

REPORT FROM: CORPORATE DIRECTOR

TO: POLICY AND RESOURCES COMMITTEE

DATE: 26TH MAY, 2022

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TENDERS AND OTHER CONTRACT RELATED MATTERS

PURPOSE OF REPORT

To report, for information, tenders which have been received and accepted and to report any exemptions from the requirements of the Contract Procedure Rules.

RECOMMENDATION

That the Policy and Resources Committee notes -

- (1) the tenders which have been received and accepted;
- (2) the exemption granted from Contract Procedure Rules for the provision of a homelessness database and associated technical support/updates;
- (3) the exemption granted from Contract Procedure Rules for the provision of services related to the delivery of domestic abuse services.

REASON FOR RECOMMENDATIONS

To agree acceptance of tenders/offers in accordance with Contract Procedure Rules.

ISSUE

Award of Contracts

1. Following the relevant procurement process, tenders have been received and accepted in relation to the following projects:-

(a) Urgent Repair Work in Nelson

| Tenderer | Tender Figure (£) |
|--------------------------------------|--------------------------|
| Colin Braithwaite Excavators Limited | 3,321.45 |
| A&G Landscapes & Groundworks Limited | 3,716.56 |

The contract has been awarded to Colin Braithwaite Excavators Limited and will be funded by Nelson, Brierfield and Reedley Committee.

(b) Improvements to Nelson Back Streets 2022/23, Phase 5

| Tenderer | Tender Figure (£) |
|--------------------------------------|--------------------------|
| A&G Landscapes & Groundworks Limited | 32,523.84 |
| Colin Braithwaite Excavators Limited | 34,642.58 |
| Monk of Colne Limited | 36,654.34 |
| Brewers Contractors | 37,760.80 |
| O'Callaghan Limited | 38,430.61 |

The contract has been awarded to A&G Landscapes & Groundworks Limited and will be funded by Nelson Town Council.

(c) Improvements to Footpath 6, Westfield Road, Barnoldswick

| Tenderer | Tender Figure (£) |
|--------------------------------------|--------------------------|
| Monk of Colne Limited | 1,439.24 |
| Colin Braithwaite Excavators Limited | 2,114.20 |
| A&G Landscapes & Groundworks Limited | 3,028.96 |

The contract has been awarded to Monk of Colne Limited and will be funded by Lancashire County Council and Barnoldswick Town Council.

Exemptions from Contract Procedure Rules (CPRs)

- 1 CPR 5 includes provision for exemption from the requirements to comply with CPRs in certain circumstances where it is considered justifiable, value for money is maintained and such action does not contravene EU and domestic legislation. Exemption from CPRs is, however, subject to the prior approval of the Corporate Director and Chief Financial Officer provided that details of such exemptions granted are reported to the next possible meeting of the Policy and Resources Committee.
2. Since the last meeting of the Policy and Resources Committee, the following exemptions to CPRs have been granted:-

(a) Homelessness Database

In 2017, the Council was required to seek a new provider to deliver a database which would capture and retain data related to homelessness cases and generate statistical returns as required under the Homelessness Reduction Act 2017. Following discussions with a number of potential providers, Locata was chosen and a 4 year contract was agreed, with a break clause mid-term. This was agreed to be the best database in terms of its functionality and cost. This

database was also chosen by all East Lancashire authorities (*exc Ribble Valley BC*) for the same reasons. It also provided the additional bonus that because each borough would be utilising the same system, it would be possible to generate comparative data for benchmarking and when developing prospective bids to government for funding.

The contract was due to end in early April 2022 and Locata offered to continue with the contract at the same costs i.e. £8K per annum over a 4 year period.

The database itself is bespoke and developed to meet the daily needs of managing data with regards to homelessness clients and statistical returns for government. Very few databases capable of undertaking this work were developed in 2017 as it is a very niche market. It is not expected that any additional databases have been developed since, as such a database is only relevant for services which undertake statutory homelessness enquiries (mainly local authorities) and almost all local authorities will have chosen a provider in time for the commencement of the Homelessness Reduction Act in April 2018.

The database and support provided has proved to be highly efficient and capable of meeting the Council's needs.

If the Council did not renew the contract, whilst the Council would own the data itself, there may be difficulties transferring this to a new provider. Also, with any new database system, all staff would need to be trained, which would lead to significant disruption.

The timescale to undertake a procurement process, choose a supplier and have the database system in place along with currently held data was tight. If the system was not in place in time for 2nd April when the existing contract expired it risked failure to meet statutory homelessness duties and failure to provide accurate statistics to government, FOI etc. as required.

Continuing with the same provider avoids these issues.

A procurement exercise has not been undertaken as it could entail significant use of staffing resource in undertaking the procurement process, add to costs and will cause a delay in commencing service provision, which could result in criticism of the Council.

In view of the above an exemption from Contract Procedure Rules has been granted to allow the commissioning of Locata to continue to provide a homelessness database and associated technical support/updates as required.

(b) Domestic Abuse Bill

On 3rd March 2021, the Council was contacted by the Ministry of Housing, Communities and Local Government (MHCLG) (now the Department for Levelling Up, Housing and Communities (DLUHC)) regarding the introduction of a new statutory duty on local authorities, ensuring that all victims, including children, have access to safety and support within safe accommodation when they need it. To support this, the Council received £31,493 in exchange for signing a Memorandum of Understanding (MoU) to formalise the working relationship and expectations.

As per the MoU the Council, as a Tier 2 authority is required to cooperate with the Tier 1 authority, Lancashire County Council (LCC), so far as is reasonably practicable. In taking this forward, discussions were held between all Lancashire 12 districts and LCC as to how to proceed. There were no specific guidelines issued and generally it was agreed informally that district Council's should use their allocation to meet gaps in service.

Due to time constraints and the need to use this funding before 31st March 2022, the Council contacted the main providers of domestic abuse services, to ascertain what was felt to be current gaps in service. It was subsequently agreed to enter into Service Level Agreements (SLAs) with both Positive Action in the Community (PAC) and Safenet, part of The Calico Group, which LCC supported.

As such, the spend on the fund included £15,000 to fund an SLA under which PAC delivered services including –

- Delivery of support (housing independent domestic violence advisors (IDVA) type provision), which included responding to helpline calls; prevention work; sourcing of and accessing safe accommodation; and also supporting move on from safehouses
- Sessional children's support (to enable appropriate and timely support when children are living in safehouses)
- Sanctuary assessments and administration
- Emergency travel fund for accessing safe accommodation
- Accessing to diverse interpreter support for accessing safe accommodation

Also £15,000 funded services delivered by Safenet which included resettlement and outreach support for residents leaving the refuge to ensure they remain safe in their homes. The support worker provided also works with Pendle Council's Housing Needs team to ensure smooth pathways into refuge provision helping to work with families in crisis.

The remaining £1,493 was initially held as contingency but due to lack of any issues arising, was used to directly support victims of domestic abuse by way of helping with alternative accommodation options.

On 15th March 2022, DLUHC unexpectedly announced that the Council will receive £31,520 for the 2022-23 period.

Both PAC and Safenet have a strong track record of working with people being subjected to domestic abuse, which includes both accommodation services and outreach services. There are few agencies in the local area who are capable of delivering this work.

In addition, together with the wider Calico Group, both have been very reliable partners to the Council in delivering services on time and in an effective manner.

The SLAs which the Council entered into with PAC and Safenet for 2021-22 expired on 31st March 2022. Both have shown they are in a strong position to deliver the required elements immediately and commissioning them both again allows uninterrupted continuation of the projects.

SLAs will be entered into on the same basis as per the 2021-22 period, up to 31st October, 2022

Both PAC and Safenet are ideally situated to help deliver the required elements in light of their accommodation services being based in Pendle. The funding is time limited and required to be spent quickly.

A procurement exercise has not been undertaken as it could entail significant use of staffing resource in undertaking the procurement process, add to costs and will cause a delay in commencing service provision, which could result in criticism of the Council.

In view of the above an exemption from Contract Procedure Rules has been granted to allow

the commissioning of Positive Action in the Community and Safenet to provide services related to the delivery of domestic abuse services. This is subject to LCC having no objections to the use of the Council's allocation of funding in delivering upon its statutory duty in co-operating with LCC.

IMPLICATIONS

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|--------------------------------|---|
| Policy: | None arising directly from the report. |
| Financial: | The financial implications are as provided in the report. Assessment of awarded tender against budget provision available is part of the budget tendering exercise. |
| Legal: | None arising directly from the report. |
| Risk Management: | None arising directly from the report. |
| Health and Safety: | None arising directly from the report. |
| Sustainability: | None arising directly from the report. |
| Community Safety: | None arising directly from the report. |
| Equality and Diversity: | None arising directly from the report. |
| APPENDICES: | None |