

**Approval to procure a new and enhanced Domiciliary Care Framework Agreement and to extend the current Framework Agreement for a period of 5 months**

Report of Executive Member for Social Care and Housing, Cllr Carole Hegley ([carole.hegley@centralbedfordshire.gov.uk](mailto:carole.hegley@centralbedfordshire.gov.uk))

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**This report is a Key Issue**

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**Purpose of this report**

1. To approve the procurement of a new domiciliary care framework and domiciliary care contract/s for four courts for a period of 5 years ( 3 years plus two one year extensions) ; and to approve an extension to the current domiciliary care framework contract by 5 months to 30 September 2017 as all contract sums involved exceed £200,000 and require Executive approval.

**RECOMMENDATIONS**

**The Executive is asked to:**

- 1. **approve the procurement of a new domiciliary framework contract with the new arrangement to start 1 October 2017 with a contract term of 3 years, plus 2 one year extensions;**
- 2. **approve the extension to the current domiciliary care framework contract for a period of 5 months; and**
- 3. **approve the procurement of domiciliary care contract/s for four Extra Care Courts and the new contract/s to start 1 October 2017 with a contract term of 3 years, plus 2 one year extensions.**

## Overview and Scrutiny Comments/Recommendations

2. This item is not required to go to Overview and Scrutiny Committee as it is a decision of the Executive.

## Issues

3. The current domiciliary care framework contract for adults and older people is coming to an end April 2017 and the Council needs to procure a new framework contract to ensure that customers who need care and support at home are able to access these services. A contract period of 3 years plus 2 one year extensions is considered appropriate given the changes in specification, to enable new and existing providers to mobilise effectively whilst maintaining consistency of care and support to customers, ensure that the necessary quality checks are undertaken and monitoring systems in place.
4. In order to enable a meaningful procurement process to be undertaken, that also includes services for children and those domiciliary care services purchased by the Bedfordshire Clinical Commissioning Group, it is necessary to extend the current domiciliary care framework contract by 5 months to 30 September 2017.
5. Following consultation with the Executive Member for Social Care and Housing and the Executive Member for Resources, agreement was obtained to advise providers on the current contract framework that the contract would be extended to the end of September 2017 and for the procurement process for a new framework to commence.
6. The procurement time line for the new contract started in the Autumn 2016 is set out below:
  - Engagement with stakeholders - Oct 2016 to Jan 2017
  - Specification completed - Jan 2017
  - Tender published - February 2017
  - Tender return - April 2017
  - Evaluation - May 2017
  - Executive report, recommendation to award - June 2017
  - Award of contract and standstill period - June 2017
  - Mobilisation period - July to September 2017
  - New framework contract start - 1 October 2017
7. The extension of the current framework and the procurement timeline, in addition to enabling stakeholder engagement and consultation, allows for a range of considerations and analysis to secure an adequate supply of sustainable and cost effective domiciliary care services for residents of Central Bedfordshire.

These include: consideration of fragile market conditions; learning from current framework operation (positive/negative); management /mitigation of potential market failure; opportunity to include domiciliary care services currently commissioned by Children's Services and the Bedfordshire Clinical Commissioning Group ( BCCG) and to enhance the new framework to cover a wider range of vulnerable people from children through to adults with a range of different domiciliary care needs.

### **Options for consideration**

8. A range of options have been explored and the framework agreed as the most appropriate approach for the next contract period .The framework agreement is an umbrella agreement that allows individual packages of care to be purchased by the Council when they are required by vulnerable adults following an assessment of their care needs. It sets the terms of each individual package including price the council will pay and the quality of the service provided. Each provider on the framework has to comply with the requirements of the agreement. The providers on the framework are performance monitored by Adult Social Care and are all subject to the Care and Quality Commission (CQC) Regulations and require registration with the CQC.
9. The new specification will be tendered at the same time as that for domiciliary care for the 4 Extra Care schemes ( Lavender Court, Quince Court, Red House Court and St George's Court), the contracts for which also end 30 September, to encourage wider provider engagement and potentially more innovative bids.'
10. From initial analysis of the current framework a number of potential changes have been identified, including: increasing the number of lot areas, consideration of optimum timeline to achieve best value, joint arrangements between providers in outlying/hard to reach areas, cross boundary arrangements with other local authorities. This should also provide greater resilience in the market. The new specification will be tendered at the same time as that for domiciliary care for the 4 Extra Care schemes (Lavender Court, Quince Court, Red House Court and St George's Court) to encourage wider provider engagement and potentially more innovative bids.

### **Reason/s for decision**

11. The total financial value for the new domiciliary care framework is approximately £9 to10 million based on current framework spend, this exceeds the £200,000 financial threshold that requires Executive approval. The bidders will be required to set out detailed financial information to support their bids and these will be scrutinised with clarifications sought as necessary.

The extension of the current framework is necessary to allow a meaningful, fair and transparent procurement process to be undertaken, also to include services for children and young people plus those funded by the BCCG that have only been added latterly and additional time was required for scoping and these and their subsequent inclusion. As the value for the period exceeds £200,000 (£950,000 for 5 months), Executive approval is required.

### **Council Priorities**

12. The provision of domiciliary care services contributes to the Council priority of: Protecting the vulnerable; improving wellbeing and help support vulnerable people to maintain their independence and live at home supported by an appropriate and personalised package of care. A key aim of the new framework is to improve the delivery of care and the experience for our customers in Central Bedfordshire.

### **Corporate Implications**

#### **Legal Implications**

13. Due to delay in the launching the new procurement process, the term of the existing contract framework will expire in advance of the new framework being in place. In order to ensure that there is continued service provision the term of the framework agreement will be extended for five months to enable time for a procurement process to be undertaken. Although this is a technical breach of the Public Contract Regulations there is no reasonable alternative to this course of action. The procurement process is being implemented as quickly as is reasonably possible in order for a proper procurement process to take place and as such, any disadvantage to potential providers will be minimised.
14. In addition to the legal issues in respect of Public Contract Regulations, it should be noted that the Council's Procurement Standing Orders apply to the extension of the current framework and therefore approval to vary the contract will also waive the related Council's Standing Orders .

#### **Financial and Risk Implications**

15. The services are funded through base budget included within the revenue budgets for Adults and Children's Services and the BCCG and also reflected appropriately in the Council's MTFP.

## **Equalities Implications**

16. A detailed Equalities Impact Assessment is underway for the development of the new framework and all issues identified will be fully addressed and incorporated within the service specification and procurement process.
17. For each customer of domiciliary care, an individual care and support is agreed with them and adult social care staff. This ensures that the customer's care needs and individual preferences in how those care needs are met are agreed and set out for care providers to follow. Each care package therefore takes account of the customer's sex, gender, age, ethnicity, sexuality and disability.
18. The rural nature of Central Bedfordshire brings challenges for providers and improvements are being made to ensure equality of opportunity for those living in rural areas, those wishing to engage in a social life in the evening, those with challenging behaviours, for those transitioning from Children's to Adult's Services and for customers with both adult social care and health needs.

## **Implications for Work Programming**

19. A report with recommendation to award the new framework contract is on the Executive forward plan for June. A report will also be placed on the work programme for the Social Care Overview and Scrutiny Committee.

## **Conclusion and next Steps**

20. As set out in the report Executive approval to procure a new Framework is required as set out in the report and the extension of the current framework is considered appropriate to enable the procurement of a new and enhanced domiciliary care framework that covers a wider range of customers.

## **Appendices**

None

## **Background Papers**

None