

CONTRACT SCRUTINY COMMITTEE AGENDA



Monday 11 July 2011

At 2.00 pm

**in Committee Room B
Civic Centre, Hartlepool**

MEMBERS: CONTRACT SCRUTINY COMMITTEE:

Councillors Aiken, Ingham, Lawton, Richardson, Rogan, Simmons, Sutheran,
P Thompson and Wells.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the minutes of the meeting held on 24th May 2011

4. ITEMS FOR INFORMATION

- 4.1 Contract for the Provision of an Independent Mental Capacity Advocacy
Service – *Director of Child and Adult Services*
4.2 Supply and Installation of ICT Network Infrastructure at Four Local Schools
(Contract Ref 564) – *Assistant Director - Resources*

5. ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS ARE URGENT

6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

7. EXEMPT ITEMS FOR INFORMATION

- 7.1 The Provision of Furniture and Equipment at Jesmond Gardens Primary School (para 3) – *Procurement and Category Manager*

8. TENDERS TO BE OPENED

- 8.1 Direct Payments (ref 244) – *Commissioning and Contracts Manager*

8. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

CONTRACT SCRUTINY COMMITTEE

MINUTES AND DECISION RECORD

24 May 2011

The meeting commenced at 11.00 am in the Civic Centre, Hartlepool

PRESENT: Councillor Lilian Sutheran (In the Chair)

Councillors Peter Ingham, Trish Lawton, Carl Richardson and Ray Wells

OFFICERS: Graham Frankland, Assistant Director (Resources)
Colin Bolton, Building Consultancy Manager
Ursula Larkin, Procurement Category Manager
Sally Scott, Procurement Officer
Kate Wachorn, Commercial Solicitor
Jo Stubbs, Democratic Services Officer

119. Apologies for Absence

Apologies were submitted from Councillors Sarah Maness and Chris Simmons.

120. Declarations of Interest

None

121. Minutes of the Meeting held on 11 April 2011

Approved subject to the addition of Councillor Peter Ingham in the list of apologies.

122. Supply and Installation of ICT Network Infrastructure at four local schools – Assistant Director (Resources)

As part of the Building Schools for the Future (BSF) programme £8.8 million was allocated to the provision of an ICT Managed Service in all of Hartlepool's secondary schools. The contract was duly awarded to Northgate Education in March 2010. In September 2010 it was confirmed that despite the cancellation of the BSF programme this funding would still be available however it would not include monies for infrastructure works in the non-sample schools. This meant that ICT could not be successfully delivered in these schools because their current ICT infrastructure was inadequate to provide the service

required. Representations were made by officers highlighting the need for further funding for the non sample schools and in December 2010 Partnerships for Schools agreed to provide £874,000 to support this. A procurement exercise commenced and a competitive tender process was started on 19th April 2011. In order to meet the requirements to carry out a competitive tender exercise within the tight timescales a pre-existing OGC framework was utilised with all 5 approved suppliers invited to submit bids. Northgate Education were also invited to tender given their previous experience in this area. Their submission was made via the NEPO portal while 4 other suppliers submitted sealed bids via the OGC framework.

The fifth of the OGC approved suppliers had contacted the Procurement Category Manager at 12.50 to advise that they had been unable to submit their bid due to technical problems with the OGC portal. These tenders had subsequently been sent via email by the OGC website to the Procurement Category Manager to be opened at the Contract Scrutiny Committee. Those responsible for the OGC website had begun an investigation into where the fault had originated and whether attempts had been made to submit the tender in advance of the 12 noon deadline but these results were pending. Members were concerned at the timing of the email to the Procurement Category Manager as they felt this implied that the tender may have been submitted after the deadline. If not after the deadline then it had clearly been submitted very close to the deadline, which inevitably ran the risk of the system crashing or performing slowly. Members felt this situation was no different to a situation whereby the car bringing the paper tender to the Civic Centre broke down or was stuck in a jam. In neither case should special consideration be given as the onus was on the company to give themselves plenty of time. However the Commercial Solicitor commented that until an investigation was carried out and the exact circumstances of the failure of the electronic tender were known then members should not refuse to allow the tender on the basis of its being late. Following investigation should it transpire that the fault had been on the part of the equipment of the company then members would be within their rights to refuse to accept the tender for the reasons outlined above. However if the fault were on the part of the OGC framework and every effort had been made to submit the tender on time then it should be accepted as not to do so could leave the Council open to legal action. Members accepted this advice and agreed that the tender in question be accepted subject to the results of the ongoing investigation showing that attempts had been made to submit it on time and that any fault had been on the part of OGC rather than the company. Members recommended that a legally worded disclaimer be included on all future tender documents indicating that if companies missed the deadline for submission of tenders due to a last minute failure of their systems then this was entirely at their own risk. This was agreed by members.

Decision

That the report be noted

123. Local Government Access to Information

Under Section 100 (A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of the Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006.

Minute 124 – Supply and installation of ICT infrastructure at four local schools (Contract ref 564) – *Strategic Procurement Manager* - Para 3 namely information relating to the financial or business affairs of any particular person (Including the Authority holding that information)

124. Supply and installation of ICT infrastructure at four local schools (contract ref 564) – *Strategic Procurement Manager* (Para 3 namely information relating to the financial or business affairs of any particular person (Including the Authority holding that information)

Five electronic tenders had been received in respect of the above contract and were opened in the presence of the Committee.

Decision

That four of the the tenders be received.

That further investigation be undertaken as to the receipt time of the fifth tender and if it was received after the deadline that it be disregarded for having failed to meet the criteria.

The meeting concluded at 11.45am.

CHAIR

CONTRACT SCRUTINY COMMITTEE

11th July 2011



Report of: DIRECTOR OF CHILD AND ADULT SERVICES

Subject: CONTRACT FOR THE PROVISION OF AN
INDEPENDENT MENTAL CAPACITY
ADVOCACY SERVICE

1. PURPOSE OF REPORT

- 1.1 To update the Committee on the evaluation of the tenders received for the provision of the above named service.

2. BACKGROUND

- 2.1 In accordance with the statutory requirements of the Mental Capacity Act 2005, Hartlepool Borough Council, together with Middlesbrough Council, Stockton Borough Council and Redcar & Cleveland Borough Council entered into a collaborative contract with Skills for People for the provision of an Independent Mental Capacity Advocacy Service.

- 2.2 The contract was due to terminate on the 31st May 2011.

- 2.3 A competitive tender process commenced on 4th February 2011 to procure a quality, effective service and ensure a level of competition amongst providers.

- 2.4 The aim of the statutory service is to

- provide a specialist independent advocacy service in line with the Mental Capacity Act 2005, its Regulations and MCA Code of Practice and the DoLS Code of Practice.
- provide high quality non-instructed advocacy for people with a variety of communication needs.
- have clearly stated aims and objectives and provide information on the scope and limitations of the services' role.
- be structurally independent of the Commissioner with its own constitution, code of practice and complaints procedure and be free

from conflict of interest as possible both in design and operation, and actively seek to reduce conflicting interests.

- ensure that the wishes and interests of the people they advocate for direct advocates' work. Advocates should be non-judgmental and respectful of peoples' needs, views and experience.
- assist in seeking resolutions that maintain the best interests of Service Users.
- support self-advocacy and empowerment through its work. People who use the service should have a say in the level of involvement and style of advocacy support they want, where possible.
- support other statutory, voluntary and independent agencies. This will include hospital discharge staff, doctors, nurses, Care Managers and care home managers.
- have awareness and understanding of local inter-agency Adult Protection procedures.
- adhere to the requirements of Statutory Instrument 2009 No. 2376 – The Mental Health and Mental Capacity (Advocacy) Amendment (England) Regulations 2009 and any subsequent amendments.
- seek to conclude issues with written reports within appropriate timescales.

2.5 Middlesbrough led the corporate tender process which was followed in accordance with HBC Contract Procedure Rules. The tender opportunity was posted on the North East Purchasing Organisation (NEPO) Portal, advertised in the Evening Gazette and subject to European Procurement Legislation.

3. PROPOSALS

3.1 To note the report.

4. EVALUATION PROCESS

4.1 The closing date for submitting the Pre Qualification Questionnaire (PQQ) was 7th March 2011. PQQ Submissions were received from the following 11 Providers from which the highest scoring 6 proceeded to the next stage:

Organisation	PQQ	Financial
NYAS	447.5	PASS
Rethink	443.5	PASS
Together	443.0	PASS
CAB (M'bro & Stockton)	429.5	PASS
Cloverleaf	425.0	PASS
Skills for People	402.0	PASS
SDAIS	385.5	PASS
Age Concern	378.0	PASS
Carr Gomm	359.0	PASS
WWS	282.0	PASS
TSW CIC	216.5	FAIL

4.2 The closing date for the Invitation to Tender (ITT) was 27th April 2011.

4.3 3 Providers submitted at the ITT stage and were evaluated on the criteria of 40% price and 60% quality based on the following areas:

- Experience and Ability
- Resource Capability
- Quality Assurance
- Flexibility and Contingency
- Health and Safety
- Service User Engagement

4.4 The outcome of the ITT evaluation was as follows:

Tenderer	Price%	Quality%	Total%
Together Working for Wellbeing	40.0	44.3	84.3
Skills for People	25.3	39.4	64.7
Middlesbrough & Stockton CAB	31.6	30.5	62.1

4.5 Advocacy Together is a leading provider in the field of Independent Advocacy Services and has a wealth of experience providing both instructed and non-instructed advocacy into a wide range of environments.

4.6 Advocacy Together is part of Together: Working for Wellbeing. Founded in 1879, Together is England's oldest community mental health charity and provides services to over 3,500 people with mental health needs through a variety of projects across the country.

4.7 Legal advice was sought and TUPE applied to the service. Advocacy Together was required to absorb the staff currently providing Independent Mental Capacity Advocacy from Skills for People.

5. FINANCIAL CONSIDERATIONS

- 5.1 The cost of the provision of the service is shared proportionately across the participating authorities which is based on the allocation for the development of an IMCA service given by the Department of Health.
- 5.2 Hartlepool's proportion of the contract price is 18.2% which equates to £15,000 per year.
- 5.3 The new service will operate under a spot purchase arrangement at the following hourly rate of:
- Year 1 £30.39 per hour
 - Year 2 £26.55 per hour
 - Year 3 £26.69 per hour

6. RECOMMENDATIONS

- 6.1 That the Contract Scrutiny Committee note the Director of Child and Adult Services support of the views of the Commissioned Services Manager and the award of a contract for 3 years, commencing June 2011, with an option to extend subject to satisfactory performance to provide an Independent Mental Capacity Advocacy Service to Advocacy Together (Together: Working for Wellbeing).

7. BACKGROUND PAPERS

- 7.1 None

8. CONTACT OFFICER

- 8.1 Brian Ayre
Commissioned Services Manager
Child and Adult Services Department
Level 4, Civic Centre
brian.ayre@hartlepool.gov.uk
01429 284264

CONTRACT SCRUTINY COMMITTEE

11th July 2011



Report of: Assistant Director - Resources

Subject: SUPPLY & INSTALLATION OF ICT NETWORK
INFRASTRUCTURE AT FOUR LOCAL SCHOOLS
(CONTRACT REF 564)

1. PURPOSE OF REPORT

- 1.1 To inform the Committee on the outcome of the recent tender evaluation for the supply and installation of ICT Network Infrastructure at four schools in Hartlepool, namely High Tunstall College of Science, English Martyrs School & Sixth Form College, Catcote Business & Enterprise College and Manor College of Technology.

2. BACKGROUND

- 2.1 As part of the Building Schools for the Future (BSF) Programme, an element of funding, £8.8m, was allocated to the provision of an ICT Managed Service in all of the town's secondary schools. Following a competitive dialogue procurement process, the ICT contract was signed on 25th March 2010 with Northgate Managed Services as the partner organisation.
- 2.2 During the autumn of 2010, the Council made representations to PfS highlighting the need for further funding to provide new IT infrastructure in the non sample schools. In December 2010, PfS agreed to the provision of £874k to support the renewal of the non sample schools IT infrastructure. This funding gave the Council the ability to carry out a procurement exercise to appoint a contractor to carry out the necessary works. The specification for the works necessary was put together over the autumn 2010 and spring 2011 terms by the BSF ICT consultants working closely with the Council's technical team.
- 2.3 An electronic tender process using OGC and NEPO portals was undertaken.

3. RESULTS OF EVALUATION PROCESS

- 3.1 Contract Scrutiny Committee formally received the 'sealed bids' for opening at the meeting on the 24th May 2011.
- 3.2 Bids were received on time for all four schools from 3 companies via the OGC Website and for Catcote School only from Northgate Education.
- 3.3 One tenderer whose bid was not received on time via the OGC Website insisted that there had been a problem with the OGC Website and had therefore submitted by e-mail after the deadline. Following further investigation it was confirmed that the representative of the tenderer in question had not access the e- tender system until 12.47pm on the day of the return of the tenders. There was no recorded access prior to this time. The time for the return of the tender was noon. It was confirmed, therefore, that the tenderer did not attempt to submit their bid before the deadline. The OGC webservice provider also confirmed that they were not aware of any problems with their portal on the day of return. They received no notification from the tenderer that they were encountering technical issues. To conclude there was no record of the tenderer attempting to submit an invitation to quote before the noon deadline and therefore the tender that was received was rejected.
- 3.4 Confidential **Appendix 1** details the bids received. **(This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information).**
- 3.5 After carefully reviewing the compliant bids, discounts for combined lots and delivery information, submitted a decision was made to award the contract to Bailey Teswaine Ltd, whose bid was the most economically advantageous.
- 3.6 Work has now commenced on all four sites and is progressing well.

4. RECOMMENDATIONS

- 4.1 That the Contract Scrutiny Committee notes the report.

5. BACKGROUND PAPERS

5.1 None

6. CONTACT OFFICER

David Hart
Strategic Procurement Manager
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Tel: 01429 523495

Email: david.hart@hartlepool.gov.uk