

Public Document Pack

Officer Decisions

Friday, 16th February, 2024
10.00 am

AGENDA

1. **EMB Report - Increase SLA costs to schools**
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2. **Contract Award for Crisis Response and Commissioned Nights following the**
5 - 7

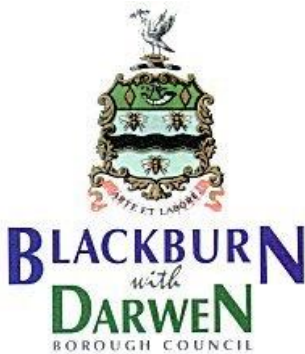
3. **Bar Products and Services contract**
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Date Published: 16 February 2024
Denise Park, Chief Executive

Agenda Item 1

**RECORD OF DECISION TAKEN UNDER
DELEGATED AUTHORITY FROM
EXECUTIVE/COUNCIL/COMMITTEE**

**DELEGATED POWERS OUTLINED IN
THE CONSTITUTION**



DELEGATED OFFICER DECISION TAKEN BY:	Strategic Director Finance & Resources
DELEGATED BY:	Council (6 th December 2023)
IN CONSULTATION WITH:	Executive Member
PORTFOLIO AREA:	ALL

SUBJECT: EMB Report - Increase SLA costs to schools

1. DECISION

- To approve the increase in SLA charges by 5% for renewed SLAs for 2024/25 wherever possible.
- To recommend an annual review of charges, based on cost of delivering services.
- To amend the wording of future SLA contracts to reserve the right to increase costs of SLAs of 2 years of more mid contract, to a maximum of the prevailing rate of CPI inflation.

2. REASON FOR DECISION

As part of our responsibility to regularly review our fees and charges, it has been determined that an uplift of 5% would allow BwDBC to continue to cover the costs of delivering services to schools.

3. BACKGROUND

The Council currently offer 23 SLAs to schools for a range of services. These services are advertised annually through a traded services website, with the option to sign up for a 1,2- or 3-year contract.

These arrangements have been in place for over 10 years, and individual services currently set their own charges and pricing model.

4. KEY ISSUES AND RISKS

- The majority of services are delivered by employees, and therefore the costs of the service will increase annually as a result of the pay award.

- As the different services on the traded services website are all provided by Council departments, it would be preferable to have a consistent view on price increases.

5. FINANCIAL IMPLICATIONS

The failure to review the SLAs on an annual basis may lead to the Council subsidising the costs of delivering the services to schools. By increasing SLA charges in line with pay awards and/or inflation, it will ensure costs of delivering the SLA are adequately covered.

The current SLAs for 2023/24 amount to £1.92million, therefore a 5% increase on this figure would equate to an increase of £96,000 (subject to Schools continuing to agree SLAs).

However, it should be noted that some schools will not renew SLAs due to academisation, but some services are enhancing the SLA offer.

The increase in charges for 2024/25 will only apply to SLAs that are due for renewal, and if all these SLAs are renewed, this will equate to £61,268.

6. LEGAL IMPLICATIONS

The increase in costs will only be applied to new SLAs with effect from April 2024.

The SLAs are to be updated to ensure that the Council is able to pass on costs on contracts of more than 12 months.

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

7. RESOURCE IMPLICATIONS

Individual services are required to review their resources to be able to deliver the SLAs that schools sign up to annually.

8. OPTIONS CONSIDERED AND REJECTED

9. CONSULTATIONS

Discussions have taken place with CLT and Executive Members are being briefed. Schools will be advised of the proposed increased costs prior to signing up for new SLAs.

10. DECLARATION OF INTEREST

All Declarations of Interest of the officer with delegation and any Member who has been consulted, and note of any dispensation granted should be recorded below:

It is noted that a number of officers and elected members are members of school governing bodies.

VERSION: 1

CONTACT OFFICER:	Mandy Singh
DATE:	07/12/2023
BACKGROUND DOCUMENTS:	N/A

Agenda Item 2

**RECORD OF DECISION TAKEN UNDER
DELEGATED AUTHORITY FROM
EXECUTIVE/COUNCIL/COMMITTEE
DELEGATED POWERS OUTLINED IN
THE CONSTITUTION**



DELEGATED OFFICER DECISION TAKEN BY:	Strategic Director of Adults and Health
DELEGATED BY:	Executive
IN CONSULTATION WITH:	Executive Member
PORTFOLIO AREA:	Adults Social Care & Health

SUBJECT: Contract Award for Crisis Response and Commissioned Nights following the completion of a mini competition exercise.

1. DECISION

The delegated officer Mark Warren, Strategic Director of Adults & Health, in accordance with the Blackburn with Darwen Constitution Section 16, under powers delegated to him, to take any action, including incurring expenditure, in connection with the Crisis Response & Commissioned Nights Service agrees:

- To approve the awarding and commencement of the new contract for Crisis Response to the successful bidder Sky Futures Ltd (trading as Choice Care) following completion of the procurement exercise which was undertaken through the council's e-procurement portal The Chest.
- To approve the awarding and commencement of the new contract for Commissioned Nights to the successful bidder Guardian Homecare UK Limited following completion of the procurement exercise which was undertaken through the council's e-procurement portal The Chest.

2. REASON FOR DECISION

The provision of the Domiciliary Care (Adults) Crisis Response and Commissioned Nights services have been retendered due to the current contracts coming to an end. These services form part of our core provision which serves residents in need within Blackburn with Darwen Borough.

A recommissioning/procurement exercise was undertaken. Providers who had been admitted to Tier 1 of the Domiciliary care framework at the contract start date were invited to apply. Of those invited to bid, 5 submissions for Crisis Response and 5 for Commissioned Nights were received.

The successful bidder for Lot 1 – Crisis Response scored 70%
The successful bidder for Lot 2 – Commissioned Nights scored 70%

3. BACKGROUND

Further to the Executive Member Decision Paper published on 8th December 2023, permission was sought to start a tender process for two lots that comprise the Crisis Response and Commissioned Nights services in readiness for the services to commence from 1st April 2024.

4. KEY ISSUES AND RISKS

Crisis Response and Commissioned Nights are both intrinsic parts of the General Domiciliary Care offer within Blackburn with Darwen Local Authority.

As both current contracts are to come to an end on the 31st March 2024, should the contract award following the mini competition not be agreed, the services of Crisis Response and Commissioned Nights will cease in the Borough.

Not only would that have a significant impact on service users within the Borough, but also have a detrimental impact on a number of staff whose ongoing employment post-1st April 2024 is subject to TUPE transfer.

5. FINANCIAL IMPLICATIONS

As domiciliary care crisis provision and domiciliary care commissioned nights provision are already commissioned services, the budget for this mini competition is already within planned spend.

Based on the current domiciliary care rate of £19.46 (which will be subject to uplift in 2024-25) the contracts are expected to be as follows:

- a. domiciliary care crisis provision - £340,000 per annum or £510,000 for the contract term (1st April 2024 – 30th September 2025)
- b. domiciliary care overnight provision – circa £100,000 per annum or £150,000 for the contract term (1st April 2024 – 30th September 2025)

The recommendations within this paper are anticipated to generate an efficiency saving of circa £113,000 per annum.

6. LEGAL IMPLICATIONS

Section 5 of the Care Act 2014 requires local authorities to promote the efficient and effective operation of a market in services for meeting care and support needs in their area. This proposal will assist the Council's efforts to ensure that there is a stable market to provide for the care needs of the local community. This includes the need to ensure that providers can remain viable and can attract and retain staff to provide the care to the required standard.

A mini competition process has been undertaken to allow providers from Tier 1 on the Domiciliary Care Framework to bid for this contract. The Page 6 process was compliant with the Public

Contracts Regulations 2015 and the Council's Contract and Procurement Procedure Rules. Contracts will be in a form approved by legal officers in the Contracts and Procurement team.

7. RESOURCE IMPLICATIONS

The management and implementation of the contract will be actioned within Blackburn with Darwen team resources including input from Legal, Finance, Strategic Commissioning and Adult Social Care.

8. OPTIONS CONSIDERED AND REJECTED

N/A

9. CONSULTATIONS

In preparation for the procurement exercise, the following has taken place:

Engagement & Consultation with:

- Social Work Team managers
- Adult Finance
- Reablement/Home First team

Service Specification (adults) has been updated, aligned to engagement and consultation above.

10. DECLARATION OF INTEREST

All Declarations of Interest of the officer with delegation and any Member who has been consulted, and note of any dispensation granted should be recorded below:

VERSION:	1
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CONTACT OFFICER:	Farheen Mahamroot
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DATE:	7 th February 2024
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BACKGROUND DOCUMENTS:	
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Agenda Item 3

**RECORD OF DECISION TAKEN UNDER
DELEGATED AUTHORITY FROM
EXECUTIVE/COUNCIL/COMMITTEE**

**DELEGATED POWERS OUTLINED IN
THE CONSTITUTION**



DELEGATED OFFICER DECISION TAKEN BY:	Strategic Director of Environment & Operations
DELEGATED BY:	Council (date of delegation)
IN CONSULTATION WITH:	Executive Member
PORTFOLIO AREA:	Growth and Development

SUBJECT: Bar Products and Services contract

1. DECISION

To approve the award of a contract to JW Lees Ltd for the supply of bar products and services.

2. REASON FOR DECISION

The current contract expires on 1st March 2024 and therefore the Council needed to undertake a tendering exercise in accordance with the Public Procurement Regulations and the Council's Contract and Procurement Procedure Rules.

The Contracts and Procurement Team published a notice on Find a Tender Service, the Contracts Finder website and The Chest e-procurement portal inviting expressions of interest from suppliers.

Within their invitation to tender responses bidders had to complete the standard selection questionnaire (SQ). The purpose of the SQ is to assess the capability of the bidder to deliver the contract and responses were marked on a pass/fail basis.

Four suppliers passed this stage; they then submitted their pricing via an electronic reverse auction. JW Lees Ltd finished in first place following the auction.

The proposed contract period is for three years with the option to extend for a further 12 months.

3. BACKGROUND

The principle purpose of the contract is to identify the 'best fit' supplier of all types of alcoholic and non-alcoholic beverages. The successful supplier will play a proactive partnership role in the development of a comprehensive catering service delivery to the wide range of user groups utilising the licensed catering venues of Blackburn with Darwen Council.

The licensed premises owned and operated by Blackburn with Darwen Borough Council constitute a varied commercial portfolio offering a mix of entertainment, conferencing, and catering delivery unique to the North West of England.

King George's Hall has several commercial elements, which combine effectively to promote its position as the cultural and leisure centre of Blackburn.

MAIN HALL – Serviced by 4 bars, the Main Hall can seat 1800 and 2300 standing for a Theatre/Concert event.

Events vary from Soul Nights; Cabaret Nights; Trade Fairs; Opera and Classical Concerts through to Rock, Pop and Comedy.

WINDSOR SUITE – Is a popular function and live performance venue (licensed for 750). Serviced by 2 bars, the Windsor Suite provides an ideal function facility for events like the nationally famous Northern Soul Nights and touring bands.

Darwen Library Theatre is a community theatre that can seat 210 people. It has one bar for the general public; it hosts a variety of events from rock and pop to Afternoon Variety Shows and Comedy Nights.

4. KEY ISSUES AND RISKS

Risks considered as part of the process which were managed through the process were

- Bidders unfamiliar with the auction software. The Contracts and Procurement team provided full training, including two practice auctions, to mitigate this risk.
- None of the short listed suppliers placed a bid. The starting price for the auction was set at a level 10% higher than the current annual cost to help the bidding process get underway.

5. FINANCIAL IMPLICATIONS

- No major financial implications, the cost is within existing budgets.
- The successful supplier will be required to fix their prices for 12 months and any future price increases cannot exceed RPIX.
- The reverse auction process has led to an annual saving of 34%.

6. LEGAL IMPLICATIONS The procurement process was in accordance with the Council's Contract and Procurement Procedure rules and the Public Contracts Regulations 2015.

7. RESOURCE IMPLICATIONS

- The Implementation of the brewery tender can be achieved within existing resources.

8. OPTIONS CONSIDERED AND REJECTED

- Run a traditional sealed bid tender process. Option considered and rejected because a reverse auction had generated savings on the previous contract, with inflationary increases during the lifetime of the current contract it gave the best chance to recover this cost as a minimum.

9. CONSULTATIONS

None.

10. DECLARATION OF INTEREST

All Declarations of Interest of the officer with delegation and any Member who has been consulted, and note of any dispensation granted should be recorded below:

VERSION:	1
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CONTACT OFFICER:	Joanne Byrne/Claire Ramwell
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DATE:	02 February 2024
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BACKGROUND DOCUMENTS:	
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