

PURPOSE: Key decision**MEETING:** Cabinet**DATE:** 02 June 2020

TITLE	COVID 19 – Cross Directorate Application for Contract Awards, Extensions and Variations Necessary due to the Impact of COVID 19 on Commissioning and Procurement Activity.	
Ward(s)	All	
Author: Wanda Knight on behalf of Carmel Brogan (Housing Policy & Contracts Manager - Housing Options), Lucia Dorrington (Strategic Commissioning Manager) and Rachel Metcalfe (Public Health Business and Commissioning Manager).	Job title: Category Specialist, Strategic Procurement Service	
Cabinet lead: Paul Smith/ Helen Holland	Executive Director lead: Stephen Peacock/ Jacqui Jensen	
Proposal origin: BCC Staff		
Decision maker: Cabinet Member Decision forum: Cabinet		
Purpose of Report:		
<ol style="list-style-type: none"> To adopt an approach where by the contract extensions and variations that are necessary due to the impact of COVID 19 that require a key decision are agreed in principle by Cabinet. This is a cross directorate application that spans Adult Social Care, Homelessness and Public Health Teams. To delegate authority to the Executive Directors to agree the award of contracts where no extension provision exists, to agree extensions where provision does exist and to award and vary the MHCLG Grant, see Appendix A. 		
Evidence Base:		
<ol style="list-style-type: none"> The purpose of this report is to seek authority for a variety of contract amendments and one grant variation to agreements for services affected by COVID 19 in Adult Social Care and Homelessness see Appendix A. It is to ensure business continuity and continuity of services for the people of Bristol in those cases where planned, commissioning exercises have had to be suspended as a result of COVID-19. The majority of the contracts that are the subject of this report involve support and accommodation for the most vulnerable people in Bristol. This includes those sleeping rough, those with mental health issues, the elderly and frail in terms of homecare, respite beds in residential provision, victims of domestic abuse, those with learning difficulties and those with substance misuse issues. Work is underway to ensure that these vital services continue, that service providers are supported to deliver contracts and the health and wellbeing of staff and services users is protected. Examples of the urgent working being conducted include the Housing Options and Homelessness Team meeting the Government directive to house all those sleeping rough and supporting them to maintain this accommodation. This measure is to ensure that homeless people can adhere to the self-isolation and social distancing rules. Adult Care Commissioning has moved into a resilience structure to ensure that the adult care providers are supported to cope with the crisis and that essential services are maintained. A central information hub is taking intelligence on supply issues and providing information and practical support, e.g. 		

issues relating to PPE. Three locality based supply teams are problem solving, e.g. sharing capacity between providers and supporting pressurised care homes.

4. After the lockdown period and social distancing measures have ended (at the time of writing the date is unknown) there will need to be a further period of time where services return to their former models. This is because many service models have been abandoned due to social distancing measures, for example support for drug users and those sleeping rough.
5. The commissioning and procurement of services normally requires that service providers and service users input into and respond to the consultations, provider events and advertised contracts published by the Council. Many of our current service providers are working hard to deal with the impact of COVID 19 and are not able to conduct business as usual. It is not possible to carry out the citizen engagement with service users or the public to input into the recommissioning. It is therefore inappropriate to begin or continue to commission and procure longer term services until it is fair to do so for all providers, service users and the public.
6. The uncertainty regarding the length of time that COVID 19 will impact on society and the time needed to return to normal contract delivery and commissioning and procurement activity requires that these arrangements are put in place.
7. In recognition that returning to business as normal as soon as possible is a paramount consideration for both the Council and Suppliers an indicative timescale for future commissioning will be drawn up for each directorate once the current crisis has subsided. This timetable will be subject to review as the longer term effects of COVID 19 unfold.
8. The Bristol City Council: Coronavirus (Covid-19) procurement and contracts protocol. 27 March 2020 states that the maximum extension is 12 months and that this can only be granted to contracts where the end date is before 1st April 2021. The commissioning and procurement activity postponed due to COVID will recommence and the contracts affected will be in place before 31st March 2022.

Cabinet Member / Officer Recommendations:

That Cabinet

1. Authorises the Executive Director Growth and Regeneration, in consultation with Cabinet Member for Housing, for the purposes of mitigating COVID 19, to take all appropriate steps:
 - (a) to extend existing contracts, and award new contract(s), in-line with the procurement routes outlined in Appendix A, and;
 - (b) to make any further necessary extensions/variations to all such contracts.
2. Authorises the Executive Director People, in consultation with the Cabinet Member Adult Social Care, for the purposes of mitigating COVID 19, to take all appropriate steps:
 - (a) to extend existing contracts, and award new contract(s) in-line with the procurement routes outlined in Appendix A, and
 - (b) to make any further necessary extensions/variations to all such contracts
3. Authorises the Executive Director of Growth and Regeneration to vary and allocate the grant award of £1,077,100.00 MHCLG funding for 20/21 (Rough Sleeping Services Grant).

Corporate Strategy alignment:

The contract extensions are a result of the effect of COVID 19 on commissioning. They will ensure that BCCs commissioning and procurement work is conducted in a fair way by ensuring that providers in the various sectors are able to contribute and respond to any commissioning and procurement activity. The extensions will in particular

enable the VCS and SMEs to regroup after the pandemic is over and respond and contribute. This in turn will ensure that we get the right services in place in a timely manner that meets the needs of the Bristol population.

City Benefits:

The city will benefit from the extensions because the services that we ultimately commission will be value for money and fit for purpose because they allow for the work to be done after the pandemic is over and for BBC teams and service providers to have had time to regroup and return to business as usual.

Consultation Details:

There is no consultation for this application due to the urgency and unprecedented reason for the application. Consultation as required will be conducted for all commissioning exercises as set out in the commission cycle.

Background Documents: See Appendix A

Revenue Cost	£various	Source of Revenue Funding	General Fund
Capital Cost	N/A	Source of Capital Funding	N/A
One off cost <input checked="" type="checkbox"/>	Ongoing cost <input type="checkbox"/>	Saving Proposal <input type="checkbox"/>	Income generation proposal <input type="checkbox"/>

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice: COVID-19 is having a significant impact on Council procurement activities. The contractual arrangements in the report are for critical service areas affecting the most vulnerable citizens in our community. These services are currently funded from within existing budgets (as set out in the report and in Appendix A).

Finance Business Partner: Denise Hunt 21.4.20

2. Legal Advice: It is recognised that the further extensions and direct awards of these contracts places the Council in a situation where it may breach the procurement regulations. The fact that these arrangements are necessitated by the impact of Covid 19 on service delivery, procurement activities and the need to allow adequate time for the Council to follow a fully compliant procurement process, will help mitigate the risk of challenge. Legal services will advise and assist officers with regard to the individual variations, and the conduct of the proposed procurements and the resulting contractual arrangements.

Legal Team Leader: Husinara Jones/Eric Andrews, Solicitor, 1 May 2020

3. Implications on IT: No impact anticipated on IT Services

IT Team Leader: Simon Oliver

4. HR Advice: As the report is currently laid out this would not have any HR impact on Bristol City Council employees, however if any of the variations were to impact on staff then a new report should be submitted highlighting the changes.

HR Partner: Lorna Laing

4. Procurement Advice: In this Cabinet Paper there are a number of contract extensions which require Cabinet approval for these to be invoked. These contract extensions were part of the advertised tender process and due to the value of these, they require a key decision. These services include Home Care Main and Secondary and Home Care Night Time Care, these are critical services which need to continue and require stability of supply at this time.

Some of the contracts mentioned in the attached are able to be varied under Regulation 72 of the Public Contracts Regulations by 50%, this would be the case for the Domestic Violence tender and Integrated Community Equipment Service.

The other service contracts mentioned in Appendix A, which do not have the facility to extend within the current contract conditions or undertake a variation under Regulation 72, will need to be direct awarded to existing providers to ensure continuity of service. The reason for this is that due to COVID 19, the Council is unable to tender these services due to the lack of availability of key commissioning staff and providers who are now working directly on supporting the response to COVID 19. Some of these contracts were mid-tender, in consultation phase or about

to go out to tender. It is not possible to hold meaningful consultation during these times and there would be a risk of changing/implementing new services in this current pandemic that would be in some cases impossible such as changing the supplier of the ICES service which could involve changing staff, warehouse facility and distribution facility. These services are classified as light touch services and are over the threshold. Therefore the Council is required to undertake a procurement process which is fair, transparent and open. Due to the emergency of the situation and the reasons given above, the Council nor the providers have time to do so. Therefore in those cases a direct award should be made for a period up to 12 months.

Category Manager: Gina Smalley

EDM Sign-off	G&R EDM/People EDM	22 nd April 2020
Cabinet Member sign-off	Cllr Helen Holland Cllr Paul Smith	27 th April 2020
For Key Decisions - Mayor's Office sign-off	Mayor's Office	4 th May 2020

Appendix A – Further essential background / detail on the proposal	
Appendix B – Due to the unforeseen event of the global pandemic there has been no consultation with stakeholders or service users at this time on these amendments. Consultation or further consultation may be required on Integrated Community Equipment, Extra Care Housing and the Rough Sleeping Service once this BCC Commissioners return to business as usual.	
Appendix C – There has been no engagement with Scrutiny.	
Appendix D – Risk assessment	
Appendix E – Equalities screening / impact assessment of proposal	
Appendix F – Eco-impact screening/ impact assessment of proposal	
Appendix G – Financial Advice	
Appendix H – Legal Advice	
Appendix I – Exempt Information	
Appendix J – HR advice	
Appendix K – ICT	
Appendix L – Procurement	