



Report of the Chief Constable to the Police and Crime Commissioner for Cleveland.

Status: For Decision

Updated Procurement report for the Commissioning of a Custody Healthcare Service

1 Purpose

- 1.1 Under Code C of the Police and Criminal Evidence Act 1984, the organisation has a duty to provide clinical treatment and attention to ensure detainee safety.
- 1.2 In 2007 a £35m contract over 10 years was entered into with Reliance (now Tascor) to deliver Custody and Medical Services; delivering non cashable savings of £2,074,000. During the contract Term the current provider made a decision to cease direct delivery of medical services as it was no longer part of their core business and the medical services contract was sub-contracted to Care and Custody (Health).
- 1.3 In June 2017 when the contract term ended, it was considered appropriate due to changes in the market for the Custody Support Contract and Medical Services should be tendered separately.
- 1.4 Following a Competitive Tender Exercise a contract was awarded to Mitie Care and Custody for a period of 3 years with an option to extend for 2 years. The current contract will reach the end of its maximum 5 year term at the end of June 2022.
- 1.5 A decision was approved in March 2022 following the procurement exercise to award a replacement contract for the Custody Healthcare Service, however a challenge was received.
- 1.6 Following advice from outside counsel a decision was taken to re-evaluate the bids.

2 Recommendations

- 2.1 That the Police and Crime Commissioner note the re-evaluation process used to appoint a contract for the Custody Healthcare Service.
- 2.2 The Police and Crime Commissioner accept recommendation of the Evaluation Team to award the contract to Bidder 2.

3 Reasons

- 3.1 A National specification has been drawn up in conjunction with Bluelight Commercial (which was based around the specification currently being used by the PCC), this specification was reviewed with the Chief Inspector for Custody to ensure that operational needs were captured
- 3.2 An advert was placed in the Find my Tender, Contracts Finder and the Bluelight E-tendering system inviting suppliers to bid for the service. An open tender was carried out using EU Supply as the tender portal, advertising the contract as per the Public Procurement Regulations 2015.
- 3.3 16 suppliers expressed an interest in the Tender, however despite a number of clarification questions only 3 submitted a tender response by the closing date on the 11th February 2022.
- 3.4 In addition to a number of mandatory pass/fail questions such as mandatory/discretionary exclusion/financial viability/ Insurance etc., the evaluation criterion was 60% Quality and Service Delivery and 40% Price.
- 3.5 The evaluation team, which consisted of key members from the Force, evaluated the bid in line with the criteria set out within the Tender document as per the table below:

Pass/Fail				
Question	Pass/Fail	B1	B2	B3
EU Supply Part 2	Pass/Fail	Pass	Pass	Pass
Eu Supply Part 3	Pass/Fail	Pass	Pass	Pass
Financial	Pass/Fail	Pass	Pass	Pass
Equality and Diversity	Pass/Fail	Pass	Pass	Pass
Ethical Procurement	Pass/Fail	Pass	Pass	Pass
Environmental	Pass/Fail	Pass	Pass	Pass
Health and Safety	Pass/Fail	Pass	Pass	Pass
Quality				
	60%	B1	B2	B3
Social Value	10%	4.00%	9.00%	6.00%
Spec Service Delivery	20%	12.00%	18.00%	18.00%
Transition and Mobilisation	5%	2.00%	4.50%	4.50%
Governance	5%	3.50%	4.50%	4.50%

Safeguarding	6%	4.20%	5.40%	2.40%
Rota & Response	5%	0.50%	4.50%	3.50%
Staff Competence	6%	4.20%	4.20%	5.40%
Key Challenges	3%	0.30%	2.70%	2.10%
Total Quality	60%	30.70%	52.80%	46.40%
Price				
	40%	B1	B2	B3
		30.81%	40.00%	25.10%
Total Price	0.00%	30.81%	40.00%	25.10%
Total				
	100%	B1	B2	B3
		61.51%	92.80%	71.50%

- 3.6 A challenge to the price and quality evaluation was received by one of the bidders, following advice from outside counsel a decision was taken to re-evaluate the price and quality responses.
- 3.7 A new evaluation panel was established with brand new evaluators who had not been party to the original evaluation or scores, this included the introduction of a moderator.
- 3.8 Training was provided by an external provider to all of the evaluators and moderator on tender evaluation.
- 3.9 Each evaluator evaluated questions relevant to their roles, knowledge and experience and following the individual evaluation a moderation panel was conducted to bring the feedback together and agree a consensus score for each of the bidders and questions.
- 3.10 In addition the price was evaluated by a member of the finance team, who requested some clarifications on the price breakdown and concluded that the prices submitted whilst different were affordable.
- 3.11 Whilst the re-evaluation has reduced the quality scores for all bidders, the outcome has not changed.

Pass/Fail				
Question	Pass/Fail	B1	B2	B3
EU Supply Part 2	Pass/Fail	Pass	Pass	Pass
Eu Supply Part 3	Pass/Fail	Pass	Pass	Pass
Financial	Pass/Fail	Pass	Pass	Pass
Equality and Diversity	Pass/Fail	Pass	Pass	Pass
Ethical Procurement	Pass/Fail	Pass	Pass	Pass
Environmental	Pass/Fail	Pass	Pass	Pass
Health and Safety	Pass/Fail	Pass	Pass	Pass
Quality				
	60%	B1	B2	B3

Social Value	10%	6.00%	9.00%	1.00%
Spec Service Delivery	20%	8.00%	18.00%	14.00%
Transition and Mobilisation	5%	0.50%	4.50%	3.50%
Governance	5%	1.50%	3.50%	3.50%
Safeguarding	6%	2.40%	4.20%	3.60%
Rota & Response	5%	0.50%	4.50%	3.50%
Staff Competence	6%	1.80%	5.40%	5.40%
Key Challenges	3%	0.30%	2.70%	2.10%
Total Quality	60%	21.00%	51.80%	36.60%
Price				
	40%	B1	B2	B3
		30.81%	40.00%	25.10%
Total Price	0.00%	30.81%	40.00%	25.10%
Total				
	100%	B1	B2	B3
		51.81%	91.80%	61.70%

4 Implications

4.1 Financial

An estimated budget of for this contract is as follows:

Contract Year	Budget
1	£798,800
2	£814,800
3	£830,800
4	£830,800
5	£830,800
Total	£4,106,000

Bidder 2 has submitted the following contract prices:

Contract Year	Annual Price
1	£778,574.11
2	£756,867.12
3	£771,943.27
4	£787,382.13
5	£803,129.77
Total	£3,897,896.40

Therefore there are savings of:

Contract Year	Annual Price
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1	£20,225.89
2	£57,932.88
3	£58,856.73
4	£43,417.87
5	£27,670.23
Total	£208,103.60

4.6 Diversity & Equal Opportunities

Diversity and Equality Implications have been considered as part of this tender and specification development.

4.7 Human Rights Act

There are no Human Rights Act implications arising from this report.

4.8 Sustainability

Social Value Questions and Sustainability were included within the scored area of the tender. No implications arise from this procurement.

4.9 Risk

There is a risk that the bidder who challenged the award originally continues to challenge the tender outcome, however the re-evaluation process has been totally independent with additional evaluators and the introduction of a moderator who have all recently been trained. In addition the evaluation has been quality assured by outside council.

5 Conclusions

5.1 The Re-Evaluation Team is confident that the procurement exercise has been conducted in a fair, comprehensive, thorough and transparent process.

5.2 The Recommended Bidder has submitted the Most Economically Advantageous Tender and the evaluation team are confident they will be able to deliver a successful product.

Mark Webster
Chief Constable

Evaluation Team:

Superintendent Local Policing (Custody) – Cleveland Police
Category Leader - Cleveland Police
Strategic Finance Manager – Cleveland Police
Strategic Contracts and Governance Manager – PCC
Programme Manager (Moderator) – Cleveland Police