

# Procurement Advisory Board (PAB)

## Agenda Item

Brighton & Hove City Council

<b>Subject:</b>	Contract Standing Orders for Adult Social Care, Children's Social Care, Public Health and Other Light Regime Services
<b>Date of Meeting:</b>	4 <sup>th</sup> of April 2022
<b>Report of:</b>	Alice Rowland and Sara Zadeh
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### 1. SUMMARY AND CONTEXT:

The Procurement Advisory Board (PAB) is an advisory board to Council Committees on procurement matters. A report will also be taken to the Constitutional Review Working Group setting out these proposals.

### 2. RECOMMENDATIONS:

That the Procurement Advisory Board reviews the Contract Standing Orders for Adult Social Care, Children's Social Care, Public Health and Other Light Touch Regime Services.

### 3. RELEVANT INFORMATION

The Council's Contract Standing Orders currently govern every contract the Council procures and awards. It is proposed that a second set of bespoke Contract Standing Orders are adopted to stand alongside the Council's current Contract Standing Orders, to apply in relation to the procurement and award of Adult Social Care Service Contracts, Children's Social Care Service Contracts, Public Health Service Contracts which fall under the Light Touch Regime and all other Light Touch Regime Service Contracts.

The Light Touch Regime is a special procurement regime under the Public Contracts Regulations 2015. It recognises that the procurement of the Light Touch Regime contracts involves a range of unique considerations, which are different to those that apply to the procurement of other goods, services and works. There is more flexibility and less prescriptive procurement requirements for the procurement of Light Touch Regime contracts. There is also a higher procurement threshold (£663,540 inclusive of VAT) than for other service contracts under the Public Contracts Regulations 2015.

The list of services to which the Light-Touch Regime applies is set out in the Public Contracts Regulations 2015; however, most of the social, health and education service contracts the Council procures and awards fall under its remit. Despite the different and less onerous legal requirements for Light Touch Regime contracts, the Council currently has the same internal rules for every type of contract.

Officers have therefore drafted a new set of bespoke set of Contract Standing Orders which have been specifically created for Light Touch Regime contracts. These are based on the Local Government Association Model Standing Orders and the existing Contract Standing Orders. Care has been taken to recognise the different legal requirements, the unique considerations and the need for increased flexibility for contracts in this area while ensuring a robust set of rules which only deviate from the current CSOs where necessary. A summary of the changes is attached as Appendix 2, but key changes include:

- Allowing officers to put a contract in place with a provider if (for example) the service is of such a specialised nature that no other suitable provider exists or if the provider is best placed to meet the needs of the service user.
- Removing the need for waivers to be put in place. Instead Members will have oversight via a centralised record for each Directorate for any contracts which are directly awarded by officers which can be brought to the PAB on a regular basis.
- Making it clear that a Committee decision is required if the Council's contribution to a contract is over £500,000. This has previously been unclear where the Council is jointly procuring with the CCG.
- Allowing officers to publish Prior Information Notices (PIN) for higher value contracts before obtaining Committee authority on the basis that a PIN does not commit the Council to advertise or award a contract but can help to test the market, shape what officers may want to ask for authority from Members for and assist with providing more detailed information to Committee when matters are taken to Committee for decision.

It is of import to note that officers would still be required to comply with the requirements of these new set of Contract Standing Orders and the law including the Public Contracts Regulations 2015. This means that contracts with an estimated value over £663,540 (inclusive of VAT) will need to be procured in compliance with the Regulations.

## **SUPPORTING DOCUMENTATION**

1. Appendix 1 - Contract Standing Orders for Adult Social Care Service Contracts, Children's Social Care Service Contracts, Public Health Service Contracts and other the Light Touch Regime Service Contracts.
2. Appendix 2 - Guidance Document outlining the changes between the current Contract Standing Orders and the new proposed Contract Standing Orders.



