

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 June 2019

REPORT OF THE HEAD OF PERFORMANCE AND PARTNERSHIP SERVICES

COMMISSIONING AND AWARD OF CONTRACTS IN RESPECT OF THE FAMILIES FIRST PROGRAMME

1. Purpose of Report .

1.1 The purpose of the report is to:

- a) Seek approval to continue service delivery based around contract arrangements currently in place for the delivery of Welsh Government funded contract arrangements for Families First for the period to end March 2020.
- b) On the basis that such approval is granted:
 - o suspend that part of the Council's Contract Procedure Rules (CPR's) in respect of the proposed Contracts listed in Appendix 1 of this report in relation to the requirements as to retendering these Contracts
 - o authorise the Head of Performance and Partnership Services to enter into short term (9 month) contracts with the current providers. Details of these programmes are detailed in Appendix 1

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 The continuation of the contracts named above support the achievement of the following corporate priorities:

- Supporting a successful economy – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
- Smarter use of Resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.
- Helping people to be more self-reliant – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.

3. Background.

- 3.1 The Families First Contracts listed in Appendix 1 (the Contracts) were awarded to the existing service providers following a competitive procurement exercise in accordance with the requirements of the Council's Contract Procedure Rules (CPR's) and public procurement regulations. The initial contracts commenced on 1st April 2014 with a term of two years and an option to extend for a further year, with the Contracts expiring on 31st March 2017.
- 3.2 On 31st January 2017 Cabinet was informed of Welsh Government's intention to make substantial changes to the Families First programme. On concluding its consultation exercise, revised guidance was to be published by Welsh Government late that year which would not be available to inform the re-tendering exercise required following the expiry of the Contracts on 31st March 2017. As such Cabinet was asked to approve the suspension of the Council's CPR's requiring a competitive procurement exercise in accordance with public procurement regulations and extend the Contracts for a year to 31st March 2018 to allow implementation of the new guidance, whilst also allowing continuation of service provision to service users.
- 3.2 On the 22nd January 2018 Welsh Government issued an indicative grant offer letter for 2018/19 and nominated Bridgend as a Flexible Funding Pathfinder Area. The discussions with Welsh Government with regard to the implementation of funding flexibility arrangements prohibited a competitive procurement exercise in accordance with public procurement regulations from being undertaken. On 28th March 2018 Cabinet approved the suspension of the Council's CPR's requiring a competitive procurement exercise in accordance with public procurement regulations and authorised the continuation of service delivery for the 2018/19 financial year, extending the Contracts for the twelve month period to 31st March 2019 while Welsh Government undertook a pilot year to trial a new flexible funding arrangement.
- 3.3 With the introduction of flexible funding arrangements in April 2018 Welsh Government issued supplementary guidance to pilot Local Authorities (LA's) to support implementation of flexible funding from 1st April 2018. The flexible funding arrangements provide an opportunity for LA's to identify gaps and overlap in service provision, with the ability to achieve service re-design and 100% funding flexibility across ten anti-poverty programmes.
- 3.4 In March 2019 the pilot flexible funding arrangement ended and Welsh Government announced its intention to roll out the flexible funding arrangements to all 22 LA's and divide the single grant into a two themed approach, Housing Support Grant and Children and Communities Grant. A single outcomes framework to underpin the delivery and performance of the two grants is in development with the expectation of full implementation by April 2020.
- 3.5 On 19th March 2019 Cabinet was informed that the transition in funding arrangements created a barrier to carrying out the required competitive procurement exercise. Cabinet approved the suspension of the Council's CPR's requiring a competitive procurement exercise in accordance with the Public Contract Regulations 2015 and authorised extending the Contracts for the three month period to 30th June 2019 to allow time to consider the new guidance and single outcomes framework put in place by Welsh Government.

4. Current situation / proposal.

- 4.1 The existing extended contracts in relation to the Families First programme will end on 30th June 2019. The Council is required under the CPR's and Public Contract Regulations 2015 to re-tender for replacement service providers via a competitive procurement exercise.
- 4.2 The grant offer letter from Welsh Government was received on the 29th March 2019. This included new terms and conditions, guidance and the proposed single outcomes framework. The late receipt of grant offer meant the initial requested timeframe to re-procure the services did not allow sufficient time to revise the service specifications in line with grant offer, allow for mobilisation of service and to gather the TUPE information required to re-tender the service. Appendix 2 reflects an adequate timeframe and suitable approach to re-tender of service encompassing the new requirement.
- 4.3 For the reasons above mentioned, it is proposed that new short term contracts be awarded to the existing providers to allow sufficient time to undertake the required commissioning exercise in line with the new Welsh Government single outcomes framework and funding guidance.
- 4.4 Cessation of the Contracts in June would pose a risk to the on-going delivery of essential services to individuals and families. To ensure service continuity and ensure that staffing disruptions likely to arise from the ending of Contracts is minimised, it is proposed that Cabinet suspends the relevant parts of the Council's CPRs requiring a competitive procurement exercise in accordance with the requirements of the Public Contract Regulations 2015 and agrees to the awarding of contracts based on current contractual arrangements until 31st March 2020.
- 4.5 Cabinet needs to be aware that, in awarding these short-term contracts to the current providers listed in the Appendix 1, the Council is exposed to the risk of potential challenge from other providers of such services. The Council's CPR's ensures that procurement exercised are lawful and carried out in compliance with the Public Contract Regulations 2015 to satisfy EU Treaty principles of transparency, non-discrimination and equal treatment. The report proposes entering into contracts with the existing service providers without any competition. This proposal breaches the requirements of the Public Contract Regulations 2015 and requires Cabinet's approval to set aside the Council's CPR's.
- 4.6 The risk of challenge is not possible to quantify, however, given the current difficulties in the commissioning of the services and the fact that these contracts relate to vulnerable people and families in need of support services, the Council may take the view that the potential for challenge is one it is prepared to accept. That being said Cabinet should be aware that this course of action does not comply with the requirements of the Public Contract Regulations 2015.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 This report is requesting a suspension of the Council's CPRs.

6. Equality Impact Assessment

- 6.1 Families First is an anti-poverty programme directed toward supporting people in need. The impact of the cessation of services provided by its contract arrangements will have a detrimental impact on people living in poverty and many of the protected characteristics.

7. Well-being of Future Generations (Wales) Act 2015 Assessment

- 7.1 The implications of the five ways of working in relation to the Well-being of Future Generations (Wales) Act 2015 are summarised below:

- Long term – services will be responsive to need in the short term, identifying issues early in order to avoid escalation. A multi agency approach will be adopted, working collectively to meet the needs of individuals and families, promoting engagement and resilience avoiding the need for more intensive intervention in the future. The performance of services will be monitored closely to inform future long term planning.
- Prevention – Families First, along with other Children and Communities programmes are early intervention, prevention services. The objective is to identify, assess and take action by developing a package of support to address individual or family issues at the earliest opportunity, avoiding the need for more costly, statutory service involvement.
- Integration – The project will achieve this way of working by supporting the following objectives in the Wellbeing Plan for Bridgend: best start in life, supporting communities in Bridgend to be safe and cohesive and reducing social and economic inequalities, healthy choices in a healthy environment.
- Collaboration – this will be achieved through effective partnership working with both internal and external services, such as the third sector, health, police and community groups. We will collaborate with other local authorities through networking groups, health boards and the PSB.
- Involvement – This project is based on the involvement of children, young people, their families and communities, supported by multi agency partnership working in order to addresses issues early and build resilience within the family and communities in which they live.

8. Financial Implications.

- 8.1 All services funded via these contract arrangements are funded by Welsh Government Children and Communities grant for which a grant offer has been accepted for the year 2019/20.

9. Recommendation.

- 9.1 Cabinet is recommended to:

- a. suspend the relevant parts of the Council's CPR's in respect of the requirement as to re-tendering of the proposed contracts listed in Appendix 1 of this report, allowing implementation of the re-tender milestones detailed in Appendix 2.
- b. authorise the Head of Performance and Partnership Services to enter into short term contracts to end March 2020, with the current providers in respect of the Contracts listed in Appendix 1 of the report.

Martin Morgans
Head of Performance and Partnership Services

Contact Officer: Melinda Miller
Team Manager – Central Grants Team

Telephone: (01656) 754909

Email: Melinda.Miller@bridgend.gov.uk

Postal address: Central Grants Team
Level 4
Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents:

- **Cabinet Report on the Commissioning and Award of Contracts in respect of the Communities First, Families First and Supporting People Programme of 31st January 2017**
- **Cabinet Report on the Commissioning and Award of Contracts in respect of the Families First Programme of 28th March 2018**
- **Cabinet Report on the Commissioning and Award of Contracts in respect of the Families First Programme of 19th March 2019**

Appendix 1 - Contract details

Families First Proposed Programme - 2019/20

Contract Element	Contracted Provider	Short Term Contract Value (9-months to end March 2020)
Disability Support Programme	Barnardo's	£123,375
Parenting Support Programme	Action for Children	£101,625
Practical Home Management	Barnardo's	£22,500
Support for Young Carers	Action for Children	£29,250
JAFF/ TAF (including parent school engagement, dad's worker & language & learning elements)	BCBC – Education & Family Support	£690,402
Youth Programmes	BCBC - Education & Family Support	£112,500
Targeted Child and Family Support	BCBC - Education & Family Support	£90,000

Appendix 2 – Milestones Re-tender services

Tender Process	2019/20
Authorisation to tender – Delegated Powers	Under consideration
Review of Service	✓
Agree finances available to the new service	✓
Write draft specification	June / July
Circulate draft specification to project team	June / July
Write General Terms and Conditions/Service Agreement	June / July
Send General Terms and Conditions and Service Agreement to Legal for review	July / August
Consultation	n/a?
Prepare for Provider Event	n/a?
Provider Event	n/a?
Finalise specification after provider event and circulate	August / September
Prepare tender evaluation criteria/method statements etc.	August / September
Circulate draft tender pack to project team for comments	August / September
Finalise tender pack as a project team and sign off	September
Final amendments to tender pack	Early October
Send documents to procurement	Mid October
Procurement requested TUPE info	September 2019
Delegated Power Received?	28/10/19
Place notice	1/11/19
Return of tenders	w/c 2/12/19
Accounts to finance	December 2019
Evaluate qualification envelope	December 2019
Opening of tenders	December 2019
Desktop evaluation of technical envelope (Method Statements)	December 2019
Evaluations as a panel	December 2019
Presentation/Interviews	December 2019
Final Evaluation and Sign Off by Project Team	6/1/20
Delegated Powers to award	w/c 13/1/20
Issue unsuccessful letters and intention to award letter (start of voluntary standstill)	17/1/20
End of standstill	29/1/20
Issue award letter	30/1/20
Sealing of the contract with legal	N/A
Contract mobilisation	1/2/20 – 31/3/20 (2 months)
Contract commence	1 April 2020