

Delegated Cabinet Member Decision Report

Decision Maker and Portfolio area: Cllr Brownridge, Cabinet Member for Health & Social Care

Date of Decision: 30th August 2023

Subject: Contract Award: Life of Client

To seek approval to award the Life of Client Framework (LOC) for the provision of stairlifts, ceiling track hoists and vertical step lifts in domestic properties where residents have disabilities.

Report Author: Commissioning Manager: Fateha Khanom, Oldham Cares

Ward(s) Affected: All Wards

Reason for the decision:

To seek approval to award and enter into the LOC Framework Agreement with three successful Contractors following completion of a compliant procurement exercise in respect of the following three lots:

- Lot 1 - Stairlifts: Handicare Accessibility Limited
- Lot 2 - Ceiling track hoists: Hoist and Shower Chair Limited
- Lot 3 - Vertical and step lifts: Wessex Lifts Limited

The tendered opportunity is for the provision of stairlifts, ceiling track hoists and vertical step lifts in domestic properties where residents have disabilities (3 lots) to enable them to remain living as independently as possible in their communities. The current Framework Agreements in place are due to expire on the 31st August 2023 with no further option to extend.

Summary:

This requirements of Oldham Council and Tameside Borough Council are currently provided

under contractual arrangements which commenced on the 1st June 2019 and end on the 31st August 2023, necessitating a procurement exercise to ensure new contracts are in place from 1st September 2023. This report describes the service provision, the commissioning approach and requests approval for Oldham Council to award and enter into contracts with the three successful Contractors identified through the tender process.

The Council has undertaken a tender process in compliance with Contract Procedure Rules and evaluated all tenders received in accordance with the tender documents. Following completion of the evaluation, officers have identified one contractor for each of the three lots described above to deliver the advertised requirements.

On the 6th April 2023, by the Council's Chief Executive, Commissioning Partnership Board provided approval for Delegated Authority for the Cabinet Member for Health and Social Care to approve the tender procedure in accordance with Contract Procedure Rules and to award the new Framework Agreement to the successful Contractors.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

- A) Allow the Contract to expire and cease provision.
This is not the preferred option. National and local policy direction has a focus on providing care closer to home and maintaining independence: the service is integral to achieving this and leads to cost avoidance in other parts of the health and social care system
- B) To seek approval for the advertised Framework Agreement to be awarded to each contractor identified as submitting the most economically advantageous tender for each of the 3 advertised lots, with a service commencement date of 1st September 2023 and to expire on the 31st May 2026 with an option to extend by two further periods of 12 months. This is the recommended option as:
- Approval provided for Delegated Authority for the Cabinet Member for Health and Social Care to award the new Framework Agreement
 - A comprehensive procurement exercise has been undertaken
 - Service aligns with national and local Policy

Recommendation(s):

C) *Option B. This is the recommended option as:*

- *Approval provided for Delegated Authority for the Cabinet Member for Health and Social Care to award the new Framework Agreement*
- *A comprehensive procurement exercise has been undertaken*
- *Service aligns with national and local Policy*

Implications:

What are the **financial** implications?

The commissioning team are seeking approval to award the LOC Framework Agreement to the three successful contractors following the procurement exercise. The three contractors will provide the following equipment:

- Lot 1 - Stairlifts
- Lot 2 - Ceiling track hoists
- Lot 3 - Vertical and step lifts

The contract is to commence on the 1 September 2023 and to expire on the 31 May 2026 with an option to extend by two further periods of 12 months.

The estimated annual contract value is £0.930m and can be financed from the Disabled Facilities Grant (DFG). This grant is included in the Better Care Fund Plan for 2023/24 and forms part of the pooled budget arrangement under the Section 75 agreement with the GM NHS Integrated Care Partnership (Oldham locality).

Whilst the service is somewhat demand-led, expenditure is expected to be consistent with previous years activities and be fully contained within the DFG allocated budget of £2.343m for 2023/24.

(Andy Pearson, Accountant)

What are the **procurement** implications?

An open procurement tender exercise was undertaken in accordance with PCR 2015, and to comply with the requirements as stated in the Contract Procedure Rules. This opportunity was advertised on the Chest portal. The Commercial Procurement Unit supports the recommendation to award the contract to the preferred bidders as per Lots. This was done through a robust evaluation process, which was clearly set out in the ITT Tender documents. (Mohammad Sharif)
24/07/2023

*What are the **legal** implications?*

Rule 4 of the Contract Procedure Rules governs the commissioning process which officers are required to follow. In this matter, a compliant tender process was undertaken in accordance with the Public Contract Regulations 2015. The Council, acting on behalf of itself and Tameside Borough Council (and any other referenced contracting authorities), divided the requirements into the following 3 lots:

- Lot 1 - Stairlifts
- Lot 2 - Ceiling track hoists
- Lot 3 - Vertical and step lifts

The result of the tender evaluation is as detailed in the main body of this report.

If approved, on completion of the new Framework Agreements, the Council and Tameside Borough Council (along with any other contracting authorities referenced in the advert) will be able to commission their requirements under the relevant lot as and when they are needed throughout the term of each agreement. There will be no obligation to purchase particular volumes.

Provided the Commercial Procurement Unit is satisfied that all tenders have been evaluated in accordance with the tender documents, including the advertised evaluation and scoring criteria, and provided Framework Agreements are entered into with the 3 successful tenderers, largely in the advertised form of contract, the legal implications of the proposed action should be minimal.
Sarah Orrell – Commercial & Procurement Solicitor

*What are the **Human Resources** implications?*

N/A

***Equality and Diversity Impact Assessment** attached or not required because (please give reason)*

No: an EIA has not been completed as the proposal enables continuity of statutory provision of adaptations to improve the independence, health, and wellbeing of people with disabilities, and to enable them to remain living for as long as possible in their own homes.

*What are the **property** implications*

None: the provision is installed in recipients own domestic properties.

Risks:

There are no risks identified from pursuing the preferred option.

Co-operative agenda

The decision supports the Council's co-operative agenda by supporting our aim for Thriving Communities where everyone is empowered to do their bit. #ourbit: 'Working proactively with residents and partners in promoting healthy, independent lifestyles and providing the right level of care at the right time'

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No


Reason why this Is a Key Decision

- (1) to result in the local authority incurring expenditure or the making of savings which are, significant (over £250k) having regard to the local authority's budget for the service or function to which the decision relates; and
- (2) to be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the area of the local authority.

The Key Decision made as a result of this report will be published within **48 hours** and cannot be actioned until **five working days** have elapsed from the publication date of the decision, unless exempt from call-in.

This item has been included on the Forward Plan under reference: HSC-12-23

Background papers for this report

Description	Papers
Approval for delegated authority for Cabinet Member to award Contract	 Collaboration Agreement TMBC an

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Report Author Sign-off:	Fateha Khanom
Date: 24th July 2023	

Please list any appendices:-

Appendix number or letter	Description
N/A	N/A

1. Background:

- 1.1 The Framework is for the provision of stairlifts, ceiling track hoists, vertical and step lifts and gantry hoists in domestic properties where residents have disabilities. The Framework is currently held by four suppliers who each hold one of four Lots. The Framework Agreement is procured by Oldham, acting as lead authority on behalf of Tameside Council. The service commenced on the 1st June 2019 and is due to expire on the 31st August 2023.
- 1.2 The provision is funded from the Disabled Facilities Grant (DFG) Capital allocation within the Better Care Fund operating under section 75 NHS Act 2006 pooled budget arrangements between Clinical Commissioning Groups and Councils. This provides funding to adapt a disabled person’s home - where an assessed need has been identified - to enable the occupant to continue to live as independently as possible in their own homes. The legislative framework governing DFGs places a statutory duty on Local Authorities to provide DFGs to those who qualify: i.e. where the council considers the adaptation to be 'necessary and appropriate to meet the disabled applicant’s needs' and 'reasonable and practicable in relation to the age and condition of the property'. Provision to undertake the duty must therefore be available.
- 1.3 Oldham Council led on the procurement exercise for Oldham and Tameside boroughs and hold the contract: however, there is no pooling of budgets between the two authorities, with each area paying for its own activity. Oldham has a history of collaboration with Tameside Council on contracts relating to DFG provision, as we have similar local arrangements, demands and requirements. It is considered by both local authorities that the advantages gained through economy of scale in letting larger contracts across both areas has resulted in better value for money, and more robust and well-run contracts, to the benefit of both Authorities. Tameside have confirmed that they also want to extend the contract for its final year.
- 1.3 The DFG grant allocation to Oldham for 2023/24 is £2.343m. The Framework includes an annual price review.

2. Current position:

- 2.1 A project team was formed to guide the retendering of the provision with representation from Commissioning, Procurement, Legal, and the Equipment and Adaptations team from Miocare. Consultation and benchmarking with neighbouring local authorities has taken place and as well as soft market engagement.
- 2.2 The responses have guided the procurement exercise such as the number of Contractors, management of sub-contractors, performance management options and fixed based prices (current pricing approach). The new Framework Agreement will include an annual

price review which will consider variances in Contractor costs, market conditions and bench marking.

2.3 It is recommended that the Framework is awarded to the three highest scoring contractors following a comprehensive procurement exercise:

- Lot 1 - Stairlifts: Handicare Accessibility Limited
- Lot 2 - Ceiling track hoists: Hoist and Shower Chair Limited
- Lot 3 - Vertical and step lifts: Wessex Lifts Limited

2.4 Each Lot of the contract includes the supply and installation of the provision, all with 'life of client' warranty: this places responsibility for the maintenance/replacement of installed equipment on the contractor for as long as the recipient needs the provision, thus securing long term revenue savings for each local authority, who would otherwise have to fund this aspect from revenue. The contract was Lotted because no single provider supplies all these specialist pieces of equipment: the specialist nature of this provision was reflected in the low number of bidders (5 in total) and that all the companies are national / international suppliers.

3. Conclusions and recommendations:

3.1 The Cabinet Member for Health and Social Care is asked to award the new Framework Agreement to the recommended Contractors as this enables:

- The Council to meet its statutory duty
- OMBC Chief Executive approved Delegating Authority for the Cabinet Member for Health and Social Care to award the new Framework Agreement approach on the 06th April 2023
- A comprehensive procurement exercise has been undertaken
- Service aligns with national and local Policy



Jayne Ratcliffe
Director of Adult Social Care (DASS)

Date:30.08.2023



Cllr Barbara Brownridge
Cabinet Member for Health & Social Care

Date: 30.08.2023