

Cabinet (Resources) Panel

27 April 2022

Report title	Procurement – Award of Contracts for Works, Goods and Services	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Ian Brookfield Leader of the Council	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Claire Nye, Director of Finance	
Originating service	Procurement	
Accountable employee	John Thompson Tel Email	Head of Procurement 01902 554503 John.thompson@wolverhampton.gov.uk
Report to be/has been considered by	Directorate Leadership Team	

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Delegate authority to the Cabinet Member for City Assets and Housing in consultation with the Director of City Housing and Environment to approve the award of a contract for Sustainable Warmth Competition grants when the evaluation process is complete.
2. Delegate authority to the Cabinet Member for Adults, in consultation with the Director of Adult Services, to award successful providers places on a new supported living framework for Enhanced community living services for people with a forensic history and/or with significant complex challenging behaviour when the evaluation process is complete.
3. Delegate authority to the Cabinet Member for Children and Young People, in consultation with the Executive Director of Families, to approve the award of a contract for Children and Families Support Services when the evaluation process is complete.

1.0 Councillor Bhupinder Gakhal, Cabinet Member for City Assets and Housing

1.1 Delegated Authority to Award a Contract – Sustainable Warmth Competition

Ref no:	CWC22032
Council Plan aim	Good homes in well-connected neighbourhoods
Originating service	Housing
Accountable officer	Karen Beasley, Interim Service Manager (01902) 554893
Leadership Team approval	8 February 2022
Accountable Lead Cabinet Member	Cllr Bhupinder Gakhal, Cabinet Member for City Assets and Housing
Date Lead Cabinet Member briefed	16 February 2022
Procurement advisor	Anna Du-Mont, Procurement Manager (01902) 551099

1.2 Background

1.3 City of Wolverhampton Council (CWC) was successful in securing funding through a consortium with 60 other Local Authorities and West Midlands Combined Authority, led by Nottingham City Council/Midlands Energy Hub (MEH). The funding brings together two fuel poverty schemes into a single funding scheme which could support the improvement to owner occupier and privately rented homes:

- Local Authority Delivery Phase 3 (LAD3): a third phase of LAD to support low-income households heated by mains gas, up to £1.364 million.
- Home Upgrade Grant Phase 1 (HUG1): for low-income households which do not have gas fuelled heating, up to £456,500.

1.4 It is envisaged that further schemes will be published annually up to 2025, and so this procurement seeks to contract a supplier to deliver the overall Sustainable Warmth Competition schemes, with break clauses annually depending upon funding availability.

1.5 The delivery of these schemes will support CWC's Climate Commitments which sets out how it will make the CWC carbon neutral by 2028.

- 1.6 The procurement of a contractor to carry out the energy efficiency measures to the eligible properties will be using the existing framework from Midlands Energy Hub's Dynamic Purchasing System (DPS) and contract arrangements through a form of JCT Contract.

Proposed Contract Award	
Contract duration	Three years (1+1+1)
Contract Commencement date	1 June 2022
Annual value	£2 million
Total value	£6 million

1.7 Procurement Process

- 1.8 The intended procurement procedure will be a framework further competition (Nottingham City Council Energy Efficient Retrofit Installers Dynamic Purchasing System: 2021/S 000-004983) in accordance with Public Contract Regulations 2015, the evaluation scoring balance will be 60% quality and 40% price. Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.
- 1.9 The evaluation team will comprise;

Name	Job Title
Karen Beasley	Interim Service Manager – Housing Strategy
Michelle Garbett	Service Lead – Housing Strategy
Oliver Thomas	Climate Change Project Manager

1.10 Evaluation of alternative options

- 1.11 The following options have been considered:
- Option 1: Not to deliver the scheme funded through the grant. This would mean returning the funding back to Midlands Energy Hub and missing out on £1,820,500 of funding to support fuel poor households within the City.

- Option 2: Utilise the opportunity provided by the grant funding to support approximately 145 households across the city to become more energy independent and reduce carbon emissions.

1.12 Reason for decisions

- 1.13 This programme of work will enable home improvements for up to 145 fuel poor households which will help to improve living standards, reduce energy costs, and improve mental and physical health and wellbeing, whilst also reducing carbon emissions.
- 1.14 The programme demonstrates CWC's commitments to supporting our most vulnerable residents whilst maintaining our parallel commitment to decarbonisation.
- 1.15 The programme will also enable future low carbon and fuel poverty retrofit projects through lessons learned, by allowing the Council to build the in-house expertise necessary to facilitate wider fuel poverty reduction and decarbonisation of the City's 110,000 homes.
- 1.16 Use of the Nottingham City Council Energy Efficient Retrofit Installers Dynamic Purchasing System has been identified as offering value for money as it has already been pre tendered and incorporates the specialisms needed to provide this contract. In addition, the suppliers on the framework have already signed off funding models and insurances required, this would need to start from scratch if the Council went to the open market.

1.17 Financial implications

- 1.18 The capital funding required to deliver these schemes has already been secured through the consortium in the form of a government grant funding via the Secretary of State for Business Energy and Industrial strategy. There is additional funding (10% of the overall funding claim) that will support the cost of the resources required within the Housing Strategy Team and for wider development works to support delivery. This funding is a "capitalisation allocation" and not classed as revenue, so must be capitalised as part of the programme.
- 1.19 It is anticipated there will be further funding opportunities announced by the Government.

1.20 Legal implications

- 1.21 The procurement will be an above threshold procedure in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

1.22 Equalities implications

- 1.23 Funding will be used to support fuel poor households in the specific eligible areas, by helping to reduce energy consumption and bills via energy efficiency measures. Households will undergo eligibility checks by our partners before funding is spent.
- 1.24 The selected wards will be identified by assessing the data for low income, privately-owned households, that are Energy Performance Certificate (EPC) rated E – G.
- 1.25 A place-based approach to delivery ensures greater efficiencies and greatest value for money for residents through better time and resource management by the appointed contractors.

1.26 All other Implications

- 1.27 Energy efficiency retrofits will help to reduce energy consumption and thus reduce carbon emissions. Each household could see significant reductions in carbon, depending on the chosen measures.
- 1.28 Energy efficiency retrofits will help to improve the fabric of fuel poor properties, many of which may struggle in cold weather. Upgrading the thermal efficiency and general energy efficiency of the building will help to improve living environment and alleviate seasonal impacts of extreme heat and cold.

1.29 Recommendation

- 1.30 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Assets and Housing in consultation with the Director of City Housing and Environment to approve the award of a contract for Sustainable Warmth Competition grants when the evaluation process is complete.

2.0 Councillor Linda Leach, Cabinet Member for Adults

2.1 Delegated Authority to Award a Contract - Enhanced community living services for people with a forensic history and/or with significant complex challenging behaviour

Ref no:	CWC20029
Council Plan aim	Fulfilled lives for all with quality care for those that need it
Originating service	Adults
Accountable officer	Mark Williams, Commissioning Officer (01902) 550364
Leadership Team approval	3 February 2021
Accountable Lead Cabinet Member	Cllr Linda Leach, Cabinet Member for Adults
Date Lead Cabinet Member briefed	11 April 2022
Procurement advisor	Babita Mal, Procurement Manager

2.2 Background

2.3 This supported living framework is required to specifically provide specialist support for adults with social care needs and;

- Who may be at risk of contact with the criminal justice system and/or,
- Who have a forensic history and/or present who are part of the Transforming Care Programme cohort and/or,
- Present with significant complex challenging behaviour.

2.4 The existing framework has successfully responded to the challenges experienced by practitioners, managers and commissioners in providing services to people with a forensic history. It has created a further pathway for people who use services and has provided a preventative approach through to facilitating discharge following long periods of hospitalisation. The framework has enabled CWC to respond to the challenges in arranging and sustaining community services for people with complex needs, following an assessment of need.

2.5 Wolverhampton's approach gained recognition and acknowledgement by Association of Directors of Adult Social Services (ADASS) West Midlands who suggested the development of a Black Country-wide specialist/enhanced framework for people aged 16

years and above, with complex learning disabilities and autism in their report entitled; *Market Shaping and Market Management Supporting people with complex learning disabilities and/or autism in Dudley, Walsall, Wolverhampton and Sandwell.*

- 2.6 To achieve a place on the new framework all providers will again be assessed for quality, must have a “Good” Care Quality Commission (CQC) rating and fees be in line with the CWC’s funding envelope. Therefore, it can be evidenced that this solution will ensure that value for money is achieved.
- 2.7 Pre-tender work has been completed. CWC invited providers to hear about the tendering opportunity for a new framework that will be created to replace the existing forensic framework. An on-line market engagement event took place. Approximately 65 people from various organisations participated.
- 2.8 The aim of the event was to provide an outline of the commissioning intentions, for commissioners to understand the interest and the market's capabilities, and for potential service providers to gain a wider understanding of the scope, provide feedback and ask questions. The session gave an overview of the current services provided in Wolverhampton, described the CWC’s visions going forward and explained the procurement process which will follow.

Proposed Contract Award	
Contract duration	Five Years (4+1)
Contract Commencement date	5 August 2022
(Estimated) Annual value	£1.242 million
(Estimated) Total value	£6.210 million

2.9 Procurement Process

- 2.10 The intended procurement procedure will be an above threshold “Light Touch regime” in accordance with Public Contract Regulations 2015, the evaluation scoring balance will be 60% quality, 30% price and 10% social value. Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.
- 2.11 The evaluation team will comprise;

Name	Job Title	Organisation (if not CWC)
Mark Williams	Commissioning Officer	
Gill Astbury	Social Work Unit Manager – Forensic LD/TCP Lead	
Jo-Anne Ricketts	Commissioning and Case Management Team	Black Country Healthcare NHS Foundation Trust
Yeukai Chingwena	Advanced Social Worker Practitioner	
Jason Viola-Davis	Senior Specialist Complex Care Commissioning	Wolverhampton CCG

2.12 Evaluation of alternative options

2.13 The Council wishes to recommission the framework.

2.14 A range of options have been considered:

- **Option One:** To change the process followed and enable social workers to make individual placements without the need to approach framework providers. Currently the process is that all requests are made through the framework providers prior to approaching providers who are not part of the framework. This option leaves CWC at risk of challenge as it is non-compliant with procurement rules.
- **Option Two:** (recommended option) Open a new tender opportunity specifically to meet the needs of clients who are either at risk of coming into contact with the criminal justice system and/or have a forensic history and/or present with significant complex challenging behaviour.

2.15 It is envisaged ten specialist providers will be awarded places on the new framework to meet the demands all of whom will be required to evidence and give the evaluation panel confidence that they can deliver the standard and quality of service provision that CWC requires. The current framework includes six accredited providers. The number of successful providers included on the framework will be dependent upon the quality of tenders received.

2.16 As part of the tender exercise all providers will be asked to submit an hourly rate for the delivery of the care between £16.52 and £19.00. This continues to reflect the rates offered for the existing framework and is commensurate with the level of specialist support required for equivalent care.

2.17 Consideration should be given to the possibility that existing providers re-joining the new framework might submit higher hourly rates than currently contracted for. This is because existing framework providers have not received any inflationary increases since the

inception of the original framework having tendered their rates for the duration of the contract.

- 2.18 New tendered rates will apply to existing forensic framework placements previously agreed and to new placements only. All existing packages of care not arranged from the existing framework would not automatically increase to the new tendered rates. These will be increased in line with the annual fee review process and/or a change in circumstances following a social worker assessment.
- 2.19 Tendered rates must fall within the hourly rates set. Any bids received which fall outside of these will automatically be excluded from the process. Tendered rates will apply to year one of the contract only. Future percentage increases will be determined by the outcome of the fee review process conducted annually.

2.20 Reason for decisions

- 2.21 A four-year flexible framework (with the option to extend by one further year) is the preferred model. This flexibility allows CWC the option to open the framework on an annual basis or earlier if market needs dictate.
- 2.22 This is the preferred option as a Dynamic Purchasing System allows providers to join at any time and is very resource intensive whereas a flexible framework is open at a set frequency or discretion of CWC. This makes a flexible framework easier for the Council to administer. The current framework is fixed, and providers cannot join throughout the duration of the contract.
- 2.23 A framework also ensured that packages of care are procured within pre agreed contracted rates and ensure providers follow contract management procedure rules.

2.24 Financial Implications

- 2.25 A review of the existing cohort, including those on the Transforming Care Programme, has been undertaken by a Senior Social Work Manager and based on this, an estimation of the future demand for new packages of care has been anticipated to be in the region of £1.242 million per annum.
- 2.26 The impact of existing providers tendering at the maximum hourly rate of £19.00 for existing forensic framework packages of care has been assessed and the projected cost of the increase would be in the region of £350,000 per annum.
- 2.27 All packages of care are funded from Adult Services care purchasing which has a net controllable budget of £81.4 million in 2022-2023.
- 2.28 The Council's Final Budget and Medium Term Financial Strategy (MTFS) for 2022-2023 to 2025-2026, which was presented to and approved by Cabinet on 23 February and Full Council on 2 March 2022, includes growth for Adult Services totalling £9.2 million for

2022-2023. This is to fund forecast cost increases related to increased demand for services, the impact of any fee uplift, the impact of the Covid-19 pandemic, cost pressures associated with supporting additional reablement and discharges from hospital - which are currently funded by Health, managing demand across the current system and the delivery of the adult redesign.

- 2.29 In addition to this, as announced on 7 September 2021 in the 'Build Back Better: Our Plan for Health and Social Care', local authorities have been provided with specific grant funding to support preparing their markets for adult social care reform and to help move towards paying a fair cost of care. Based on current financial modelling, we believe that this additional grant and growth already built into the budget is sufficient to cover the forecast cost pressures. However, pressures will continue to be monitored and reviewed in light of the ongoing Covid-19 pandemic, with updates provided to Councillors as part of the quarterly revenue budget monitoring reports.

2.30 Legal implications

- 2.31 The procurement will be an above threshold procedure in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

2.32 Equalities implications

- 2.33 An equality analysis has been carried out. There are no negative equality implications associated with the recommendation of this report. All service providers appointed will have their own equalities policies and need to adhere to the following as referenced within the Equalities Impact Assessment form; Care Act 2014, No Health without Mental Health 2011, Valuing Service User's Now & PSA 16 Housing Plan 2010, Equality Act 2010, Mental Health Act 1983 Amendment 2007, The Mental Capacity Act 2005.

2.34 All other implications

- 2.35 Adult Social Care in CWC has continued to operate under the Care Act throughout the pandemic, with some flexibilities and minor changes to the way work has been carried out and support / services provided.

2.36 Recommendation

- 2.37 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for Adults, in consultation with the Director of Adult Services, to award successful providers places on a new supported living framework for Enhanced community living services for people with a forensic history and/or with significant complex challenging behaviour when the evaluation process is complete.

3.0 Councillor Beverley Momenabadi, Cabinet Member for Children and Young People

3.1 Delegated Authority to Award a Contract – Regional framework for Children and Families Support Services (CAFSS) West Midlands Dynamic Purchasing System

Ref no: CWC22038	
Council Plan aim	Strong families where children grow up well and achieve their full potential
Originating service	Adoption@Heart
Accountable officers	Jan Barlow, Commissioning Officer (01902) 551464
Leadership Team approval	7 April 2022
Accountable Lead Cabinet Member	Cllr Beverley Momenabadi, Cabinet Member for Children and Young People
Date Lead Cabinet Member briefed	12 April 2022
Procurement advisor	Simon Robinson, Procurement Business Partner – Social Care

3.2 Background

- 3.3 CWC meets its statutory duty to support children and young people who have been adopted and their families through Adoption @ Heart. In meeting this duty, the Council uses a range of therapeutic and other support services, and these services can be procured through the Dynamic Purchasing System (DPS) being tendered by Telford & Wrekin and Shropshire Councils for children and family support services (CAFSS).
- 3.4 CWC hosts this regional adoption agency on behalf of the four Black Country boroughs; Dudley, Sandwell, Walsall and Wolverhampton and all externally commissioned services go through CWC procurement processes. CWC will join the 13 other West Midlands regional local authorities or children's trusts in this arrangement.
- 3.5 CAFSS will provide non-accommodation services to children, young people and families encompassing a wide range of services across 20 Lots including therapy, assessments, secure transport, mediation, occupational therapy, speech and language therapy, positive behaviour support, parental advocacy and positive activities. This report is seeking approval to use the lots that support adopting families through therapy and positive behaviour support. Further approvals will be sought where a decision is taken to use other lots in the contract.

3.6 Current Position

- 3.7 Our data shows the number of adopting families who have been supported by Adoption @ Heart are:

Year	2019-2020	2020-2201	2021-2022
Number of Families	121	161	134

- 3.8 These services are funded entirely through the Adoption Support Fund (ASF).
- 3.9 CWC prioritises maintaining family unity where it is safe and appropriate to do so. Where this is not possible, we commission services that promote stability and permanence partnered with quality and sufficiency.

Proposed Contract Award	
Contract duration	Four years
Contract Commencement date	30 May 2022
Annual value	£533,000
Total value	£2.132 million

3.10 Procurement Process

- 3.11 This dynamic purchasing system (DPS) opportunity has been advertised by Telford & Wrekin and Shropshire Councils with CWC as a named party. Fourteen West Midlands Local Authorities and Trusts are named with a total value of £231.711 million over the full contract term. The value applicable to the City of Wolverhampton Council's current requirements equate to £2.132 million.
- 3.12 Providers will be admitted to the DPS once they have been evaluated by a regional panel drawn from the 14 authorities to meet the financial and applicable regulatory provisions. This will be an open DPS allowing new providers to join at any time during the contract period.
- 3.13 The DPS will be run in two stages will be a call-off contract and therefore does not guarantee business to any individual provider:

- Stage 1 - All providers who meet the selection criteria within the online Questionnaire and are not excluded will be admitted to the DPS. New providers can also apply to join the DPS at any point during its lifetime.
- Stage 2 - Contracts are awarded during the second stage. A Call-Off competition will be put out inviting each approved provider on the DPS Approved Provider list relating to the particular Lot.

3.14 Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.

3.15 Evaluation of alternative options

3.16 Currently the service works with a range of therapeutic providers across the region but this happens on a spot purchase basis. The other alternative would be establish a regional commissioning framework purely for the Black Country and prior to the establishment of the CAFSS this was the intended plan. Joining the West Midlands (WM) wide framework will provide greater opportunities for consistency and a joined up approach across the four Regional Adoption Agencies that cover the whole region.

3.17 Reason for decisions

3.18 Joining the CAFSS for the purpose of commissioning therapeutic providers for Adoption Support Fund applications will significantly increase the choice of providers for adoptive parents as well as the range of therapies available. There will also be considerable benefits in terms of consistency of costs and the evaluation of the quality of services delivered. Given this is Department for Education (DfE) funding joining the framework will enable the Adoption@Heart service to improve its ability to utilise the funding on behalf of adoptive parents across the region and evidence to DfE that it is doing this effectively.

3.19 Financial implications

3.20 This contract will be funded from the existing Regional Adoption Agency (RAA) Consortium budget, totalling £5.2 million in 2022-2023, which is wholly funded by partner contributions.

3.21 Legal implications

3.22 The procurement process for this contract is being advertised as an above threshold procedure in accordance with the Public Contract Regulations and the Council's Contract Procedure Rules.

- 3.23 Local authorities have a duty to maintain an adoption service in the area and provide adoption support under The Adoption and Children Act 2002, The Children and Adoption Act 2006, The Local Authority Social Services Act 1970 and associated regulations.

3.24 Equalities implications

- 3.25 The diverse individual needs of all adopted children and young people and their families are specifically addressed through existing processes in place.
- 3.26 CWC is committed to promote equality and diversity, giving every individual the chance to achieve their potential, free from prejudice and discrimination.

3.27 All other implications

- 3.28 The framework supports the key CWC priority of giving children and young people the best possible start in life.
- 3.29 Providers will comply with all government guidelines relevant to Covid.

3.30 Recommendation

- 3.31 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for Children and Young People, in consultation with the Executive Director of Families, to approve the award of a contract for Children and Families Support Services when the evaluation process is complete.

4.0 Evaluation of alternative options

4.1 All alternative options are included within the relevant section of the report.

5.0 Reasons for decision

5.1 The reason for the recommendations are included within the relevant section of the report.

6.0 Financial implications

6.1 All financial implications are included within the relevant section of the report.
[RP/07042022/R]

7.0 Legal implications

7.1 All legal implications are included within the relevant section of the report.
[SZ/06042022/P]

8.0 Equalities implications

8.1 The relevance to equalities and progress in terms of equality analysis will vary for each proposal included in this report. Accountable officers have and will ensure that evidence is collected and used to demonstrate compliance with the Council's legal obligations under the Equality Act 2010.

9.0 All other implications

9.1 All other implications are included within the relevant section of the report.

10.0 Schedule of background papers

10.1 Relevant background papers are included within the relevant section of the report.