

Procurement Document

Open Framework

Application to enter

Supporting Progress and Inclusion

Reference DN608441

Tender Response Deadline	16:00 hours on 8 th September 2023
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Introduction

Purpose

The purpose of this document is to provide instructions on applying entrance ("application") into an Open Framework. The Application enables Dorset Council to receive sufficient information from Organisations ("Tenderers") which are interested in supplying the required Goods, Services or Works and to allow: a) both the assessment of their capacity and suitability, and b) enable the Council to evaluate the application submitted to find the most suitable Tenderer who can meet the Selection Criteria to appointment on to the Open Framework. Only Tenderers who successfully enter the Open Framework will receive a further "Invitation to Tender" ("ITT") for specific contract.

This application process has been issued by Dorset Council in connection with a competitive procurement in accordance with the Public Contract Regulations 2015 ("the Regulations").

Open Framework under Light Touch Regime

The Services are deemed to be health, social, education and other related services (Schedule 3 Social and "social and other specific services") for the purposes of the Public Contracts Regulations 2015 (SI 2015/102) ("the Regulations"). As the value of the Services exceeds the threshold of the "Light Touch" procurement regime set out in Chapter 3 Section 7 of the 2015 Regulations, the Regulations will apply for the purpose of procuring the Services however the Council is not obliged to comply with the full requirements of the 2015 Regulations.

In the case of an Open Framework, Light Touch Regime has been applied to:

- secure a framework term beyond the standard set by the Regulations;
- be continually open for Tenderers to apply to enter at anytime during the term of the Framework [not "Closed" to new entrants];
- provide the ability for Tenderers to improve their standing in the Framework as they themselves develop, e.g., to apply to enter further Lots.
- provide the ability for Tenderers, should they be unsuccessful, to improve their application and re-apply to enter the Framework;
- provide the ability to seek to Call-off Contracts based on Further Competition but reserving the right Direct Award based on need.

Title of Open Framework: Supporting Progress and Inclusion

Aim of the Open Framework

The Framework will ensure that Dorset Council is able to arrange suitable education or training provision for children and young people where it is needed. The need for such provision can arise for a number of reasons, including those set out under the government definition of Alternative provision: education arranged by local authorities for pupils who, because of exclusion, illness, or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed period exclusion; and where support is required for behavioural or other needs.

This new framework is part of a new model of alternative provision, where such provision is used where needed, and is high quality which enables children and young people to make progress. Where children and young

people can transition back into mainstream provision or onto a post 16 pathway, we are making it clear that alternative provision is a short-term intervention for re-engagement and support, that it is not a destination.

The Council's new delivery model is in line with the broad direction of the government's published proposals for SEND and alternative provision; it will however require changes to respond to the national requirements which are likely to be in around 2 years' time. A framework length of 2 years plus an optional 2 x 1 year extension, and a clear expectation in the tender that providers will respond to future national changes, provides the ability for Dorset Council to make changes as required. It is the intention for the framework to commence from September 2022.

Tenderers may apply to enter this Open Framework at any time during the period of the Framework and the Council will evaluate applications each school term ahead of any call-off requirements.

The Framework shall comprise of the following Lots:

- 1 Ofsted registered Alternative Provision
- 2 Inclusion support
- 3 Re-engagement
- 4 Teaching
- 5 Progress to settled adulthood

Educational establishments in the Dorset Council area may access and call-off from the framework using Lot 2 only. This includes all schools maintained by Local Authorities, Academies, Special Schools and Pupil Referral Units as listed here: [Schools and Academies Search Results | Dorset FID \(dorsetcouncil.gov.uk\)](#).

There is no limit on suppliers that will be admitted to the Framework.

As stated in 2.12 - 2.16 of the Specification:

2.12 A referral process will be used to identify individual Alternative Provision Placements.

Initial enquiry: All referrals for individual placements will be co-ordinated by the Brokerage Team and will include a referral form including, age, gender, needs and geography. The referral form will include which lot the referral is being made under. Referrals are sent electronically to the Providers on the identified lot, together with any supporting documentation, such as EHCP, Annual Review or Care plan (where applicable).

2.13 Offers of placement will be made by completing an expression of interest and will make reference to the Standard Weekly/Hourly fee (as appropriate) as provided in the tender submission.

2.14 Individual placements will be made on the basis of the best match to meet the needs of the individual child or young person, the geographical location and the price in that order (refer to Call-Off Award Criteria). All placement decisions are made in line with Dorset Council scheme of delegation.

2.15 The Individual Placement Agreement, completed by the Brokerage Team, will form the Contract between the Provider and the Council and will detail specific services and costs for each individual child or young person. The price for a placement is agreed at point of Call Off from the Framework. The Provider shall not go above the price set out in Framework (the Provider's tender "Offer" as accepted and awarded).

2.16 The Council shall award a Call-Off Contract, individual placement, or Block Contract, based on the following criteria per Lot and on the terms laid down in the Framework Agreement.

In respect of individual placements the following criteria shall be applied:

- Provider's suitability to meet an individual child's needs
- Provider location
- Price (best value)

The Council reserves the right to direct award under exceptional circumstances.

As stated in 1.1 - 1.6 of the Framework Agreement:

- 1.1 This Agreement provides a Framework for the Purchaser to use the Services of the Provider and is not intended to impose any restriction on the ability of the Purchaser to use the services of other providers. There will be no obligation on the Purchaser to award any Order under this Agreement during the Agreement Period.
- 1.2 No undertaking or any form of statement, promise, representation or obligation shall be deemed to have been made by the Purchaser in respect of the total quantity or value of the Services to be ordered by it pursuant to this Agreement and the Provider acknowledges and agrees that it has not entered into this Agreement on the basis of any such undertaking, statement, promise or representation.
- 1.3 The Purchaser appoints the Provider as a potential supplier of the Services and the Provider shall be eligible to be considered for the placing of an Order for the Services by the Purchaser during the Agreement Period on the terms of this Agreement.
- 1.4 This Agreement does not constitute an Order to the Provider to carry out any work on behalf of the Purchaser. The Purchaser shall only authorise the Services to be provided by way of placing an Order.
- 1.5 If the Purchaser decides to source Services through the Framework Agreement, it may award a Call-Off Contract in accordance with the procedure set out in the Services Specification and on the terms laid down in the Framework Agreement.
- 1.6 The Purchaser shall award a Call-Off Contract by way of further competition based on the criteria set out in the Service Specification at Schedule 1 but reserves the right in its absolute discretion to award by way of direct award.

Mitigating Fraud and Corruption Risks

Public sector commercial activity can be attractive to organised criminals. It is therefore important for the Council to consider risk of fraud and corruption when commissioning and procuring goods, works and services. Effective management of risk in these areas are part of being a risk-aware council, that manages its resources efficiently to secure value for money outcomes. The Ministry of Housing and Local Communities (MHCLG) defines such fraud and corruption as:

"... any fraudulent or corrupt activity occurring within the entire procurement lifecycle, from decision to procure through to the conclusion of the contract and including all purchasing with a value below the level of a formal tender process. This will therefore include commissioning, contract management and purchasing, as well as the tendering process itself". <https://www.local.gov.uk/review-risks-fraud-and-corruption-local-government-procurement>

The Council mitigates the risk of fraud and corruption using various tools, which includes before any contract award carrying out checks that will involve sharing personal and organisational information with fraud prevention agencies who will use it to prevent fraud and money-laundering and to verify identity. If fraud is detected, individuals or organisations could be refused certain services, finance, or employment. Further details on how information will be used by the Council, fraud prevention agencies, and data protection rights is available on [\[Cifas\]](#).

The Council takes any fraud and corruption seriously. Any suspected fraud or corruption must be brought to the attention of Commercial & Procurement in the first instance, who will refer to Legal Services for guidance, investigation, or action with the appropriate authorities. Alternatively, issues can be raised via the Council's whistleblowing policy.

IR35 - Employment Status

When the Council engages a contractor to provide services, it must ascertain the contractor's employment status to meet the requirements of HMRC and IR35 legislation. Should the Council determine that the contractor is to be regarded as an employee, the Council is required to deduct income tax and national insurance contributions from payments to the contractor.

Accordingly, Tenderers are expected to fully co-operate with the Council to provide all necessary information to enable the Council to accurately determine employment status.

Data Protection Legislation

Where the services require the successful Tenderer to process or share personal data, the contract/framework will be subject to the Data Protection Act 2018, incorporating the UK GDPR as set out therein and the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426).

The successful Tenderer must be familiar with all data protection legislation applicable within the UK, including their obligations as a data processor or controller, and will have all necessary systems and processes in place to ensure compliance. Guidance from the Information Commissioner's Offices is available here: [Guide to Data Protection | ICO](#)

If the service likely to result in high risk for individuals, the Council may be required to conduct a Data Protection Impact Assessment after contract/framework award but prior to any processing take place. The successful Tenderer must co-operate with this process as required.

The Council will liaise with the winning Tenderer to complete the data processing schedule which will form part of the contract/framework agreement entered into.

Notes for Completion

1. Glossary

- 1.1. **'Application'** means the process for applying for entrance into the Open Framework. It comprises of the minimum selection criteria, general service specification and contract terms and conditions;
- 1.2. **'Call-Off Contracts'** means the securing of contracts off the Open Framework via an Invitation to Tender;
- 1.3. **'Contract Terms and Conditions'** means the terms and conditions that will apply to all contracts secured from the Open Framework and forms part of the Application;
- 1.4. **'Council'** means Dorset Council;
- 1.5. **Not used;**
- 1.6. **'Open Framework'** is for Services that are deemed to be health, social, education and other related services (Schedule 3 Social and "social and other specific services") for the purposes of the Public Contracts Regulations 2015 (SI 2015/102) ("the Regulations). Where the value of the Services exceeds the threshold of the 'light touch' procurement regime set out in Chapter 3 Section 7 of the Regulations, the Regulations will apply for the purpose of procuring the Services however the Council is not obliged to comply with the full requirements of the Regulations.

The Open Framework is a completely electronic process for the selection of providers that comply with minimum selection requirements. It will remain open throughout its duration for the admission of any Tenderer who meets the Selection Criteria. Tenderers admitted to the Framework will be invited to submit Tenders [Invitation to Tender] for specific call-off contracts for Services when these requirements are identified by the Council;

- 1.7. **'E-tender system'** means the electronic tender system named Pro-Contract. It is provided by Proactis and is hosted via <https://www.supplyingthesouthwest.org.uk>;
- 1.8. **'General Specification'** means the service specification that indicates the nature of the Services intended to be purchased under the Open Framework as provided in the General Specification and forms part of the Contract Terms and Conditions;
- 1.9. **'Invitation to Tender'** means the Tender process and all its components, inviting tenders for goods, services, or works for specific contracts following admittance into the Open Framework;
- 1.10. **Not used;**
- 1.11. **'Rounds – Open Framework'** means where the Framework momentarily closes to bring new applications but the e-tender system immediately automatically opens again, therefore being continually open for applications. Round 1 being the initial establishment of the Framework and further Rounds are system generated as new applications seek to enter;
- 1.12. **'Selection Criteria'** means the minimum or essential criteria to be met by Tenderers in order to enter into the Open Framework and forms part of their Application. The selection criteria questions are within the e-tender system for Tenderers to respond to.

2. E-Tender System

- 2.1. Assistance in relation to the e-tender system is available to Tenderers via the Supplier Help Icon within the system.
- 2.2. Supplier Guidance documents are also available to view and download.

3. To View this Opportunity

- 3.1. To view the Tender (ITT) Information in detail click on the opportunity title within 'My activities' section. Click start, you can now view all the documents relevant to that opportunity.

4. Register Intent

- 4.1. Tenderers are able to click on "Register Intent" which will inform the Council of your intention to respond to this opportunity.
- 4.2. If a Tenderer does not wish to or is unable to submit an Application and not interested in proceeding, then they are required to click on 'No longer wish to respond' to decline the opportunity.

5. Response Wizard

- 5.1. After registering intent, Tenderers may then proceed to respond to the on-line questions.
- 5.2. To start the response Tenderers are required to click 'Start My Response'.

6. Selection of Lots

- 6.1. This Open Framework is in respect of several Lots refer to Lots on page 16 for Guidance in Respect of Lots.
- 6.2. Tenderers may apply for admission onto the Open Framework for one or more Lots.
- 6.3. Tenderers must ensure that the correct selection of lots has been made before they submit their response.

7. Confidentiality

- 7.1. This Application process, including all documentation, must be treated as private and confidential. Tenderers must not release the details of the Open Framework and/or Application other than on an 'In Confidence' basis to those whom they need to consult for the purpose of preparing the response, such as professional advisors or partner organisations for joint applications or consortia partners.
- 7.2. The Application and/or the Open Framework shall not be canvassed for acceptance or discussed with the media, any other Organisation, member/officer of Dorset Council, or their representatives.

8. Application Process

- 8.1. If the Council issues an amendment to the original Application process, and if it regards that amendment as significant, an extension of the closing date may, at the sole discretion, of the Council be given to all Tenderers.
- 8.2. Tenderers must obtain for themselves all information necessary for the preparation of their Application response and all costs, expenses and liabilities incurred by the Tenderers in connection with the preparation and submission of the Application shall be borne by the Tenderer, whether or not their application to enter the Open Framework is successful.
- 8.3. It is the Tenderers responsibility to ensure that they obtain the legal and specialist advice required to ensure they submit a compliant and complete Application and will be deemed by the Council to have done so.
- 8.4. Information supplied to the Tenderer by Council staff or contained in Council publications is supplied only for general guidance in the preparation of the Application.

- 8.5. Tenderers must satisfy themselves as to the accuracy of any such information and no responsibility is accepted by the Council for any loss or damage of whatever kind and howsoever caused arising from the use by Tenderers of such information.
- 8.6. Responses to each application question should be written concisely and clearly answer the question posed in English.
- 8.7. It is the Tenderers responsibility to ensure that their answers are responded directly to the questions. The Council will not evaluate any response or documentation submitted elsewhere by Tenderers in the e-tender system; only answered responses made direct to question placed will be evaluated.
- 8.8. Refer to [Supplier resources and top tips for tendering - Dorset Council](#)

9. Communication

- 9.1. All contact during this procurement should be submitted in writing through the e-tender system.
- 9.2. Tenderers should seek to clarify any points of doubt or difficulty via the e-tender system. It is not acceptable for Tenderers to seek clarifications via telephone or e-mail outside of the e-tender system.
 - 9.2.1. Where the Council considers any question or request for clarification to be of material significance it may communicate both the query and the response, in a suitably anonymous form, to all interested parties. Tenderers should therefore not include within the question placed their organisation's name and any potential commercially sensitive information.

10. Other Documents or Supporting Evidence

- 10.1. As instructed to do so within the e-tender system, the Tenderers must complete and upload other documentation that may be provided with this application process, or upload evidence to support their submission.

11. Whistleblowing Policy and Procedure

- 11.1. This policy describes the Council's commitment to supporting and protecting whistleblowers. It not only applies to council employees but also applies to suppliers.
- 11.2. For details of the policy:
<https://moderngov.dorsetcouncil.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13280>

Application Process

1. Application to enter the Open Framework

1.1. Tenderers may apply to enter the Open Framework by submitting an Application which comprises of:

- Selection Criteria questions regarding minimum entrance criteria [questions within e-tender system]
- Contract Terms and Conditions
- Schedule 1 Service Specification
- Schedule 2 Price Schedule – Lot 1
- Schedule 2 Price Schedule – Lot 2
- Schedule 2 Price Schedule – Lot 3
- Schedule 2 Price Schedule – Lot 4
- Schedule 2 Price Schedule – Lot 5

2. Applying for Admission into an Established Open Framework - This is where the Open Framework has already been established but Organisations wish to apply to enter for the first time, or to re-apply, or to improve existing Application.

- 2.1. Tenderers may apply to enter this Open Framework at any time during the period of the Framework and the Council will evaluate applications each school term ahead of any call-off requirements.
- 2.2. Tenderers may submit their Application within the e-tender system at any time in the duration of the Open Framework.
- 2.3. Tenderers to complete questions and upload documentation to the e-tender system, where requested to do so.
- 2.4. **It is the Tenderer's responsibility to ensure that their Application is submitted within the e-tender system by the closing date and time.**
- 2.5. Failure to answer and complete the Application in full within the e-tender system will result in the Council rejecting the Application as a failed submission.

3. Application Validation Period

- 3.1. All Tenderers shall keep their Application valid and open for acceptance by the Council for a period of 90 calendar days from the date of submission of Application.

Evaluation and Selection

1 Evaluation

- 1.1 Evaluation of Applications will be undertaken by officers of the Council who will follow a systematic and comprehensive process using the selection criteria.

2 Selection Process

- 2.1 The Council expects to make a decision on selection to enter the Open Framework within 40 working days of the closing date for the submission of Applications.
- 2.2 The decision will be based on the evaluation criteria as outlined under Evaluation and Selection
- 2.3 Tenderers selected by the Council to enter into the Open Framework shall be notified in writing.
- 2.4 Tenderers who have not been successful in entering into the Open Framework shall also be notified in writing.
- 2.5 Admission on to the Open Framework shall not:
- 2.5.1 be a guarantee for any award of Contract for Goods or Services. There is no obligation on the Council to purchase any Services the Open Framework;
- 2.5.2 provide any guarantee of business;
- 2.5.3 constitute a Contract nor the authorisation to supply Goods or Services to the Council nor carry out any Work on behalf of the Council.
- 2.6 Tenderers should note that the Council reserves the right to terminate this procedure without any Invitation to Tender. They should also note that, should they be successful in being selected to enter into the Open Framework, the Council reserves the right to terminate the selection, if at any time it is discovered that the Tenderer made any material misrepresentation and/or have not notified to the Council about any material changes in relation to the information provided in the application process.

3 Selection Criteria

- 3.1 Tenderer's completion of the On-Line Questions will give the selection outcome. Such questions shall include, but are not limited to, questions in relation to company policies, accreditations and memberships, or specific technical abilities in relation to the goods and services to be tendered for and are considered essential criteria to enter the Open Framework.
- 3.2 Table: Selection Criteria

SELECTION CRITERIA	
All Lots	Standard Selection Questionnaire (SQ)
All Lots	Part 3 – Standard Selection Questionnaire – Open Procedure
Lot 1 Only	Lot Specific - Essential Criteria
Lot 2 Only	Lot Specific - Essential Criteria
Lot 3 Only	Lot Specific - Essential Criteria
Lot 4 Only	Lot Specific - Essential Criteria
Lot 5 Only	Lot Specific - Essential Criteria

Evaluation	<p>The on-line questions within the e-tender system must be completed by Tenderers and, where requested to do so, Tenderers must attach required documentation. All the individual questions are mandatory therefore Tenderers are required to submit a response. Failure to complete the on-line questions will result in a Fail as Evaluators will not be able to evaluate fully the submitted Application.</p> <p>Pass / Fail: Where sections or questions have the criteria as a Pass or Fail, it will be clearly stated as such. Section or questions scored as a Fail will result in the Application not being successful in entering the Open Framework.</p> <p>Tenderer's response to each question shall be scored using the evaluation award criteria score set out below.</p> <p>5 – Excellent = Comprehensive and detailed response that provides high levels of confidence that the required service and delivery will be achieved. Demonstrates excellent understanding of the specification and contract requirements.</p> <p>3 – Good = Response addresses key issues and is adequately developed. Provides good levels of confidence that the required service and delivery will be achieved. Demonstrates good understanding of the specification and contract requirements.</p> <p>1 – Basic = Response addresses a limited range of issues and is basically developed. Provides only limited levels of confidence that the required service and delivery will be achieved. Demonstrates only a basic understanding of the specification and contract requirements.</p> <p>0 – Unacceptable = No response or response fails to address issues and is poorly developed. Provides little or no confidence that the required service and delivery will be achieved. Demonstrates little or no understanding of the specification and contract requirements.</p> <p>The Council reserves the right to supplement to the above definitions, against individual questions to aid evaluation and Tenderers.</p> <p>Appendix D – Tender Evaluation Model provides a copy of the on-line evaluation specific to the requirements in terms of:</p> <ul style="list-style-type: none">• questions and if applicable, sections/subsections that will be evaluated• evaluation award criteria scoring per question• weightings per question and if applicable, weighting per section/sub-section• pass/fail criteria, if applicable <p>All the individual questions are mandatory therefore Tenderers are required to submit a response. Failure to complete the on-line questions will result in a Fail as Evaluators will not be able to evaluate fully the submitted.</p>
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Minimum Evaluation Score

Where any evaluation question has a minimum score threshold for award, Tenderers must achieve the relevant minimum score threshold stated in respect of each and every one of the relevant questions. This would be evaluation panel's average score as the result of the evaluation process. **The Council shall reject Tenders that do not meet one or more of the minimum score thresholds.**

Each of the questions below have a minimum **average** score set of 1 – Basic. If Tenderer is scored 0 – Unacceptable against any one of these questions, then the Council will reject their Tender as they have not the minimum score threshold of 1 – Basic.

Question No	Question Weighting %	Minimum Score
3	20%	1 - Basic
4	20%	1 - Basic
6	15%	1 - Basic

Moderation of Evaluation Award Criteria Scores

The evaluators shall independently score tender submissions. In the event that evaluators have given different scores to the same response, a moderation exercise will be led by Commercial & Procurement, as the moderator, with the evaluators to agree consensus score in accordance with the evaluation award criteria scoring.

Price Evaluations: The scoring is carried out within an Excel spreadsheet outside of the e-tender system.

The equations used outside of the system to reach the score between 0 – 5 are as follows: (for purposes of explanation, the outcome of each calculation is show below as sum A, sum B, etc.)

Stage 1

All price bids are compared against lowest bid to reach percentage difference from lowest bid.

*Equation: $price\ bid - lowest\ bid / lowest\ bid * 100 = Sum\ A$*

Stage 2

Sum A is then shown as % different from 100

Equation: $100 - Sum\ A = Sum\ B$

Stage 3

Sum B is then divided by 100 to show it as a figure

Equation: $Sum\ B / 100 = Sum\ C$

Stage 4

Sum C is then multiplied by the maximum score of 5 to reach the final score (5 being the maximum score set within the e-tender system)

	<p><i>Equation: Sum C * 5</i></p> <p>The final score (outcome of Stage 4) is then entered into the e-tender system (evaluation of Price) and will be within 2 x decimal places, e.g.,3.50 and then the relevant weighting for the price evaluation is applied (refer to Evaluation Weightings and Appendix D – Tender Evaluation Model). No minus scores are acceptable therefore any minus scores will be entered as 0.</p> <p>The purpose of the price evaluation is to gain an indication of all-round competitiveness and therefore the average price of all services within a Lot listed by a tenderer shall be used.</p> <p>The pricing gathered will allow the information to be used by the brokerage team to follow the call-off process.</p> <p>Evaluation Weightings</p> <p>Score cards are set in the e-tender system which may hold sections, subsections and questions that are weighted. Within a score card all weightings are allowed a maximum of 100 and based on percentages. This applies to a single weighting of score card, section, subsection or question.</p> <p>For example:</p> <p>Score card with four sections</p> <p>Four sections @ 25% weighting each = 100% weighting for the whole evaluation</p> <p>Five questions in a section @ 20% weighting each = 100% weighting for the whole section</p> <p>An evaluation has a maximum score of 5 (as set in the e-tender system). If question has a weighting @ 20% and the evaluation attained a score of 5, then the result will be achieving the full 20% of the question's weighting.</p> <p>Evaluation weightings are applied first to the questions, and then the results of those weightings are applied to sections/subsection.</p>
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4 Financial Evaluation

- 4.1 The extent of the Financial Evaluation will depend on the value and strategic importance of the contract, whether a Public Contract or individual Call-Off Contracts from a Dynamic Purchasing System OR Open Framework Agreement. The objectives of undertaking Tenderer's financial assessment as part of a procurement exercise are to:
- Assess the risk to public sector business and/or public money which would result if a Tenderer bidding for a contract were to go out of business, or have inadequate financial resources to perform the contract; and
 - When justified, eliminate from the procurement any Tenderer whose current financial capacity would pose an unacceptable risk to business and/or public money.
- 4.2 Financial evaluation will be a combination of both financial and non-financial factors and will consider:

- Applicant Acceptability - status of a Tenderer in relation to the requirements of Regulation 57 and 58 of the Public Contracts Regulations 2015.

4.3 **Economic and Financial Standing**

4.4 A Tender will be deemed to be a higher risk if the Tenderer appears to be an unrealistic candidate where the contract value represents a disproportionate volume of the Tenderer's business taking into account the nature, timescales, value and risk of the contract.

4.5 The review of the financial health of a Tenderer may include, but not be limited to, the following checks:

- General review of Financial Statements.
- Review of ratios as appropriate, such as the areas of Financial Structure (such as liquidity and gearing), Operating Performance (such as efficiency, profitability, and working capital), and Investment.
- A credit rating check.
- Review for unusual accounting policies
- Review for major business restructuring.
- Review of Audit Opinion.

4.6 It is emphasised that financial standing is only a part of the overall selection criteria.

5 Procurement Timetable:

5.1 The indicative timetable for the next round of the Open Framework is set out below. This is intended as a guide and, whilst the Council does not intend to depart from the timetable, it reserves the right to do so at any time.

Table: Procurement Timetable

Date or Target Date	Activity
Friday 8 th September 2023 at 16:00hrs	Round 4 – Return Date
Friday 27 th October 2023	Evaluation Concluded
Monday 30 th October 2023 – Thursday 16 th November 2023	Authorisation to Award
Friday 17 th November 2023	Successful Applicants – Notified of Provisional Award
Friday 17 th November 2023	Unsuccessful Applicants - Notified
Friday 17 th November 2023 – Monday 27 th November 2023	Standstill period
Tuesday 28 th November 2023	Successful Applicants – Notified of Formal Award

Guidance in Respect of Lots

1 Evaluation of Lots

1.1 This procurement procedure is for the following Lots; therefore, Applications will be evaluated per Lot.

- Lot 1 – Ofsted registered Alternative Provision
- Lot 2 – Inclusion support
- Lot 3 – Re-engagement
- Lot 4 – Teaching
- Lot 5 – Progress to settled adulthood

1.2 Several evaluation templates may make up each Lot which is necessary to avoid Tenderers, where possible, having to answer the same questions potentially several times. This is not always avoidable and dependant on whether the question and potential response is generic enough to apply to all Lots.

2 Selection of Lot Templates

2.1 Tenderers are required to opt-in to all templates of the Lot or Lots that are of interest to them.

For example:

There may be more than one template referring to Lot 1 therefore the Tenderer if interested in Lot 1, is required to opt-in to each of these templates in order to access the on-line questions applicable to that particular Lot and all such templates that form the Indicative Tender for Lot 1.

If not interested in Lot 1 then opt-out would be the correct selection; by opting-out the Tenderer is not submitting an Application for that Lot and is removing themselves from Lot 1.

2.2 Refer to the Lot Templates Table overleaf to understand which evaluation templates are within the application process and which hold the on-line questions that must be answered per Lot:

2.3 Tenderers are strongly advised to refer to the Lot Templates Table to ensure that they opt-in to all the templates relevant to the Lot(s) they are interest in and do not opt-out of any in error. An opt-out action equates to self-removal of the Tender from that Lot.

2.4 The correct selection is the responsibility of the Tenderer and the Council is unable to rectify any opt-outs made in error.

2.5 Tenderers may re-apply to enter the Open Framework for other lots in the next rounds, if they so wish to do so, and/or improve their original application.

Lot Templates Table

Key:

✓ = template is applicable to that Lot

✗ = template is not applicable to that Lot

All Template questions are on-line therefore requiring a response

LOT	Standard Selection Questionnaire (SQ)	Part 3 – Standard Selection Questionnaire – Open Procedure	Lot 1 – Ofsted registered school	Lot 2 – Inclusion support	Lot 3 – Re-engagement	Lot 4 – Teaching	Lot 5 – Progress to settled adulthood
1	✓	✓	✓	✗	✗	✗	✗
2	✓	✓	✗	✓	✗	✗	✗
3	✓	✓	✗	✗	✓	✗	✗
4	✓	✓	✗	✗	✗	✓	✗
5	✓	✓	✗	✗	✗	✗	✓

Invitation to Tender for Call-Off Contracts

1 Invitation to Tender

- 1.1 If the Council decides to conduct a tender competition through the Open Framework in respect of individual call-off contracts, only those Tenderers who have successfully entered the Open Framework (and the Lot if Lots are applied) shall receive an Invitation to Tender. The basis of the Contract Terms and Conditions, selection criteria, and any overarching general service specification shall not be substantially changed.
- 1.2 The Council reserves the right to conduct an Invitation to Tender based on the most economically advantageous tender as declared in the individual Invitation to Tender. This may be an evaluation based on either Price Only, Quality Only or both Price and Quality as detailed below:

Price Only

- The Council will conduct an Invitation to Tender based on evaluation of 100% price where is seeking the best price from Tenderers to meet the particular circumstances of the individual requirement and no element of quality is to be evaluated.

Quality Only

- The Council will conduct an Invitation to Tender based on 100% quality from Tenderers which meet the particular circumstances of the individual requirement, such as where the commissioning is fixed core funding, and no element of price is to be evaluated.

Both Price and Quality

- The Council will conduct an Invitation to Tender based on an evaluation of both price and quality from Tenderers where the award criteria of price / quality split will be weighted to meet the particular circumstances of the individual requirement

- 1.3 When conducting an Invitation to Tender for call-off contracts from the Open Framework, Tenderers will be provided with a work specification, any service specification related terms and conditions specific to the call-off requirements which shall be in addition to the already agreed Contract Terms and Conditions, and award criteria. Such Invitation to Tenders shall be commensurate to the size and complexity of the individual requirement.
- 1.4 Demonstrations, interviews, presentations and/or site visits may be required as part of an Invitation to Tender for call-off contracts.

2 Direct Award under Open Framework (Light Touch applied)

- 2.1 Whilst it is the intention for the Council to Call-off contracts following tender competition, the Council reserves the right to direct award a contract without competition should there be a particular need, unforeseen or otherwise.

3 Invitation to Tender Response Time

- 3.1 The response time for submission of tenders for call-off contracts may vary to meet the particular circumstances of the individual requirement and shall be declared within the Invitation to Tender.

Contract Terms and Conditions

1. Terms and Conditions

- 1.1. The terms and conditions as set out in Contract Terms and Conditions and Appendices form part of the Tenderer's Application to enter the Open Framework and as such:
 - 1.1.1. These terms may not be qualified or amended with the submission of an Application for selection to the Open Framework.
 - 1.1.2. Where a Tenderer receives an Invitation to Tender for specific contract following entrance into the Open Framework, these terms and conditions will wholly be incorporated in the said contract, unless otherwise amended by the Council in the Invitation to Tender.
 - 1.1.3. Further terms and conditions may be incorporated within a specific contract by the Council and details of which will be included within the Invitation to Tender relating to the Contract.
- 1.2. By submitting an Application to enter the Open Framework Tenderers are agreeing to the Contract Terms and Conditions and shall thereby constituted and become binding on both parties under any pursuant Contract.

2. Contract Documentation

- 2.1. It is not a requirement of the Open Framework for both parties, Council and the Tenderer, to sign paper-based contract documentation as it is a requirement for all elements of the process to be fully electronic held within the system. The Council however reserves the right to seek a hard copy signature between both parties for any specific contract and should this be a requirement, the details of which will be included in the Invitation to Tender.

Documentation

Within this Tender process Tenderers have been provided with the following documentation. Where indicated by ✓ these are required to be completed and uploaded within the e-tender system.

LOCATION OF DOCUMENT	DOCUMENT TITLE	COMPLETE AND UPLOAD
Advert / EOI	Procurement Document – Open Framework v2 14.08.23	✘
Advert / EOI	Framework Terms & Conditions	✘
Advert / EOI	Schedule 1 – Service Specification	✘
Advert / EOI	Schedule 2 - Price Schedule - Lot 1	✓
Advert / EOI	Schedule 2 - Price Schedule - Lot 2	✓
Advert / EOI	Schedule 2 - Price Schedule - Lot 3	✓
Advert / EOI	Schedule 2 - Price Schedule - Lot 4	✓
Advert / EOI	Schedule 2 - Price Schedule – Lot 5	✓
Advert / EOI	Appendix A – Safeguarding standards for contracted providers	✘
Advert / EOI	Appendix B – Engagement and Learning	✘
Advert / EOI	Appendix C – Individual Placement Agreement	✘
Advert / EOI	Appendix D – Tender Evaluation Model	✘

Disclaimer

The information in this document does not purport to be comprehensive. It has not been independently verified. It is not intended to provide the basis of any investment decision and should not be considered as a recommendation by Dorset Council nor as an invitation to negotiate.

The Council does not accept any qualifications or additions to invitations to tender except those raised and responded to in the clarification stage or where a response to a question is requested. The Council will not accept any amendments or alterations to the terms and conditions raised before, during or after the tender submission.

Any errors in this procurement document shall not invalidate the Tender procedure nor release any Tenderer from any obligation under a Contract. Errors or omissions corrected by the Council that affect the contract shall be made by agreement.

The Council reserves the right to change the Tender procedure without prior notice and to terminate discussions and the delivery of information at any time before the signing of any contract.

Reference DN608441