

Report for: Cabinet Member Signing

Title: Variation of Contract Award for Assistive Technology - IT Platform

Report authorised by: Vicky Murphy – Director of Adults Social Services

Lead Officer: Caroline Humphrey

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key Decision

1. Describe the issue under consideration

- 1.1 This reports seeks agreement to vary an award of contract to Legrand Electric Ltd as allowed under contract standing order CSO 10.02.1.b), which permits authorisation by the Cabinet of an extension or variation to a contract where the value is £500,000 or more.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 For Cabinet Member to approve the retrospective implementation of Contract Standing Order 10.02.1 (b) and authorise the variation and extension of contract for the provision of Assistive Technology – IT Platform to Legrand Electric Ltd to retrospectively vary the total permitted length of the contract from 4 years to 6 years and retrospectively approve the extension for a period of 1 year from 11th May 2024 with the decision to take the option to extend for a further 1 year until 10th May 2026 to be made as a separate decision.
- 3.2 The value of the contract over the 1 + 1 year extension does not exceed £244,322 and the total contract value over the life of the contract will not exceed £732,996.
- 3.3 The Cabinet is also requested to approve the delegation of authority to the Director of Adults Social Services to approve the option to extend the contract for up to a further 12 months.

4. Reasons for decision

- 4.1 In March 2020, the Director of Adults and Health approved the decision to award the contract for a new call monitoring platform to Legrand Electric Limited for a period of three years, with an option to extend for a further year.
- 4.2 The Answerlink platform provided by the provider is meeting all the requirements of the technical specification and the contract. A variation was required to be made early into the contract in regard to Disaster recovery when a 3rd Party provider gave notice however Legrand provided an alternate solution at no additional cost to us that met operational requirements. The contract on an operational basis is managed by the Service Manager and wider contract oversight sits at Head of Service level.
- 4.3 Due to a delay in decision-making regarding the future provision of this service, the full duration of the contract inadvertently expired in April 2024 without an alternative solution in place. Pending the decision of the future of the service appropriate procurement will be undertaken.
- 4.4 The provider has continued to deliver this critical service at risk and will continue to do so until another arrangement is in place.
- 4.5 The original contract value was £488,664. The total value over the life of the contract, including this extension, will not exceed £732,996, which is 50% more than the original contract value, as allowed under the terms of the contract. This extension is necessary to allow time for a thorough options appraisal and ensure the continued provision of the service.

5. Alternative options considered

- 5.1 Do-nothing: The cost to the service would be expensive as there will be ongoing additional fees for maintaining a service without a contract in place. This would also mean that future invoices received for work already carried out would not be able to be paid, leading to financial and operational complications.
- 5.2 Insourcing: the Council does not currently have the technical infrastructure to deliver the services in-house, making insourcing an unfeasible option at this time.
- 5.3 Open Market Tender: A formal tender process including contract mobilisation is expected to take up to 18 months and therefore there is insufficient time to do this, necessitating the extension of the existing contract.

6. Background information

- 6.1 An Open Procurement exercise was undertaken through OJEU in March 2018 for securing and implementing an AT IT Platform for the Community Alarm System.

The key objectives of the project were:

- To procure a best value for money, high quality, Assistive Technology IT platform.
- To implement the procured IT Platform on time and without impact on the business or service users.
- To have in place an IT Platform that meets business requirements through interfacing with internal and/or external systems and equipment necessary to meet and respond to our service users' needs.
- To secure an IT Platform that integrates with and supports assistive technology as a viable option in the development and delivery of care packages.
- To have in place an AT IT platform that is compliant with legislation (GDPR) and Council's policies.
- To have in place an AT equipment Dynamic Purchase System (DPS) supplier base that will allow the council to have access to a wide range of Assistive Technology equipment.

6.2 The objective of this project was to ensure that the Council successfully procure and implement a best value for money, IT platform that meets business requirements in a wider more interactive way between Community Alarm System, Adult Social Care, Service Users and Providers.

6.3 A formal tender process was initiated in March 2019 prior to the COVID 19 pandemic. One tender was received from suppliers and following extensive scrutiny by a cross functional group it was assessed that the tender met the council's requirements.

6.4 In September 2019, the insourcing subgroup considered two options: an in-house model and the use of a specialist provider. While an external provider model was considered, the subgroup decided to pursue an in-house model.

6.5 Upon revisiting the options, it was determined that the managed service remained the most appropriate option, given the risks associated with the Council's infrastructure and IT operational hours.

6.6 It was decided to select a hosted solution since the Council's IT department does not operate 24/7 to meet the service's needs if issues arise. The tender was originally received from Jontek Ltd, a subsidiary of Legrand Electric Ltd. The contract was subsequently awarded to Legrand Electric Ltd.

7. Contribution to the Corporate Delivery Plan 2022-2024 High level Strategic outcomes'?

This proposal links to Theme 1 Adults, Health and Welfare of the Corporate Delivery Plan 2024.

High Level Outcome 1: Healthy and Fulfilling Lives - All adults are able to live healthy and fulfilling lives, with dignity, staying active, safe, independent and connected in their communities

Intermediate Outcome: A reduction in digital exclusion in the borough so all residents can benefit from the social, health and economic benefits of technology.

8. Carbon and Climate Change

8.1 As a specialist in electrical and digital infrastructure, Legrand provide solutions for buildings that are simple, innovative and sustainable in their usage and by design. By working hand in hand with their partners as well as further improving the internal processes their aim is to reduce and, if possible, eliminate the negative impact their activities have on the environment and the communities they work with.

8.2 In order to limit the impact of their activities on climate change, Legrand have pledged to reducing its carbon footprint and that of its products by:

- Reducing its direct greenhouse gas emissions
- Enabling customers and buildings to reduce their energy consumption
- Supporting its suppliers on a trajectory to reduce carbon emissions

8.3 Legrand have demonstrated their commitment to creating a more sustainable world in carrying out their Corporate Social Responsibility. These are some of the actions and tools Legrand use to deliver a more sustainable future for all their partners:

- Renewable Power Supply Certificate - To certify that Legrand Electric Limited uses electricity that is 100% generated from renewable sources
- Environmental Policy - Legrand Electric Limited's Environmental Policy document outlines Legrand's philosophy and commitment in the UK and its export markets.
- EcoVadis Platinum rating - EcoVadis is the world's largest and most trusted provider of business sustainability ratings. Legrand SA (Group) have been awarded their platinum sustainability rating.
- WEEE Registration Certificate - Legrand Electric Limited is compliant with the Waste Electrical & Electronic Equipment (WEEE) Regulations 2013, with Producer Registration Number: WEE//HJ0048TZ.

8.4 As host of our IT Platform for the Assistive Technology project, Legrand has contributed to the reduction in energy consumption within the Council's IT department as it does not have to operate 24/7 to meet the service's needs if issues arise.

9. Statutory Officers comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)

Finance

This report is seeking authorisation to approve an extension and variation to the contract with Legrand Electric Ltd, for the provision of assistive technology. The current contract was awarded in March 2020 for a period of three years, with an option to extend for a further year. This report is proposing an extension of a period of one year from April 2024 to March 2025, with an option to extend for a further year until March 2026.

The value of the contract over the one year plus one year extension will not exceed £244,322. The total contract value over the life of the contract will not exceed £732,996.

The contract is funded through income generation from the Emergency Response Management service (S11100). It should be noted that there is currently an overspend forecast on this service of £600k for 2024-25. Actions are being considered to mitigate this overspend.

Strategic Procurement

Strategic Procurement have been consulted in the preparation of this report and note the retrospective request for a decision.

Strategic Procurement note the retrospective request for the approval to vary the total permitted period of the contract awarded to LeGrande Ltd. and award the 1st of the 2 extension periods permitted under the varied total contract period.

CSO 10.02.1b) permits the Cabinet to authorise an extension and variation of contract where the value of the contract is greater than £500,000. The modification of the contract is compliant with Regulation 72(1)(b) as the additional services cannot be provided by a different contractor for technical reasons and would cause considerable duplication of costs for the authority.

CSO 16.02 permits the Leader to allocate decisions whether urgent or not to the Cabinet Member having the relevant portfolios responsibilities.

Strategic Procurement support the recommendations in section 3 of this report.

Head of Legal & Governance [Name and title of Officer completing these comments]

- 1) The Assistance Director for Legal and Governance (Monitoring Officer) has been consulted in the preparation of this report. The process described in the report is in line with the Council's Contract Standing Orders (**CSOs**) and Public Contracts Regulations 2015.
- 2) The Council has the power under section 1(1) of the Localism Act 2011 to do anything individuals generally may do provided that it is not prohibited by legislation and subject to Public Law principles. This power includes the right to enter into contracts. There is no express

prohibition, restriction or limitation contained in a statute against use of the power as recommended in this report. The Council also has a right, under section 111 of the Local Government Act 1972, to do anything, including incurring expenditure or borrowing which is calculated to facilitate or is conducive or incidental to the discharge of its functions.

- 3) The Cabinet Member is asked to approve the retrospective implementation of Contract Standing Order 10.02.1 (b) and authorise the variation and extension of contract for the provision of Assistive Technology – IT Platform to Legrand Electric Ltd to retrospectively vary the total permitted length of the contract from 4 years to 6 years and retrospectively approve the extension for a period of 1 year from **11th May 2024** with the decision to take the option to extend for a further 1 year until **10th May 2026** to be made as a separate decision, to facilitate the delivery of the service provision set out within this report.
- 4) Pursuant to the Council's Contract Standing Orders CSOs 10.02.1 (b), and, Regulation 72 of the Public Contracts Regulations 2015, allows for the extension & modification of the contracts with Legrand Electric Ltd for a further period of two (2) years (over the 1 + 1 year extension period) will not exceed **£244,322.00** and the total contract value over the life of the contract will not exceed **£732,996.00**.
- 5) The Assistant Director of Legal and Governance confirms that there are no legal reasons preventing the Cabinet Member from approving the recommendations in this report.

Equality

The council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not

The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty. Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

The decision asks for Cabinet to approve the variation and extension of contract for the provision of Assistive Technology — IT Platform to Legrand Electric Ltd.

This IT Platform enables expert advice and support for digital assistive technology which includes electronic equipment and adaptations to residents in their home. Supported living is also linked to the system which has a 24 hrs call monitoring and response service this can help our residents to stay independent and safe, support them with daily living tasks, and provide peace of mind to their family and carer(s).

The service is available to residents of all ages assessed as being vulnerable, unsafe or need support in their home or their community. This can include people who are:

- older
- physically disabled
- sensory disabled
- learning disabled
- at risk of falling
- unwell
- patients who have recently left hospital
- And anyone who needs support to live independently and safely

The cost of the service is covered for residents that are on Pension Credit. We are currently replacing all of the base units for residents in their own homes. As part of selecting this equipment it was tested with residents for their feedback before selecting the final solutions.

The decision will therefore have a positive impact on people with protected characteristics, in relation to age, disability, and socioeconomic status.

Appropriate contract management arrangements have been established to ensure that the delivery of the service does not result in any preventable or disproportionate inequality. Equalities data is collected and reviewed on a quarterly basis. The service regularly receives feedback on the service and checks in with new users at 6 weeks to ensure they are satisfied with the service and if there are any issues, there has not been any equality concerns with the provider.

As an organisation carrying out a public function on behalf of a public body, Legrand Electric Limited are obliged to have due regard for the need to achieve the three aims of the Public Sector Equality Duty as stated above.

Legrand Electric Limited has laid out its guarantees with regard to promoting diversity and inclusion on their [website](#) and the commitment to eradicating all forms of discrimination, this commitment includes respect for workplace equality, ethnic representation, integration of people with disabilities, intergenerational collaboration, social and cultural diversity, and inclusion of the LGBT+ community.

9. Use of Appendices

N/A

10. Background papers

N/A