

MINUTES OF MEETING Cabinet Member Signing HELD ON Tuesday, 18th April, 2023, 4.00 pm

PRESENT:

Councillors: Lucia das Neves

ALSO ATTENDING: Paul Lewis (Contract Manager) and Felicity Foley (Committees Manager)

1. APOLOGIES FOR ABSENCE

None.

2. DECLARATIONS OF INTEREST

None.

3. APPROVE AWARD OF CALL OFF CONTRACT FOR THE COMMUNITY EQUIPMENT SERVICE

The Cabinet Member for Health, Social Care and Wellbeing considered the report which sought approval for the award of a Contract to NRS Healthcare for the sum of £17,500,000 for the provision of Community Equipment.

The Council were part of the London Consortium for the provision of Community Equipment. On 9 May 2022, the London Consortium lead borough RBK&C invited suitable contractors to tender for the Community Equipment Services Framework which was subsequently awarded to NRS Healthcare on 5 September 2022. On 23 September 2022, a claim was issued against the award decision which placed a suspension on the new Framework. This was subsequently lifted in a court ruling on 21 December 2022 allowing the Framework Agreement to be signed on 7 February 2023 between Consortium lead borough RBK&C and NRS Healthcare.

The Cabinet Member was informed that the London Consortium had carried out a robust procurement process, and the transition process for this contract had been relatively quick. There had been some initial issues around staffing and TUPE, but these had been resolved. It was noted that bringing the service in-house was not yet an option as it would require significant resources to hire premises, setting up new systems, procurement of supplies and hiring of new staff.

Based on spending for the last 3 years, the council would be responsible for approximately 40% of the £17.5m spend over the 7-year period. The remainder of the spend would be recharged to other Health Services within the borough.

The new contract had the provision to extend after the original five years for an additional two year period. This would be subject to a future decision to be taken by the Cabinet Member or Cabinet.

The Cabinet Member for Health, Social Care and Wellbeing RESOLVED to

1. Approve the award of a Contract to **NRS Healthcare (Company registration number 01948041)** for the sum of £17,500,000 in accordance with Contract Standing Order (CSO) 16.02 (Decisions reserved to members under these Contract Standing Orders will ordinarily be taken at a Cabinet meeting, and the Leader may also allocate any such decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities).
2. Note that the contract is awarded following a call off from the London Community Equipment Consortium in accordance with CSO 7.01 b) (selecting one or more contractors from a Framework). The contract will be for a period of 5 years with a 2-year extension period option (that applies if the Framework Agreement is extended). The contract will start on April 1st 2023.

Reasons for decision

The decision for Haringey to remain a member of the Consortium was made on 22/11/21. **Appendix 2** highlights the background and rationale for that decision.

In May 2022 RBK&C the lead borough of the Community Equipment Consortium put the contract out to tender. This was subsequently awarded to NRS Healthcare on September 5th. The estimated contract value including the two year extension period across all consortium members is **£360,000,000**.

Value for money has been achieved through the competitive tender process, ensuring the contractors quality and pricing was competitively submitted and evaluated to allow RBK&C to identify a suitable supplier from the two bids received.

The framework is for an initial term of 5 years, with the option to extend for a further period of 2 years (maximum term of 7 years). This exceeds the usual 4 year rule as described in Regulation 33 (3) of the Public Contracts Regulations 2015 in order to maximise the opportunities to further develop the contract for its customers during the lifetime of the arrangement and to deliver value for money.

Alternative options considered

Do nothing was not an option as the council has a statutory duty to provide the service to residents.

Undertake a Haringey only procurement. This was dismissed on the grounds of economies of scale would provide better value for money.

There is now the option to remain with Medequip via one of their existing frameworks namely The Redbridge Framework or Kent Services Framework. Further rationale for the Council's decision not to consider this option is contained in the exempt **Appendix 1**

4. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED to exclude the press and public for the consideration of agenda item 5 as it contained exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 3 and 5, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

5. EXEMPT - APPROVE AWARD OF CALL OFF CONTRACT FOR THE COMMUNITY EQUIPMENT SERVICE

The exempt information was noted.

CHAIR: Councillor Lucia das Neves

Signed by Chair

Date