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To: Supporting People Commissioning Body 17 April 2012

Subject: Floating Support

Classification: **Restricted**

Summary

The Commissioning Body agreed to the tendering of all floating support services in June 2011. The County Council commenced a tendering process and reached the stage when it awarded contracts. There were 2 separate formal challenges on the process during the standstill period. Following investigation and seeking legal advice it was considered appropriate to start the re-tendering process and this was communicated to all relevant provider groups. In the meantime current providers have been asked to continue providing floating support services until the end of September 2012 when the new services will be in place.

1. Introduction

- (1) The Commissioning Body agreed to retender floating support on the 30th June 2011. The tendering process ran almost to the point of final award but was challenged during the 10 day stand still period by 2 individual providers. Following legal advice and a thorough investigation it was recognised that the challenges had some validity and in the interests of fairness and transparency it was appropriate to start the retender process again.
 - (2) A procurement plan has been developed (see Appendix One), which provides a timeframe in which the retendering will take place with a view to having new services from 1st October 2012. In the meantime existing providers have been asked to continue providing floating support services until 30th September. This has caused a budget pressure that will be met through the original monies set aside for the delivery of new services during late 2011/12.
- ### **2. Consultation and Communication**
- (2) A letter has been sent to all providers who tendered for the service highlighting the challenge and the decision to retender. A second communication has been sent to existing providers of floating support services asking them to continue with delivery until 30th September 2012. All have now agreed and confirmed in writing.
- ### **3. Risk and Business Continuity Management**
- (1) Any risk initially identified has been minimised through close communication with providers and service users remain unaffected with

existing providers agreeing to the continuation of services until the new services are retendered.

4. Financial Implications

- (1) The challenge to the procurement process and the decision to start the retendering process again has caused an additional budget pressure. This will be met through the £556k set aside for the delivery of new services during late 2011/12.

5. Legal implications

- (1) Supporting People are obligated to procure services in an open and transparent manner. Relevant legal advice has been sought and in the interests of fairness and transparency for all providers has been recognised that there is a need to start the tender process again.

6. Conclusion

- (1) The retendering of Floating Support services has resulted in 2 formal challenges during the 10 day stand still period. Following legal advice on the challenges it has been decided in the interests of fairness and transparency to for all the providers concerned to start the re-tender again. Floating Support services will continue in their current form until 30th September when the new services are expected to be in place. All providers who have been part of the retender process have been informed.

Recommendations

The Commissioning Body is asked to note that;

- 1) Floating support is being re-tendered. New contracts will be awarded in time for October 2012.

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Appendix One Project Plan for Procurement