

Birmingham City Council

Report to Cabinet

Date: 27th July 2021



Subject: **PLANNED PROCUREMENT ACTIVITIES (AUGUST 2021 – OCTOBER 2021)**

Report of: **ASSISTANT DIRECTOR DEVELOPMENT & COMMERCIAL FINANCE**

Relevant Cabinet Member: **Councillor Tristan Chatfield, Finance and Resources**

Relevant O &S Chair(s): **Councillor Mohammed Aikhlaq, Resources**

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential : 3. Information relating to the financial or business affairs of any particular person (including the council)		

1 Executive Summary

- 1.1 This report provides details of the planned procurement activity for the period August 2021 – October 2021. Planned procurement activities reported previously are not repeated in this report.
- 1.2 The report enables Cabinet to identify whether any reports for procurement activities should be brought to this meeting for specific executive decision,

otherwise they will be dealt with under Chief Officer delegations up to the value of £10m, unless TUPE applies to current Council staff.

2 Recommendations

- 2.1 Notes the planned procurement activities under chief officer delegations set out in the Constitution for the period August 2021 – October 2021 as detailed in Appendix 1.

3 Background

- 3.1 At the 1 March 2016 meeting of Council changes to procurement governance were agreed which gives Chief Officers the delegated authority to approve procurement contracts up to the value of £10m over the life of the contract. Where it is likely that the award of a contract will result in staff employed by the Council transferring to the successful contract under TUPE, the contract award decision has to be made by Cabinet.
- 3.2 In line with the Procurement Governance Arrangements that form part of the Council's Constitution, this report acts as the process to consult with and take soundings from Cabinet Members and the Resources Overview & Scrutiny Committee.
- 3.3 This report sets out the planned procurement activity over the next few months where the contract value is between the procurement threshold (£189,330) and £10m. This will give members visibility of all procurement activity within these thresholds and the opportunity to identify whether any procurement reports should be brought to Cabinet for approval even though they are below the £10m delegation threshold.
- 3.4 It should be noted that the procurement threshold has changed from £164,176 to £189,330 and will apply from 1st January 2020 for a period of 2 years.
- 3.5 Individual procurements may be referred to Cabinet for an executive decision at the request of Cabinet, a Cabinet Member or the Chair of Resources Overview & Scrutiny Committee where there are sensitivities or requirements that necessitate a decision being made by Cabinet.
- 3.6 Procurements below £10m contract value that are not listed on this or subsequent monthly reports can only be delegated to Chief Officers if specific approval is sought from Cabinet. Procurements above £10m contract value will still require an individual report to Cabinet in order for the award decision to be delegated to Chief Officers if appropriate.
- 3.7 A briefing note with details for each item to be procured is listed in Appendix 2. The financial information for each item is detailed in Appendix 3 – Exempt Information.

4 Options considered and Recommended Proposal

4.1 The report approved by Council Business Management Committee on 16 February 2016 set out the case for introducing this process. The options considered are:

- To refer the procurement strategy and contract award of individual procurements to Cabinet for decision.
- To continue with the existing process – this is the recommended option

5 Consultation / Engagement

5.1 This report to Cabinet is copied to Cabinet Support Officers and to Resources Overview & Scrutiny Committee and therefore is the process for consulting with relevant cabinet and scrutiny members. At the point of submitting this report Cabinet Members/ Resources Overview & Scrutiny Committee Chair have not indicated that any of the planned procurement activity needs to be brought back to Cabinet for executive decision.

6 Risk Management

6.1 Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 Details of how the contracts listed in Appendix 1 and Appendix 2 support relevant Council policies, plans or strategies, will be set out in the individual reports.

7.2 Legal Implications

7.2.1 Details of all relevant implications will be included in individual reports.

7.3 Financial Implications

7.3.1 Details of how decisions will be carried out within existing finances and resources will be set out in the individual reports.

7.4 Procurement Implications (if required)

7.4.1 This is a procurement report and the implications are detailed in the appendices

7.5 Human Resources Implications (if required)

7.5.1 None.

7.6 Public Sector Equality Duty

7.6.1 Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports.

8 Background Documents

8.1 List of Appendices accompanying this Report (if any):

- 1. Appendix 1 - Planned Procurement Activity August 2021 – October 2021
- 2. Appendix 2 – Background Briefing Paper
- 3. Appendix 3 – Exempt Information

APPENDIX 1 – PLANNED PROCUREMENT ACTIVITIES (AUGUST 2021 – OCTOBER 2021)

Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Finance and Resources Plus	Finance Officer	Contact Name	Planned CO Decision Date
Single Contractor Negotiations	The Organisation and Delivery of the Great Birmingham 10K Run and the Great Birmingham Half Marathon	TBC	The organisation and delivery of two mass participation running events on closed road courses; the Great Birmingham 10k in May (apart from 2021 which will be October due to the covid pandemic), 2022, 2023 and 2024 and the Great Birmingham Half Marathon in October 2021, 2022, 2023 and 2024 as part of Birmingham's calendar of major events and the National Great Run Series.	4 years	Neighbourhoods	Leader	Carl Tomlinson	Garry Peal	01/11/2021
Single Contractor Negotiations	Additional Works within the SPRINT and Metro Corridors	TBC	Additional civil engineering works which fall directly within the Metro and Sprint projects corridors. These works are: <ul style="list-style-type: none"> •Installation of 4 white lighting columns in Centenary Square. •Amendments to the footway and carriageway at Park St, Digbeth and Allison Street to improve the public realm, pedestrian facilities and bus stop provision. •Reinstallation of the Iron:man statue and changes to the existing hostile vehicle mitigation bollards •WMCA Cross-city bus proposals that interface with Metro and the Paradise (U-turn) proposals •Amendments to Lyon Queensway, Cambridge Street and Great Charles Street Queensway/Summer Row, providing bus priority and/or bus stop infrastructure, that facilitate proposed changes to bus routes 	1 year	Inclusive Growth	Transport and Environment	Simon Ansell	Nigel Tammo / Charlie Short	09/08/2021
Approval to Tender Strategy	Accommodation and Support to address Homelessness at Point of Discharge	TBC	Accommodation is required to provide a safe space for people who are homeless at the point of discharge from hospital, enablement beds and mental health provision. The service will also be for support for these individuals to assist with addressing their long-term housing needs.	5 years with option to extend for a further 2 years	Adults Social Care	Adults Social Care	Andrew Healey	Sarah Feeley / Mike Smith	01/10/2021
Strategy / Award	Professional Support Services to develop the Our Future Delivery Plan (OFCP)	TBC	Our Future City Plan – Central Birmingham Framework 2040' will replace the existing Big City Plan with a new vision for the central area of the city to help deliver new homes, jobs and commercial development. The Draft Central Framework 2040 is now being produced and expert advice is required.	8 months	Inclusive Growth	Transport and Environment	Simon Ansell	James Betjemann / Charlie Short	01/09/2021
Approval to Tender Strategy	Framework Agreement for the Provision of Home Support for Adults in Prison at HMP Birmingham	TBC	There is a requirement for the delivery of care and support for service users in HMP Birmingham. The service will support service users to achieve their identified outcomes in order to improve their independence and ability to self-manage and to achieve and maintain their desired potential in relation to their physical, intellectual, emotional and social capacity.	5 years	Adults Social Care	Adults Social Care	Andrew Healey	Chris MacAdams	01/09/2021
Approval to Tender Strategy	Concrete Liners for Burials	TBC	There is a requirement for the works to supply and install concrete liners for burials which are mainly utilised by the Muslim Community for burials	4 years	Neighbourhoods	Homes and Neighbourhoods	Carl Tomlinson	Bev Nash	09/08/2021
Approval to Tender Strategy	Estate Agency Service for Birmingham Municipal Housing Trust (BMHT)	TBC	An estate agency service to manage the sale of new build properties across four BMHT housing schemes. The tender will be undertaken in three lots based on the geography of the sites. <ul style="list-style-type: none"> •Lot 1 = Monmouth Road and Long Nuke Road, Bartley Green (86 sales units) •Lot 2 = Birchfield Road, Birchfield (18 sales units) •Lot 3 = Abbeyfields, Erdington (19 sales units) 	4 years	Neighbourhoods	Homes and Neighbourhoods	Carl Tomlinson	Mark English / Siobhan MacDonald	09/08/2021
Approval to Tender Strategy	Addressing the backlog in Deprivation of Liberty Safeguard (DOLS) assessments in preparation for the implementation of Liberty Protection Safeguards	TBC	To complete approximately 1400 outstanding DOLS assessments. The supplier will be expected to provide management oversight and quality control of the assessments completed, prior to them being passed back to the LA for authorization.	1 year	Adults Social Care	Adults Social Care	Andrew Healey	Paul Hallam / Sandra Asiedu	09/08/2021

APPENDIX 2

BRIEFING NOTE ON PLANNED PROCUREMENT ACTIVITIES CABINET – 27th July 2021

Title of Contract	SCN - The Organisation and Delivery of the Great Birmingham 10K Run and the Great Birmingham Half Marathon
Director / Assistant Director	Chris Jordan, Assistant Director Neighbourhoods
Briefly describe the service required	<p>The organisation and delivery of two mass participation running events on closed road courses; the Great Birmingham 10k in May 2022, 2023, 2024 and 2025 and the Great Birmingham Half Marathon in October 2022, 2023, 2024 and 2025 as part of Birmingham's calendar of major events and the National Great Run Series.</p> <p>The risk and liability for these events will be the responsibility for the supplier and no costs additional to those agreed with be payable.</p> <p>As part of the 2021/22 budget consultation, it was agreed to provide resources to continue with the Council's existing calendar of major events up until the 2022 Commonwealth Games. This included being part of the National Great Run Series of Events.</p>
What is the proposed procurement route?	To enter into single contractor negotiations with Nova International Ltd (t/a The Great Run Company).
What are the existing arrangements? Is there an existing contract? If so when does that expire?	There was a contract in place awarded under Chief Officer delegated authority that expired in 2020. No events have taken place since the expiry due to the Covid pandemic.
If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	<p>As a result of market investigations, there is only one organisation that capable meeting the Council's requirements of being part of a major national mass participation running event. The market for organising running event is extremely limited with most being operator of a small, local scale. The Great Run Company is the only operator of a major event providing access to a database of over 850,000 runners with the ability to offer an elite race and television coverage.</p> <p>The recommended supplier will be required to be a certified signatory to the BBC4SR and produce commitments proportionate to the value of this contract.</p>
Has the In-House Preferred Test been carried out?	Yes, and the test demonstrated this is not suitable to be carried out in-house as there is not the capacity or capability within the Council to deliver these events.
How will this service assist with the Council's commitments to Route to Zero?	This event will be a key part of delivering the Council's Route to Zero Agenda by encouraging healthier lifestyles by the promotion of running as an activity as an alternative form of transport.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	The Council is not under a statutory duty to provide mass participation running events. However, these events have formed part of the Council's Major Events programme and are set out within the Major Events Strategy.
What budget is the funding from for this service?	This service is funded from the approved Major Events Budget.
Proposed start date and duration of the new contract	The proposed start date is May 2022 for a duration of 4 years.

Title of Contract	SCN - Additional Works within the SPRINT and Metro Corridors
Director / Assistant Director	Philip Edwards, Assistant Director, Transport and Connectivity
Briefly describe the service required	<p>The provision of additional civil engineering works which fall directly within the Metro and Sprint projects corridors. These works are:</p> <ul style="list-style-type: none"> • Installation of remaining four white columns in Centenary Square. • Amendments to the footway and carriageway at Park St, Digbeth and Allison Street to improve the public realm, pedestrian facilities and bus stop provision. • Reinstallation of the Iron Man, statue in Victoria Square • WMCA Cross-city bus proposals - Amendments to Lyon Queensway, Cambridge Street and Great Charles Street Queensway/Summer Row, providing bus priority and/or bus stop infrastructure, that facilitate proposed changes to bus routes <p>A contract will not be entered into on any of these projects unless the appropriate approvals are in place.</p>
What is the proposed procurement route?	To enter into single contractor negotiations with the West Midlands Combined Authority (WMCA).
What are the existing arrangements? Is there an existing contract? If so when does that expire?	This is a new requirement.
If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	<p>The WMCA awarded an alliance contract to the Midland Metro Alliance (MMA) that is primarily for infrastructure works to support a tram network. The MMA is a partnership and not a contracting entity therefore in order to access the arrangement, a contract is required to be entered into with the WMCA to be compliant with the Council's Constitution and Procurement Governance Arrangements. WMCA awarded a contract to McPhillips (Wellington) Ltd for the Sprint works which includes the Digbeth area.</p> <p>WMCA is best placed to manage the interface for the works with their Metro and Sprint schemes that will mitigate risk. This requirement is not being tendered as this may result in different contractors with different specifications that do not match the adjoining Metro and Sprint schemes.</p> <p>WMCA is a certified signatory to the BBC4SR and will be required to produce actions proportionate to the value of this contract</p>
Has the In-House Preferred Test been carried out?	Yes, and as this is a one-off contract for works, the test demonstrated this is not suitable to be carried out in-house as the organisation does not have the capability to directly deliver infrastructure works.
How will this service assist with the Council's commitments to Route to Zero?	The works at Digbeth and Paradise support the use of public transport and walking. The lighting columns are feature of the square but also improve public safety and confidence thereby encouraging more walking and cycling.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	There is not a statutory duty for this service. However, works will assist with the improvement of the public realm and transport provision.
What budget is the funding from for this service?	<p>The funding will be from the following budgets:</p> <ul style="list-style-type: none"> • Installation of remaining four white columns – Centenary Square public realm scheme • Amendments to the footway and carriageway at Park St, Digbeth and Allison Street – Beorma scheme, developer contributions • Reinstallation of the Iron: man statue – City Centre Public Realm Scheme • WMCA Cross-city bus proposals – WMCA Cross-city bus funding <p>Entering into contract will be subject to gaining the necessary approvals on funding.</p>
Proposed start date and duration of the new contract	All works would be undertaken in the period between August 2021 and June 2022.

Title of Contract	Accommodation and Support to Address Homelessness at Point of Discharge
Director / Assistant Director	Graeme Betts – Director Adult Social Care
Briefly describe the service required	Accommodation is required to provide a safe space, enablement beds and mental health provision for people who are homeless at the point of discharge from hospital. The service will provide additional support for these individuals to assist with addressing their long-term housing needs.
What is the proposed procurement route?	An open procurement exercise will be undertaken advertised in the Find a Tender, Contracts Finder and www.finditinbirmingham.com
What are the existing arrangements? Is there an existing contract? If so when does that expire?	There is a current contract with Claremont Living which expires on the 31 st March 2022.
If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	Not applicable.
Has the In-House Preferred Test been carried out?	Yes, and as this is a contract for accommodation and support services that the Council does not have direct access to and so cannot be delivered in house.
How will this service assist with the Council's commitments to Route to Zero?	The contract specification will require providers to install and maintain equipment and white goods with an energy efficiency rating of B or above and provide accommodation with an overall efficiency rating of C (or B) or above.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	There is not a statutory duty to provide this service. However, the service is required to ensure that the Council is able to deliver the Hospital Discharge Service: Policy and Model.
What budget is the funding from for this service?	The service will be funded from the Adult Social Care budget.
Proposed start date and duration of the new contract	The proposed start date is 1 st April 2022 for a period of 5 years with an option to extend for a further 2 years subject to budget availability and satisfactory performance.

Title of Contract	Professional Support Services to develop the Our Future Delivery Plan (OFCP)
Director / Assistant Director	Simon Delahunty-Forrest, Acting Assistant Director, Development
Briefly describe the service required	<p>'OFCP – Central Birmingham Framework 2040' will replace the existing Big City Plan with a new vision for the central area of the city to help deliver new homes, jobs and commercial development. The Draft Central Framework 2040 is now being produced and expert advice is required:</p> <ul style="list-style-type: none"> • To sense check the Framework and assure it's in accordance with relevant Government guidance; • To provide technical advice on issues such as financial viability, sustainability and design. • To create delivery plans for the central renewal areas, including detailed feasibility studies and outline designs for the development of key sites. • Negotiating with partner agencies, developers and other stakeholders on major projects to ensure proposals are appropriate and deliverable. • To draft business cases and funding strategies to take projects forward.
What is the proposed procurement route?	A further competition exercise will be undertaken using the Council's existing Transportation and Planning Professional Services Framework agreement.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	This is a new requirement.
If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	Not applicable.
Has the In-House Preferred Test been carried out?	Yes, and it demonstrated there is not the relevant expertise or capacity in-house to undertake this work.
How will this service assist with the Council's commitments to Route to Zero?	The service to support the OFCP will be a key part of delivering the Council's Route to Zero Agenda by developing proposals which reduce traffic, create more green spaces and encourage sustainable development and transport.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	There is not a statutory duty for this service. However, works will assist with the delivery of inclusive growth and the improvement of the public realm and transport provision.
What budget is the funding from for this service?	Resources have been approved from the Council's Transformation Fund.
Proposed start date and duration of the new contract	The contract will start in October 2021 for a duration of 8 months.

Title of Contract	Framework Agreement for the Provision of Home Support for Adults in Prison at HMP Birmingham
Director / Assistant Director	Louise Collett, Assistant Director Commissioning
Briefly describe the service required	There is a requirement for the delivery of care and support for service users in HMP Birmingham. The contract will support service users to achieve their identified outcomes in order to improve their independence and ability to self-manage and to achieve and maintain their desired potential in relation to their physical, intellectual, emotional and social capacity.
What is the proposed procurement route?	Due to the nature of the requirement a light touch procurement exercise in line with Regulations 74-77 of the public contract regulations will be undertaken advertised in the Find a Tender, Contracts Finder and www.finditinbirmingham.com
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The existing contract expires on 31 st January 2022.
If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	Not applicable.
Has the In-House Preferred Test been carried out?	Yes, and the test demonstrated this is not suitable to be carried out in-house. Delivering care and support in a Prison means working in a very specialised and intimidating environment. The Council would have the ability to provide the two carers required and would have the ability to deliver the level of care required. The Council would not however be able to commit to a small, dedicated team providing care and support to persons in Prison. Continuity of care by a small number of carers needs to be guaranteed in order to maintain trust with the Prison authorities and in order that the established and lengthy access and egress procedures that need to be followed in order to get 'in' and 'out' of a Prison are administered effectively.
How will this service assist with the Council's commitments to Route to Zero?	The specification will require the service to be delivered in a way that reduces the carbon footprint, in particular with regards to aggregating transport needs where more than one carer needs to travel to HMP Birmingham.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	There is a statutory duty for this service under Section 76 of The Care Act 2014 that sets out the responsibilities for the provision of care and support for adult prisoners and people residing in approved premises (which includes bail accommodation). Where it appears that adults in prison or approved premises have needs for care and support, they should have their needs assessed by the local authorities and where they meet eligibility criteria; have services provided by the local authority. In essence prisoners are entitled to receive the same access and provision of services as if they were a member of the local community.
What budget is the funding from for this service?	This is funded from the Adult Social Care placements budget.
Proposed start date and duration of the new contract	The proposed start date is 1 st February 2022 for a period of 5 years.

Title of Contract	Concrete Liners for Burials
Director / Assistant Director	Paul Lankester, Interim Assistant, Director Regulation and Enforcement
Briefly describe the service required	There is a requirement for the works to supply and install concrete liners for burials which are mainly utilised by the Muslim Community for burials. There has been a significant increase in usage recently and it is estimated that around 500 concrete liners per annum will need to be installed.
What is the proposed procurement route?	An open procurement exercise will be undertaken advertised in Find a Tender, Contracts Finder and www.finditinbirmingham.com
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The existing contract the expires on 30 th September 2021 was awarded under Chief Officer delegated authority.
If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	Not applicable.
Has the In-House Preferred Test been carried out?	The in-house preferred test has been undertaken and demonstrates that this service is not suitable for delivery in-house due to a lack of resources and the inability to manufacture the liners in house.
How will this service assist with the Council's commitments to Route to Zero?	This specification will include a requirement that concrete liners are constructed to ensure that they meet the latest environmental standards.
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	There is not a statutory duty for this service. The justification for providing concrete liners for this type of burial is the requirement that the Council caters for all communities regarding their preferred method of disposal of the deceased. Not providing this method of burial will result in communities seeking alternative sites across the city's boundaries and will result in a loss of income and failure to satisfy the needs of the citizens of Birmingham.
What budget is the funding from for this service?	This is funded from the Bereavement Services approved budget.
Proposed start date and duration of the new contract	The proposed start date is 1 st October 2021 for a period of 4 years.

Title of Contract	Estate Agency Service for Birmingham Municipal Housing Trust (BMHT)
Director / Assistant Director	Ian McLeod, Acting Director Inclusive Growth
Briefly describe the service required	<p>An estate agency service to manage the sale of new build properties across four BMHT housing schemes. The tender will be undertaken in three lots based on the geography of the sites.</p> <ul style="list-style-type: none"> • Lot 1 = Monmouth Road and Long Nuke Road, Bartley Green (86 sales units) • Lot 2 = Birchfield Road, Birchfield (18 sales units) • Lot 3 = Abbeyfields, Erdington (19 sales units) <p>The service will be for the following: advertise units for sale and negotiate the sales price; manage client relationships from reservation to sales completion; monitor progress of the sale and working with the build contractor ensuring safe access to sites, manage the handover process and stock properties.</p>
What is the proposed procurement route?	An open procurement exercise will be undertaken advertised in the Find a Tender, Contracts Finder and www.finditinbirmingham.com
What are the existing arrangements? Is there an existing contract? If so when does that expire?	There is no existing contract in place for this service.
If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	Not Applicable.
Has the In-House Preferred Test been carried out?	Yes, and the test demonstrated that this service is not suitable to be undertaken in-house as there are not the skills or experience available to sell properties.
How will this service assist with the Council's commitments to Route to Zero?	The specification will include the requirement to minimise travel wherever practical to sell the properties by an increased use of social media.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	The Council is not under a statutory duty to provide the estate agency service. However, this is an essential requirement to assist the Council in its sale of properties developed as part of its duty to deliver social housing; thus, subsidising its investment.
What budget is the funding from for this service?	The service is funded from the Housing Revenue Account.
Proposed start date and duration of the new contract	The proposed start date is November 2021 for the duration of 4 years.

Title of Contract	Addressing the backlog in Deprivation of Liberty Safeguard (DOLS) assessments in preparation for the implementation of Liberty Protection Safeguards (LPS)
Director / Assistant Director	Balwinder Kaur, Assistant Director, Adult Social Care.
Briefly describe the service required	<p>The main impetus, for seeking to address the issue of the backlog now is the introduction of Liberty Protection Safeguards (LPS).</p> <p>LPS is a new statutory framework for protecting those who lack capacity and are deprived of their liberty in all settings. This represents a fundamental change in how people in receipt of care and who lack capacity are protected. LPS is due to replace DOLS in April 2022, although it is anticipated that there may be a delay until next September 2022.</p> <p>LPS is intended to be a more proportionate system for protecting people in all settings who are deprived of their liberty</p> <p>There may not be the same understanding of the pressures on Local Authorities (LAs) when LPS is introduced, as there has been with DOLS. The legacy of the Council's 2000 referrals still requiring assessments could compromise the successful introduction of LPS.</p> <p>Recent LGO findings and legal challenges in other LAs suggests that the risks (financial and reputational) of not addressing the DOLS backlog are increasing. These risks will be heightened if there is a legacy of DOLS assessments when LPS is implemented. It is not yet possible to fully scope the additional pressures that LPS will create as we are still awaiting the Department of Health guidance.</p> <p>The purpose of this service will be to complete approximately 1400 outstanding DOLS assessments. The supplier will provide management oversight and quality control of the assessments completed, prior to them being passed back to the LA for authorization.</p> <p>The 1400 assessments are to be completed over a 10-month period possibly longer. The extended duration of the project is intended to prevent pressures building in other stages of the DOLS process i.e. securing the required medical reports and the authorization of the deprivation of liberty. Risks of legal challenge, the consequent costs and the damage to Birmingham City Council's reputation will be reduced as this work progresses.</p>
What is the proposed procurement route?	A Light Touch Open Procedure will be undertaken. The opportunity will be advertised in Find a Tender, Contracts Finder and www.finditinbirmingham.com .
What are the existing arrangements? Is there an existing contract? If so when does that expire?	DOLS assessments are completed by a team of Best Interest Assessors (BIAs) directly employed by Adult Social Care. There is currently no contract with another organisation to support with this function.
If single /multiple contractor negotiations is proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	Not applicable.
Has the In-House Preferred Test been carried out?	<p>Yes. There are currently approximately 2000 DOLS assessments outstanding. DOLS assessments must be completed by a BIA. There is not the capacity within the pool of available BIAs to clear the backlog of assessments. It is estimated that approximately 600 of the assessments could be completed by offering the BIAs overtime.</p> <p>It is not suitable to recruit additional BIAs for the following reasons:</p>

	<ul style="list-style-type: none"> • The BIA role will become redundant when LPS is introduced. • The Council has no plans to offer further BIA training courses because of the above. • Given the Council's challenges around recruitment, it is highly unlikely that Adult Social Care would be able to temporarily recruit suitably qualified BIAs in sufficient numbers to complete the backlog project in the time available. • In the unlikely event of the numbers of BIAs required being available there would then be a need to secure additional management capacity within the DOLS Team to oversee their work.
How will this service assist with the Council's commitments to Route to Zero?	As the assessments are in the main conducted remotely as desktop activities. the service does not generate carbon emissions.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	Yes. Since 2007 Local Authorities have been required to implement the Mental Capacity Act (MCA) 2005 Deprivation of Liberty Safeguards (DOLS). The Act provides the statutory framework within which Local Authorities must authorise the Deprivation of Liberty of people who reside in care homes or in hospital and who lack capacity to make decisions for themselves. Local Authorities act as the Supervisory Body under the MCA.
What budget is the funding from for this service?	This is funded from Adult Social Care budget.
Proposed start date and duration of the new contract	The proposed start date is 1 st April 2022 for a duration of 1 year.