

Officer Decision Record – Executive Decision

If Key Decision: Decision Ref. No.

B068/23

If not a Key Decision write n/a above

OFFICER DECISION RECORD ⁱ

Officer Key Decisions are subject to the Council's Call-In Procedure (Annex 9 of the Council's Constitution <https://www.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/who-we-are-and-what-we-do/who-we-are-and-what-we-do.aspx>)

Subject: Proposed Award of Contract for the Provision of a Residential Placement for One (1) Child/Young Person Aged 7-18 with Highly Challenging Behaviour and Complex Needs

Type of Decision: Executive

Key Decision (Executive Functions only): Yes

Executive Member/Committee Chairman: Fiona Thomson

Portfolio (Executive Functions only): Children, Young People & Families

Officer Contact: Veronica Bennett

Tel: 07580742865

1. Decision

That the Director of Specialist Services & Commissioning has determined that Annex A to this Decision Record should not be disclosed to the public as it contains exempt information as defined by Section 100 of the Local Government Act 1972, Schedule 12A, the public interest in maintaining the exemption outweighing the public interest in disclosing that information;

Subject to 1.1 above, awards the Contract for the Provision of a Residential Placement for One (1) Child/Young Person Aged 7-18 with Highly Challenging Behaviour and Complex Needs to the provider set out in Annex A.

2. Reasons for the decision

A Single Tender Action was signed on the 2 June 2021 to direct award a Contract to a single tenderer as set out in Annex A in order to provide a bespoke residential care package of support for a Child Looked After. The following Contract Regulation justifications were applied:

C7.7 in exceptional cases of such extreme unforeseen urgency that a Tender process cannot be undertaken. In these cases the reasons for the urgency must not be within the control of the Contract Authorised Officer or the Contracting Officer. In such a case an arrangement for a limited period can be put in place to allow sufficient time for a proper procurement process to be carried out.

Public Contract Regulations:

Reg 32 (2) (c) insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with.

The initial Contract value for the Single Tender Action award was estimated to be under the threshold required for a Key Decision. It is now likely to exceed the threshold thus requiring this Key Decision application.

3. Alternative options considered and rejected

No alternative options were considered. Children's Services identified the Children's Residential Provider with an excellent track record who could provide the care but who had no premises available – the Provider had worked previously with the first child in placement and had built attachments with them. A bespoke package of support was put place with the child with the Provider in a HCC property. Since the package of support ended for the first child, a further child has been successfully supported by the Provider in the provision.

4. Consultation (see Summary of Requirements below)

Was any Councillor consulted? Yes

If yes:

(a) Comments of Executive Member

I support this award of contract which has been carried out in line with the procurement process.

(b) Comments of other consultees

5. Any conflict of interest declared by a councillor who has been consulted in relation to the decision

N/A

6. Following consultation with the Executive Member I am proceeding with the proposed decision.

Signed: Miranda Gittos

Title: Director of Specialist Services & Commissioning

Date: 25 May 2023

Copies of record to:

- All consultees
- hard & electronic copy (if required to be made available for public inspection) to Democratic Services Manager - Room 213 County Hall.ⁱⁱ

Summary of Requirements to Inform/Consult Councillors

Significance of Proposed Action	Controversial	Relevant Councillor(s) to be Consulted
Technical/Professional/ Routine	No	No need to inform or consult councillors
Technical/Professional/ Routine	Yes	Executive Functions: Consult relevant Lead Executive Member and, where appropriate, Local Councillor Non-Executive Functions: Relevant Committee Chairman and, where appropriate, Local Councillor
Local	No	Executive Functions: Inform Lead Executive Member and Local Councillor Non-Executive Functions: Inform Local Councillor
Local	Yes	Executive Functions: Consult Lead Executive Member and Local Councillor Non-Executive Functions: Consult Local Councillor
General or County-wide	No	Executive Functions: Consult relevant Lead Executive Member (s) Non-Executive Functions: Consult relevant Committee Chairman

General or County-wide	Yes	Executive Functions: Consult relevant Lead Executive Member (s) and the Leader of the Council Non-Executive Functions: Consult relevant Committee Chairman/Leaders all Political Groups
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