

# Commissioning Form

This form is to be completed by the commissioning service or department for all procurement proposals with a total value above £25,000. If you are seeking an exception from Contract Procedure Rules or exception from the requirement to tender, you must complete an **Exception Form**.

<b>Title</b>	North Wales Domiciliary Care Agreement.
<b>Head of Service:</b>	Ann Lloyd (Head of Adult Social Care & Homelessness Service) Rhian Morrle (Children's Services)
<b>Manager:</b>	Catrin Roberts (Head of Regional Collaboration)
<b>Report Completed by:</b>	Liana Duffy / Llinos Howatson / John L Williams
<b>Date:</b>	13 <sup>th</sup> June 2023
<b>Total Estimated Value:</b>	£34.2 Million per year £273.6 Million (over a period of 8 years) DCC Estimated Spend £5.7 Million per year

PROCUREMENT TEAM USE ONLY	
<b>Officer</b>	Simon Beech
<b>Priority</b>	High
<b>Category</b>	Services
<b>Received</b>	24/05/2023
<b>Complete by</b>	25/05/2023

<b>Type</b>	<i>Copy and paste:</i>	<input checked="" type="checkbox"/>
Goods:		
Services: services not subject to the 'light touch regime' (i.e., most services)		
Light Touch Regime: certain social, health, education & other services subject to the 'light-touch regime'		<input checked="" type="checkbox"/>
Works:		
Does the proposal include Land contracts or the appointment of developers?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If Yes, has the Monitoring Officer (Legal) been consulted?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<i>If Yes state the Monitoring Officer's advice. If No, state why not:</i>		
N/A		
Does the proposal include Information & Communication Technology, property or works?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If Yes, has the relevant council service been involved?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<i>If Yes state the services' involvement. If No, state why not:</i>		
N/A		
<b>Procurement Level</b>	<i>Copy and paste:</i>	<input checked="" type="checkbox"/>
Intermediate Value: £25,000 to OJEU threshold*		
High Value: above relevant OJEU threshold*		<input checked="" type="checkbox"/>

\*OJEU limit Goods/ Services: £181,302 \*OJEU limit works: £4,551,413 \*OJEU limit light touch regime: £615,278, concession agreements:£4,551,413

### Procurement Process

Copy and paste:

Is there a corporate purchasing arrangement or National Procurement Service framework or other framework agreement relevant to your proposal?

Yes  No

If Yes, state which below:

N/A

Are you planning to make use of any corporate purchasing arrangement or framework agreement identified above?

Yes  No

If Yes, will the process be direct award or mini competition?

N/A

### Timescales

Date	Milestone
31/05/2023	Authorisation of Commissioning Form
31/12/2023	Final contract terms, specification & evaluation methodology agreed by Procurement/Legal
31/05/2024	Tender advertised
31/08/2024	Tender closed to responses, start evaluation
30/09/2024	Evaluation finalised (start of 10-day standstill period)
31/10/2024	Contract award
01/04/2025	Contract start

### Outline

Briefly describe the proposal

For DCC to be the 'Lead Partner' on the re-tendering of the regional North Wales Domiciliary Care Agreement (NWDCA) for Domiciliary Care Services for Children / Young People / Adults and their families / carers on behalf of the six Local Authority partners and BCUHB in North Wales ('the Commissioning Partners').

DCC Cabinet approval was previously given for DCC to be the 'Lead Partner' when the Invitation to Tender (ITT) for the existing NWDCA was issued in 2017.

The ITT will be conducted on the basis that it provides the Commissioning Partners with the maximum flexibility in terms of the duration of the NWDCA and for attracting additional / new providers to be appointed during the lifetime of the NWDCA under Procurement Regulations.

This will ensure that the Commissioning Partners have the option to re-open the NWDCA, should market conditions demand this, at any time and enable providers that have been appointed to the NWDCA to increase the scope of the services that they offer under the NWDCA as they develop their service offering. It is envisaged that the option of an 'Open Framework' (that allows the Commissioning Partners to establish a framework for a maximum of

8 years' duration (with it being re-opened at least once in the first 3 years, and at least once in the following five years)) provides this. All options open under Procurement Regulations will be considered, with the option that presents maximum flexibility for Commissioning Partners and minimal demands on providers being chosen.

The forecast expenditure by DCC on Domiciliary Care Services in 2023 / 2024 is £5.7 Million.

The forecast expenditure by all partners (incl. DCC) on Domiciliary Care Services in 2023 / 2024 is £34.2 Million.

The NWDCA will be the primary Agreement used by CCBC / FCC / DCC / WCBC and BCUHB for Domiciliary Care services.

GC and IoACC have separate local Agreements in place for Adult Standard Domiciliary Care Services and will use the NWDCA as a back-up to these local Agreements.

The ITT will seek to identify the best value and value for money through an in-depth assessment of costs.

The 'Work Plan' for the ITT includes for consultation and engagement with stakeholders and providers throughout the ITT activity. 'Business Wales' will provide support with consultation and engagement with small and medium sized enterprise. 'CWMPAS' has been asked to provide support on consultation and engagement with providers wishing to submit consortium bids. 'Meet the Buyer' events will be held. Stakeholders will be engaged via existing networks established across the region, or through additional events being held, where necessary.

## Price / Quality Weighting

Please state the percentage weightings being given to price and quality in your tender evaluation:-

Price	Quality
20%	80%

## Options

Copy and paste:

Has a zero cost option been considered?

Yes  No

Has a reduced cost option been considered?

Yes  No

*State whether and why zero and/or reduced cost options have been adopted or discounted:*

LA and BCUHB across North Wales have a varying degree of in-house staffing capacity to provide Domiciliary Care. However, the level of in-house staffing capacity is insufficient to meet the demand for Domiciliary Care Services across the region.

Re-tendering of the existing NWDCA (which is due to end on 31<sup>st</sup> March 2025) will allow LA / BCUHB to develop the market to ensure that there is sufficient capacity, of acceptable quality, to meet expected demand through a combination of internal and external provision, and to further develop 'Outcomes Focussed Commissioning' of Domiciliary Care Services across the region.

The NWDCA will be used as a vehicle to promote focus on:

- Developing provider capacity;

- Supporting service user choice on where they receive services and for them to remain within their own home whilst receiving professional support that enables their choice / preference to be met.
  - Seeking to ensure consistency of support from childhood to adulthood and maintaining consistency of provider where possible, thereby making the transition as smooth as possible.
- This should reduce / minimise demand for service users to receive support in a hospital or a residential care home environment.

## Collaborative Procurement

Copy and paste:

Has a collaborative procurement with Denbighshire/Flintshire County Council been considered?

Yes  No

*If yes please give details, if no please state reason:*

DCC / FCC Procurement Department and DCC Legal Services Department will support DCC (acting as the 'Lead Partner') to undertake a compliant Invitation to Tender (ITT) exercise and to ensure that DCC is not exposed to risk (through ensuring that DCC's position as 'Lead Partner' is mitigated through appropriate agreements in place with the other LA and BCUHB for undertaking this regional ITT).

The Regional Collaboration Team will support DCC in issuing the ITT and there are regional agreements in place covering the roles / responsibilities of partners (LA & BCUHB) when DCC acts as a 'Lead Partner' on regional commissioning activity.

DCC / FCC Procurement Department is supporting the commissioning partners in preparing and issuing the ITT.

The ITT will be conducted in line with DCC Contract Procedure Rules.

This is a regional commissioning exercise being led by DCC.

## Cross Service Procurement

Copy and paste:

Has a procurement across another Council Service been considered if there is the same or similar need for the works/goods/services?

Yes  No

*If yes please give details:*

The scope of the ITT will include for a broader range of Domiciliary Care Services to Children & Young People and Adults than is currently covered under the existing NWDCA.

The scope of the ITT will include for 'Standard', 'Complex' and 'Enhanced' Domiciliary Care Services + 'Respite' to Children & Young People and Adults, and their family / carers.

The existing NWDCA covers 'Standard' Domiciliary Care Services for Adults only. By including 'Complex' and 'Enhanced' support for Adults, and 'Standard', 'Complex' and 'Enhanced' Domiciliary Care Services to Children & Young People, plus 'Respite', on the future ITT, Adult and Childrens Services from LA / BCUHB will form part of a multi-service approach to the preparation of the ITT and to the evaluation of bids submitted by external providers.

## Existing Council Contracts

Copy and paste:

Is there an existing Council contract that covers the same or similar works, goods or services which can be utilised?

Yes  No

*If yes please give details:*

N/A

## Safeguarding

Safeguarding includes everything a Council can do to keep people safe, including minimising the risk of harm and accidents, taking action to tackle safety concerns and ensuring people grow up and live in safe circumstances. Safeguarding covers physical, sexual, psychological and financial abuse, neglect, modern slavery and radicalisation.

Does the works, goods or services include any elements that raise safeguarding concerns or requirements?

Copy and paste:

Yes  No

*If yes please give details:*

Providers of Domiciliary care and support are required to have satisfactory safeguarding policies and procedures in place as part of the registration with regulatory bodies (i.e. Care Inspectorate Wales (CIW)).

Potential providers will have to demonstrate that they have satisfactory safeguarding policies and procedures in place as part of the evaluation of the ITT and to be considered for the NWDCA.

All external staff involved in the delivery of packages of Domiciliary Care to Children / Young People and Adults will have to have undergone an Enhanced Disclosure and Barring Service check. This requirement will be clearly stated in the ITT documentation and the Service Specifications for the services required.

Compliance with the North Wales Safeguarding Board (NWSB) requirements and guidance is considered an essential criteria for potential providers to meet, in order to be considered acceptable.

## Data Protection

Does the works, goods or services include any elements that involve the processing or sharing of personal data of living individuals?

Copy and paste:

Yes  No

*If yes please give details:*

The services being commissioned necessitates the sharing of the personal data of those individuals who will receive packages of Domiciliary Care.

The personal data relating to individuals receiving the services will be shared for the purposes of ensuring that they receive the appropriate Care and Support and for enabling providers to undertake a full assessment of the needs of each individual and to track their support needs over the course of their journey when being supported.

Potential providers will have to demonstrate that they have satisfactory data protection policies and procedures in place as part of the evaluation of the ITT.

Potential providers will have to agree to adhere to the data protection policies of all the commissioning partners as part of the evaluation of the ITT and this requirement will form part of the terms and conditions of the resultant contract(s) for the required services.

If Yes, has the Information Governance Team been consulted?

Yes  No

*If No, state why not:*

The Project Team has completed the required DCC 'Data Protection Impact Assessment' and determined that the level of risk associated with the services being commissioned is 'Medium'. Robust contract and performance management of the successful bidder(s) will facilitate ongoing monitoring and management of the data protection practices each provider has in place.

The ITT will include the standard DCC questions for Data Protection. This will be an assessed section of the ITT and will be assessed on a 'Pass' / 'Fail' basis.

The terms & conditions of the contract issued to successful bidders will stipulate the data protection and data security measures that the Commissioning Partners require for this activity.

## Community Benefits

Copy and paste:

Are you including community benefits?

Yes

No

*If Yes, provide details below: If No, state why community benefits have not been included*

**Note: Community Benefits must be considered for all Goods & Services contracts over £25,000, all Works contracts over £100,000 and it is mandatory to include community benefits in all contracts for the value of £1,000,000 and over.**

*If you have not yet discussed Community Benefits with the Community Benefits Hub please contact [communitybenefits@denbighshire.gov.uk](mailto:communitybenefits@denbighshire.gov.uk)*

The DCC Community Benefits Manager has been consulted and has committed to provide community benefits requirements for inclusion within the ITT and the service specification for the services being tendered for.

These requirements will focus on:

1. The embedded value of delivering the service as described in the ITT, for example, providing support in a person's own home / community in the manner of the individual's choice;
2. Improving outcomes for service users, facilitating prompt discharge from hospital with the appropriate Package of Care in place (in a timely manner);
3. The added value that can be secured via commissioning the services, for example, work placements, career outreach and support to attract new entrants to the sector;
4. A commitment from bidders to offer additional support to families and loved ones of service users, via information, workshops, third sector support, etc.

The DCC Community Benefits Manager will be a member of the ITT Evaluation Panel and will assess bidders against a defined scoring criteria as part of the evaluation of tender submissions. Community Benefits will be a core element of the evaluation of tender submissions.

## Contract Management and Key Performance Indicators

Have you considered key performance indicators to use to monitor contractor performance?

Yes  No

*If No, state why not:*

N/A

*If yes please give details, including KPI's related to Community Benefits:*

The service specification for the services includes KPI that are outcome focussed.

The LA / BCUHB Commissioners will work in partnership with the successful bidder(s) to achieve desired outcomes.

Robust contract and performance management of the successful bidder(s) will facilitate ongoing monitoring and management of the providers' performance in achieving the required outcomes.

## The Local Economy

Copy and paste:



Have you considered ways in which this proposal might benefit the local economy and increase opportunities for local businesses?

Yes

No

*If Yes, provide details below: If No, please state why not.*

The project will oversee the development of existing services and the provision of new services where there are none currently.

The Commissioners have each undertaken 'gap analysis' to identify where additional or new provision is required. This has supported the development of 'Commissioning Strategies' by each partner.

It is anticipated that the development of existing provision and the creation of new provision within the community will benefit the local economy through:

1. Providing opportunities for people to work within their local community;
2. Providing opportunities for work placements for those who are interested in pursuing a career in the healthcare and social care sectors;
3. Providing opportunities for local suppliers to do business with an expanded service;
4. The workforce employed within the local communities will be spending money in shops, cafes, restaurants and leisure facilities locally.

## Grant Funding

Is grant funding being used in whole or in part to fund the procurement?

Copy and paste:



Yes

No

*If yes please give details and please state whether there is a grant agreement:*

N/A

## Finance

<b>Funding Source</b>	<b>Amount</b>
Revenue	£171 Million (Over 5 (Five) Years) £273.6 Million (Over 8 (Eight) Years)
Capital	£Nil
Grant	£Nil
<b>Total Funding:</b>	£171 Million (Over 5 (Five) Years) £273.6 Million (Over 8 (Eight) Years)

<b>Estimated Total Value:</b>	£171 Million (Over 5 (Five) Years) £273.6 Million (Over 8 (Eight) Years)
<b>Estimated Annual Value</b>	£34.2 Million

<b>Cost Code</b>	N/A
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**If the contract is a collaboration with external partners the figures quoted should include the total contract value not just the Local Authority element.**

## Contract

*Provide basic details of any contract to be awarded*

Type of Contract:	Fixed Term Contract (With the option to extend)
Proposed Start date:	1 <sup>st</sup> April 2025
Proposed End date:	31 <sup>st</sup> March 2033
Proposed options for extension (if any):	N/A
Maximum duration (including extensions):	8 (Eight) Years

## Risk Assessment

What is the total estimated value of the proposal?	Over £2m
If things go wrong, what is the operational risk to the Local Authority?	Medium
If things go wrong, what is the reputational risk to the Local Authority?	Medium
If things go wrong, what is the financial risk to the Local Authority?	Medium

## Risk Mitigation

For risks which have a medium or high risk, state steps to be taken to minimise the risk:

<p><u>Operational Risk:</u></p> <p>If the process of establishing a new NWDCA through the ITT is delayed, then the Commissioning Partners could face the risk of having to secure Packages of Care without having the formal regional contract in place. The current NWDCA ends on 31<sup>st</sup> March 2025 and cannot be extended beyond this date. The Project Team overseeing the renewal of the NWDCA has been established and is operational. A clear work plan for completing the ITT has been established and the timescale for undertaking the ITT mitigates fully against unforeseen</p>
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slippage. The ITT has the full support of the Regional Commissioning Board (which is committed to achieving the required timescale) and the Commissioning Partners have committed adequate resource to the Project Team to undertake the ITT. Progress against the milestones / timescales within the work plan are monitored regularly (by the appointed Project Lead and the Project Team) to ensure that there are no slippages, or to identify any potential slippages at the earliest opportunity. The commitment of the Commissioning Partners will provide for additional Project Team resource, should this ever be necessary. Through commencing the work on the ITT at an early stage, the Project Team has sought to ensure that there is more than sufficient time in which to complete the ITT.

Reputational Risk:

The risk of potential legal challenge from an unsuccessful provider is mitigated through DCC / FCC Procurement Department and DCC Legal Services Department being actively involved in the preparation of the ITT. This will ensure that the ITT is compliant with DCC CPR and relevant Procurement Legislation.

Reputational risk through the ITT being delayed is further mitigated through the measures outlined in Operational Risk above.

Financial Risk:

The Commissioning Partners are participants to the 'North Wales Regional Commissioning Board Collaboration Agreement'. Under this Agreement the Commissioning Partners indemnify themselves and the 'Lead Partner' against the costs of any legal challenge to the outcome of the ITT that might arise.

## Consultation with Members

Please confirm that relevant members have been informed where the decision has implications for a particular locality.

Copy and paste:

Yes  No

If Yes, please list member's names below and details of any feedback incorporated.

Councillor G German & Councillor E Heaton.

Lead members appreciated that the scope of the ITT will include Children and Young People and were particularly keen that providers are found with the particular knowledge and understanding needed for providing respite care for children and families.

- Lead members were keen for the promotion of the Welsh Language and for services to be considerate of being able to deliver services through the language of choice.
- Lead members were encouraged with the engagement work which will be undertaken and the focus on trying to promote small businesses to show an interest. This will be done through the support of Business Wales and CWMPAS.
- Lead members understood that there are varying degrees of in-house staffing capacity to provide Domiciliary Care across the North Wales' LAs and BCUHB and that the level of in-house staffing capacity is insufficient at present to meet the demand for Domiciliary Care across the region. However, Lead members stated that going forward that they would like to see the exploration of more services provided by Denbighshire

County Council being brought in-house as part of the 'Rebalancing Social Care' WG agenda.

### Procurement Checklist

Copy and paste:

- Has a Sustainability / Wellbeing Impact Assessment been completed?      Yes  No  N/A
- Have you identified and mitigated any potential conflicts of interest?      Yes  No  N/A
- Have you conducted market dialogue, research, analysis?      Yes  No  N/A
- Have you consulted stakeholders, partners and/or end users?      Yes  No  N/A
- Have you consulted the Insurance and Risk Manager on potential insurance issues?      Yes  No  N/A
- Have you instructed the legal team to develop contract terms?      Yes  No  N/A
- Have you sought advice on safeguarding issues?      Yes  No  N/A
- Have you sought advice on any TUPE, IPR or other legal issues?      Yes  No  N/A
- Have you determined contract management & information requirements?      Yes  No  N/A
- Have you determined whether to use lots (e.g. to encourage SMEs)?      Yes  No  N/A
- Could you reserve the contract for public mutuals or social enterprises?      Yes  No  N/A
- Have you drafted the tender specification?      Yes  No  N/A
- Have you developed evaluation criteria & scoring methodology?      Yes  No  N/A
- Have you identified the scorers/evaluators?      Yes  No  N/A
- Will you need to arrange interviews, presentations, site visits etc.?      Yes  No  N/A
- Is this proposal funded wholly or in part by EU grant?      Yes  No  N/A

## AUTHORISATION

The undersigned authorise the commissioning proposal described

**TEAM MANAGER:** (if within spend authorisation limit)

Signature  Date

**HEAD OF SERVICE/CHIEF OFFICER:** (Mandatory)  
(or Service Manager if within their spend authorisation limit)

Signature  Date   
Catrin Roberts  
Ann Lloyd  
Rhian Morrle

**CHIEF DIGITAL OFFICER** (Mandatory for all ICT Contracts)

Signature  Date

**SECTION 151 OFFICER (Finance):** (Mandatory for all contracts above £250,000)

Signature  Date

**MONITORING OFFICER (Legal):** (Mandatory for all contracts above £250,000)

Signature  Date

**LEAD CABINET MEMBER:** (Mandatory for all contracts above £1,000,000)

Signature   
Councillor E Heaton Date

**N.B: Contracts over £2,000,000 also require Cabinet approval and the completion of a Cabinet report.**

## PROCUREMENT TEAM ASSESSMENT

*This section to be completed by the Procurement Team following receipt of an appropriately completed commissioning form.*

### PROPOSED START DATE

26/05/2023

### TARGET END DATE

31/10/2024

### RECOMMENDATIONS:

An above threshold Openly advertised tender process is to be undertaken. The tender will be conducted under the new procurement regulations which will be coming into force later this year/early next year.

As detailed in the form it is envisaged that we will utilise the open framework procedure under the new regulations but all options will be considered before finalising the tender procedure.

Tender documents including Specification, Evaluation Methodology and pricing schedule will need to be produced. Final tender docs will need to be agreed and provided to procurement allowing sufficient time to build the tender on the Proactis System.

Work has started on the service specifications but significant work is still required on the evaluation criteria for each lot.

As with the previous framework it was required that the tender documentation needed to be translated into Welsh and this is likely to be required again.

Information Governance have been liaised with and the appropriate GDPR questions will be included in the tender.

Denbighshire's Legal team will need to do a review and refresh of the framework agreement and call-off contract.

Given the value of the contract I recommend a Wellbeing Impact Assessment is completed and a copy of this should be provided to procurement.

Client Department is already in discussions with the Community Benefits Hub with regards to the inclusion of community benefits in the tender.

An update from the previous framework is that as the framework value will be over £5m providers will now as part of their submission will need to submit a carbon reduction plan.

Discussion can also start on how we integrate carbon reduction/decarbonisation into the specification/contract. I would advise the commissioning team get in touch with Helen Vaughan-Evans for advice on the best approach and how we do this.

It is envisaged a supplier engagement / meet the buyer event will be held prior to the tender being issued.

A fully signed copy of the commissioning form will need to be returned to procurement prior to the tender being issued.

As required under the Contract Procedure Rules this form needs to be signed by the highlighted signatories above and Cabinet approval is required. The same level of approval will be required at the framework award stage so this will need to be factored into timescales.

**PROCUREMENT  
OFFICER**

Simon Beech

**DATE**

26/05/23

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