

Meeting: Cabinet **Date:** 30 August 2022

Wards affected: All

Report Title: Cabinet decision to award new contract for the Torbay Joint Community Equipment Service (JCES)

When does the decision need to be implemented?

The decision will not be implemented until after the call-in period and subsequent contract stand still period has expired.

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1. Purpose of Report

- 1.1 This report seeks Cabinet approval to award the contract (subject to ratification by parallel governance processes in Plymouth City Council and the NHS Devon integrated care board, which has taken over the statutory functions of NHS Devon Clinical Commissioning Group), for the provision of the Torbay Joint Community Equipment Service (JCES). This is not a new service but a retender, as the existing contract ends on the 28 February 2023.
- 1.2 Though we have undertaken the re-procurement process in parallel with Plymouth City Council colleagues (for the purposes of efficiency and sharing ideas), the output is two separate services and contracts (one for each local authority area).
- 1.3 The new contract in Torbay will be for a jointly commissioned service with the NHS Devon integrated care board, with Torbay Council being the contracting authority on behalf of the commissioning organisations. The proposal is to award a contract for three years (2023 to 2026), with three further one-year extension options of 1+1+1 (potentially to 2029).

2. Reason for Proposal and its benefits

We want Torbay and its residents to thrive.

We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay, and affordable housing for our residents.

We want Torbay to be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated, and where we play our part in addressing the climate change emergency.

- 2.1 The proposals in this report help us to deliver this ambition as the equipment service supports people in our communities, assisting them within their 'home' environment and

enabling them to thrive. While the service helps a range of people within Torbay, it particularly supports some of our most vulnerable residents including people who are older, younger clients who may have a disability and some children and their families who benefit from the extra support the equipment provides.

- 2.2 The reasons for the decision are our existing JCES contract ends in February 2023, and we therefore needed to undertake an open and transparent procurement process to ensure a new contract/service is in place from March 2023.
- 2.3 This is a joint contract with the NHS Devon integrated care board, who contribute 50% of the budget; with Torbay and South Devon NHS Foundation Trust (TSDFT) staff mainly undertaking the day-to-day prescribing of equipment for people and arranging for items to be delivered and collected by the provider.
- 2.4 The JCES enables individuals of all ages to cope independently, often without the need for other services, helping to reduce the package of care or indeed enabling care to be delivered in the person's own home (and occasionally in a care home).
- 2.5 Community equipment includes complex items (such as mattresses, lifting equipment and beds), to small products such as commodes. It helps both family and paid carers (such as domiciliary care workers) to support people with complex physical disabilities in their own home, in a safe and effective manner. It enables the safe delivery of a number of services e.g., providing support with personal care, a return home for someone at the end of life, intermediate care and replacement care. Having community equipment in place is an important element in timely hospital discharge, helping to avoid hospital and residential care admissions, preventing falls and supporting reablement. Equipment is needed to maintain independence and reduce risk of injury, which is seen to increase with age.
- 2.6 There were a number of strategic and operational drivers to review the community equipment service, including the increase in demand on services with Torbay's growing and aging population and the increase in number of young people with complex disabilities reaching adulthood and living in the community. In the future more people with increasingly complex needs are likely to need to be enabled to live in their own homes for a longer period of time.

This review allowed an opportunity to:

- Analyse the activity undertaken;
- Consider different ways of working;
- Scrutinise the current provision to see what is no longer required and start to align products, practice and quality requirements across Plymouth and Torbay Councils;
- Review the funding arrangements and mechanisms to manage spend against the contract;
- Further develop and shape the market;
- Ensure sustainability of provision; and
- Work with providers to support innovation in the manufacture and supply of equipment.

- 2.7 The preferred option was a joint procurement by Plymouth City Council and Torbay Council in partnership with NHS Devon, to procure Community Equipment Services within each local authority area. The opportunity was split into two Lots with a separate contract to be awarded for each local authority area. The procurement did not preclude awarding both contracts to the same provider:

- Lot 1 - Community Equipment Service for Plymouth City Council; and

- Lot 2 – Community Equipment Service for Torbay Council.

Tenderers were invited to bid for either Lot or both of the Lots, in separate bids. The benefits of a shared procurement with two Lots were identified as:

- Alignment of core service specification plus tailored requirements for each Lot;
- Alignment of method statements (apart from one specific question for each Lot), and evaluation criteria;
- Shared resource and expertise for project management, financial modelling, clinical expertise, and tender evaluations;
- Single streamlined procurement process may encourage providers to bid for both opportunities rather than choosing one over the other;
- Reduced duplication for providers by using a single evaluation of Supplier Questionnaires (where tenderers bidding for both Lots), and preparation of Invitation to tender (ITT) documents; and
- Alignment of standards and performance measures.

3. Recommendation(s) / Proposed Decision

- 3.1 That Cabinet approves the decision (subject to ratification by parallel governance processes in Plymouth City Council and the NHS Devon integrated care board) to award the contract for (Lot 2 Torbay Community Equipment Service) to the highest scoring tenderer as described in the Part 2 Report in the exempt Appendix 1 to this submitted report.
- 3.2 The contract will be awarded on Torbay Council Services Terms & Conditions, which were published in the invitation to tender documents.

Appendices

- Appendix 1: Exempt Part 2 Report (based on Plymouth City Council's Community Equipment Service Award Recommendation Report and Contract Award Technical Report).

Background Documents

- Care Act 2014 guidance;
- Public Services Value (Social Value) Act 2012 guidance;
- Torbay Council Community and Corporate Plan; and
- JCES Contract Award Technical Report.

Supporting Information

1. Introduction

1.1 Our community equipment service contract with our current provider expires in February 2023, and we therefore needed to undertake an open and transparent procurement process to ensure a new contract/service is in place from March 2023.

1.2 As noted above, the community equipment service is a key enabler within our wider health and care system, where our vision is:

“A community where we are all supported and empowered to be as well and as independent as possible, able to manage our own health and wellbeing, in our own homes.”

2. Options under consideration

2.1 Statutory guidance in the Care Act 2014 states that *“local authorities must provide or arrange services, resources or facilities that maximise independence for those already with such needs, for example, interventions such as rehabilitation/reablement services, e.g., community equipment services and adaptations.”*

2.2 In Torbay (as in Devon and Plymouth) we have historically chosen to commission this service via a contract with an external provider, who specialise in the management of this function in terms of the procurement, delivery, maintenance and collection of community equipment and minor adaptations.

2.3 Bids were received for the tender from providers experienced in delivering these types of services.

The tender was weighted as 55% for quality, 40% for price and 5% for Social Value.

3. Financial Opportunities and Implications

3.1 The financial implications for the procurement and contract award are described in the Part 2 Report.

4. Legal Implications

4.1 See 2.1 above with regards to the guidance within the Care Act 2014.

5. Engagement and Consultation

5.1 As part of the tender we have engaged and consulted with individuals within Torbay Council, the NHS Devon integrated care board and TSDFT (including clinicians and prescribers of services). We have also consulted with service users. The feedback we received helped shape the specification for the new service and we will continue to engage with them during implementation and once the new contract is in place, to ensure it is meeting their needs and to identify opportunities for further improvement.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 As part of the tender for the service we have worked with colleagues in both Plymouth and Torbay procurement teams to consider the Public Services Value (Social Value) Act 2012.
- 6.2 The contract specification contains a section on Social Value, Sustainability and Environmental considerations. As part of this Torbay Council is seeking a service provider who will add value to the contract by improving the economic, social, and environmental well-being of Torbay and its residents, by providing additional community benefits to support the council's ambitions and four visions, as identified in the Community and Corporate Plan.
- 6.3 Furthermore, the service provider will, in its performance of the service throughout the term of the contract, ensure that Social Value principles are considered at all times. This includes supporting the local economy and positively adding to social inclusion of the people and residents of Torbay.
- 6.4 The service provider must, no later than the contract commencement date, supply the commissioners with an Economic, Social and Environmental Plan which will be implemented, operated, maintained and continuously reviewed and improved throughout the term of the contract. The service provider will produce an annual report detailing activities undertaken and plans for future improvement.
- 6.5 This formed part of the scoring and evaluation process for the bids received from providers.

7. Tackling Climate Change

- 7.1 As noted above, the contract specification contains a section on Social Value, Sustainability and Environmental considerations. Some of the Social Value measures submitted by the successful bidder will assist with tackling climate change.
- 7.2 The specification also states that the service provider will, in its performance of the service, use working methods, community equipment, materials and consumables which minimise environmental damage and support Torbay Council's approach to tackling climate change.
- 7.3 The service provider will recycle packaging (in the depot and on delivery) and limit waste wherever possible and have a strategy to reduce their carbon footprint. In line with other contract requirements, the service provider will work with commissioners and prescribers to maximise the recycling and reuse of community equipment.
- 7.4 The contract provides equipment to people living in Torbay, or those outside the local authority area with a Torbay GP. As now, a local depot within Torbay will service the contract, to minimise travel.

8. Associated Risks

Alternative options considered and rejected

- 8.1 Extend the current contract: All available contract extensions have been used, and as there are providers able to deliver a new service there is no legal basis for further extension.

- 8.2 Cease the service: The service provides essential support to adults and children in Torbay to enable them to manage either short-term illnesses or longer-term health conditions. Ceasing the service would risk the wellbeing of existing service users but also mean that those with future health needs are unsupported.
- 8.3 If the decision is not implemented the risk would be that we do not have a service in place from March 2023 that is fundamental to the operation of our new model of care and is a key enabler of our wider health and care system. This would not only cause problems for our partners in the NHS in terms of the smooth running of our local health and care system (which is already under extreme pressure as a result of COVID and other issues) but would also hamper us in the ability to support people to return to their homes and communities.

Timetable

Key actions	Start Date	End Date
Cabinet Decision (Torbay)	30/08/2022	30/08/2022
Call in	31/08/2022	11/09/2022
Implement decision - notify tenderers and provide feedback to unsuccessful tenderers	12/09/2022	12/09/2022
PCR 2015 Mandatory Standstill	13/09/2022	22/09/2022
Request policies and procedures from top tenderer	12/09/2022	13/09/2022
Evaluate policies and procedures	13/09/2022	22/09/2022
Award contract to successful tenderers	26/09/2022	26/09/2022
Submit OJEU Contract Award notice	26/09/2022	26/10/2022
Close Technical Equivalent Equipment verification	27/09/2022	06/10/2022
Lead - in / transition	27/09/2022	28/02/2023
Contract Start	01/03/2023	01/03/2023

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

9.	Identify the potential positive and negative impacts on specific groups			
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact	
Older or younger people	Community equipment is used by both older and younger people to support them in their daily lives and help them to live at home.			
People with caring Responsibilities	Community equipment helps carers (both paid and unpaid) to support family members and clients in their own homes, when otherwise this might not be possible.			
People with a disability	Community equipment supports service users who have a disability, including some people with quite complex needs who might not be able to remain in their own homes without this service.			
Women or men			Impact is based on whether a need has been identified. There is no differential impact.	
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			Impact is based on whether a need has been identified. There is no differential impact.	
Religion or belief (including lack of belief)			Impact is based on whether a need has been identified. There is no differential impact.	
People who are lesbian, gay or bisexual			Impact is based on whether a need has been identified. There is no differential impact.	

	People who are transgendered			Impact is based on whether a need has been identified. There is no differential impact.
	People who are in a marriage or civil partnership			Impact is based on whether a need has been identified. There is no differential impact.
	Women who are pregnant / on maternity leave			Impact is based on whether a need has been identified. There is no differential impact.
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	In some cases, the absence of a community equipment service might lead to greater impacts in terms of poverty and deprivation, as the equipment supports some of our most vulnerable residents.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Community equipment plays an important part in supporting the general health of the population of Torbay, helping people to live more fulfilling lives within their homes and community.		
10..	Cumulative Council Impact (proposed changes elsewhere which might worsen the impacts identified above)	The community equipment service (including minor adaptations) complements other services provided by the council, such as the delivery of home improvements and major adaptations through Disabled Facilities Grants.		
11.	Cumulative Community Impacts (proposed changes within the wider community (including the public sector) which might worsen the impacts identified above)	The community equipment service has a positive impact on other services provided by our partners, in particular the NHS. The service is a key enabler within our new model of care, supporting people to remain in their own homes.		