



**Record of Officer
Executive Decision
Ref. No: DforC/002/15-16
Date of Decision: 12 February 2016**

If you have any questions about this decision, please contact 01903 221006 or email heather.kingston@adur-worthing.gov.uk.

<p>Record of Decision: Awarding the contract for voluntary and community infrastructure support in Adur and Worthing.</p>
<p>Decision taken by: Director for Communities</p>
<p>Declaration: I do not have a disclosable pecuniary interest, or conflict of interest.</p> <p>The persons I have consulted, do not have a discloseable pecuniary interest or conflict of interest: Councillor Val Turner, Executive Member for Health and Wellbeing, Worthing Borough Council Councillor Dave Simmons, Executive Member for Health and Wellbeing, Adur District Council</p>
<p>Delegated authority:</p> <p>At 2.7.8 of the Scheme of Delegations, a Director has a delegated authority to undertake all matters in relation to procurement and the letting of contracts (after consulting with the Head of Business & Technical Services and the Solicitor to the Council). The procurement for this contract must have regard to the Councils' Joint Contract Standing Orders and to the Public Contract Regulations 2015.</p>
<p>Decision:</p> <p><u>1.0 Background</u></p> <p>1.1 Adur and Worthing Councils (A&WC) with West Sussex County Council (WSSCC) fund voluntary and community sector (VCS) infrastructure support in Adur and Worthing. Similar arrangements are in place in each of the Districts and Boroughs in the County.</p> <p>1.2 The role of the service is to provide the VCS in Adur and Worthing with the advice, support and representation they need to support communities.</p>

1.3 The existing contract for VCS infrastructure support is currently awarded to Adur Voluntary Action (AVA) and Voluntary Action Worthing (VAW). The contract involves the award of a grant to AVA and VAW with a service level agreement (SLA) in operation.

1.4 The value of the grant is:

AVA: £37,230 (Adur DC) and £18,264 (WSCC).

VAW: £39,810 (Worthing BC) and £32,272 (WSCC).

1.5 The grant and SLA is managed by A&WC.

1.6 The current grant and contract arrangements come to an end on 31st March 2016.

1.7 Despite the severe pressures on A&WC mainstream budgets in recent years, the grant to provide VCS infrastructure support has been protected: reflecting the importance A&WC attach to VCS infrastructure support to make an important contribution in delivering A&WC vision for enterprising communities as set out in "Catching the Wave".

2.0 Procurement of VCS Infrastructure Support

2.1 During 2015 A&WC Wellbeing Team has led on a review of the provision of VCS infrastructure support. This has included consideration of reports by NAVCA - the national organisation for VCS infrastructure bodies. In 2014 NAVCA commissioned an Independent Commission on the Future of Local Infrastructure. Published in 2015 the report highlighted as follows:

"A good infrastructure body will offer the right mixture of support, challenge, leadership, resource, skills and knowledge. It will also help to foster relationships between the local voluntary sector, public bodies and local business. They also promote social action and make sure local communities have a voice.

... Infrastructure does deserve and need to be financed, but ... it also has to undergo a redesign. It needs to be leaner, meaner and more technologically savvy. It needs to act as a lever bringing in new resources to the sector, including social investment, crowd funding and pro bono support. It needs to be the enabler of voice and the advocate of community action. It needs to collaborate and share more cost effectively. It needs to promote and develop the 'time economy', co-production and good volunteering practices. Above all, it needs to help the sector with foresight and managing change, because the pace of change is not going to slow."

2.2 In its document, "Catching the Wave" A&WC has set out an ambitious vision for its role in leading and facilitating change. Key to this is a VCS that vibrant, strong, innovative and resilient; attuned to the challenges and opportunities set out by NAVCA.

2.3 Therefore with the current VCS Infrastructure contract coming to an end in March 2016, the time was right to ensure the best possible VCS infrastructure and support. As a result it was decided that a procurement exercise should be undertaken and a new contract let to take effect from 1st April 2016.

2.4 On 8th June 2015 the existing contract holders AVA and VAW were advised of A&WC intentions. Officers of the Wellbeing Team then developed a tender process that was informed by a local survey of VCS groups; the NAVCA Independent Commission on the Future of Local Infrastructure; and a consultation event with local VCS groups facilitated by Toynbee Hall.

Therefore thorough and comprehensive preparatory work was undertaken to inform the procurement process.

2.5 As part of the procurement A&WC sought a single delivery vehicle covering both Adur and Worthing rather than separate arrangements. This reflected a desire to see efficiencies in infrastructure support in a manner similar to A&WC own positive experience in delivering a shared service model.

3.0 Procurement Timetable

3.1 The procurement timetable for the VCS Infrastructure Support contract is as follows:

Date	Action
02/11/15	A&WC invite suppliers to Tender. A&WC advertised the tender opportunity in the Adur and Worthing Herald, the Council's web site and on the Council's e-procurement portal In-Tend
04/12/15	Deadline for responses to Tender
07/12/15	The date of evaluation of written submissions
07/12/15	Date of letter requiring interviews
14-15/12/15	Tenderer clarification interviews
18/12/15	Councils wrote to suppliers
11/01/16	Expiration of standstill period
06/01/16	Decision placed on the forward plan for 28 days
04/02/16	Date from which the Director for Communities can make a decision on the award of the contract
01/04/16	Contract begins

4.0 Procurement Assessment

4.1 Two tenders were submitted to A&WC.

4.2 Procurement assessment was undertaken by representatives from A&WC Wellbeing Team; A&WC Procurement Team; WSCC Commissioning; and WSCC Communities.

The Director for Communities was not involved in the procurement assessment process.

4.3 A summary of the scoring by the Procurement Assessment Team is as follows:

Criteria	Tender 1	Tender 2
Section 1, About your organisation (10%)	Score: 4%	Score: 6%
Section 2, Delivering the SLA (30%)	Score: 6%	Score: 30%
Section 3, Practical delivery of the service (12%)	Score: 4.8%	Score: 12%
Section 4, measuring success and impact (18%)	Score: 3.6%	Score: 18%
Price: (Proportional against the lowest bid which was 30%)	Score: 30%	Score: 30%
Totals	48.4%	96%

Full commentary on the criteria for both of the tender submissions has been supplied to the Director for Communities.

In summarising the submissions, the Assessment Panel found that Tender 2 was significantly better than Tender 1, which is reflected in the scoring.

5.0 Procedural Considerations

5.1 In reviewing the procedures that have been followed in this matter I have consulted A&WC Protocol on Officer Decision Making and Article 12 of the Constitution, Paragraph 12.02: Principles of Decision-Making.

5.2 I am satisfied that I am able to take a decision in accordance with the Principles of Decision-Making as follows:

a) there should be clarity of aims and desired outcomes;

The aims and outcome are the award of the contract for Adur and Worthing VCS Infrastructure Support contract from April 2016 following a procurement exercise.

b) proper regard should be paid to professional advice from Officers;

Advice from Officers from A&WC Wellbeing, Legal, Procurement, and Democratic Services Teams has been sought and considered in reaching a decision.

c) all decision shall be in accordance with the law;

It has been brought to my attention that there have been some procedural issues with the procurement process for this contract:

- clarity over the interview process (relating to this being a clarification interview which was not assessed);
- advertising of the contract i.e the failure for the contract to be placed on the National Contacts Finder database (as required by A&WC Standing Orders).

I acknowledge that these errors have taken place. I am satisfied that the errors were not deliberate actions on the part of Council Officers and nor did they prejudice either of the tendering parties.

Having received detailed legal advice on these matters I have given careful consideration to the options for A&WC. The options are to abandon the procurement process and start afresh; or to continue with the procurement process and make a decision based on the results of that process.

While I accept that errors have been made, I cannot find any evidence to indicate that this impacted on the assessment or outcome of the two bids and the fact there was a clear and winning bid assessed by five officers from Adur and Worthing and West Sussex Councils.

I consider that there is a risk to A&WC that if the decision is taken to abandon the procurement process and to start afresh, the party that submitted Tender 2 may not wish to re-tender. As such A&WC would run the risk of losing a bidder who's submission was rated as Excellent and Good against the Tender criteria. I do not believe that such a step would be in the interests of the communities and Council Tax payers of Adur and Worthing who deserve the best possible VCS Infrastructure Support service they can get.

Therefore I am satisfied that the decision on the award of the contract to provide VCS Infrastructure Support in Adur and Worthing with effect from 1st April 2016 should be based on the results of the extant procurement process.

d) proper regard should be paid to the outcome of any internal or external consultation;

Proper regard has been given to the consultation exercises that helped to inform the development of the tender process for this contract.

e) there should be a presumption in favour of openness, accountability and transparency;

In producing and publishing a detailed Record of Decision I have sought to ensure openness, accountability and transparency is achieved.

f) there should be respect for human rights; Human Rights have been respected in the Decision-Making process.

g) there should be proportionality (i.e. the action must be proportionate to the desired outcome);

A decision to award a contract following a Procurement Process is appropriate and proportionate.

h) there should be an explanation of the alternative options considered;

In the case of a procurement exercise the usual option would be to award a contract to the successful tenderer. In this case I have also given consideration to terminating the procurement process (see "c" above).

i) there should be proper and documented reasons given for all decisions.

This Record of Decision provides the documented reason for the decision given.

6.0 Decision

6.1 That Community Works (Tender 2) be awarded the contract to provide VCS Infrastructure Support in Adur and Worthing with effect from 1st April 2016.

Key Decision: Yes

Reason for the Decision: Outcome of a Procurement Process to award the A&WC VCS Infrastructure Support Contract

Alternative Options Considered: Refer to paragraph 5.2

Other Matters Considered:

Legal Advice and Issues	Yes	Financial Advice and Issues	Yes
Sustainability Issues	Yes	Equality Issues	Yes

Community Safety Issues	Yes	Human Rights Issues	Yes
Reputation	Yes	Risk Assessment	Yes
Health and Safety Issues	N/A		
<p>Consultation: Reference is made to consultation processes that were undertaken as part of the preparation for the contract procurement exercise.</p> <p>In addition prior to reaching my decision I have consulted with the A&WC Executive Members for Health and Wellbeing on the decision I have made and the reasoning for that decision. The A&WC Executive Members for Health and Wellbeing are both satisfied with the decision I have reached and the reasoning supporting the decision.</p>			
<p>Background Papers: None</p>			
<p>Call-in: The call-in deadline for this decision will be 5:00pm on Friday 19 February 2016.</p>			

Signed:



Dated: 12 February 2016

Name: John Mitchell, Director for Communities

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