

Report to: STRATEGIC COMMISSIONING BOARD

Date: 20 March 2018

Officer of Strategic Commissioning Board: Sandra Whitehead - Assistant Director — Adults

Subject: PROVISION OF THE INSPECTION, REPAIR AND MAINTENANCE OF STRAIGHT AND CURVED STAIR LIFTS, VERTICAL LIFTS, STEP LIFTS AND OVERHEAD TRACK HOISTS INSTALLED IN DOMESTIC PROPERTIES IN TAMESIDE AND OLDHAM

Report Summary: The report describes the rationale for and purpose of an extension of the above contract for a period up to 6 months in order to re-tender the service following the abandonment of the previous tender process as a result of issues identified in the tender process.

Recommendations: That the Strategic Commissioning Board note the report and approve an extension of the contract with the current provider of the service, City Lift Services (NW) Ltd for a period of up to 6 months to enable a further procurement exercise to be undertaken.


Financial Implications:
(Authorised by the statutory Section 151 Officer & Chief Finance Officer)

ICF Budget	S 75 £'000	Aligned £'000	In Collab £'000	Total £'000
TMBC Adult Services	120	-	-	120
Section 75 - £'000			120	
Strategic Commissioning Board				
Additional Comments				
The service provided via this contract supports the Care Together vision of enabling residents to live independently within their own homes.				
There are no major concerns on the existing performance of the contract provider. The proposed six month extension is affordable within the existing budget allocation within the Adult Services directorate; 2.5 months within 2017/18 and a further 3.5 months within 2018/19.				
It is essential that the re-tender of the service remains affordable within the budget allocation. Clearly a reduced annual cost will be preferable to ensure savings are realised which will contribute towards the care together locality funding gap.				

Legal Implications:
(Authorised by the Borough Solicitor)

Whilst an extension of existing arrangements is not ideal, it is not unlawful to extend the arrangements to enable an open, transparent and fair procurement exercise to take place. There is materially lower risk of challenge from this approach than proceeding with the award of the previously tendered contract.

How do proposals align with Health & Wellbeing Strategy?	The proposals align with the Starting Well, Developing Well and Living Well programmes for action
How do proposals align with Locality Plan?	The proposals are consistent with the Healthy Lives (early intervention and prevention) strand of the Locality Plan
How do proposals align with the Commissioning Strategy?	The service contributes to the Commissioning Strategy by: <ul style="list-style-type: none"> • Empowering citizens and communities; • Commission for the 'whole person'; • Create a proactive and holistic population health system.
Recommendations / views of the Health Care Advisory Group:	Not Applicable.
Public and Patient Implications:	None.
Quality Implications:	Tameside Metropolitan Borough Council is subject to the duty of Best Value under the Local Government Act 1999, which requires it to achieve continuous improvement in the delivery of its functions, having regard to a combination of economy, efficiency and effectiveness.
How do the proposals help to reduce health inequalities?	People are supported to continue living in their own homes.
What are the Equality and Diversity implications?	The proposal will not affect protected characteristic group(s) within the Equality Act.
What are the safeguarding implications?	Safeguarding will be central to this service
What are the Information Governance implications? Has a privacy impact assessment been conducted?	The necessary protocols for the safe transfer and keeping of confidential information will be maintained at all times by both purchaser and provider. The purchasers Terms and Conditions for services contains relevant clauses regarding Data Management
Risk Management:	The purchasers will work closely with the provider to manage and minimise any risk of provider failure consistent with the providers contingency plan
Access to Information :	The background papers relating to this report can be inspected by contacting Linsey Bell, Contracts & Commissioning Officer, Strategic Commissioning Unit

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1. BACKGROUND

- 1.1. This report concerns a contract for the provision of the inspection, servicing, maintenance and repair of straight and curved stair-lifts, vertical through-floor lifts, step lifts and overhead track hoists installed in domestic properties in Tameside and Oldham.
- 1.2. The contract was jointly commissioned with Oldham MBC, with Tameside as the lead commissioner - City Lift Services (NW) Ltd is the current provider. The current contract was extended in early 2017 for an additional 12 months allowed for in the contract. The contract expired on 18 January 2018.

2. CURRENT SITUATION

- 2.1 A notice was placed in the Official Journal of the European Union on 7 September 2017 seeking expressions of interest from bidders interested to tender for the above contract. The notice stated that bids would be evaluated on a Cost/Quality basis of 40%/60%.
- 2.2 The tender return date was Monday 9 October 2017. Eleven (11) tenders were received and were evaluated resulting in the intention to award the contract to City Lift Services (NW) Ltd, the incumbent provider.
- 2.3 Letters were issued to all bidders advising them of the Council's intention to award the contract and providing them with the information required under Regulation 86 of the Public Contracts Regulations. This is known as a standstill letter which triggers a standstill period during which the Council cannot enter into a contract to allow participants to scrutinise the award decision. Following the issue of the correspondence, a number of requests were received for clarification about the evaluation methodology and how this applied to the tenderers submission.
- 2.4 In responding to those requests for clarification, officers became aware of an inconsistency within the tender documentation which has resulted in the Council being unable to award the contract in an open, transparent and fair way. To do so would have resulted in a significant risk to the Council and the procurement would be susceptible to challenge. A decision was taken by the Head of Strategic Operations, Adult Services to abandon the procurement and reprocure. All bidders were advised of the outcome on 17 January 2018.

3. PROCUREMENT STANDING ORDER SEEKING TO WAIVER/AUTHORISATION TO PROCEED

- 3.1 Authorisation is sought pursuant to Procurement Standing Order F1.2 to extend the existing contract as only the existing contractor can meet the tender requirements and no reasonable alternative or substitute exists.

4. VALUE OF THE CONTRACT

- 4.1 Costing on this contract is per job and varies depending on the type of job: maintenance of straight and curved stair-lifts, through-floor lifts, step and platform lifts, ceiling track hoists and removal, disposal and reconditioning.
- 4.2 In order to provide an estimation of the costs for the duration of the proposed extension, spend for the same duration last year was calculated as £28,518 on callout/ repairs and servicing (£24,978 on call out and £3,540 on servicing) plus an extra £3,500 on removals totalling £32,018 for a 3 month duration. The annual contract value is a maximum of £200,000 (£120,000 Tameside MBC/£60,000 - £80,000 Oldham MBC).

5. GROUNDS UPON WHICH WAIVER/AUTHORISATION TO PROCEED SOUGHT

- 5.1 Authorisation is sought pursuant to Procurement Standing Order F1.2 to extend the existing contract for a period of up to 6 months to enable a procurement exercise to be undertaken.
- 5.2 City Lifts have delivered this service since January 2014 and overall have performed very well for both boroughs with nothing except occasional and minor complaints about the time it sometimes can take to get an engineer to site and the length of time it can take to acquire non-stock parts demonstrated a consistent level of quality provision.
- 5.3 To ensure that people are supported to continue to live in their own homes, the Council needs to extend the existing arrangements to ensure a more robust procurement exercise is undertaken.

6. RECOMMENDATION

- 6.1 As stated on the report cover.