

TENDER EVALUATION REPORT	CATEGORY:	People
	INITIATIVE NUMBER & TITLE:	23-205 Rotherham Advocacy Service
	YORtender REF:	87401
	CATEGORY MANAGER:	Lorna Byne (Senior Procurement Category Manager – People Team)
	SERVICE LEAD:	Jacqui Clark (Head of Prevention & Early Intervention) Joanne Bell (Strategic Commissioning Manager)

1. PURPOSE

The purpose of this tender evaluation report is to provide Ian Spicer, Strategic Director, Adult Care, Housing and Public Health with a summary of the procurement process undertaken, the outcomes achieved along with any potential issues and risks in order to seek approval to progress an intent to award of the contract for the Rotherham Advocacy Service.

2. OBJECTIVES OF RESULTANT AGREEMENT

Independent advocacy services are necessary to meet all of the Council's statutory requirements under the Care Act 2014, the Mental Capacity Act 2005, the Mental Health Act 2007 and the Health and Social Care Act 2012. Statutory independent advocacy services provide support to people:

- who may require assistance throughout the care and support assessment and through the review process
- who are the subject of an adult safeguarding enquiry or a safeguarding adults review and may experience difficulty in understanding the process,
- who lack mental capacity to make decisions about themselves
- who are detained under the Mental Health Act
- who require support to complain about services provided by the NHS.

The majority of people who receive these services reside within Rotherham, with a smaller number of people who are eligible for care and support services but are in receipt of services located outside Rotherham.

The key principles of advocacy are:

- Independence
- Confidentiality
- Person Centred Approach
- Empowerment
- Equal opportunity
- Accountability
- Accessibility

An Independent Advocate is a professional advocate appointed by but independent of the Local Authority. They are not only supporting the person (or carer) to have a voice, but to facilitate and ensure their involvement in a whole range of Adult Care and Support processes.

The key aims and strategic outcomes of the Rotherham Advocacy Service will contribute to achieving the outcome measures as set out in the Adult Social Care Outcomes Framework (ASCOF).

1. Quality of life: people’s quality of life is maximised by the support and services which they access, given their needs and aspirations, while ensuring that public resources are allocated efficiently.
2. Independence: people are enabled by adult social care to maintain their independence and, where appropriate, regain it.
3. Empowerment - information and advice: individuals, their families and unpaid carers are empowered by access to good quality information and advice to have choice and control over the care they access.
4. Safety: people have access to care and support that is safe, and which is appropriate to their needs.
5. Social connections: people are enabled by adult social care to maintain and, where appropriate, regain their connections to their own home, family and community.
6. Continuity and quality of care: people receive quality care, underpinned by a sustainable and high-quality care market and an adequate supply of appropriately qualified and trained staff.

3. KEY FACTS

3.1 Contract Value:

£506,738 Annual Value
 £2,533,690 Full Contract Duration (60 Months)
 Pricing is fixed for 12 months; the following fixed hourly rates will apply for Financial Year 25-26.

		<ul style="list-style-type: none"> • Statutory Advocacy, including subcontracted out of area at £36 per hour • Community (Non-Statutory) Advocacy at £33 per hour <p>The rates will be subject to an inflationary uplift which will be determined by Finance/Strategic Commissioning following an examination of market conditions and the Council's annual budget position.</p>
3.2	Initial Contract Term (months):	60
3.3	Extension Options (months):	0
3.4	Route to Market:	Above threshold – open procedure (Social and Other Specific Services)
3.5	Contract Notices	Rotherham Advocacy Service - Contracts Finder Rotherham Advocacy Service - Find a Tender (find-tender.service.gov.uk)
3.6	Tender Closing Date:	09/08/2024
3.7	Number of Expressions of Interest Received:	23
3.8	Number of Tenders Received:	3
3.9	Details of Formal Opt Outs:	N/A

4. EVALUATION	
4.1	Evaluation Panel Members
Facilitator:	Lorna Byne (Senior Procurement Category Manager)
Compliance Checks:	Lorna Byne (Senior Procurement Category Manager) Karen Potts (Procurement Officer)
Selection Criteria:	Lorna Byne (Senior Procurement Category Manager) Joanne Bell (Strategic Commissioning Manager)

Award Quality:	Criteria:	Joanne Bell (Strategic Commissioning Manager) Summer Swift (Local Offer Coordinating Officer) Jamie Rushton (Enhanced Brokerage Officer) Janet Evans (Safeguarding Assurance Practice Lead)					
Award Social Value:	Criteria:	The Social Value Portal verified by Lorna Byne and Joanne Bell.					
4.2 Dates							
Individual Evaluation:	15/08/2024		to		16/09/2024		
Moderation:	17/09/2024		to		17/09/2024		
4.3 Summary Scores							
Detailed below is a summary of the evaluation. A copy of the full evaluation records can be obtained from the Category Manager within Procurement detailed at the top of this report.							
Bidders Name	Compliance	Selection Criteria	Award Criteria				
			Mandatory Criteria	Quality Score (out of (80.00))	Social Value Score (out of (20.00))	Total Score	
Cloverleaf Advocacy 2000 Ltd	Pass	Pass	Pass	73.60	17.50	91.10	
PohWER	Pass	Pass	Pass	48.00	13.11	61.11	
Voiceability	Pass	Pass	Pass	48.00	7.45	55.45	
4.4 Successful Bid(s) Details							
Bidders Name:	Cloverleaf Advocacy 2000 Ltd						
4.5 Due Diligence							
Cloverleaf Advocacy 2000 Ltd (Cloverleaf) are the incumbent provider for the current service and have successfully delivered the contract and performed in accordance with the service specification and KPI performance requirements over the last 5 years. Cloverleaf are a third sector organisation with registered charity status (Charity Registration No: 1097608).							

Cloverleaf state that their mission as follows:-

- To deliver high quality and successful advocacy services which help people to control their own lives, make their own decisions and achieve their own goals.
- To take action to challenge discrimination and disadvantage.
- To challenge conditions which lead to people feeling oppressed

Cloverleaf have a number of values that they stand by as an organisation to ensure that individuals should be an equal member of society: everyone has the right to plan their own life, to be listened to, taken seriously and to be respected.

Choice

People have a right to choose how to live their lives.

Honesty

People have a right to jargon-free information, provided openly

Challenge oppression

Cloverleaf challenge those who tell people what to do and bully or dominate. This includes: domination that is expressed in a protective manner, and domination which results from institutionalised practice or procedures.

Opportunity

Cloverleaf work to build opportunities for people to experience an enabling and liberating climate within groups and within relationships.

Equality

Cloverleaf believe that people with any form of disability or mental health problem are equal within our society. Throughout their work they strive to make this a reality.

Support

Where people need support tailored to their needs, Cloverleaf will strive to listen and learn and help people realise their aims.

Involvement and consultation

Cloverleaf have established an organisational style that encourages the involvement of people who access our services.

A credit check has been completed with creditsafe (Company Registration Number: 3790911) generating a Very Low Risk score of 96, see Appendix 1.

As the provider is already successfully delivering the service it was not felt by the project lead that a further due diligence meeting would be required. The intention will be to conclude the award progress and complete a full review of the contract and specification during the mobilisation process alongside updating records within Strategic Commissioning including policies and procedures for the purpose of contract management.

5 OUTCOMES ACHIEVED

The incumbent provider has retained the business for a 5-year period, as such there will be limited mobilisation activity.

The staff on this contract will be paid the Real Living Wage, whilst Cloverleaf Advocacy 2000 Ltd are not accredited with the Living Wage Foundation, they are committed to paying the Real Living Wage in accordance with the service specification.

Due to the value of the contract a Social Value commitment has been secured and the following commitments will form part of the contract. Failure to achieve the commitments specified may result in the Council seeking some form of reimbursement, these commitments will form part of contract management and Social Value must be a standard agenda item in all contract review meetings. Each of the National TOMS carries a proxy value which has been calculated based on government data including the Greenbook and ONS, these proxy values are used to calculate the total SLEVA (Social and Local Economic Value Added) for each target which is then aggregated together for the supplier submission as part of the evaluation.

Based on the commitments from Cloverleaf Advocacy 2000 Ltd the envisaged total target SLEVA to be delivered via this contract is **£490,125.22**. This is based on the proposed contract value over the full 5-year term **£2,533,690** and equates to a social value return of **19.37%**. As this contract does not have a break clause subject to the successful delivery of the commitments proposed the provider will be encouraged to maximise further opportunities where possible in order to generate further social value in the delivery of this contract.

RMBC Social Value Framework Specific Commitments

National TOMS Reference	Description	Target
NT1	No. of direct local employees (FTE) hired or retained on the contract	9.41
NT3	No. of direct local employees (FTE) hired or retained on the contract	1
NT6	No. of disabled employees (FTE) hired on the contract	1
NT9	No. of weeks of training opportunities on the contract - Level 2, 3 or 4+	216
NT11	No. of hrs supporting unemployed people into work	370
NT12	No. of weeks spent on meaningful work placements (unpaid)	30
NT15	Provision of expert business advice to VCSEs and MSMEs	25
NT18	Total amount (£) spent in local supply chain through the contract	£37,500

In addition to the Social Value commitments made Cloverleaf Advocacy 2000 Ltd are committed to supporting the Council Plan 2022-2025 and are committed to achieving Net Zero by 2050 which is the Government target rather than the Council's so further work will be required by Strategic Commissioning colleagues to support the Provider.

6 RISKS / ISSUES

The risk register prepared as part of the original pre-procurement business case has been reviewed and there are no remaining red risks to highlight following the conclusion of the evaluation.

It is important to note that there has been a recent increase in complaints/informal challenges raised by unsuccessful bidders highlighting that the risk of challenge remains prevalent across a number of recent procurements. The evaluation panel have all reviewed the moderation feedback records and are satisfied the narrative reflects the scores agreed in line with the published score standards.

Concerns have been raised by the Procurement lead in relation to one particular question regarding Staffing and Management where two of the providers achieved a good score, however no feedback was documented by the evaluation team as to why the bidders have not secured the maximum score available. It is possible that queries could be raised by the providers as to why they haven't received the maximum score.

From a procurement perspective this is required to be provided in line with Regulation 86 of Public Contract Regulations (as amended) in the provision of the characteristics and relative advantages of the successful bidder and also considered best practice as found in relevant case law. The intention is to support bidders in understanding their scoring and why they have been unsuccessful.

Whilst this is a risk and could present questions from the bidders involved and could result in further scrutiny of the evaluation in terms of confidence in the process undertaken, given the considerable difference in the overall final scores the probability of this risk occurring is low. Should a complaint/challenge be received during the standstill period this may impact the procurement timeline whilst any concerns are addressed.

7 FINANCIAL AND OVERALL PROJECT COST IMPLICATIONS

Whilst Cloverleaf have a very low risk rating and have no long-term borrowing, healthy cash balance and reserves, they made a loss of £123,315 in 2023 due to increase support costs and a reduction in income. Retained profit for 2022 and 2021 was £214,683 and £410,780 respectively. Currently there are no concerns about Cloverleaf continuing as a going concern due to the level of reserves held by the company, but it would be prudent to review their 2024 accounts.

The forecast expenditure of £506,738 is above the 2024-25 available budgeted expenditure of £466,738 and demand will need to be managed to keep it within this limit.

Whilst the 2025-26 budget may be uplifted for inflation it may continue to present a cost pressure.

8 RECOMMENDATION

Following the evaluation for this tender, it is the recommendation of the project team that the Council progresses to issue an intent to award to Cloverleaf Advocacy 2000 Ltd.

9 NEXT STEPS

Once the formal approval has been granted an intent to award letter will be issued to Cloverleaf Advocacy 2000 Ltd advising them of the outcome.

It is envisaged that the notification letters will be issued on the 30th of October 2024, commencing a 10-day standstill process which will expire at midnight on 11th November 2024.

A contract will be issued for signature to Ian Spicer (Strategic Director for Adult Care, Housing and Public Health) via DocuSign.

The new service will commence on 01/04/2025.

As the value of this contract exceeds £250,000, this report is accompanied with an Officer Delegated Decision Record and is included on the forward plan.

10 REPORT AUTHOR AND APPROVER

10.4 Report Author

Name: Lorna Byne

Date: 20/09/2024

10.5 Reviewed by Head of Procurement (or deputy)

Name: Karen Middlebrook

Date: 02/10/2024

10.6 Reviewed by Head of Finance (or deputy)

Name: Gioia Morrison

Date: 02/10/2024

10.7 Approver (approval obtained electronically)

Name:	Click here to enter text.
Evidence:	Embed a copy of the email approval
Date:	Click here to enter a date.