

Finance and Resources Committee

10am, Thursday, 14 January 2016

Communities and Families - Waiver of Council Contract Standing Orders to award contract to EVOC

Item number	7.27
Report number	
Executive/routine	
Wards	

Executive Summary

This report seeks approval to waive Council Contract Standing Orders and establish a Strategic Partnership Agreement contract between Communities and Families and the Edinburgh Voluntary Organisations Council (EVOC).

Links

Coalition pledges	P1-P7
Council priorities	CO2 - CO6
Single Outcome Agreement	SO3

Communities and Families - Waiver of Council Contract Standing Orders to award contract to EVOC

1. Recommendations

It is recommended that Finance and Resources Committee:

- 1.1 Approves the award of contract to EVOC from 1 April 2016 to 31 March 2019 with the option to extend for up to 2 years, to a total potential value of £295,850.
- 1.2 Authorises the Contract Standing Orders to be waived, deemed to be in the Council's best interests to provide continuity of service support to Communities and Families and the organisations they work with.

2. Background

- 2.1 The waiver of Council Contract Standing Orders is permitted where the circumstances of the proposed contract are covered by legislative exemptions, including where the nature of the market for services to be provided has been investigated and is demonstrated to be such that a departure from the requirement of Standing Orders is justifiable in accordance with EU law and principles: for example, when for technical reasons the contract may only be awarded to a particular provider or it is in the Council's best interest to do so. It is on this basis that approval is sought to award the contract to EVOC.
- 2.2 The Contract Standing Orders (CSOs) state that, for services in excess of £25,000, a public advertisement followed by an invitation to tender should be carried out before the award of contract. Under Paragraph 9, the CSOs can be waived if justified as a legislative exemption or in the Council's best interests. It is considered that in these circumstances a waiver is justified in the Council's best interests.

3. Main report

- 3.1 Communities and Families currently contracts with Edinburgh Voluntary Organisations Council (EVOC). This is recognised by the Scottish Government as a key infrastructure support body for Edinburgh's Third Sector. As such, EVOC carries out functions unique to them and for which no 'market' alternative provider exists.
- 3.2 For the period of the contract, EVOC will, through a Strategic Partnership Agreement, work with the City of Edinburgh Council (Communities and Families) to provide Voluntary Sector Infrastructure Support Services which help deliver

the outcomes and actions within the Integrated Plan for Children and Young People 2015-2018 and contribute to the Edinburgh Partnership Community Plan outcome 'Edinburgh's children and young people enjoy their childhood and fulfil their potential'. To achieve this, EVOC will:

- 3.2.1 Support the Voluntary Sector to be confident, well informed, well trained and able to fully engage with strategic and thematic partnerships at a city and locality level;
- 3.2.2 Support EVOC staff members to represent the voluntary sector in appropriate, designated partnership forums;
- 3.2.3 Promote the ongoing mainstreaming of GIRFEC and a programme of training to ensure GIRFEC principles are embedded in Voluntary Sector policy and practice across the city;
- 3.2.4 Work to ensure that reducing poverty and inequality is the focus of work with children, young people and families across the sector;
- 3.2.5 Support the development of locality structures for delivering integrated children's services.

4. Measures of success

- 4.1 The new contract and agreed service specification is in place from April 2016.
- 4.2 The voluntary sector is fully engaged in appropriate, designated partnership forums.

5. Financial impact

- 5.1 Budget provision for this contract has been made.
- 5.2 Relative to the value of its predecessor award (£65,259/annum), the value of the new contract has been reduced by 3.3% per annum for three years, making it subject to the same savings requirement as the grant-aided organisations that EVOC supports. This will deliver a total saving of £30,445 over 5 years.

6. Risk, policy, compliance and governance impact

- 6.1 There is a risk that, should the waiver be agreed, best value is not being demonstrated in line with CSO's that require all services valued above £25,000 to be competitively tendered. However the finance impact demonstrates savings on current service value would be achieved.

- 6.2 The contract values for the proposed contracts are above the minimum threshold set for public contracts that are regulated by the European Procurement Regulations, as such there is a risk of challenge to the direct award of these contracts should there be any potential cross-border interest. However, “Social and other Services” are currently exempt from full application of EU tendering requirements where the authority considers low risk of cross-border interest. The new Regulations will be applied during 2016 and the future value threshold will be much greater than currently applied to this service.
- 6.3 The Regulations require as a minimum a notification when a contract is awarded for social service contracts, there is an opportunity to confirm this and meet the Council’s obligations, thus reducing potential risk of future challenge.
- 6.4 The risk of challenge by an alternative provider is very low given the specialist nature of the service provided.

7. Equalities impact

- 7.1 The report's recommendation will have a positive equalities impact in terms of ensuring continuity of services.

8. Sustainability impact

- 8.1 None arise directly from this report.

9. Consultation and engagement

- 9.1 The report's recommendation has been discussed with the organisation.

10. Background reading/external references

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11. Links

Coalition pledges

P1 - Increase support for vulnerable children, including help for families so that fewer go into care

P2 - Hold the maximum P1 class size at 25 and seek to reduce class sizes in line with Scottish Government recommendations

P3 - Rebuild Portobello High School and continue progress on all other planned school developments, while providing adequate investment in the fabric of all schools

P4 - Draw up a long-term strategic plan to tackle both over-crowding and under use in schools

P5 - Seek to ensure the smooth introduction of the Curriculum for Excellence and that management structures within our schools support the new curriculum

P6 - Establish city-wide co-operatives for affordable childcare for working parents

P7 - Further develop the Edinburgh Guarantee to improve work prospects for school leavers

Council priorities

CO2 - Our children and young people are successful learners, confident individuals and responsible citizens making a positive contribution to their communities

CO3 - Our children and young people at risk, or with a disability, have improved life chances

CO4 - Our children and young people are physically and emotionally healthy

CO5 - Our children and young people are safe from harm or fear of harm, and do not harm others within their communities

CO6 - Our children's and young people's outcomes are not undermined by poverty and inequality

Single Outcome Agreement

SO3 - Edinburgh's children and young people enjoy their childhood and fulfil their potential

Appendices