

ITEM NUMBER:

OPEN REPORT

REPORT TO:	Executive Councillor
DATE OF MEETING:	3 March 2010
SUBJECT:	Waiving of Contract Regulations – Carers Support Services for Carers Caring for People with Mental Ill Health (Re-think)
DECISION REFERENCE:	01715
KEY DECISION?	No

SUMMARY:

This report sets out the proposal to allow Adult Social Care to extend the existing contract of carers support services for carers caring for people with mental health for one year to allow for a new service to be put in place. The recent tendering for this was unsuccessful. This was due to the fact that two of the three bidders (Carer's Federation and Rethink) pulled out of the process at the Pre Qualification Questionnaire Stage, one being the incumbent provider – Rethink. Rethink stated that they did not feel the budget offered was sufficient to meet the requirements of the service specification. The Carer's Federation stated that they wished to concentrate on Carer's Services for Young Carer's and consolidate their current business. The remaining bid from Making Space simply did not meet the required benchmark and was unacceptable to Carers.

ACTION (S) REQUIRED:

It is recommended that the Executive Councillor supports the waiving of contract regulations for support services for carers caring for people with mental ill health.

ALTERNATIVES CONSIDERED:

1. Carers caring for people with mental ill health will not have a carers support service for approximately a year whilst retendering takes place.
2. It is not appropriate to consider issuing Personal Budgets to People to access this service as carers do not require a long term arrangement when accessing this service which adjusts to the needs of carers at any given point in their lives. Most carers will only require advice, support and signposting to other services and knowledge bases and few will require 1:1 support for long periods. In addition if Personal Budgets were issued – the service would only be able to support a small number of current carers, where as the service is designed to support as many carers as possible as current carers leave or access less services.

REASONS FOR SELECTING THE OPTION RECOMMENDED:

The current service has approximately 900 carers registered. Carers receive various levels of support from 1:1 support, carers assessments, carer support groups to carers information and advice and a monthly newsletter.

The only viable solution is to waiver contract regulations in this instance and continue the service while a re tendering process is carried out.

1. BACKGROUND

- 1.1 Current contracting arrangements for the provision of a carers support service for carers caring for people with mental ill health is currently provided by Rethink a Third Sector organisation.
- 1.2 The contract is jointly funded between the Lincolnshire Primary Care Trust (LPCT) and Lincolnshire County Council (LCC) and has been in place since April 2003, a three year contract rolled on for a further 2 years.
- 1.3 Throughout September and October 2009 approximately 120 carers caring for people with mental ill health were asked what type of support service they would like to see in place. This information was translated into a service specification and a tendering exercise commenced November 2009.
- 1.4 A group of three carers and one representative from both the PCT and LCC formed the project tender group. There was a unanimous decision by the group to re tender for this service as the one organisation who submitted a tender bid did not reach the standard expected by the panel.
- 1.5 The contract requires the waiving of contract regulations to extend the agreement to 31 March 2011 in order to provide continuity of service for existing carers whilst this service is re tendered.

Agreement Number	Organisation	Service	Contract Extension Value	Current Contract Ends	Extension required until
CO	Rethink	Carers Support Service for Carers Caring for People with Mental Ill Health	£151,598.00 £80,000.00 (PCT)	31-03-10	31-03-11

1.6 The Service is valued by Carers but it is fair to say that the incumbent provider, Rethink has taken several months to reshape its services following the transfer of lead commissioning responsibility from LPFT to LCC. Key Personnel have been moved or have left the local service and their ability to meet the needs of carers is greatly improved of late, however, this capability was not apparent at the time of the tender. It should also be noted that going forward, Rethink are working with the Council to ensure their systems and practices are suitably robust to meet the requirements of the new service specification and that it will be a strong candidate in any subsequent tender.

1.7 Under the Council's Contract Regulations approval can be given by the relevant Executive Councillor Officer for direct negotiation of contracts with a value between £10,001 and £75,000. The Executive Councillor shall keep a register of contracts that they have approved as exceptions and the reasons why.

2. CONCLUSION

2.1 In order to provide continuity of service for existing carers whilst re tendering takes place it is proposed that approval be given to extend the existing agreements with Rethink for 1 year until 31 March 2011.

3. CONSULTATION

In designing the new service following the Council taking on the lead commissioning responsibility for this service in October 2009, carers have driven the process and have been leading the process of service design and specification, and were an integral part of the recent tender process. Going forward – carers will be involved in subsequent tender processes and will be a key stakeholder in the Contract Management process for the existing service.

This carers led approach has been fully endorsed with both LCC and LPFT Heads of Commissioning and Operational Teams.

The incumbent provider is now fully engaged with the process and part of an on going dialogue to ensure they provide the best service possible for carers now and that they will be able to submit a relevant and credible bid in the subsequent tender process.

(a) Legal Comments

The Council's Constitution states that, in exceptional cases, where a Chief Officer believes an alternative to the four normal procurement routes is required, for contracts with a value of between £75,001 and £250,000 the proposal should be taken to the relevant Executive Councillor for approval prior to the waiving of contract regulations. The Executive Councillor should also be mindful of EU Procurement Thresholds for Part B Services, currently 193,000 euros. Any contract may be extended in accordance with its terms and, where the terms do not expressly provide for extension, contracts subject to EU Regulations may be extended by negotiation in accordance with the rules set out in the EU Regulations. Such extensions should be treated the same as procuring with a single supplier and the above stated exception to normal routes applies. Subject to the above, the Recommendation is lawful and within the Executive Councillor's remit.

(b) Resources Comments

Financial regulations in relation to rules in relation to contracts exist in part to ensure value for money is achieved from all contracts the Council tenders.

Retendering the proposed tender should ensure that from April 2011 value for money is delivered. In the interim continuation of the current arrangements ensures that current services to service users can continue for a further year, albeit without further assurances that value for money is being delivered. Funding for this contract is available within the Adult Social Care budget for 2010/11.

(c) Scrutiny Comments

Not applicable.

(d) Executive Councillor Comments

Not applicable.

(e) Local Member Comments

Not applicable.

(f) Policy Proofing Actions Required

Not applicable.

4. APPENDICES

None

5. BACKGROUND PAPERS

No background papers within section 100D of the Local Government Act 1972 were used in preparation of this report.

The report was written by Sarah Oliver, who can be contacted on 01522 554214, sarah.oliver@lincolnshire.gov.uk