

Delegated Decision Notice

Record of a decision taken by an officer

Title	Extension of 2018 Semi-Independent Accommodation Framework
Decision taken	31 January 2022
Decision taken by	Nick Ireland, Strategic Director for People Richard Simpson, Strategic Director for Resources
Authority for Decision	Section 4, Part 6, Procurement Process, Competition - Threshold Requirements, Table 2 <i>Health, Social, Education And Certain Other Service Contracts Subject To The Light Touch Regime (Schedule 3 Of The Pcr 2015)</i> of the constitution of Sutton London Borough Council
Areas/Ward(s) affected	Borough-wide

Summary

In March 2018 Sutton Council commenced a four year Framework of Semi-Independent Accommodation (SAI) providers to call off a placement for children in care or care leavers requiring this service. This framework runs to March 31 2022.

As part of our continued support for London Borough of Sutton's Children in Care and Care Leavers, the SIA Framework will be extended for up to nine months whilst tendering for an updated framework takes place.

The council has entered into a contract with each of the successful Semi-Independent Accommodation providers, of four years, following a tender process in 2017. These contracts will be extended by up to nine months.

Decision Clauses

1. The extension of the Semi-Independent Accommodation Framework and the associated contracts for the provision of semi-independent accommodation services with a value of £450,000 for up to nine months of new provision.

Reasons for Decision

The basis for this decision is Regulation 72 (1) (c) as the following requirements are all met;

- I. the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
- II. the modification does not alter the overall nature of the contract;
- III. any increase in price does not exceed 50% of the value of the original contract or framework agreement.

In March 2020 the Cabinet Office published PPN 01/20 (Procurement Policy Note - Responding to COVID-19). This advised that the pandemic could meet the requirements of 72 (1) (c). At the time of writing PPN 01/20 has not been withdrawn.

Covid-19 delayed the tender process due to the requirement for commissioning and procurement staff to focus on sustaining existing provision. Staff time was required to increase engagement with providers and to ensure a supply of ongoing placements for young people in the care of the local authority.

Contract Term (9 months): The London Borough of Sutton intends to use the period to go to competitive tender in 2022 for the future provision of these services. It is important that providers are able to tender during a period of relative stability with time to engage fully in the procurement process. A 9-month extension will give the council and the framework providers sufficient time to review existing services and to fully engage the market in the tender process.

Alternative options considered

Option 1: Do nothing.

Rejected because: This would put the Local Authority at financial risk of the spot purchase market.

Option 2: Go to the market now.

Rejected because: The statutory regulatory framework of SIA provisions is currently under review. This may affect the market and cost of placements extensively. In addition, the current arrangements around COVID-19 are uncertain and may have significant impact on a fair and equal tendering process and the resourcing of the required processes.

Implications

Equalities implications: None - the targeted cohort or the nature of this service will not change with the extension.

Financial implications: The annual budget for this service is unchanged by this award.

Procurement Implications: In March 2020 the Cabinet Office published PPN 01/20 (Procurement Policy Note - Responding to COVID-19). This advised that the pandemic could meet the requirements of 72 (1) (c), circumstances which a diligent contracting

authority could not have foreseen, and could be a justification for modifying a contract provided the other conditions were also met. At the time of writing PPN 01/20 has not been withdrawn. We will be advising the market of the Council's clear intention to go to the market in the near future.

Declarations of Interest

None

Appendices

None

Background Documents

None