

Committee: Chief Officer Decision

Date: 11th March 2019

Subject: Award of Contracts for the Provision of Domestic Violence and Abuse (DVA) Services

Lead officers: Chris Lee, Director of Environment & Regeneration;
Hannah Doody, Director of Community and Housing

Lead Members: Tobin Byers, Member for Adult Social Care and Health;
Martin Whelton, Member for Regeneration, Housing and Transport;
Edith Macauley, Member for Community Safety, Engagement and Equalities

Contact officer: Neil Thurlow, Safer Merton Manager
Shawn Scott, HRS Project Manager

Recommendations:

1. Approval is granted for the award of the contracts for Domestic Violence and Abuse Services Lots 1 and 2 in respect of the highest ranked and evaluated bids for each Lot as set out in Part B.
 2. It is noted that the contracts which are due to commence by 1 August 2019 and will be granted for a period of 3 years with options to extend for up to 2 further periods of up to 12 months each. The maximum contract period will be no more than 5 years.
 3. Delegate to the Director of Community and Housing and Director of Environment and Regeneration, in consultation with the Cabinet Member for Adult Social Care and Health and the Cabinet Member for Regeneration, Housing and Transport, the authority to extend the contract by the further increments of up to 24 months (as above).
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of the report is to seek approval for the award of the contracts for the Council's Domestic Violence and Abuse Services.

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2 DETAILS

- 2.1. The purpose of the Independent Domestic Violence Advocate (IDVA) service is to provide an innovative support service to users experiencing or at risk of domestic violence and abuse. The service will ensure access to legal, practical, emotional and financial support, as well as risk interventions.
- 2.2. The purpose of the Women's Refuge is to provide support to those at risk of domestic violence and abuse who may also experience a range of complex needs, and require support to enable them to sustain their accommodation. The service will provide an advocacy and support service for women and children at risk of domestic and sexual abuse, and address their needs to secure their safety and wellbeing.
- 2.3. The contracts for the Women's Refuge and the Independent Domestic Violence Advocate service form the main elements of LB Merton's domestic violence and abuse (DVA) service across the borough. The service aims to achieve better outcomes for vulnerable adults working closely with service users and social care colleagues where children are at risk from harm caused by exposure to DVA environments.
- 2.4. The IDVA service is funded through the Safer Merton core budget and grant funding stream under the Environment and Regeneration Directorate. The Refuge contract is funded under the Council's Housing Related Support (HRS) programme under the Community and Housing Directorate. This service was subject to the strategic review of the HRS programme leading to the configuration of new contracts and the recent HRS procurement process. However, as the Refuge and IDVA services are part of the overall DVA service offer it was decided to procure the contracts jointly rather than include the Refuge contract within the HRS procurement process.
- 2.5. Merton's DVA offer seeks to align services with the Council's strategic priorities as well as national policy as reflected in the government's domestic violence strategy and the Domestic Abuse Bill. Another key policy framework shaping the Council's strategic approach is the Mayor's Violence Against Women and Girls (VAWG) 2018-21 Strategy.
- 2.6. The Homelessness Reduction Act 2017 placed new legal duties on local authorities, to provide advice and assistance to anyone eligible person who is homeless or at risk of homelessness. The Care Act 2014 set out the duty of a local authority to 'meet the needs' of a person who needs care and support. Where these needs are significant, a duty to secure accommodation is likely to arise. The Refuge and IDVA service will play a key role in ensuring that the Council continues to meet its statutory obligations.
- 2.7. The key objectives of the new services are:

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- Ensuring that the procurement of DVA services addresses identified current and future anticipated customer need for these services within Merton
- Ensure that services support Adult Social Care strategic objectives where possible
- Align HRS funding with the local authority strategic priorities arising from statutory and regulatory changes such as the HRA 2017 and Care Act 2014
- Ensuring that funding delivers services based on demonstrable and measurable customer outcomes
- Delivery of cost efficiencies and value for money

2.8. Description of the Tender process

Following CMT approval to recommission the service under competitive open tender procedure, tender documents were prepared. It was agreed that bidders would have the option to tender for one or both Lots to encourage small organisations as well as large ones to compete.

The tender process was undertaken by Commercial Services in accordance with EU Directive 2014/24/EU, The Public Contracts Regulations 2015 and the Council's Contract Standing Orders. The tender was managed via the Council's web based e-Tendering system ProContract, with advice from the Council's Legal services as needed. The tender opportunity was advertised from 11th January through ProContract, the Official Journal of the European Union (OJEU) and Contracts Finder. The contracts will be for an initial 3-year period with options to extend for a maximum of two further periods of up to 12 months.

2.9 The available funding for IDVA service is £178,660 in 2019/20, including £76,000 external grant allocation from the Mayor's Office for Policing and Crime (MOPAC). At the commencement of the Tender process funding from MOPAC was not guaranteed for 2020/21 and 2021/22. Bidders were required to state how they would manage the service and deliver the required outcomes if funding reduced from year 2 of the contract.

2.10 Under the provisions of the ITT bidders set out their prices for each year of the contract. The contracts published were as follows:

Contract	Service	Value pa
Lot 1	Independent Domestic Violence Advocate	£178,660
Lot 2	Women's Refuge	£88,075

2.11 TUPE

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The Council advised bidders that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) and or Property lease/rental agreements might apply to this contract. It was, however, made clear in the invitation to tender that it would be up to bidders to make their own judgement on the potential implications of TUPE and or Property lease or rental agreements and factor these into their bids accordingly.

2.12 Tender Evaluation

All bidders were advised in the tender documents provided that the award of any contract would be in accordance with the evaluation criteria specified in the tender documents based on 70% quality and 30% cost for the Refuge contract and 80% quality and 20% cost for the IDVA. A total of 4 organisations submitted 6 bids for the Tender. These were evaluated and moderated in accordance with the tender documents and as shown in Part B.

2.13 Evaluation Panel

An Evaluation Panel was established consisting of:

- Lead for Domestic Violence and Abuse (E&R)
- Commissioning Manager (CSF)
- Interim Safeguarding & DOLS Manager (C&H)
- HRS Project Manager (C&H)
- Housing Options Manager (C&H)

Moderator - Category Advisor (Commercial Services)

2.14 Quality Evaluation (Method Statements)

During the period 25th February to 5th March 2019 the Evaluation Panel assessed each tender against pre-set evaluation criteria. Details of the Moderated scores are set out in Part B.

3 ALTERNATIVE OPTIONS

3.1 The following alternative options were considered:

Cease providing the services

3.2 This option would provide the council with an annual saving of £266,735 for the two contracts combined. However stopping the services is not recommended as there are significant numbers of victims of domestic violence requiring access to the services provided. This crime is the single biggest reason for referral to social care services, and it is the single biggest

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crime in borough. The government has made domestic violence and abuse a policy priority and has recently introduced the Domestic Violence and Abuse Bill. Domestic violence is also a cross party political priority within the borough, a stated mayoral priority at a regional level and a cross party political priority within central government. Ending the service could result in additional homelessness and an increased demand for temporary accommodation. The Council would not then be providing appropriate responses to domestic violence and abuse within the borough.

Extend the current contracts

- 3.3 The current contracts have been extended over years, and there is a need to ensure that services are aligned with corporate priorities, and regulatory and statutory changes. There is also the need to ensure that contracts deliver quality services, value for money and the best outcomes for service users, under the new performance management framework. Extending the current contracts would not meet these objectives.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1 Providers have been consulted with throughout the pre-tender process via open consultation forums, individual meetings and written communication. Co-working with Providers has ensured that their views have shaped the drafting of contract specifications.

- 4.2 The following stakeholders were consulted at various stages throughout the Review process and the tender and evaluation process.

Internal:

Adult Social Care Commissioning Team
Children, Schools & Families Teams
Commercial Services Team
South London Legal Partnership
Corporate Accountancy Team
Older Persons Commissioning Team
ASC Contracts & Procurement Team

External:

Current Providers
Other Local Authority

5 TIMETABLE

- 5.1 The timetable to re-tender the services is as follows;

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Stage / Activity	Dates
Publication of ITT	Friday 11 th January 2019
Last date for ITT clarification questions	Tuesday 5 th February 2019
Closing date for receipt of ITT	Tuesday 12 th February 2019 at 2pm
Evaluation of ITT	Wednesday 13 th February – Tuesday 5 th March 2019
Notification of the Councils intention to award	Monday 18 th March 2019
Standstill Period	Tuesday 19 th March – Thursday 28 th March
Confirmation of award decision	Friday 29 th March 2019
Contract Commencement date	Monday 1 st July 2019

5.2 The award of the Lot 2 contract to a new provider means that there will be a requirement for a mobilisation period and the timescale for the commencement of the new contracts will be minimised to enable the earliest go live date for the new services.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1 Details of finance implications are set out in Part B.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1 This report describes a tender process that should proceed to award to the highest scoring tenders provided that the relevant procurement process as stated in the report has followed the requirements of the Public Contracts Regulations 2015, and has also been undertaken in a manner compliant with the published tender documentation and the treaty principles of Transparency, Equal treatment and non-discrimination, Proportionality and Mutual recognition.

7.2 On the face of the report it appears that a compliant process has been undertaken.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1 An Equalities Impact Assessment has been carried out as part of the pre-Tender process. Under the new contract management framework Providers' submission of equalities monitoring data will enable the Council to monitor and assess the impact of services, including access and barriers to services for different groups.

9 CRIME AND DISORDER IMPLICATIONS

9.1 There are no specific implications affecting this tender.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1 All organisations that are awarded contracts are required to have policies and procedures in place and ensure that these comply with the Council's Policies in relation to health and safety, risk management and safeguarding children and vulnerable Adults. Providers are required to perform their contractual obligations in accordance with all applicable health and safety and safeguarding legislation.

10.2 The Council will ensure compliance with the contract specification and contract standards through the use of a robust monitoring procedure that will be developed for this service. This will use at least the following methods:

- The provider monitoring the contract through their own quality management and monitoring system (this will include: monitoring service delivery hours, service user outcomes achieved, monthly activities held and attended, analysis & investigation of complaints, monitoring of health and safety practices and at least annually a client satisfaction survey to identify any areas for improvement).
- Submission of monthly or quarterly performance data, depending on the service type, to the Council in respect of a range of data including: service hours delivered, complaints analysis, new referrals, referrals moved on, support plan progress and outcomes achieved. The performance data will enable the Council to ensure that the providers are conforming to the contract specification and performance targets.
- Review meetings between the Council and the Providers every 6 months.
- Annual inspections of the service providers by the contract manager.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

Part B - Tender Evaluation Process and Award Criteria

12 BACKGROUND PAPERS

The Council's Standing Orders

The Council's Procurement Strategy