

**Report to:** EXECUTIVE CABINET

**Date:** 26 April 2023

**Executive Member:** Councillor John Taylor – Executive Member, Adult Social Care, Homelessness and Inclusivity

**Reporting Officer:** Stephanie Butterworth, Director of Adult Services

**Subject:** **CONTRACT AWARD FOR THE HOME CARE FLEXIBLE PURCHASE SYSTEM (FPS)**

**Report Summary:** On 24 August 2022, Executive Cabinet approved an extension to the existing Home Care framework from original end date 30 October 2022 to 31 May 2023. At the same time, approval was given to tender the Home Care Flexible Purchasing System (FPS) that will replace the framework from 1 June 2023.

The FPS will run for six years through to 31 May 2029 opening annually – or more frequently if required – in order to allow other providers to apply to join. Following the initial procurement process, twenty seven providers have passed the requisite evaluation criteria and this report seeks approval by Executive Cabinet to award contracts as detailed.

**Recommendations:** That following the evaluation of tender submissions Executive Cabinet be recommended to approve the initial admission of twenty seven providers to the FPS, with potential subsequent awards to follow annually.

Provider A	365
Provider B	Benhill
Provider C	Bridging the Gap
Provider D	Care4Us
Provider E	Care Needs
Provider F	Care Solutions
Provider g	Choices Care
Provider H	City Care
Provider I	Connect Care
Provider J	Delta Care
Provider K	Elmar
Provider L	Engage Care
Provider M	Grace Live-in
Provider N	Highland Ornate
Provider O	Homecarers Liverpool
Provider P	iCare Solutions
Provider Q	Link Care
Provider R	Meridian
Provider S	Person Centred Care & Support
Provider T	PBT Safer Care
Provider U	Right Care
Provider V	Sam's Helping Hands
Provider W	SBC
Provider X	Shabach Healthcare

Provider Y	Sure Care
Provider Z	Valour
Provider AA	We Lead

**Financial Implications:**  
(Authorised by the statutory  
Section 151 Officer)

The report is requesting approval for a Flexible Purchasing System (FPS) to replace the existing framework from 01 June 2023. This FPS is in relation to non-zoned providers of Support at Home provision for service users.

There are no direct financial implications arising from this report. As any non-zoned provider would be subject to the rates proposed as part of the 23/24 budget setting process.

The budget for Support at Home in 2023/24 is £14,412,440 and any spend to non-zoned providers on the FPS would need to be managed within this budget.

**Legal Implications:**  
(Authorised by the Borough  
Solicitor)

A flexible purchasing system (or dynamic purchasing system) is a procedure available under public procurement legislation for contracts for works, services or goods commonly available on the market. It is a two stage process whereby all suppliers who meet the selection criteria are admitted to the FPS at the initial set up stage. There is no limit on the number of suppliers able to be admitted to a FPS. Individual contracts are awarded in the second stage when all suppliers are invited to bid for a specific contract. This process can streamline the procurement process for both the contracting authority and the suppliers. As outlined in the report STaR Procurement have provided assistance to ensure compliance with the Public Contracts Regulations 2015.

**Policy Implications:**

The proposals align with the Living Well, Working Well and Aging Well programmes for action. The service also links into the Council's priorities :-

- Help people to live independent lifestyles supported by responsible communities.
- Improve the health and wellbeing of residents
- Protect the most vulnerable

**Risk Management:**

There will be a continued dialogue between commissioners and the providers to ensure that best value is delivered against the contract resource with a view to working towards service developments. These will be delivered through contract performance management and working in partnership with neighbourhood teams.

**Access to Information:**

The background papers relating to this report can be inspected by contacting the report writer Dave Wilson:



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## **1. INTRODUCTION**

- 1.1 On 27 October 2021, Strategic Commissioning Board initially approved a tender process to commence in May 2022 with a contract commencement date of 1 November 2022 for the Home Care Flexible Purchasing System (FPS). Whilst this went ahead, the ongoing challenges and unprecedented circumstances of the pandemic and the impact of this on providers' ability to respond to a tender exercise, alongside the need to ensure a stable care market for the impending winter period, meant the tender exercise was aborted in June 2022.
- 1.2 Subsequently, on 24 August 2022, Executive Cabinet approved an extension to the existing Home Care Framework from the contract end date of 30 October 2022 to 31 May 2023. At the same time, approval was given to tender the Home Care FPS that will replace the Framework.

## **2 THE HOME CARE FPS**

- 2.1 The FPS is a mechanism that allows ASC to have a number of approved Home Care providers available to pick up packages of care where the four zoned Support at Home providers are unable to.
- 2.2 The zoned Support at Home service that runs alongside the FPS has one provider per Neighbourhood contracted to pick up all – or, in practice, as many as possible - packages of care for Service Users living in that Neighbourhood.
- 2.3 The zoned providers have never been able to take on 100% of packages, so the FPS is required to ensure all remaining packages of care can be picked up. Indeed, over the last couple of years, increased demand for home care, compounded by pressing workforce recruitment and retention issues, has meant that non-zoned providers have been delivering an increasing proportion of the support packages required.
- 2.4 ASC's Brokerage Team will go out to all providers on the FPS each time a zoned provider is unable to pick up a package of care. The approach works on a 'first come, first served' basis; the first provider to indicate they are in a position to take on the work being awarded the Individual Service Contract (ISC) for that package.
- 2.5 The non-zoned providers tend to be providers who also contract with neighbouring authorities and/or are smaller, newer local organisations.
- 2.6 Arrangements for the FPS are such that any providers on the current framework agreement that have not applied to go on the FPS will retain those packages, but will not be able to take on additional work, whilst providers currently delivering support on the framework will retain their existing work and move seamlessly over to the FPS if they have applied and if they meet the pass/fail evaluation criteria. Under either of these scenarios, continuity of care will be retained for existing service users.
- 2.7 Four providers who tendered unsuccessfully for one of the zoned contracts recently, have been automatically pass-ported on to the FPS.
- 2.8 Providers tendering for inclusion on the FPS were also asked if they could deliver a 'through the night' service.

## **3 THE PROCUREMENT APPROACH USED**

- 3.1 An open tendering exercise commenced on 26 September 2022 and closed on 14 November 2022. The tender was completed fully in accordance with Tameside Metropolitan Borough Council Procurement Standing Orders and in conjunction with public procurement

requirements via The Chest (the North West procurement portal) with advice from STaR Procurement.

3.2 The approaches used to evaluate the responses included:

- Supplier Questionnaire – Each provider completed a supplier questionnaire to allow checks to be completed that will assess their viability to provide the service in the Borough. This includes questions in relation to: Insurance; Health and safety; Financial Standing; Grounds for exclusion and Modern Slavery. Providers were required to complete this in its entirety to ensure inclusion in the FPS.
- Cyber Security Questionnaire – Each provider was required to complete the questionnaire to demonstrate the level of security in place to receive and store information safely. Each provider will have a Data Protection Impact Assessment (DPIA) in place to ensure any improvements needed to their cyber security are achieved within an agreed timescale prior to contract commencement.
- Pass/fail Quality Questions - Providers were asked to self-certify that they are able to meet all aspects of the specification and to respond to three pass/fail quality questions focussed on their ability to deliver against the key service aims, workforce quality and social value.

#### **4 DETAILS OF PROPOSED CONTRACTUAL ARRANGEMENTS**

4.1 Tameside Adult Services in its role as lead commissioner is looking to establish a six year FPS, commencing on 1 June 2023 and expiring on 31 May 2029 with no scope to extend.

4.2 The FPS will be 'opened' annually for a standard period and via the CHEST to allow other providers to apply to join. Should, for any reason, ASC require it, the FPS can be opened more frequently.

4.3 On each occasion the FPS is opened, any recommendations for contract award would be authorised and signed off by the Lead Member and the DASS.

#### **5 RESPONSE**

5.1 Compliant responses were received from thirty nine organisations.

5.2 In addition, there were two non-compliant tenders which were excluded from the evaluation process.

#### **6 EVALUATION METHOD AND OUTCOME**

6.1 Tender submissions were evaluated by:

- Dave Wilson - Commissioning Adults Team Manager
- Victoria Heyes – Contract and Commissioning Officer

6.2 The three pass/fail quality questions add an additional layer of evaluation and, hence, reassurance, not included in the current framework arrangement. Each response was evaluated against the relevant clauses in the service specification and tenderers are required to pass each of the three questions in order to proceed on to the FPS.

#### **7 CHECKS ON PROVIDERS**

7.1 STAR procurement have undertaken a full financial check via Company Watch. The check measures the overall financial health of a company. It is based on a statistical evaluation of a

company's publicly available financial results in order to determine the level of financial risk associated with the company.

- 7.2 STAR are satisfied that the Company Watch financial analysis of all tenderers that passed the quality evaluation indicates a good level of financial viability. Financial checks are available for scrutiny if required.
- 7.3 All organisations have indicated they have the appropriate levels of insurance on commencement of the service. Insurance documents will be obtained from the successful organisations on award of the contract.
- 7.4 All organisations are registered with the CQC.

## 8. CONCLUSION

8.1 A full summary of the evaluation is provided below:

<b>Provider</b>	<b>Supplier Questionnaire</b>	<b>Cyber Security Questionnaire</b>	<b>Quality pass/fail</b>
Provider A	Complete	Complete	Pass
Provider B	Complete	Complete	Pass
Provider C	Complete	Complete	Pass
Provider D	Complete	Complete	Pass
Provider E	Complete	Complete	Pass
Provider F	Complete	Complete	Pass
Provider G	Complete	Complete	Pass
Provider H	Complete	Complete	Pass
Provider I	Complete	Complete	Pass
Provider J	Complete	Complete	Pass
Provider K	Complete	Complete	Pass
Provider L	Complete	Complete	Pass
Provider M	Complete	Complete	Pass
Provider N	Complete	Complete	Pass
Provider O	Complete	Complete	Pass
Provider P	Complete	Complete	Pass
Provider Q	Complete	Complete	Pass
Provider R	Complete	Complete	Pass
Provider S	Complete	Complete	Pass
Provider T	Complete	Complete	Pass
Provider U	Complete	Complete	Pass
Provider V	Complete	Complete	Pass
Provider W	Complete	Complete	Pass
Provider X	Complete	Complete	Pass
Provider Y	Complete	Complete	Pass
Provider Z	Complete	Complete	Pass
Provider AA	Complete	Complete	Pass

8.2 In addition, four providers who have yet to confirm whether they wish to be included on the FPS and therefore will not be included until the point in which they do. STaR Procurement are managing this process with providers via The Chest; should they confirm their intention to be included they will be added to the list. They are:

- For Excel
- My Home Care
- Rapha
- Rayman

## **9. RECOMMENDATION**

9.1 As set out at the front of the report.