

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

*PART 1 – PUBLIC DOCUMENT

Any interest to declare/ or conflict and any dispensation granted

SERVICE DIRECTORATE: CUSTOMERS DIRECTORATE

1. DECISION TAKEN

- 1.1 To enter into a five-year agreement with Frequency Precision to supply the equipment and services as outlined in the five lots specified in the tender NH527540550: SUPPLY OF ASSISTIVE TECHNOLOGY FOR RESIDENTS WITH EPILEPSY.

2. DECISION TAKER

- 2.1 Jo Dufficy, Service Director – Customers

3. DATE DECISION TAKEN:

- 3.1 13 March 2024

4. REASON FOR DECISION

- 4.1 The procurement outlined in the NH527540550 ITT document is focused on acquiring equipment to detect various types of seizures and other indicators of epilepsy, such as pulse and acoustic monitoring. The procurement was organised into five distinct lots.
- 4.2 This procurement initiative responded to the Council's need to address the requirements of approximately 20 referrals each month for users living with epilepsy under its obligations under the Assistive Technology Partnership with Hertfordshire County Council. The Council is establishing a contract, lasting up to a maximum of five years, with the successful tenderer; Frequency Precision.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The alternative options considered in the NH527540550 ITT document included several potential courses of action:
- Not awarding a contract to the tenderer submitting the most economically advantageous tender if it was established that the tender did not comply with applicable obligations in the fields of environmental, social, and labour law as established by national law, collective agreements, or international provisions as listed in Annex X to Directive 2014/24.
 - Withdrawing the ITT (Invitation to Tender) at any point or re-inviting tenders on the same or an alternative basis.
 - Choosing not to award any contract or specific lots as a result of the current procurement process or abandoning the process entirely.

- Making changes to the timetable, structure, or content of the procurement process depending on approval processes or for other reasons.

5.2 These alternatives represent the Council's readiness to adapt the procurement process based on legal compliance, strategic considerations, and the evolving needs of the procurement objectives.

5.3 The procurement objectives for the North Hertfordshire District Council's supply of assistive technology for residents with epilepsy, as outlined in the ITT document, include:

- Supplying, maintaining, and monitoring assistive technology to 580 users living with epilepsy in Hertfordshire, aiming to enhance their quality of life and safety.
- Procuring epilepsy monitoring equipment that is easily adjustable, durable, suitable for van storage, and capable of detecting various seizure types along with other epilepsy indicators like pulse and acoustic monitoring.
- Dividing the procurement into five lots, each focusing on specific types of seizure detection and monitoring, including away-from-home activity, to cater to the diverse needs of the population.
- Establishing a contract for a maximum period of 5 years with the successful tenderer(s), ensuring the equipment meets the council's requirements for functionality, durability, and cost-effectiveness.

5.4 This procurement aims to address the current and evolving needs for epilepsy monitoring within the community, prioritizing reliability, adaptability, and comprehensive coverage across different seizure types and situations.

6 CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

6.1 Consultation has been carried out with the Executive Member for Community and Partnerships, Cllr Alistair Willoughby.

7. FORWARD PLAN

7.1 This decision is not a Key Executive Decision and therefore has not been referred to on the forward plan.

8. BACKGROUND/ RELEVANT CONSIDERATIONS

8.1 After the conclusion of an agreement with a former supplier, there was an urgent need to ensure an uninterrupted provision of epilepsy equipment to meet the demands of service users affected by epilepsy in Hertfordshire. This procurement exercise is a critical component of the services delivered under the Assistive Technologies Partnership Agreement between NHC and HCC. Its primary goal is to sustain the essential support for individuals with epilepsy, ensuring they continue to receive the necessary assistance and equipment.

9. LEGAL IMPLICATIONS

9.1 Section 14.6.4 of the Council Constitution provides delegation to service directors and states at section 14.6.4 (a) (ii) and is therefore non-executive:

“Entering into contracts to carry out works and/or for the supply of goods and services within approved budgets (subject also to approval of the Service Director for: Customers in respect of software or hardware contracts). All may attest the fixing of the Common Seal to a contract or Deed;”

- 9.2 Legal will assist officers with the Contract and will ensure that the Contract is properly executed and completed.
- 9.3 The Contract Procurement Rules at 7.13 require the publication of a Decision Notice for any contract with a value of above £ £50,000.

10. FINANCIAL IMPLICATIONS

- 10.1 The anticipated cost for the five-year contract is set at £110,000. This expenditure will be made on behalf of Hertfordshire County Council (HCC), who have authorised North Hertfordshire Council (NHC) to procure assistive technology equipment for residents of Hertfordshire. The funding required for this procurement will be accessed by NHDC through the existing Section 9EA agreement.
- 10.2 In terms of the contract's overall value, the £110,000 figure has been determined considering the anticipated expansion in the number of clients due to the broadened scope of services provided. HCC will cover these costs under the Section 9EA. Any remaining costs will be financed through the maintenance component of the service charges paid by self-funded clients.
- 10.3 Three tenders were received as part of the open tender process. Following the assessment of the received tenders, Frequency Provision was awarded the contract as it fulfilled the criteria of value for money and most appropriate technology.

11. RISK IMPLICATIONS

- 11.1 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2 The provision of epilepsy equipment through this contract helps to reduce risks to users through the detection of seizures and alerting of this to caregivers, enabling prompt intervention and a reduced risk of harm.
- 11.3 The Procurement process was carried out in line with the Council's Contract Procurement rules, reducing the risk of any supplier challenge and Legal will work with officers on finalising the contract to ensure any contract management risks are minimised.

12 EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 An Equalities Analysis has been completed, positive impacts were highlighted and are detailed at Appendix A.
- 12.3 Overall, the procurement initiative by the Council, in partnership with Hertfordshire County Council, addresses a significant need for improved seizure monitoring and response. By implementing these technologies, the Council is taking a proactive step in safeguarding the health and wellbeing of individuals living with epilepsy. The initiative not only enhances the safety of these individuals but also contributes to their independence and quality of life. Additionally, it supports caregivers and families by providing them with the necessary tools to effectively monitor and respond to seizure activities. This procurement is a key step in fulfilling the Council's obligations under

the Assistive Technology Partnership and demonstrates a commitment to improving healthcare outcomes for vulnerable groups in the community.

13 SOCIAL VALUE IMPLICATIONS

13.1 *As the recommendations in the report relate to a contract above the EU threshold, Social Value has been included by the tender documents considering social value by allocating a specific portion of the overall evaluation score to it. Social value is assessed through targeted questions, focusing on areas such as environmental sustainability, community engagement, and social impact. The responses to these questions are scored based on how well they meet the Council's requirements for social value, with detailed scoring matrices provided to ensure a thorough and fair evaluation. This approach ensures that the social value contributions of tenderers are rigorously evaluated and form an integral part of the decision-making process.*

13.2 Question 1 - What measures have you put in place to reduce the use of plastics and reduce waste through reusing materials?

Frequency Precision recognises that it has a responsibility to the environment beyond legal and regulatory requirements. We are committed to reducing our environmental impact and continually improving our environmental performance as an integral part of our business strategy and operating methods. We encourage customers, suppliers, and other stakeholders to do the same.

The Company endeavours as a minimum to:

- Comply with all relevant regulatory requirements.
- Continually improve and monitor environmental performance.
- Continually improve and reduce environmental impacts.
- Incorporate environmental factors into business decisions.
- Increase employee awareness and training.

As a company Frequency Precision has committed to and carried out:

- Minimisation of the use of paper in the office.
- Reduced packaging as much as possible.
- Seeks, where possible, to buy recycled and recyclable products.
- Reuses and recycles all paper and packaging, wherever possible.
- Replaced plastic packaging with paper packaging, where possible.

Frequency Precision is accredited to ISO14001 – Environmental Management and as part of this process has installed a dual stream waste system throughout the Company offices and production areas. All discarded waste is placed in the recycling stream if possible.

During 2022-23 99.4% of waste produced by the Company was diverted from landfill with over 75% being recycled with the rest going to thermal recovery. Waste is only declared to be waste if it cannot be reused within our operations.

All returned packaging and customers packaging is reused, wherever possible, especially plastic packaging.

The Company accepts the return of non-functional equipment which is then used for parts supply to refurbish equipment that is still operational. Frequency Precision has equipment still working in the field which is almost 20 years old and is almost unique in its field in offering a repair/refurbishment service.

14 ENVIRONMENTAL IMPLICATIONS

14.1 An Environmental Impact Assessment has been completed and positive measures have been highlighted which are outlined in Appendix B.

15 HUMAN RESOURCE IMPLICATIONS

15.1 No impact

16. BACKGROUND PAPERS

16.1 Not Applicable

17. APPENDICES

APPENDIX A – Equalities Impact Assessment

APPENDIX B – Environmental Impact Assessment

NOTIFICATION DATE 05 April 2024

Date sent to all Members, put on website and appears in MIS – Committee, Member & Scrutiny Services can confirm this with you,



Signature of Executive Member Consulted

Date 13 March 2024



Signature of Decision Taker

Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

This is a Non-Executive Decision and these requirements therefore do not apply, the decision being immediate upon signature.