

# EXECUTIVE DECISION

made by a Cabinet Member




## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – DL4 21/22

Decision	
1	<b>Title of decision:</b> Extension of Community Equipment Service
2	<b>Decision maker (Cabinet member name and portfolio title):</b> Councillor Patrick Nicholson, Deputy Leader of the Council
3	<b>Report author and contact details:</b> Sandra Stanton – <a href="mailto:Sandra.stanton@plymouth.gov.uk">Sandra.stanton@plymouth.gov.uk</a> 01752304476 Nicola Jones (CCG) - <a href="mailto:nicolajones7@nhs.net">nicolajones7@nhs.net</a> 01752 398757 – 07966303458 Holly McKenzie - <a href="mailto:Holly.McKenzie@plymouth.gov.uk">Holly.McKenzie@plymouth.gov.uk</a> 01752 304013
4	<b>Decision to be taken:</b> Extend the current Community Equipment Service contract with Millbrook Healthcare Ltd for a period of 10 months with an option to extend for a further 2 periods of up to 1 month each (12 months total) from 1 <sup>st</sup> April 2022 until 31 <sup>st</sup> March 2023.
5	<b>Reasons for decision:</b> In May 2021 a joint tender on behalf of Plymouth City Council and Torbay Council for a community equipment service provider was issued, with an expectation that a new contract would commence on 01 April 2022. However, during the evaluation phase concerns were raised as to whether the published evaluation criteria would clearly establish the most economically advantageous tender (MEAT). The procurement was paused to enable a full review of the evaluation criteria and as a result of that review the decision was taken to abandon the tender process.  An amended tender has now been issued but the delay means that a new contract cannot commence on 01 April 2022. The timescale are further impacted by local elections which will delay the contract approval process but also a reasonable implementation period is required.  A 10 month +1mth option +1mth option (up to 12 months total) extension to the existing CES contract is required to ensure continuity of provision whilst the tender exercise is re-run and to allow for any further unforeseen delays to the award of the new contract . The option to extend for up to a 2 further months is also requested in case there are any further unforeseen delays in relation to the procurement and contract award process.
6	<b>Alternative options considered and rejected:</b> <ul style="list-style-type: none"> <li>Do nothing – The service would continue without a formal contract extension in place, assuming the incumbent provider is willing to continue to deliver the service The existing contract would roll-</li> </ul>

	<p>over until a new contract is procured. This roll-over contract would not be as clear and legally enforceable as a formally agreed extension period, it is open ended and would not be compliant with the Public Contract Regulations 2015. It could also potentially be terminated quickly by either party at any time.</p> <ul style="list-style-type: none"> <li>Competitively procure an interim contract – The contract is too complex to effectively re-procure the service in the time available. Alternative suppliers are unlikely to bid for a short term contract it would not be economically viable for them to do so with set up costs that would be required.</li> </ul>			
<b>7</b>	<p><b>Financial implications and risks:</b> There is minimal financial risk as this is spend that has already budgeted for by the Council.</p>			
<b>8</b>	<p><b>Is the decision a Key Decision?</b> (please contact <a href="#">Democratic Support</a> for further advice)</p>	<b>Yes</b>	<b>No</b>	<b>Per the Constitution, a key decision is one which:</b>
			x	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total
			x	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b>
		x	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.	
	<p><b>If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a></b></p>			
<b>9</b>	<p><b>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</b></p>		<p>This service links with the corporate priority of Caring for People and Communities and keeping adults safe and supporting them to be able to lead independent lives.</p>	
<b>10</b>	<p><b>Please specify any direct environmental implications of the decision (carbon impact)</b></p>		<p>Continuation of existing service; as such no additional environmental implications have been identified.</p>	
<b>Urgent decisions</b>				
<b>11</b>	<p><b>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</b></p>	<b>Yes</b>		(If yes, please contact Democratic Support ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		<b>No</b>	x	<b>(If no, go to section 13a)</b>
<b>12a</b>	<p><b>Reason for urgency:</b></p>			

12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
<b>Consultation</b>				
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes		
		No	<input checked="" type="checkbox"/>	(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?			
13c	Date Cabinet member consulted			
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	<input checked="" type="checkbox"/>	
15	Which Corporate Management Team member has been consulted?	Name	Anna Coles	
		Job title	Service Director of Integrated Commissioning	
		Date consulted	17/2/2022	
<b>Sign-off</b>				
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS122 21/22	
		Finance (mandatory)	djn.21.22.277	
		Legal (mandatory)	MS/38138	
		Human Resources (if applicable)	NA	
		Corporate property (if applicable)	NA	
		Procurement (if applicable)	PB/SC/010/ED/022 2	
<b>Appendices</b>				
17	Ref.	Title of appendix		
	A	Briefing report for publication ( <i>mandatory</i> )		

Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes	x	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below.  (Keep as much information as possible in the briefing report that will be in the public domain)				
		No						
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:  Plymouth Community Equipment Service Extension to contract			X				
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below.  Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Cabinet Member Signature								
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.							
Signature				Date of decision		28/02/2022		
Print Name		Councillor Patrick Nicholson						