

Report to: Lead Member for Adult Social Care and Health

Date of meeting: 24 June 2021

By: Director for Adult Social Care

Title: Extra Care Housing - Contract Awards

Purpose: To seek approval from the Lead Member for Adult Social Care and Health to make direct awards for the three contracts relating to the care provision in the County's six Extra Care housing units

Lead Member is recommended to:

1. Agree to the direct award of the three care contracts that relate to the County's Extra Care housing provision, as set out in paragraph 2.6, to the current providers for a 15-month period, to 30 January 2023
 2. delegate authority to the Director of Adult Social Care to take all necessary actions to give effect to the implementation of the above recommendation in consultation with relevant stakeholders.
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1. Background

1.1. The current contracts for care within East Sussex County Council's Extra Care Housing provision are planned to be co-terminus with the forthcoming Home Care Approved List tender, which has been in progress since early 2019. Plans include a joint home care and extra care approved list to be competitively tendered in January 2022 for new contract starts in January 2023, as service provision across both care delivery settings has the same core requirements.

1.2. This strategy has been adopted in order to stimulate market interest and to ensure that there are alternative qualified providers available, should they be needed. Other benefits to a joint tender include aligning opportunities to better enable providers to plan their longer-term business development and to make the most effective use of the Council's resources required to undertake such a significant tender.

1.3. The Lead Member for Adult Social Care and Health has already agreed a waiver to enable the extension of the current Home Care framework contracts, as the 'Test and Learn' workstream, which is fundamental to developing the service specification and market engagement for Home Care, had been delayed due to the COVID-19 pandemic.

1.4. This workstream and the wider project has now resumed after a pause due to the COVID-19 second wave, during which five of the six Extra Care Housing schemes due to be procured had declared COVID-19 outbreaks to Public Health England. These ongoing challenges arising from the Covid pandemic emphasise the need for the current commissioning strategy to promote additional supplier options and improve business resilience during this period.

2. Supporting information

Rationale for direct award

2.1. Whilst a further extension has been agreed for the Home Care contracts, this is not an option as the Extra Care contracts which were commissioned relatively recently in 2018. This means that the proposed extension period would exceed the allowable modification value under Regulation 72 of the Public Contract Regulations 2015 (50% of original estimated contract value).

2.2. The potential for carrying out an interim process under the urgent timescales allowed in the Public Contract Regulations has been considered, however, the rationale which has led to the current commissioning strategy, coupled with the ongoing COVID-19 pressures would mean that Providers are unlikely to be able to engage in tendering at this time.

2.3. A truncated procurement exercise at this time, is unlikely to deliver the most cost-effective model for delivery and the number and quality of responses, if any, is likely to be limited given providers ongoing focus on immediate operational challenges.

2.4. The proposed contract awards would be made on a 15-month interim basis as direct awards under Regulation 32 b (ii) of the Public Contract Regulations 2015, from the end of the current contracts on 27 October 2021 to 30 January 2023 to enable the COVID-19 vaccination programme to take effect, providers to return to a more normal business footing and the new contracts to be aligned with the larger Home Care retendering process.

2.5. Regulation 23 b(ii) states that contracting authorities may award public contracts by a negotiated procedure without prior publication where the works, supplies or services can be supplied only by a particular economic operator for the following reason:

(ii) competition is absent for technical reasons, but only where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.

Financial appraisal

2.6. There is ongoing provision within the Adult Social Care & Health revenue budget to fully fund these contracts. The existing providers and 15-month contract award values are included in the table below:

Extra Care Contracts	Provider	Contract value
Cranbrook (Eastbourne) and Bentley Grange (Hailsham)	CSN (Carewatch)	£1,069,470
Margaret House (Uckfield) and Downlands Court (Peacehaven)	Care at Home Services	£1,182,781
Marlborough House (St Leonard's) and The Orangery (Bexhill)	Care at Home Services	£940,704

3. Conclusion and Recommendations

3.1. The direct award of the three care contracts that relate to the County's Extra Care housing provision, to the current providers for a 15-month period, to 30 January 2023 enables the Council to undertake more comprehensive engagement and consultation with providers and clients. This will inform the future service model and align these services to the Home Care contracts for tender via a joint approved list to ensure service resilience and best value.

MARK STANTON

Director of Adult Social Care

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Local Members:

Cranbrook (Eastbourne) – Councillor David Tutt

Bentley Grange (Hailsham) - Councillor Steve Murphy

Margaret House (Uckfield) – Councillor Claire Dowling

Downlands Court (Peacehaven) – Councillor Chris Collier

Marlborough House (St Leonard's) - Councillor Trevor Webb

The Orangery (Bexhill) – Councillor Abul Azad