

## PROCUREMENT STAGE 1 – APPROVAL TO PROCEED TO TENDER

This form must be completed for all procurements above the tender threshold (£75,000 - Services and Supplies and £500,000 – Works)

If contract value is over Cabinet approval threshold (£750,000) this form shall be attached with the request to tender report to Cabinet. This form will be “Open” for Publication.

Section A: ABOUT THIS PROCUREMENT	
<b>Title</b>	The award of Better Care Fund contracts for Community Health Care services.
<b>Directorate</b>	Adults, Housing and Health
<b>Procurement Reference Number</b>	PS/2016/293 – NELFT; PS/2016/298 - SEPT
<b>Contract Cost (Maximum Spend)</b>	Enter estimated maximum cost (whole life) for the initial term plus any extensions
<b>Budget code(s)</b>	SE010; SE012; SE013; SE015
<b>Introduction and Background</b>	<p>In March 2016, Cabinet approved Thurrock’s Better Care Fund Section 75 Agreement between the Council and NHS Thurrock Clinical Commissioning Group. The Agreement allowed the creation of a pooled fund, operated in line with the conditions set within it, to promote the integration of care and support services.</p> <p>The Council is the ‘host’ organisation for the pooled fund, which means that it will need to enter into contracts with providers of Community Health Services. In view of the lateness of the receipt of approval from NHS England, Cabinet approval is sought a) to waive the requirement for a competitive procurement, and b) to award the contracts for these services in line with the Section 75 Agreement and the decision on 9 March 2016.</p>
<b>Proposed Contract Term</b>	1 Year (1 April 2016 to 31 March 2017)
<b>Political Sensitivity</b>	Not applicable

**Section B: COMMISSIONING REPORT**

<b>Business Case</b>	<p>The legal framework for the Fund derives from the amended NHS Act 2006, which requires that in each area the Fund is transferred into one or more pooled budgets, established under Section 75, and that plans are approved by NHS England in consultation with DH and DCLG.</p> <p>The terms of the Section 75 agreement means the Council is the 'host' organisation for the pooled fund. This in turn means that it will need to enter into contracts with the providers of Community Health Services in Thurrock (North East London Foundation NHS Trust and South Essex Partnership University NHS Foundation Trust) and pay them from the Fund for the provision of services covered by the agreement.</p>
<b>Key Deliverables (Draft Specification)</b>	The key deliverable of the Better Care Fund is to provide integrated health and social care services as set out in the Plan approved by NHS England.
<b>Quality v Price evaluation</b>	The value of the contracts have been determined by NHS Thurrock CCG in negotiation with the providers (North East London Foundation NHS Trust and South Essex Partnership University NHS Foundation Trust). The performance requirements are mandated in the 2016/17 NHS Standard Contract with local variations negotiated by the CCG.
<b>Social Value</b>	As above.
<b>Current / Previous Contract details</b>	This is the 2nd year in which these contracts have been entered into by the Council. The Procurement Reference Numbers for 2015/16 were: NELFT - PS/2015/920; SEPT - PS/2015/921

**FINANCIAL IMPLICATIONS**

<b>Current / Previous Contract Cost</b>	Enter details of current/previous contract cost if applicable					
<b>Cost Breakdown</b>	<b>Breakdown of Estimated Cost</b>	<b>16/17 £000's</b>	<b>17/18 £000's</b>	<b>18/19 £000's</b>	<b>Later £000's</b>	<b>Total £000's</b>
	<b>Total Spend</b>	£	£N/A	£ N/A	£ N/A	£
<b>Confirm Funding Breakdown Identified</b>	Revenue Budget	£0	£ N/A	£ N/A	£ N/A	£0
	Capital Budget	£0	£ N/A	£ N/A	£ N/A	£0
	Other (NELFT)	£10,462,240	£ N/A	£ N/A	£ N/A	£10,462,240
	Other (SEPT)	£683,261	£ N/A	£ N/A	£ N/A	£683,261
	<b>Total Funding</b>	<b>£11,145,501</b>	<b>£ N/A</b>	<b>£ N/A</b>	<b>£ N/A</b>	<b>£11,145,501</b>
<b>Budget Code(s)</b>	SE010; SE012; SE013; SE015					
<b>Unsupported borrowing?</b>	Not Applicable					

<b>Other Financial Implications</b>	Any savings made on these contracts will be held within the Pooled Fund and used by the partners in accordance with the directions of NHS England.
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<b>PROCUREMENT ROUTE ABOVE TENDER THRESHOLD (Choose 1(of A, B, C or D) only)</b>	
<b>A. COMPETITIVE PROCUREMENT (complete B if a Framework)</b>	
<b>Procurement Route</b>	N/A
<b>Procurement Justification</b>	N/A
<b>B. FRAMEWORK (Waiver in accordance with Rule 13.1 (c))</b>	
<b>Framework?</b>	Is this a procurement from a Framework? <span style="float: right;">No</span>
<b>Title &amp; Reference of Framework</b>	N/A
<b>Framework Rationale</b>	N/A
<b>C. REQUEST FOR QUOTE FROM RESTRICTED MARKET (Waiver in accordance with Rule 13.1 (d))</b>	
<b>Restricted Market?</b>	Is this a request for quotes from a restricted market? <span style="float: right;">No</span>
<b>Rationale (only permitted below the EU threshold)</b>	N/A
<b>D. SINGLE SOURCE REASON (Waiver in accordance with Rule 13.1 (a, b or d))</b>	
<b>Single Source</b>	Is this Procurement a Single Source – One Quote/Tender <i>(Exceptional circumstances only and select reason below)</i> <span style="float: right;">Yes</span>
<b>Single Source justification below EU Threshold</b>	<i>Select reason and explain your rationale</i> It is known that only one supplier can meet the requirement
<b>Single Source justification above EU Threshold</b>	If you are seeking a single tender above the EU threshold – using the “Negotiated Procedure without Prior Publication” route, this is only available in very exceptional circumstances. You must select the reason below and explain your rationale.  for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with.

<b>Single Source Rationale</b>	<p>Guidance from NHS England stipulates that “Local partners will need to develop a joint spending plan that is approved by NHS England as a condition of the NHS contribution to the Fund being released into pooled budgets.” Approval for the plan covering the period April 2016 to March 2017 was received from NHS England on 13 July 2016.</p> <p>The lateness of the approval for Pooled Fund from NHS England, and the complexity of the services, means it is not possible for any meaningful competition to be undertaken for the provision of these services which could lead to the award of the contract before the end of 2016/17. Accordingly approval is sought a) to waive the requirement for a competitive procurement and b) to award the contracts for these services in line with the decision of Cabinet on 9 March 2016.</p>
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**PROCUREMENT TIMETABLE, RISK, CONSULTATION AND MANAGEMENT**

<b>Milestones and target dates</b> <i>(Draft)</i>	<b>Key Event</b>	<b>Date</b>
	Publication of Contract Notice or Advert	Click here to enter a date.
	Return of PQQs (omit if not applicable)	N/A
	Issue of Invitation to Tender	Click here to enter a date.
	Return of Tenders	Click here to enter a date.
	Notification of Results	Click here to enter a date.
	Standstill Period (omit if not applicable)	N/A
	Leaseholder Consultation (omit if not applicable)	N/A
	Expected date of Award	30 September 2016
	Contract Commencement	01 April 2016

Risk Management – Set out Main Risks and Mitigating Actions						
Risk	Likelihood (A – E) <sup>1</sup>	Impact (I – IV) <sup>2</sup>	Level of Risk (High to Lower) <sup>3</sup>	Potential Negative Impact	Management / Mitigation of Risk	
<b>Tender Process Risks</b>						
N/A	N/A	N/A	N/A	N/A	N/A	
N/A	N/A	N/A	N/A	N/A	N/A	
N/A	N/A	N/A	N/A	N/A	N/A	
<b>Contract Performance Management Risks</b>						
Securing sufficient funding to meet the costs of the contract	E	IV	Low	Loss of service	The services are fully funded to the level of the S75 Agreement	
Overspend because of increased demand	D	IV	Low	Not applicable	The pooled fund is cash limited and responsibility for funding services above the limit will fall to the CCG or Council in line with their statutory duties.	
Underspend because of reduced demand	D	IV	Low	May result in increased demand for acute services	The purpose of the pooled fund is to meet health care needs in the community where appropriate.	
<b>Contingency Arrangements</b>	The Council is mandated to enter into these contracts in order to deliver the Better Care Fund 2016/17. Risks and contingencies have been considered as part of the Plan and will be overseen by the Integrated Commissioning Executive.					
<b>Consultation</b>	A specific consultation on the establishment of the pooled fund to drivethrough the integration of health and social care services, as required underthe terms of the Health and Social Care Act 2012, was held in September andOctober 2014.					
<b>Project and Contract Management Proposals</b>	The contracts will be managed by the Integrated Commissioning Executive, representing Thurrock Council and NHS Thurrock CCG, in accordance with the Section 75 Agreement.					
<b>Procurement Comments</b>	As outlined above, the lateness of the approval for pooled fund from NHS England means it is not possible for a competitive process to take place for this contract. Consequently it has been decided that the Council must waive the requirement to tender for these services.					

<sup>1</sup> Risk Likelihood: A = Very High, B = High, C = Significant, D = Low, E = Very Low

<sup>2</sup> Risk Impact: I = Critical, II = Significant, III = Marginal, IV = Negligible

<sup>3</sup> Risk Level: High = AI, BI, AII, BII, CI, CII, all others lower

**Section C: LEGAL, FINANCE AND PROCUREMENT APPROVAL**

<b>Procurement Services</b>	<b>Name</b>	Kiri Mason
	<b>Signed</b> (Or obtain email of confirmation)	<i>Approval via email.</i>
	<b>Date</b>	08/08/2016
<b>Legal Services</b> (Insofar as it relates to Legal implications)	<b>Name</b>	Paul O'Reilly
	<b>Signed</b> (Or obtain email of confirmation)	<i>Approval via email.</i>
	<b>Date</b>	08/08/2016
<b>Finance</b> (Insofar as it relates to Finance implications)	<b>Name</b>	Joanne Freeman
	<b>Signed</b> (Or obtain email of confirmation)	<i>Approval via email.</i>
	<b>Date</b>	08/08/2016

**Section D: APPROVAL TO PROCEED VALUE**

*The Responsible Officer must sign the form, together with the Head of Service as a minimum. Delegated Authority Limits below.*

<b>Approval Level</b>	Over £750,000 - Cabinet
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**Section E: SIGN OFF APPROVAL TO PROCEED**

<b>Confirmation by the Responsible Officer of Compliance with Contract Procedure Rules</b>	The Responsible Officer <b>Catherine Wilson</b> confirms that the procurement of The award of Better Care Fund contracts for Community Health Care services and PS/2016/293 – NELFT; PS/2016/298 - SEPT has been carried out in accordance with Rule 5 of the Council's Contract Procedure Rules (Chapter 9, Part 2 of the Constitution) and in particular the following duties have been met by the Responsible Officer:	
	<ul style="list-style-type: none"> <li>• Compliance will occur with all regulatory or statutory provisions and the Council's decision making requirements</li> <li>• The Contract will be included on the Council's Contract Register</li> <li>• Value for Money will be achieved</li> <li>• Advice has or will be sought from the Director of Finance and Corporate governance as to an appropriate security bond or guarantee</li> <li>• Document Retention Policy has and will be complied with</li> <li>• Financial Evaluation will be made of all the proposed tenders including the recommended bidder</li> <li>• Advice has been and will be sought and followed from Procurement, Legal and Finance as necessary</li> </ul>	
	<b>Signed</b>	<i>C.M. Wilson</i>
	<b>Date</b>	08 August 2016
<b>Approval to Proceed</b>	In accordance with the Contract Procedure Rules, I/we confirm the accuracy of the information contained within this form and authorise this request to <b>Proceed to Tender</b> including, where relevant, the permitting of a Waiver from the Contract Procedure Rules in accordance with Rule 13	
<b>Head of Service</b>	<b>Name</b>	Catherine Wilson
	<b>Signed</b> (Or obtain email of confirmation)	<i>C.M. Wilson</i>
	<b>Date</b>	08 August 2016
<b>Corporate Director</b> <i>I confirm that the Portfolio Holder has been consulted as required</i>	<b>Name</b>	Roger Harris
	<b>Signed</b> (Or obtain email of confirmation)	<i>Approval via email.</i>
	<b>Date</b>	<b>08 August 2016</b>
<b>Director of Finance &amp; IT</b> <i>If waiver required</i>	<b>Name</b>	Sean Clark
	<b>Signed</b> (Or obtain email of confirmation)	<i>Approval via email.</i>
	<b>Date</b>	08 August 2016
<b>Cabinet</b>	<b>Approval Minute Number</b>	Click here to enter text.
	<b>Date</b>	07/09/2016
Now send complete form to Procurement Services signed and scanned (with emails if used)		

