

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	17 th September 2013
Report of:	Director of Economic Growth & Prosperity
Subject/Title:	Level Access Shower Framework
Portfolio Holder:	Councillor Don Stockton, Housing, Planning Economic Development and Regeneration

1.0 Report Summary

- 1.1 This report seeks authorisation to award and implement a Framework contract for level access shower facilities and associated works for disabled persons.
- 1.2 Level access showers are provided in the discharge of the Council's statutory duty to meet the needs of disabled persons. Adaptations are designed to enable disabled persons to live independently in the home of their choice, reducing or delaying the need for formal care.
- 1.3 The Framework Agreement is for a total value of between £900,000 and £1,100,000 over the period of the contract, which is two years, with the option to extend for up to a further two years.

2.0 Recommendation

- 2.1 To delegate to the Director of Economic Growth and Prosperity the authority to award the contract for level access shower facilities and associated works for disabled persons.

3.0 Reasons for Recommendation

- 3.1 Cheshire East Council provide adaptations to meet the needs of disabled persons, enabling them to live independently in their own home. The service is delivered through joint working between the Occupational Therapy service and the Strategic Housing service.
- 3.2 There are no existing contracts in place to meet the need for level access showers. A full procurement process has been undertaken to award a contract to one supplier, being the one who is a competitive bidding process demonstrated best value for money and quality in the bid.
- 3.3 A framework agreement means that a contract is awarded directly to the selected supplier on the basis of the quality and pricing established in the original tender process, but without obligation on the Council to award any work. This process results in a better controlled and consistent process by

which level access shower facilities and associated works for disabled persons are commissioned, contributing to the overall aim of the Council to ensure quality and value in public services.

4.0 Wards Affected

- 4.1 All wards.

5.0 Local Ward Members

- 5.1 All local ward members.

6.0 Policy Implications

- 6.1 The provision of adaptations for disabled persons has a close fit with Outcome 5 of the Council's three year plan: People will live well and for longer; specifically that care services focus on prevention, early intervention and physical and mental well being.
- 6.2 Key performance indicators set out within the specification will ensure that adaptations are delivered in a timely manner within stringent timescales, ensuring that any opportunities to substitute paid care with adaptations are maximised.

7.0 Financial Implications

- 7.1 The value of the contract (£225,000-£275,000 per annum, for up to four years) can be met within the annual Disabled Facilities Grant capital allocation received from the Department of Communities and Local Government. In 2013/14, the allocation was £704,717, however it should be noted that the future allocation of capital grant is not guaranteed beyond 2015/16. The statutory duty placed on local authorities to award Disabled Facilities Grants determines that should the Government not allocate capital grant to the Council in the future, funding will need to be provided from the Council's own resources or through prudential borrowing.
- 7.2 A Framework will enable the Council to call-off orders as required, and does not provide a guarantee of the volume or value of work that the Contractor will be awarded.

8.0 Legal Implications

- 8.1 The Chronically Sick and Disabled Persons Act 1970 places a duty on local authorities to arrange practical assistance in the home, and any works of adaptation or the provision of additional facilities designed to secure greater safety, comfort or convenience. Authorities may discharge their duties by the direct provision of equipment or adaptations, or by providing a grant to cover or contribute to the costs of such a provision.

- 8.2 The Housing Grants, Construction and Regeneration Act 1996 places a statutory duty on local authorities to provide grant aid to disabled persons in the form of Disabled Facilities Grants.
- 8.3 The aggregate value over the lifetime of the contract is below the EU threshold for works (£4,348,350), so the full EU procurement regime does not apply.
- 8.4 The contract has been tendered in accordance with the Public Contracts Regulations 2006. The Public Contracts Regulations allow local authorities to enter into framework agreements with one or more suppliers for a period of up to four years where a competitive process has been undertaken to test quality and price.

9.0 Risk Management

- 9.1 Failure to procure works in accordance with the Public Contracts Regulations 2006 and the Council's Finance and Contract Procedure Rules would leave the Council open to challenge and in breach of regulations, with a subsequent reputational impact.
- 9.2 The contract has been advertised on the North West Chest, and all companies expressing an interest in the contract have been invited to tender. The tenders will be evaluated using criteria to establish the most economically advantageous tender.

10.0 Background and Options

- 10.1 Since November 2011 the Strategic Housing service, when requiring level access shower facilities for disabled persons, have needed to procure these from an external source. Mini-tender exercises have been undertaken for each individual case by requesting a minimum of three quotes from contractors.
- 10.2 In order to comply with public sector procurement regulations and with the Council's Finance and Contract Procedure Rules, these services must be procured in a managed and value for money manner. This is also critical to achieve economies of scale and to consistently manage the quality of the works carried out in the homes of disabled persons.
- 10.3 A procurement exercise is being undertaken to establish a Framework Agreement with one supplier. The Framework will enable the Council to call-off orders as required, and does not provide a guarantee of the volume or value of work that the Contractor will be awarded. This Framework is one of three Frameworks under development for domestic repairs and adaptations, two of which will come forward to Cabinet for approval due to their value.
- 10.4 The contract details were posted on the North West Chest on 23rd July 2013, and the deadline for submission of tenders was 2nd September 2013. A comprehensive and rigorous evaluation process is being undertaken, with a view to selecting the supplier who demonstrates the best value for money and quality to deliver this contract.

10.5 Permission is now being sought to delegate responsibility to the Director of Economic Growth and Prosperity to appoint the successful bidder to the Framework Agreement.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Karen Whitehead
Designation: Private Sector Housing Manager
Tel No: 01270 686653
Email: karen.whitehead@cheshireeast.gov.uk