

# North Yorkshire County Council

## Health and Adult Services

### Executive Members Meeting

13<sup>th</sup> January 2023

**REPORT TO** Corporate Director of Health and Adult Services (HAS) in consultation with the Executive Member for Health and Adult Services

### **Variation and Extension to the contract for Assistive Technology Services**

*This report includes a supporting Annex which contains exempt information as described in paragraphs 1, 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).*

#### **1.0 Purpose Of Report**

To seek approval of a variation and extension to the contract for Assistive Technology to March 2024.

#### **2.0 Executive Summary**

In 2018 HAS commissioned NRS to deliver Assistive Technology (AT) provision to people with assessed eligible needs across North Yorkshire. This contract was let on a 3years +1+1 basis with an end date of 30<sup>th</sup> March 2023.

Due to work undertaken to explore potential alignment with existing District and Borough services, along with the need to avoid changes in service delivery occurring on or around North Yorkshire Council vesting day on 1<sup>st</sup> April 2023, this report seeks approval for an extension of an additional 1 year beyond the original term to allow for a new service to be safely developed and commissioned.

#### **3.0 Background**

Assistive Technology (AT) services form a crucial and growing part of the HAS offer to people with eligible needs. Prior to 2018 it was apparent that despite best efforts, the pace of change in technology was outstripping the ability of the existing in house provision to effectively keep up and deploy new and emerging technologies.

To address this, the decision was taken to commission a service which would provide an end to end service that would assess and determine the most appropriate use of technology to support an individual based on their needs rather than on the pre-buying of large numbers of generic units that quickly become obsolete.

The contract was awarded to NRS in 2018 and has been highly successful in meeting the aspiration of rolling out a wide range of equipment based on assessed need. In addition to providing an assessment, installation and response service, the relationship with NRS has focussed on innovation and new ways of working. This has allowed pilots of products such as Canary, Brain in Hand and ARMED to be progressed under the umbrella of the contract. Each of these products has show huge potential in improving independence and quality of life, whilst reducing the need for other care and support services.

The service is also used by CYPs, who often access some of the most complex equipment used to support disabled children. Costs from this are recharged based on activity to HAS.

#### **4.0 Issues**

At the start of 2022, work began to explore potential links between the commissioned NYCC service delivered by NRS and the AT offers of District and Borough Councils, with a view to establishing the viability of moving to a single service – either in house or commissioned, on or after vesting day, or of retaining separate but interacting services.

Whilst on the surface these services are quite similar, there are significant differences in the complexity of the equipment deployed by each service and in the specialism required to assess for and install these. Whilst there may be scope to fully align these services in future years, it is the HAS view that at present such a move would not allow what is a very effective service to continue offering the levels of support required. There is considerable work needed to first align existing District and Borough services into a single offer that is consistent across the County, at this point further exploration of a wider transformation can begin.

The extension period from March 2023 to March 2024 will therefore be used to finalise the specification for a new service to take effect from March 2024 and complete a fully compliant, open procurement. It is intended that this service will build on the existing good work whilst improving staffing levels within the service, creating stronger links with CYPs and Health colleagues and further pushing the envelope of how AT can be used in service delivery.

#### **5.0 Financial Implications**

The extension period will retain the same budget as the existing contract and as such will not create any additional pressure on HAS budgets. The budget for the service has typically underspent in previous years which create opportunities to fund trial activity on new and emerging products.

#### **6.0 Legal Implications**

A variation/ extension to an existing contract within the scope of the PRC 2015 may be regarded as a new contract requiring a new procedure. Regulation 72 of the PRC 2015 sets out the grounds under which variations are permitted without the need to follow a fresh procurement procedure.

##### **Non Substantial changes Regulation 72(1)(e)**

Variations/extensions are permitted without the need to undertake a new procurement procedure where the variation is not substantial. A variation is substantial where one or more of the following conditions is met:

(a) the variation renders the contract or the framework agreement materially different in character from the one initially concluded; (understand the character remains the same)

(b) the variation introduces conditions which, had they been part of the initial procurement procedure, would have—

- (i) allowed for the admission of other candidates than those initially selected,
- (ii) allowed for the acceptance of a tender other than that originally accepted, or
- (iii) attracted additional participants in the procurement procedure;

(Adding one year Term to a 5 year contract is unlikely to have attracted any other participant or allowed acceptance of an alternative bid)

(c) the variation changes the economic balance of the contract or the framework agreement in favour of the contractor in a manner which was not provided for in the initial contract or framework agreement; (economic balance is considered to remain the same) and

(d) the variation extends the scope of the contract or framework agreement considerably (scope is not extended)

Based on the above the likelihood of this variation to add a further 12 months whilst a procurement is undertaken is not considered substantial and therefore permitted under Reg 72 PCRs.

**14.0 Recommendation/s** (required)

That the Corporate Director in consultation with the Executive Member approve the variation and extension of the Assistive Technology contract

**Mike Rudd**  
**Head of Housing, Technology & Sustainability**  
**County Hall**

**13<sup>th</sup> January 2023**