

Summary Sheet

Council Report:

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title: Commissioning and Procurement of Advocacy Services 2016 –
Tender Update

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Graeme Betts – Interim Strategic Director of Adult Care and Housing

Report Author(s)

Jacqueline Clark – Operational Commissioning Manager – Adult Care and Housing

Ward(s) Affected

ALL

Summary

This is the third of a series of reports to Commissioners Decision Making Meeting that concerns the commissioning and procurement of statutory and generic advocacy services. The second report sought approval to commence a tender process in line with option 2 outlined in the report and with the objective of mobilising new services in September 2016. Permission was granted on the 14th March 2016.

This third report seeks approval from the Commissioners to award the statutory and generic advocacy contracts to bidders achieving the most marks in terms of quality and price. The outcome of the tender is yet to be determined and will be clear on the 4th of July 2016.

This report was prepared in advance to align with the forward plan report timetable therefore the outcome of the tender process is (at the time of reporting) is unknown.

Recommendations

1. Commissioner Myers is asked to receive the information contained in this report.
2. Commissioner Myers is asked to approve the award of statutory advocacy and generic advocacy contracts to bidders that achieve the highest marks in the tender evaluation process in terms of quality and price.

List of Appendices Included

Exempt - Appendix 1 – Title: Tender Evaluation Outcome

Background Papers

Exempt - Commissioning and Procurement of Advocacy Services 2016 - Cabinet/Commissioner Decision Making Meeting 14th March 2016 - Minute 51

Exempt - Commissioning of Advocacy Services Beyond 2016 - Commissioner Manzie's Decision Meeting 14th December 2015 - Minute 153

Consideration by any other Council Committee, Scrutiny or Advisory Panel

N/A

Council Approval Required

Yes

Exempt from the Press and Public

The main body of the report is not exempt.

Appendix 1 is Exempt

Appendix 1 contains information relating to the financial or business affairs of named contracted service provider and therefore should be considered exempt under Council Standing Orders from the normal publicity requirements.

Title: Commissioning and Procurement of Advocacy Services 2016 Tender Update

1. Recommendations:

- 1.1 Commissioner Myers is asked to receive the information contained in this report.
- 1.2 Commissioner Myers is asked to approve the award of statutory advocacy and generic advocacy contracts to bidders that achieve the highest marks in the tender evaluation process in terms of quality and price.

2. Background:

- 2.1 Arrangements to secure both statutory and general advocacy services for adults in Rotherham are complex. Reviews of advocacy services in 2015 resulted in a revised service delivery model. The new service delivery model will increase capacity and capability and achieve a more streamlined service.
- 2.2 The new arrangements will secure statutory advocacy inclusive of independent Care Act Advocacy, Independent Mental Capacity Advocacy Independent Mental Health Advocacy with all statutory advocacy types under one contract. General or generic advocacy will be secured in separate contract arrangements.

3. Key Issues

- 3.1 Approval from Commissioner Myers to award the statutory and generic advocacy contracts to successful bidders is required to ensure that new advocacy services are mobilised in a timely manner. The transition point at where incumbent providers cease service and the new services commence will occur at 31 August/1 September 2016.
- 3.2 The tender timetable was set prior to the confirmation of the Cabinet/Pre Scrutiny timetable. The next available Cabinet meeting takes place on the 11 September 2016 this occurs after the scheduled contract mobilisation date.

4. Options considered and recommended proposal

- 4.1 Approval to award the statutory and generic advocacy contracts to successful bidders following conclusion of the tender process.

5. Consultation

- 5.1 Commissioner Decision Meeting reports submitted previously and received by elected members/commissioners contain the relevant detail and information in respect of commissioning intentions in respect of statutory and generic advocacy services.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The new contracts will commence service on the 1st September 2016. A one stage tender process is underway and the final tender timetable is set out below:

Milestone	Commence
Issue ITT	11 April 2016
Submissions by	29 May 2016
Evaluation	30 May 2016
Clarification	27 – 30 June 2016
Select Provider	04 July 2016
Commissioner Approval	11 July 2016
Standstill period ends	21 July 2016
Issue Contract	August 2016
Transition	August 2016
Planned Contract Start date	01 September 2016

- 6.2 The Invitation to Tender was divided into two lots:

Lot 1 – Statutory Advocacy

Lot 2 – Generic (or general advocacy)

Tenders have been submitted by 4 organisations. Another 4 organisations expressed interest and chose to opt out of the process.

Contrary to expectation there were no bids submitted from the Voluntary and Community Sector to operate within a consortium framework, though the bidders for both Lots are all Voluntary and Community Sector organisations bidding in a single organisational capacity.

- 6.3 The submitted bids from the 4 organisations are detailed below

Lot	Bidding organisation (see Appendix 1)
Lot 1 – Statutory Advocacy	<ul style="list-style-type: none"> • Provider A • Provider B
Lot 2 - Generic	<ul style="list-style-type: none"> • Provider A • Provider C • Provider D

- 6.4 At the time of reporting the tender is at the evaluation stage. The evaluation team is made up of technically capable and experienced staff who are knowledgeable of the requirements in terms of advocacy.

7. Financial and Procurement Implications

- 7.1 The maximum budgetary cost of combined Statutory Advocacy and General Advocacy budgets was agreed at Commissioner Manzie's Decision Meeting 14th December 2015 - Commissioning of Advocacy Services Beyond 2016-Minute 153 and is set out below:

	Budget required
Year 1	£322,785
Year 2	£457,500
Year 3	£532,500
Year 4	£532,500

The actual budget required is set out in Appendix 1. (Exempt)

Appendix 1 will be submitted prior to the 11th July when the outcome of the tender is known. The prices submitted by the bidders remains unknown at the time of submitting this, the main body of the report. The maximum budget available has been disclosed at the invitation to tender stage. It is expected that bidders submit prices under the budget envelope available but this will not be clear until the 4th of July 2016.

Additional cost may be incurred if there is an interruption in securing contracted services. Any interim replacement service may need to be secured with the incumbent providers at a premium cost currently not negotiated.

- 7.2 The value of the contract requires a fair and transparent tender process which is time specific as required in line with EU Public Contracts Directives and Rotherham MBC's, Standing Order 43.

8. Legal Implications

- 8.1 Having an advocacy service independent of the Local Authority is an area of strategic importance. It is essential that Rotherham MBC meets the increased demand for independent advocacy to ensure compliance with the new duties under the Care Act 2014, Mental Capacity Act 2005, Mental Health Act 2007 and achieve the same outcomes for people requiring advocacy services as for the wider population as required under the Equality Act 2010. A delay in tender award may risk the continuity of service and impact negatively on our statutory obligations.

9. Human Resources Implications

- 9.1 Nil

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 Nil

11 Equalities and Human Rights Implications

- 11.1 The service makes a positive contribution to promoting equality of access services for disadvantaged groups including people with a disability.

12. Implications for Partners and Other Directorates

- 12.1 Nil

13. Risks and Mitigation

- 13.1 Care Act Advocacy has been secured in February 2016 to mitigate the possibility of legal challenge. A short term contract is in place until 31 August 2016 to bridge the service gap and it is essential that the new service commences 1st of September in order to remain compliant with duties under the Care Act.

14. Accountable Officer(s)

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- Mark Scarrott

Director of Legal Services:- Ian Gledhill/Demot Pearson

Head of Procurement (if appropriate):- Helen Chambers

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