### For General Release

REPORT TO:	Councillor Louisa Woodley
AGENDA ITEM:	public background paper to item 13a - Cabinet 20/11/17
SUBJECT:	Community Equipment Dynamic Purchasing System 3 (Simple Aids) – Award Report
LEAD OFFICER:	Richard Simpson, Executive Director of Resources Sarah Ireland, Director of Commissioning and Improvement
CABINET MEMBER:	Councillor Louisa Woodley, Cabinet Member for Families, Health & Social Care
	Councillor Simon Hall Cabinet Member for Finance and Treasury
WARDS:	All

#### CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:

This report implements the Procurement Strategy developed within the Dynamic Purchasing System Community Equipment Strategy Report which was approved by the Contracts and Commissioning Board on the 26<sup>th</sup> August 2016 (CCB1166/16-17).

This approach supports the following corporate priorities (Corporate Plan 2015-18):

**Independence:** To help people from all communities live longer, healthier lives through positive lifestyle choices: and, to help families be healthy and resilient and able to maximise their life chances and independence

**Enabling**: To be innovative and enterprising in using available resources to change lives for the better

It will also contribute to the following priority within the Council's Independence Strategy:

**Priority 5** – Enable children and adults to maximise their independence and ensure they are safe from harm through the provision of high quality specialist services.

### FINANCIAL IMPACT:

The total value of DPS 3 (across eight (8) authorities within the integrated procurement hub) is estimated to be £13,429,000 across ten (10) years. This includes a three (3) year extension, following the initial seven (7) years.

The total value of DPS 3 for Croydon Council severally is £4,674,381 across (10) years. This includes a possible three (3) year extension, following the initial (7) years.

### **KEY DECISION REFERENCE NO: 4117FHSC**

The decision may be implemented from 1300 hours on the expiry of 5 working days after it is made, unless the decision is referred to the Scrutiny & Strategic Overview Committee by the requisite number of Councillors.

The Leader of the Council has delegated to the Nominated Cabinet Member the power to make the decisions set out in the recommendations below

## 1. RECOMMENDATIONS

- 1.1 The Cabinet Member for Families, Health & Social Care in consultation with the Cabinet Member for Finance & Treasury is recommended to approve the establishment and use of DPS 3 (Simple Aids) at a maximum estimated value of £4,674,381 for the Council for a period of seven (7) years, plus a three (3) year extension period (maximum term of ten (10 years).
- 1.2 The Cabinet Member is also recommended to approve the award of contracts for DPS 3, following conducting a mini-competition for a period of 24 months, to the contractors and upon the terms detailed in the associated Part B report.
- 1.3 The Cabinet Member is asked to note that, (where applicable) and, in accordance with Regulation 27 of the Council's Tenders and Contracts Regulations, all future individual call-offs in relation to DPS 3, be delegated to the Director of Commissioning & Improvement for call-off contracts up to £500,000 in value, without the prior endorsement of of the Contracts and Commissioning Board. Where call-off contracts are awarded in accordance with this paragraph 1.3, a quarterly report will then be made available to Contracts and Commissioning Board setting out the detail of such call-off contracts awarded during the preceding quarter.

## 2. EXECUTIVE SUMMARY

- 2.1 In 2012, the Local Authority Trading Company (LATC) for Community Equipment took over the hosting of the Department of Health initiated Integrated Procurement Hub (IPH) for the provision of Complex Community Equipment. The main aim was to stimulate and drive greater competition and better value in the provision of complex equipment.
- 2.2 The IPH operates to procure equipment for 8 local authorities, including Croydon, Merton, Sutton, Tower Hamlets, Newham, Bexley, Sandwell Metropolitan Borough Council and Essex County Council.
- 2.3 The Community Equipment Service was in-sourced to the Council, including the use of DPS 1 on the 1<sup>st</sup> December 2016, which was set-up by the LATC. The three additional DPS as detailed below will be procured, set up and run by the Council, as the Contracting Authority for the purposes of the Public Contracts Regulations 2015.

- 2.4 A strategy report for the establishment of additional Dynamic Purchasing Systems for DPS2: Paediatrics & Young Adults Equipment, DPS3: Simple Aids, and, DPS4: Small Moving & Handing Equipment was presented and approved by the Contracts & Commissioning Board on the 11<sup>th</sup> August 2016 (ref: CCB1166/16/17).
- 2.5 The value of DPS 2, 3 and 4 (across eight (8) authorities within the integrated procurement hub) is estimated to be £24,700,000 across ten (10) years. This includes a three (3) year extension, following the initial seven (7) years.
- 2.6 The total value of DPS 3 (across eight (8) authorities, including Croydon Council) is estimated to be £13,429,000 across ten (10) years. This includes a three (3) year extension, following the initial seven (7) years.
- 2.7 The total value of DPS 3 for Croydon Council severally is £4,674,381 across (10) years. This includes a possible three (3) year extension, following the initial (7) years.
- 2.8 A total of 13 suppliers submitted products for DPS 3 and were admitted across 100 of the lots in the opening round. Nine (9) lots remain without suppliers products submitted. DPS 3 will remain open for a period of seven (7) years, with an option to extend for another three (3) years (maximum term of ten (10) years. New suppliers can be admitted throughout the lifetime of the DPS.
- 2.9 The first mini competition against sixty five (65) of the lots on DPS 3 has now been completed and this report seeks the approval of these orders.
- 2.10 The content of this report has been endorsed by the Contracts and Commissioning Board.

CCB Approval Date	CCB ref. number
06/11/2017 (intra-meeting)	CCB1287/17-18

#### 3. DETAIL

- 3.1 Dynamic Purchasing System (DPS) is a procedure for "commonly used" products where requirements are met by solutions "generally available on the market". The "system may be divided into categories [Lots] of products" that are "objectively defined on the basis of characteristics of the procurement to be undertaken". DPS is "operated as a completely electronic process" that is open to "any economic operator that satisfies the selection criteria". [Source: Regulation 34 Public Contracts Regulations 2015].
- 3.2 The DPS competitions allow for a periodic refresh of both prices and supplychain. For dynamic products, where market prices, supply chains and demands are continually evolving, the quantities commitment should ideally be for a shorter period only, to allow a more frequent refresh. For static products, where the prices, suppliers and demands only evolve slowly, the quantities agreement could be longer in order to maximise the supplier discount. The current optimum

- commitments for the various Lots of community equipment in this DPS 3 (Simple Aids) are for quantities equating to between 20 and 24 months of purchasing.
- 3.3 The term of the DPS 3 (Simple aids) is seven (7) years, with the option to extend for a further three (3) years (a maximum of 10 (ten) years), based on need and value for money achieved through the DPS model. In accordance with the Public Contracts Regulations 2015 ("PCR 2015"), there is no time limit on the duration of a DPS. The DPS model allows for flexibility in respect of both supplier and price refresh and this timescale has been accepted as appropriate for the needs of the Integrated Procurement Hub.
- 3.4 DPS 3 (Simple aids) was tendered using the restricted procurement procedure of the Public Contract Regulations 2015. In accordance with the regulations an OJEU notice and PQQ were issued to the market on 28<sup>th</sup> October 2016.
- 3.5 To provide assurance to clinicians and prescribers about the quality of the equipment purchased through the DPS, approval was sought from the the Director of Commissioning & Improvement, in accordance with Regulation 21 and 17 of the Tenders and Contracts Regulations to change the evaluation criteria to 50% quality (ascertained at PQQ stage) and 50% price (ascertained at ITT stage).
- 3.6 The total of the Quality scores from the PQQ stage (50%) and the Price scores from the Pricing Matrix (50%) were added together and the Admitted Suppliers were ranked accordingly for the relevant category. The Admitted Supplier with the highest combined score (i.e. is ranked highest) was identified as the Preferred Supplier for that category for the duration of the mini competition.
- 3.7 The quality evaluation consisted of the comparison of bidder responses against the product specification and method statements. Each supplier method statement was scored by individual members of an evaluation panel with each question being scored from 0 to 5. The marks were awarded in line with the criteria in Table 2.

Scoring	Scoring Methodology – Table 2			
Score	Rating	Criteria for awarding score		
5	Excellent	The supplier has provided responses that are robust and supported by suitable and relevant evidence of experience and technical and professional ability which significantly exceeds the Council's expectations		
4	Good	The supplier has provided responses that are robust and supported by suitable and relevant evidence of experience and technical and professional ability which exceeds the Council's requirement		
3	Satisfactory	The responses are compliant and the supplier has provided responses that demonstrate through suitable and relevant evidence that they have experience and have technical and professional ability which meet the Council's requirements		
2	Fair	The responses are superficial and generic. The		

		supplier has provided insufficient responses or the responses given demonstrate limited experience and limited technical and professional ability		
1	Poor	The supplier has provided wholly insufficient responses or the responses given demonstrate very limited experience and insufficient technical and professional ability		
0	Unacceptable	The supplier has not answered the question, has omitted information or has provided information that is not relevant and the evaluator is unable to determine whether the supplier possess sufficient technical and professional ability.		

## The method statements used

7A.1 - Product regulatory conformity

7A.2 - Quality-economic comparison to equivalent products

7A.3 - Clinical benefits

7A.4 – Product life expectancy and warranty

7A.5 – Training and support

7A.6 – Product function, features, key parameters, accessories and fittings

7A.7 - Delivery Times

- 3.8 Tenders had to achieve a minimum score of 2 marks for the response to question 7A1. Failure to meet this resulted in rejection of the tenderers quality submission and the submitted tender was not to be considered further.
- 3.9 Any submission that failed to reach the overall quality threshold of 21 marks across all seven method statements, which is deemed an overall 'acceptable', score was rejected and not considered further.
- 3.10 The scoring at PQQ stage was performed by the Operations Manager, Clinical Lead and Procurement Team Leader from Community Equipment Service. A moderation meeting was held on 18<sup>th</sup> April 2017 to ensure consistency of scoring and agree final PQQ percentage scores.
- 3.11 The maximum score achievable for PQQ was 50%. PQQ scores were calculated using the following equation:

$$\frac{\textit{Tenderer's Total Quality Score}}{\textit{Highest Scoring Quality Score}} \times 50\%$$

3.12 A total of 13 qualified suppliers were invited to submit PQQs for one hundred (100) Lots in the opening round. Nine (9) Lots of the one hundred (100) Lots did not receive any product submissions. The DPS will remain open for new suppliers to be admitted for the duration of the DPS.

- 3.13 Suppliers were notified on 26<sup>th</sup> May 2017 that they had qualified for the relevant Lots and were to be admitted to the DPS.
- 3.14 The first mini competition was issued on 19<sup>th</sup> June 2017 against the ninety one (91) Lots that PQQs had been submitted for. The closing date for submissions was 30<sup>th</sup> June 2017. 232 tender responses were received across sixty five (65) of the lots.
- 3.15 The tenderer's pricing score was calculated using the following calculation:

$$\frac{\textit{Lowest Submitted Tendered Total Price}}{\textit{Tenderer's Submitted Tendered Total Price}} \times 50\%$$

- 3.16 The percentage score from 3.13 and 3.20 were combined together to give the total score for each tenderer.
- 3.17 The Table 3 below lists the results of the winning bids from the issue of the mini competitions for a volume estimated to provide equipment requirement for twenty four (24) months. The name of the winning bidders are detailed in the associated Part B report.

Winning Bids - Table 3

Lot	Description	Qty Croydon & IPH	Price	Value
60	NARROW BATH BOARD STANDARD 660mm (26")	500	£9.40	£4,700.00
61	NARROW BATH BOARD STANDARD 685mm (27")	1200	£9.50	£11,400.00
62	NARROW BATH BOARD STANDARD 710mm (28")	500	£9.60	£4,800.00
63	WIDE BATH BOARD STANDARD 660mm (26")	800	£12.75	£10,200.00
64	WIDE BATH BOARD STANDARD 685mm (27")	3000	£12.95	£38,850.00
65	WIDE BATH BOARD STANDARD 710mm (28")	500	£13.05	£6,525.00
66	BATH BOARD – ADJUSTABLE WIDTH	100	£14.75	£1,475.00
67	BATH SEAT STANDARD 150MM (6")	300	£10.11	£3,033.00
68	BATH SEAT STANDARD 200MM (8")	400	£10.37	£4,148.00
69	BATH SEAT STANDARD 300MM (12")	300	£11.15	£3,345.00
71	SHOWER STOOL ADJ HT	2700	£12.95	£34,965.00
73	WALL MOUNTED SHOWER STOOL ADJ HT	30	£21.00	£630.00
78	BATH STEP	3000	£10.00	£30,000.00
79	BED CRASH MAT	700	£37.00	£25,900.00
80	BED LEVER – SINGLE	3300	£16.00	£52,800.00

Lot	Description	Qty Croydon & IPH	Price	Value
81	BED LEVER - DOUBLE ENDED	500	£16.00	£8,000.00
83	FOLDING BACK REST		£10.50	£7,350.00
85	PERCHING STOOL WITH ARMS AND BACK – ADJ HT		£19.00	£152,000.00
86	RIATRIC PERCHING STOOL WITH ARMS AND BACK-ADJ HT	500	£40.00	£20,000.00
88	CANTILEVER TABLE WITH WHEELS		£17.00	£13,600.00
92	LINKED CHAIR RAISERS	500	£12.95	£6,475.00
93	LINKED SINGLE BED RAISER	50	£19.10	£955.00
94	LINKED DOUBLE BED RAISER	200	£19.10	£3,820.00
95	LINKED FURNITURE RAISER FOR CASTORS	1200	£11.29	£13,548.00
96	GRAB RAIL (INDOORS) PLASTIC 300MM (12")	6000	£2.35	£14,100.00
97	GRAB RAIL (INDOORS) PLASTIC 450MM (18")	5500	£2.65	£14,575.00
98	GRAB RAIL (INDOORS) PLASTIC 600MM (24")	2000	£2.91	£5,820.00
99	GRAB RAIL (OUTDOORS) 300MM (12")	8500	£1.20	£10,200.00
100	GRAB RAIL (OUTDOORS) 450MM (18")	2000	£1.40	£2,800.00
101	GRAB RAIL (OUTDOORS) 600MM (24")	500	£1.60	£800.00
103	NEWELL POST RAIL - LEFT	1500	£3.20	£4,800.00
104	NEWELL POST RAIL - RIGHT	1500	£3.20	£4,800.00
105	DROP DOWN HAND RAIL WITHOUT LEG - SHORT	50	£17.45	£872.50
111	METAL WALKING STICK – ADJ HEIGHT	3000	£3.20	£9,600.00
112	METAL WALKING STICK – ANATOMICAL LEFT HANDED	500	£3.00	£1,500.00
114	TRIPOD WALKING STICK - METAL	30	£6.00	£180.00
115	QUADRUPED WALKING STICK - SMALL	100 200	£6.99	£699.00
117			£9.45	£1,890.00
118	STANDARD NON-WHEELED WALKING FRAME – ADJ HEIGHT	2000	£12.60	£25,200.00
119	STANDARD WHEELED WALKING FRAME – ADJ HEIGHT	3500	£13.55	£47,425.00
120	NARROW NON-WHEELED WALKING FRAME – ADJ HEIGHT	30	£13.50	£405.00
121	NARROW WHEELED WALKING FRAME – ADJ HEIGHT	400	£14.50	£5,800.00
122	WHEELED FOREARM WALKING FRAME – ADJ HEIGHT	10	£47.00	£470.00
124	THREE WHEELED WALKER	1200	£28.00	£33,600.00
125	FOUR WHEELED WALKER	1500	£28.80	£43,200.00
126	HALF STEP	1800	£8.00	£14,400.00
131	LEG LIFTING STRAP	2000	£1.50	£3,000.00
144	FEMALE URINAL BOTTLE	200	£1.10	£220.00
145	MALE URINAL BOTTLE	3000	£1.10	£3,300.00
146	BED PAN	300	£2.75	£825.00
147	SLIPPER PAN	800	£2.00	£1,600.00
148	RAISED TOILET SEAT 50MM (2")	1700	£5.40	£9,180.00
149	RAISED TOILET SEAT 100MM (4")	2000	£5.70	£11,400.00
150	RAISED TOILET SEAT 150MM (6")	600	£11.00	£6,600.00
151	FREE STANDING TOILET FRAME - ADJ HEIGHT	4000	£14.00	£56,000.00

Lot	Description	Qty Croydon & IPH	Price	Value
152	FREE STANDING TOILET FRAME – ADJ HEIGHT AND	5500	£13.00	£71,500.00
	WIDTH			
153	TOILET SEAT AND FRAME – ADJUSTABLE HEIGHT	8200	£16.50	£135,300.00
154	STATIC COMMODE – FIXED ARMS AND HEIGHT	2800	£18.00	£50,400.00
155	STATIC COMMODE – ADJUSTABLE HEIGHT	3500	£19.80	£69,300.00
156	STATIC COMMODE – ADJ HT AND DETACHABLE ARMS	1000	£24.00	£24,000.00
157	MOBILE COMMODE – DETACHABLE ARMS	3800	£41.50	£157,700.00
158	BARIATRIC TOILET FRAME – ADJ	50	£24.00	£1,200.00
159	BARIATRIC TOILET FRAME AND SEAT – ADJ	50	£29.00	£1,450.00
160	BARIATRIC COMMODE WITH ARMS – ADJ	300	£80.00	£24,000.00
161	BARIATRIC MOBILE COMMODE – DETACHABLE ARMS	50	£260.00	£13,000.00
Total			£1,341,630.50	
	Total at pre-competition prices			£1,432,457.20
	Saving for this round of competitions			£90,825.70

3.18 The Cabinet Member is asked to note that, (where applicable) and, in accordance with Regulation 27 of the Council's Tenders and Contracts Regulations, all future individual call-offs in relation to DPS 3, be delegated to the Director of Commissioning & Improvement for call-off contracts up to £500,000 in value, without the prior endorsement of of the Contracts and Commissioning Board. Where call-off contracts are awarded in accordance with this paragraph 3.18, a quarterly report will then be made available to Contracts and Commissioning Board setting out the detail of such call-off contracts awarded during the preceding quarter.

# 4. CONSULTATION

4.1 Product information has been shared with prescribers and commissioners from across the partner authorities and their views included in the evaluations. Lead/senior Occupational Therapists from Croydon, Sutton and Merton attended the evaluation event for verifying that the successful bids satisfy the quality specifications.

## 5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

The DPS contracts will be operated by the Council, as the Council, in its capacity as 'Contracting Authority', procured and established the DPS systems described above. CES will operate as a trading entity, selling purchased equipment back to local authority clients (including LBC) with a 9.5% mark-up applied to cover operating costs.

Across all activity, CES is expected to spend more than £9.5m per annum and would therefore generate an estimated surplus of c.£1m.

# 5.1 Revenue and Capital consequences of report recommendations

# DPS 3 (1st mini competition)

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2017/18	2018/19	2019/20	TOTAL
	£'000	£'000	£'000	£'000
Effect of decision from report				
Expenditure	277	664	387	1,328
Income	(303)	(727)	(424)	(1,454)
TOTAL	(26)	(63)	(37)	(126)

# DPS 3 (1st mini competition): Council Spend

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2017/18	2018/19	2019/20	2020/21
	£'000	£'000	£'000	£'000
Revenue Budget available				
Expenditure Income	1,057	1,057	1,057	1,057
Effect of decision from report Expenditure	96	231	73	0
Income		20.	. 0	· ·
Remaining budget				
Capital Budget available				
Expenditure Effect of decision from report	0	0	0	0
Expenditure	0	0	0	0
Remaining budget	0	0	0	0

The Croydon equipment pool has a total budget of £1.888m, with contributions made on a 56:44 split between the Council (£1.057m) and the CCG (£0.831m). This covers a whole range of equipment purchases for which the DPS 3 contract represents one element. The current 2017/18 projection against the Croydon equipment pool is just over £2.1m which will lead to an overspend of approximately £150k overall on the Council's contribution. Whilst very small reductions are expected to be generated by the DPS 3 contract, this budget is likely to remain overspent.

### 5.2 The effect of the decision

## 5.2.1 DPS 3

5.2.1.1 The total value of DPS 3 (across eight (8) authorities within the integrated procurement hub) is £13,429,000 across ten (10) years. This includes a possible three (3) year extension, following the initial seven (7) years.

## 5.2.1.2 Council impact

The total value of DPS 3 for the Council is £4,674,381 across (10) years. This includes a possible three (3) year extension, following the initial (7) years.

# 5.2.2 DPS 3 (1st mini competition for 24 months)

**5.2.2.1** The total value of DPS 3 for the 1<sup>st</sup> Mini competition (across eight (8) authorities within the integrated procurement hub) is £1,328,630 for 24 months.

## 5.2.2.2 Council impact

The total value of DPS 3 for the 1<sup>st</sup> Mini competition for the Council is £462,471 for 24 months.

## 5.3 Risks

If DPS 3 had not been developed, the Council would be at risk of not getting the best value for money on community equipment purchases.

# 5.4 Options

- 5.4.1 Options were considered as part of the strategy award report agreed by CCB in 2016. Using the DPS enables more frequent refreshing of the bidder base and prices, to better match the dynamics in the supplier market and gain the continual value improvements.
- 5.4.2 A community directory or retail model is inappropriate for providing complex medical equipment, but has been considered for the simpler assisted living devices in DPS 3. However, commissioning a community directory or retail model, in which service users self-serve using a personal budget, would result in loss of the collective purchasing power and instead result in multiple, less efficient purchasing channels where quality and safety in meeting the individual's wellbeing objectives become more difficult to assure.
- 5.4.3 This is a vital service. Community equipment is essential to delivering the statutory independent living and wellbeing agenda, and to minimising the wider costs in related statutory social and health care services (e.g. more vulnerable people reaching crisis and/or hospital admission).

# 5.5 Future savings/efficiencies

The savings achieved in the first two years of this DPS will be £90,825 from the

baseline of £1,432,457 across the Integrated Procurement Hub (8 authorities). Leaving the DPS open enables new suppliers to join the DPS and as the number of competing suppliers increases this should produce increasing savings as future mini competitions are run.

Approved by: Josephine Lyseight, Head of Finance for People and Ian Geary, Head of Finance for Resources

## 6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

6.1 The Council Solicitor comments that the proposal set out in this report is in accordance with the Council's Tenders and Contracts Regulations and seeks to support the Council's duty to achieve Best Value pursuant to the Local Government Act 1999.

Approved by: Sean Murphy, Head of Commercial and Property Law & Deputy Monitoring Officer on behalf of the Council Solicitor & Monitoring Officer.

### 7. HUMAN RESOURCES IMPACT

7.1 There are no direct Human Resources implications arising from this report for Croydon Council employees.

Approved by: Deborah Calliste on behalf of the Director of Human Resources

### 8. EQUALITIES IMPACT

8.1 A full EIA was undertaken in relation to the insourcing of the equipment service back to Croydon Council and the creation of DPS 2, 3, and 4 is included this analysis. This service truly promotes equalities across groups with protected characteristics. The provision of community equipment promotes independence, improves quality of life and reduces social isolation. Additionally, the Community Equipment service provides employment opportunities for people with learning disabilities.

### 9. ENVIRONMENTAL IMPACT

9.1 There are no environmental impacts to the report.

### 10. CRIME AND DISORDER REDUCTION IMPACT

10.1 N/A

### 11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

11.1 The prices submitted by the suppliers listed in the associated Part B report have proved the most competitive in respect of the specified lots. New equipment suppliers have been evaluated by lead/senior Occupational Therapists to verify their adherence to quality requirements.

# 12. OPTIONS CONSIDERED AND REJECTED

12.1 The establishment of DPS 3 ensures that the Council and other authorities within the Integrated Procurement Hub are getting the best possible value for money in relation to the purchase of Community Equipment. Procuring outside of the DPS would not enable the Council and the Integrated Procurement Hub to achieve the savings detailed within this paper.

# **CONTACT OFFICER:**

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	Croydon Community Equipment Services
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## **BACKGROUND PAPERS - LOCAL GOVERNMENT ACT 1972**

No Background papers required for this report