

Report of the Strategic Director of the Department of Place to the meeting of Corporate Overview and Scrutiny to be held on 5th October 2021

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Subject:

Voluntary Community and Enterprise sector (VCSE) Infrastructure Procurement Strategy

Summary statement:

This report is provided for information to advise the Executive of the forthcoming procurement of a combined VCSE contract for services with a value in excess of £2 million in line with the requirements of Contracts Standing Orders (CSO 7.2.1) prior to the commencement of the procurement process.

EQUALITY & DIVERSITY:

Compliance with Equality Act 2010 is embedded in the Council's procurement process and requirements. The implementation of the VCSE Infrastructure contract for services will promote equality and diversity in the supply chain. Whilst ensuring that our money is not only delivering high quality services but also promoting equality of opportunity. Equality and diversity objectives will be incorporated in to our contract, policies and delivery and we will expect our suppliers to promote equality within their businesses. The promotion of equality in procurement will help us deliver more responsive, accessible and appropriate services that meet the needs of the districts residents.

We will design, commission and deliver services that are accessible, inclusive and responsive to the needs of people and communities and provide information about services in a range of accessible formats so that people know what services are available to support them and how to access them. We will aim to contract and commission locally where ever possible so that we can support our local economy and build a local supply chain connected to its wider social responsibilities and offering high-quality services and training opportunities to local VCS organisations, while delivering equitable services that are value for money.

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Overview & Scrutiny Area: Corporate

1. SUMMARY

1.1 This report provides an update on the VCS Infrastructure contract for services to be awarded in December 2021 for delivery to begin in April 2022.

1.2 This is a new contract that for the first time integrates Community Infrastructure grants currently provided by the Council's Stronger Communities Team, Dept. of Place, Childrens Services, Health and Wellbeing and Integrated Care Services (formerly known as the CCG)

1.3 The specification is being amended on a weekly basis as each of the commissioners review the changes and consider comments from respective management teams. We will undertake a Market Engagement event on 23rd September which could add to the draft specification from any feedback that is constructive. As stated at the Corporate Overview & Scrutiny Committee meeting on 16th September the specification document will be completed on 30th September and will then be shared with the Corporate Overview and Scrutiny Committee for the meeting to be held on 5th October 2021.

1.4 The procurement process will be conducted in line with the requirements of the 2015 Public Contract Regulations. Regulation 40 permits consultation with prior providers of the service, it is intended that this regulation will be used to hold pre-engagement consultations with potential providers. This is will be their opportunity to comment and discuss the requirements of the specification the commissioners have proposed.

1.5 It is intended that this pre-market engagement will take place on 23rd September 2021. Potential delivers of the new contract will be made aware of the exact basis of the engagement through existing channels of communication.

1.6 The current contract provided by the Stronger Communities team is delivered by Citizen Action Bradford & District (CABAD) in partnership with Cnet (Community Networks), Equity Partnership, Equality Together and Racial Equality Network.

2. BACKGROUND

2.1 The review of the current VCS Infrastructure grant began in June 2019 and the VCSE sector has been involve in co-designing of the new contract. Several consultations have been held with workshops, online focus groups and surveys which have provided us with the basis for the priorities and themes for the new tender, the results of the consultations are shown in Appendices B, C, D and E. Also shown is the current grant breakdown of funds provided by the sector by Stronger Communities, Dept. of Place in the Appendix A.

2.2 The new contract for services proposes to combine previous grants awarded by Stronger Communities, Children's Services and Adult Services along with the Integrated Care Services (previously known as CCG) into one single 'pot' to simplify access to funds. This will enable reduction in duplications of services, multiple bids to different funders, and greater value for money as a result of better collaboration and use of resources by the sector.

2.3 The new contract will be awarded for three years with a two-year extension subject to satisfactory performance to provide stability for staffing, development of services and securing the leadership of the VCSE in the district.

2.4 The terms of the new contract will allow a bidder to tender for the full delivery of the thematic programme or several bidders to make single bids for individual work areas or themes.

2.5 The themes or work areas that this new contract for delivery of services will support are:

- **Capacity building and resourcing**
- **Information and insight**
- **Citizen Engagement (on behalf of Bradford District and Craven CCG)**
- **Voice and influence**
- **Build sustainability and business development**
- **Promoting volunteering**

3. OTHER CONSIDERATIONS

The timeline proposed for the offer to bid for the new contract is:

September – preparation of specification document in consultation with the Commissioners

23rd September - Market Engagement with the sector

5th October - Report to the Corporate Overview and Scrutiny and Executive Committees

Early October - Tender documents to be completed

October – open tender period for four weeks

November – Evaluation of bids

Early December - Contract awarded

Jan – March 2022 Mobilisation and implementation

1st April 2022 – new contract for services to begin

A copy of the procurement schedule is shown in Appendix F

4. FINANCIAL & RESOURCE APPRAISAL

4.1 The Council's Contracts Standing Orders provide for details of contracts with estimated value in excess of £2m be reported to the relevant Overview and Scrutiny Committee. The procurements set out in this report will be carried out in accordance contract regulations and policies.

4.2 Standing Orders and EU Procurement Regulations. The current EU threshold for procurements of supplies is £189,330.

4.3 The value of the new contract is £767, 000 per annum and will be made from a combination of £460,000 from Stronger Communities, Dept. of Place, £50,000 Adult Services, £72,000 Childrens Services and £185,000 from Integrated Care Services (CCG). These are existing funds within departments which will be combined to deliver a single point of contact for infrastructure support services to the sector.

4.4 The review is being led by the Stronger Communities Coordinator with commissioner's from Adult Services, Children's Services and ICS. The grants are existing commitments

and will combine to offer a single process for funding of the new delivery of services to the VCSE sector.

4.5 We are being supported by the Council's Procurement Team who are advising and guiding us through this process to ensure all technical, legal and policy requirements are being met.

4.6 The new contract for services will avoid duplication of services in the sector and lead to more efficient mechanism that is also geared to bring in additional external resources into the district. It will be important for the bidders to demonstrate added social value is delivered and that the local pound remains local.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

5.1 The risks include that one of the funding partners withdraws from the process or the sector interest in Bradford is low with local pound being spent to an organisation out of the district.

5.2. To mitigate against these factors, we propose to allocate 'percentage' costs for thematic spends which could be adjusted if the total fund is adjusted before the tender is made public. The marketing engagement event will allow local providers an opportunity learn and comment on the specification and tendering requirements before the launch date and in addition to this opportunity the weighting given to the scoring when choosing the winning tender will look at social value and other factors including local knowledge of the sector and experience of delivery in the district to enable where possible and subject to regulations to keep service provision with Bradford based providers.

5.3 The contract for services will be managed by panel consisting of the commissioners of each of the departments contributing funds and chaired by the Stronger Communities Coordinator.

5.4 Quarterly reports will be required from the contract giving information on outputs and outcomes including equalities data.

5.5 Year 4&5 funding will be depending on satisfactory delivery of the contract.

6. LEGAL APPRAISAL

6.1 The Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") are likely to apply. TUPE applies where there is a service provision change – where a client engages a contractor to do work on its behalf, reassigns such a contract, or brings the work in house. The activities carried on after a change in service provider must be "fundamentally or essentially the same" as those carried on before it, if TUPE is to apply. There must be an organised grouping of employees that has as its principal purpose the carrying on of the relevant activities. The application of the Regulations will require detailed consideration throughout this procurement.

6.2 The successful contractor(s) will be required to indemnify the Council against all third party claims and hold adequate insurances for the purpose."

7. OTHER IMPLICATIONS

None

7.1 SUSTAINABILITY IMPLICATIONS

The Procurement Service's tender documents and specification have been updated to ensure that they include details of the Council's commitment to reducing its carbon footprint through promoting sustainable best practice and through working with Contractors who are actively taking steps to minimise the impact of their activities on the environment.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

This contract for services will seek to lower greenhouse emissions by undertaking a tendering exercise that will seek to minimise future environmental impact, through selection and contract management of suppliers who propose sustainable and environmentally friendly service provision, and that manage their work activities to minimise any environmental impact through energy/resource conservation, and efficiency planning.

7.3 COMMUNITY SAFETY IMPLICATIONS

None

7.4 HUMAN RIGHTS ACT

This tender will not detrimentally impact on our obligations with the Human Rights Act.

7.5 TRADE UNION

The new contract may result in staff working for the VCSE sector currently benefiting for the VCSE Infrastructure grant losing jobs or being assigned to new roles. The TUPE arrangements will be formally part of the tendering process so staff affected can be allocated to roles with the winning bidder(s)

7.6 WARD IMPLICATIONS

None

7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None

7.8 IMPLICATIONS FOR CORPORATE PARENTING

None

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

Tender documents and the specification have all been brought up to date with the latest requirements of the General Data Protection Regulations (GDPR), Data Protection Act 2018 and the Council's technical security requirements for Data, Information Systems & Confidentiality.

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

9.1 The current VCS Infrastructure grant is commissioned under the current arrangements. Allowing for community engagement and infrastructure grants to be allocated by individual departments and services.

9.2 The VCSE consultation and moves to make a unified single contract to avoid duplication and completion in the sector is supported by members.

10. RECOMMENDATIONS

10.1 That no changes are made to the current funding support made available to the VCSE sector

10.2 That the option to review of the grant is welcomed with the input of the sector and the integration of the funds into one contract for service delivery is approved for tender with the timeline given.

11. APPENDICES

Appendix A - The Current breakdown of the VCS Infrastructure grant

Appendix b - VCS Support findings - Project Rome

Appendix C - Bradford and District VCS Infrastructure Review – Themed Workshops Interim Report

Appendix D - Bradford and District VCS Infrastructure Review: Sense-checking progress so far Survey Report – March 2021

Appendix E - Review of the support requirements of the BAME groups and organisations

Appendix F - Procurement Timetable

12. BACKGROUND DOCUMENTS

None