



CABINET – 27 MAY 2022

**EXCEPTION TO CONTRACT PROCEDURE RULES - URGENT ACTION
TAKEN BY THE CHIEF EXECUTIVE IN RELATION TO MINOR
ADAPTATIONS**

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

PART A

Purpose of the Report

1. The purpose of this report is to advise the Cabinet of urgent action taken by the Chief Executive to agree an exception to the Council's Contract Procedure Rules and directly award contracts to suppliers providing minor adaptations.

Recommendation

2. It is recommended that the Cabinet notes the urgent action taken by the Chief Executive to directly award by exception, in accordance with Contract Procedure Rule 6b(ii), contracts for a period of six months (to commence by no later than 31 May 2022) and with an option to extend by two additional periods of no more than three months each, to deliver minor adaptations for older and disabled people at home.

Reasons for Recommendation

3. The Council's Constitution (Contract Procedure Rule 6 (b)) provides that exceptions to the Contract Procedure Rules may be made by the Cabinet where it is satisfied that an exception is justified on its merits and that in urgent cases the Chief Executive (after consultation with the Leader or Deputy Leader save where this is not practicable) may direct that an exception be made subject to it being reported to the Cabinet.
4. The exception was necessary because the current contract with the four providers had already been extended previously and a further extension is not possible if compliance with the Public Contract Regulations 2015 is to be maintained. The direct award of the contract will be compliant with the Regulations and allow the necessary time to undertake a full re-procurement.

Timetable for Decisions (including Scrutiny)

5. The Chief Executive agreed the exception on 3 May 2022.

Policy Framework and Previous Decisions

6. The exception to the Contract Procedure Rules follows the Council's Constitution (Contract Procedure Rule 6(b)(ii)).

Resource Implications

7. The Director of Corporate Resources, the Director of Adults and Communities and the Director of Law and Governance have been consulted on the rationale behind this contract exception.

Circulation under the Local Issues Alert Procedure

8. None.

Officers to Contact

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PART B

Background

9. The Council has a duty to arrange to provide adaptations to maximise independence, which is set out in the Care Act 2014. These may be required to facilitate discharge from hospital and has the overall aim of supporting people to live safely and independently at home for as long as possible.
10. The minor adaptations that are commonly provided cost less than £1,000, such as grab rails, additional stair rails, key safes, half steps, ramps and external railing. Most works require a carpenter/joiner or builder to install or less frequently, a plumber or electrician is needed for work such as replacing taps with lever taps or installing additional lighting for people with a visual impairment. Priority work is completed within 24 hours of a referral being made, and often on the same day. Other, less urgent works are completed between five and 25 working days depending on the complexity of the work.
11. The existing framework contract for adaptations was commissioned by ESPO in October 2012. The initial duration of three years was extended by two years and a further extension was then agreed until August 2020, by which time the Covid pandemic had started; procurement advice was received that EU Regulations permitted a further 12-month extension. Now, in 2022, the contract value is close to exceeding UK Threshold limits and no further extensions can be permitted.
12. There are four contractors on the 2012 framework currently carrying out adaptations work in the County. They are all small local businesses and commendations are regularly received regarding the quality of their work. The direct award means that this work will continue for the next six months, with the provision of a time limited extension (two additional periods of no more than three months each), during which the re-procurement of the framework will be completed.
13. During the financial year 2021/22, the number of orders placed was just over 1,500 and the total spend was nearly £430,000. The breakdown across categories of work is as follows:
 - Building £230,000
 - Carpentry £185,000
 - Electrical £13,500
 - Plumbing £600
14. The management of the adaptations contract and the technical staff employed by the Council transferred to Leicestershire Traded Services in April 2020, with the expectation that the contract would then be reprocured. However, this did not happen as planned and in late 2021, it was agreed that the Adults and Communities Department should take back the management of the minor works contract due to its experience and knowledge of minor adaptations and of the service demands.

15. The direct award of contracts for a time limited period is in place to allow the adaptations service to continue deliver the service while the framework is re-procured. Work has already started on updating the contract specification, which will add in new requirements relating to modular steps and ramping. The Senior Adaptations Officer and the Commercial Officer are liaising with the Insurance Team, Legal Services and Heads of Service to ensure that the framework is compliant with Contract Procedure Rules and meets the needs of the service.
16. The Procurement timeframe is expected to be completed within the next six months, with the tender due for publication later in May. Bids will close at the end of June with award of contracts anticipated in August. This would be followed by the mobilisation period with a contract start date planned for autumn 2022.

Equality and Human Rights Implications

17. The Council has a duty to ensure the continued provision of minor adaptations, and this includes provision for people with protected characteristics of age and disability.

Background Papers

18. None.