That a learning disability community support services framework agreement commencing on 1 July 2009 is awarded to Tenderer F.

2.4 That a learning disability community support services framework agreement commencing on 1 July 2009 is awarded to Tenderer G.

3 REASONS FOR RECOMMENDATIONS

3.1 To enable a choice of support arrangements to be available to individuals whether support is arranged by the Council or by individuals purchasing their own support through individual budgets or direct payments.

4 ALTERNATIVE OPTIONS CONSIDERED

4.1 Continue with current spot purchase arrangements.

5 SUPPORTING INFORMATION

5.1 Since 2006 the Council has been moving away from a model of residential care to one of accommodation and individual packages of support. These arrangements have been made by spot purchasing from external specialist provider organisations. The majority of this support has been spot purchased through two main providers. These are large organisations and are expensive and have not proven amenable to changing their cost structures. It is anticipated that the volume of business will continue to increase under the Transforming Social Care agenda.

5.2 There are currently around 300 people with learning disabilities who live in residential care, or live at home with family or who live in their own homes. It is anticipated that
over the term of the contracts, a number of these people will wish to move from residential care into the community, or may wish to change provider, or will require additional support in the future. It is anticipated that this could result in excess of 80 packages of support with varying levels of support requirements, from 24 hours to a few hours per week, for a range of different purposes.

5.3 Whilst support services are classed as a Part B service under EU Procurement Regulations, and therefore the regulations do not apply, a decision was taken to place a voluntary advertisement in OJEU due to the potential value of the framework agreement (over £1.5 million).

5.4 Following EU advertisement, all firms who expressed an interest were forwarded a Pre-Qualification (PQQ) for return by 19th December 2008. A total of 25 PQQ forms were returned. Following evaluation, seven firms were short-listed to tender.

5.5 Letters were sent on 16th January 2009 to all firms who had submitted a PQQ advising them if they had been short-listed to tender or had failed to be short-listed on this occasion. Tender documentation for completion was despatched on 21st January 2009 with a due date of 2nd March 2009.

5.6 The following checks were undertaken in order to ascertain, as far as reasonably possible, the suitability and viability of the seven Tenderers:-- relevant references were obtained, credit checks undertaken, and registration and star ratings with the Commission for Social Care Inspection (Quality Care Commission from 1.4.09) were checked.

5.7 All seven tenders were returned by the due date. Tenders were assessed by the Tender Evaluation Team, details of which are set out in the Confidential Annexe to this report. Evaluation criteria had been agreed by the Team prior to the tender invitations, with a price:quality weighting of 40:60. Also agreed were a number of qualitative criteria including monitoring and management of the service, safeguarding, individual budgets and self directed support, personalisation/PCP, people with higher support needs and the presentation.

5.8 All seven organisations were invited to attend to give a presentation on the intended mobilisation and management of the contract itself and to answer questions from the Evaluation Team on their proposals. Presentations took place on the 26th, 27th and 30th March 2009. Following all presentations, the Tender Evaluation Team finalised the tender evaluation.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The Borough Solicitor has not been involved in the procurement, but it appears from the comments above that the Public Contracts Regulations and the Council’s own requirements have been complied with.

Borough Treasurer

6.2 An analysis of the costs of the 24 most expensive individual support packages under existing contracts against new rates, indicates savings of nearly 10%, around £140k per annum. However, it is unclear how many and when individuals will transfer to the
new contracts. More work will be undertaken as part of the 2010/11 budget build to establish the likely financial affect.

**Equalities Impact Assessment**

6.3 An Equalities Impact Assessment has been completed. It is not considered that this decision is likely to affect or impact other groups within the council or the wider community. The contract terms and conditions set out requirements for equal opportunities, human rights, professional conduct, health and safety and confidentiality.

**Strategic Risk Management Issues**

6.4 The council has a duty to provide support services to individuals who meet the council’s eligibility criteria for services. The council therefore needs to ensure that there are adequate and suitable resources available to meet its obligations.

7 **CONSULTATION**

**Principal Groups Consulted**

7.1 The Tender Evaluation Team was drawn from the Learning Disability Team, Adult Social Care Contracts Team and Corporate Procurement to ensure that there was satisfactory representation to perform an affective assessment.

**Method of Consultation**

7.3 The draft specification was circulated widely for comment to all members of the Tender Evaluation Team and the Head of Adults & Commissioning

7.4 All members of the Tender Evaluation Team received copies and reviewed all PQQs to feed into their individual assessment and the overall assessment. The Team met to discuss and agree evaluation and agree scoring of the PQQs and tenders.

**Representations Received**

7.5 None.

**Background Papers**

- Learning Disability Community Support Service Specification and Terms and Conditions
- Submitted tenders
- Tender Evaluation Spreadsheet
- Submitted Pre Qualification documents
- Pre Qualification Evaluation Spreadsheet

**Contacts for further information**

Nick Ireland, Head of Learning Disability (01344 351652)
nick.ireland@bracknell-forest.gov.uk

Alison Cronin, Contract Manager (01344 351601)
Alison.cronin@bracknell-forest.gov.uk
# Equality Impact Assessment Record

**Date of EIA**
1st April 2009

**Directorate**
Social Care & Learning

## Initial Screening Record

<table>
<thead>
<tr>
<th>Activity to be assessed</th>
<th>LD Community Support Framework Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the activity?</td>
<td>Service</td>
</tr>
<tr>
<td>Is it a new or existing activity?</td>
<td>New</td>
</tr>
</tbody>
</table>

**Aim / objective / purpose of the activity – who is the activity designed to benefit/target?**

The purpose of the activity is to:
- Provide a range of providers and services to support individuals with a learning disability who either currently live in the community, or would like to move from residential homes into the community
- The activity is designed for:
  - The council and individuals. Services will either be purchased by the council on behalf of individuals or direct by individuals

**Who is responsible for the activity?**

The person/section/team responsible for this policy/function is:
- Learning Disability Team
- Strategic Risk Management Group
- Contracts Section

**Did Step 1: Initial Screening indicate that a full EIA was necessary?**
- Yes – full EIA completed and recorded below.

## Full EIA Record

**Who are the members of the EIA team?**
- Alison Cronin, Contracts Manager

**What evidence has been found to indicate that the activity might need to be amended?**
- Commissioning strategy, which included consultation with people with a learning disability their family and carers

**With regard to the equalities themes, which groups might be impacted by the activity? Might any of these groups be impacted adversely?**

<table>
<thead>
<tr>
<th>Groups Impacted</th>
<th>Groups impacted adversely</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race and ethnicity</td>
<td>Race and ethnicity</td>
</tr>
<tr>
<td>Disability</td>
<td>Disability</td>
</tr>
<tr>
<td>Gender</td>
<td>Gender</td>
</tr>
<tr>
<td>ALL GROUPS</td>
<td>NONE</td>
</tr>
<tr>
<td>Age</td>
<td>Age</td>
</tr>
<tr>
<td>What evidence is there to suggest an impact/adverse impact?</td>
<td>None</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>On what grounds can impact or adverse impact be justified?</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Is there any current action that addresses issues for any of the groups impacted/adversely impacted?</td>
<td>• BME Engagement Plan raising awareness of support individuals can access</td>
</tr>
<tr>
<td>What changes will you make to the activity reduce or remove any differential/adverse impact?</td>
<td>• Provide support to individuals through care management or advocacy services</td>
</tr>
</tbody>
</table>
| Into which action plan/s will these actions be incorporated? | • Learning Disability Business Plan  
• Commissioning Team Business Plan | |

| Who is responsible for the action plan? | Nick Ireland  
Head of Learning Disability | |
|------------------------------------------------|-----------------| |
| Have any examples of good practise been identified as part of the EIA? | • Review of current provision of services  
• The In Control Pilot within Learning Disabilities  
• Work of BPSSU in working with learning disability providers on costs | |
| Has the EIA been published on the Council website? | No | 6 |
| Who is the relevant Chief Officer and have they signed off the EIA? | Glyn Jones  
Chief Officer: Adult Social Care | |
| Signature: | [Signature] | |
| Which PMR will this EIA be reported in? | Note the service department and relevant quarter/date of PMR | |