

**TORBAY COUNCIL**

**Part 1 Information**

**Contract Reference**

**TCS4623**

**Contract Title**

**Torbay Council Framework Agreements for:**

**Lot 1 – Approved Temporary Agency Staff  
Providers,**

**Lot 2 – Social Worker Agency Staff  
Providers**

**and**

**Lot 3 – Approved Sole Temporary Agency  
Staff Provider for services required by  
SWISCo**

**2024-2028**

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**The Tender Documents can be made available in other formats. For further information please submit your request through the messaging facility on the Supplying the South West e-Tendering Portal**

## **A Availability of the Tender Documents**

In order to give potential Applicants unrestricted, full, direct and free of charge access to the Tender Documents (***the Documents***) Torbay Council is providing the Documents in PDF format in the Opportunities Area of the Supplying the South West e-Tendering portal (***ProContract***).

In order to access amendable versions of the Documents and to submit a response Applicants must be registered on ProContract. Applicants should then register an interest to access the opportunity, download the Documents for completion and submit a response.

For details on how to register, access an opportunity and submit a response refer to Appendix A ProContract User Guide.

## **B Procurement Information**

### **B1 Background Information**

Torbay Council currently utilises its Standing List of Approved Temporary Agency Staff Providers for both Approved Temporary Agency Staff Providers and Approved Social Worker Agency Providers. This Standing List arrangement expires on 01 January 2024.

The purpose of this retender process is to identify successful Providers who will be selected for a place on two new Framework Agreements; for Lot 1 - Approved Temporary Agency Staff Providers and Lot 2 - Approved Social Worker Agency Providers, from the 01 January 2024

Only those Applicants who meet the Authority's core requirements, and achieving an appropriate quality score will be awarded a place on either the Lot 1 or Lot 2 Framework Agreements. There is no limit to the number of Providers that will be awarded places. Applicants are free to bid for a place on either Framework, or for places on each one.

Both Lot 1 and Lot 2 provides no guarantee of any work to the Provider. The Frameworks are only an approved list of Providers who are pre-qualified to put forward Candidates for a temporary position, when the need arises.

When a new requirement for an Agency Worker arises, all Providers on the relevant Lot can be invited to put forward Candidate's for the available temporary position and the selection will be based upon an assessment of the Candidate's CV, and the outcome following an interview undertaken by the Authority. Depending on the nature of the role, candidates may be required to work on site at Torbay Council offices, or there may be an

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option to work either in a hybrid way (home and office) or permanently at home, but this will be very role and service specific.

### **Lot 3– Approved Temporary Agency Staff Providers for services required by SWISCo, (a wholly owned company of Torbay Council):**

The purpose of this exercise is to award a Contract to an approved sole provider for the provision of all temporary staff positions required, under Lot 3. This provider will be a default provider for the duration of the Contract period and will be expected to deliver the roles required by SWISCo.

If the awarded provider cannot fulfil the temporary position at any time, then SWISCo will reserve the right to call upon the Lot 1 Framework providers, to see if they can supply.

B1.1 **Not used.**

## **B2 Core Requirements**

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Applicants must be able to demonstrate they will meet any Core Requirements set out in Part 2 Specification for the whole term of this Framework Agreement and Contract (for Lot 3).

## **B3 Contract Period**

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It is anticipated that the Framework Agreements and Contract will commence on 03 January 2024 or on a date to be agreed for a period of 4 years or until the end of the allocated budget, subject to termination clauses within Terms and Conditions of Contract and as provided for in 72 Modification of contracts during their term of the Public Contracts Regulations 2015.

## **B4 Contracting Arrangements**

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The Authority is purchasing on behalf of other contracting authorities.

Access to this Contract will be available to any Council wholly owned subsidiary companies, including (but not limited to): SWISCo, Torbay Economic Development Company t/a TDA, TorVista, Medical Tuition Service.

## **B5 Division of Contract into Lots**

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This Contract is being divided into 3 Lots.

### **Lot 1 - Approved Temporary Agency Staff Providers**

The Authority requires Agency Providers that are able to supply for temporary Professional and other specialist roles. The types of positions that will typically be requested are listed below:

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- Accountant
- Barrister
- Lawyer
- Business Support Officer
- Customer Services Advisor
- Environmental Health Officer
- Finance Officer
- Housing Options Officer
- Human Resources Business Partner
- Hut Moving Crew (Beaches)
- Legal Officer
- Parking Services Manager
- Parking attendant
- IT Analyst
- Personal Assistant
- Payroll Officer
- Planning Officer

Applicants should note that this is not an exhaustive list of the roles that may be required to be filled during the life of the Framework and is included only as examples.

## **Lot 2 – Childrens Services (Social Work) and Education**

The Authority requires Agency Providers that can supply:

- Service Manger
- Head of Service
- Social Worker
- Experienced Social Worker
- Specialist (Advanced/Consultant) Social Worker
- Assistant Team Manager
- Team Manager/Independent Reviewing Officer
- Special Educational Needs and Disability (SEND) Caseworkers
- Special Educational Needs and Disability (SEND) EHCP Co-ordinators
- Special Educational Needs and Disability (SEND) Amendment Officers

## **Lot 3 – SWISCo**

- Depot - Operative Level 3
- Technical Customer Support Co-ordinator
- Business Services Operative
- Highways Operatives Levels 1,2 and 3
- Streetscene Operatives Levels 1,2 & 3
- Streetscene Team Leader plus HGV
- Grounds Maintenance – Operatives Levels 1,2 and 3
- Waste and Recycling -Operatives Waste Collection Level 1
- Waste and Recycling – Operatives Waste (Technical) Level 3
- Waste and Recycling – Team Leader and HGV Level 3 Waste Collection
- Transfer Station – Operatives Waste Disposal Level 1,2 and 3
- Transfer Station – Operative Waste Technical Level 3

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- Transfer Station – Team Leader and HGV Waste Disposal
- Office – Administration roles
- Fleet and Transport – Skilled Technician
- Fleet and Transport – Business Services Support

Applicants should note that this is not an exhaustive list of the roles that may be required to be filled during the life of the Contract and is included only as examples.

Applicants may tender for one or all Lots.

**Please note:** it is critical that Applicants state clearly in their response to Question 1.4 within Part 4 Selection Questionnaire, which Lots they are bidding for.

## **B6 Contract Price**

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### **B6.1 Budget (Charge rate)**

#### **Lot 1 - Approved Temporary Agency Staff Providers**

With reference to the Pricing for Lot 1, Torbay Council rates the pay of all job roles under a Job Evaluation Scheme. Therefore, it is a requirement that the Applicant agrees that workers placed on assignment, will be paid in accordance with Torbay Council rates of pay, appropriate for the role.

Applicants should ensure that all of their employment costs are included within the Charge Rate/on-cost. This on-cost can be expressed as a percentage figure of the Pay Rate per Hour, or as an hourly on-cost figure (£).

If an agency worker is successful after the 12-week qualifying period in securing permanent employment within the Council, it is a requirement of the Framework that there is no temporary to permanent introduction fee.

#### **Lot 2 - Approved Social Worker Agency Providers**

Due to market conditions for Lot 2, it has been decided that set per-hour Pay Rates will be paid for each type of Social Worker provided. This set Pay Rate will be the same for every Agency Provider on the Lot 2 - Approved Social Worker Agency Providers Framework. Please refer to Part 7 Pricing for further information.

It is a requirement that Applicants agree to be paid these set Pay Rates, in accordance with the Memorandum of Co-Operation.

Applicants should also express their Charge Rate / on-cost as a percentage figure of the Pay Rate per Hour, or as an hourly on-cost figure (£).

If an agency worker is successful after the 12-week qualifying period in securing permanent employment within the Council, it is a requirement of the Framework that there is no temporary to permanent introduction fee.

**Please note** - as of 1<sup>st</sup> July 2023, the pay rates within the Memorandum of Co-Operation for Lot 2 social care roles, are being reviewed by the Southwest

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Employers. Once the new rates are available these will be shared with all Providers awarded a place on the Framework.

### **Lot 3 – SWISCo**

With reference to the Pricing for Lot 3 – SWISCo rates the pay of all job roles under a Job Evaluation Scheme. Therefore, it is a requirement that the Applicant agrees that workers placed on assignment, will be paid in accordance with SWISCo rates of pay, appropriate for the role.

Applicants should ensure that all of their employment costs are included within the Charge Rate / On-cost. This must be expressed as a percentage figure of the Pay Rate per Hour.

If an agency worker is successful after the 12-week qualifying period in securing permanent employment within SWISCo, it is a requirement of the Contract that there is no temporary to permanent introduction fee

### **B6.2 Price Review**

The price for Lot 1 and Lot3 can be reviewed based on the Torbay Council pay rates, when the annual cost of living award is made, normally each April, although this varies from year to year as this is subject to National Agreements. Torbay Council will notify successful bidders when the pay rates have changed.

The price for Lot 2 only, will be negotiated on an individual basis considering the Memorandum of Co-Operation and the set pay rates. But Applicants must also please state what their charge rates will be for each post detailed within Lot 2 Pricing Schedule.

Charge Rate variation during the term of the Contract will be by negotiation only.

Any price variations for both Lots will not take effect until they have been mutually agreed by both parties in accordance with the *Change Control Procedure* at Schedule 9 of the Contract.

### **B7 Variant Bids**

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Torbay Council will not consider variant bids.

### **B8 Procurement Timetable**

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Torbay Council proposes the following timetable for the award of the Contract(s):

<b>Procurement Stage</b>	<b>Dates</b>
Sent Call for Competition and Tender Documents Published	Friday 25 August 2023
Clarification Question Submission Deadline	Friday 15 September 2023 by 12:00 noon



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Clarification Responses Deadline	Tuesday 19 September 2023
Escorted site visit – for Lot 3 (SWISCO) only	Monday 04 September 2023 at 10:30am
Tender Submission Date & Time	<b>Thursday 28 September 2023</b> no later than 12:00 noon
Evaluation Period	Wednesday 27 September – Tuesday 31 October 2023
Contract Award Notification	Wednesday 01 November
Standstill Period	Thursday 02 to Monday 13 November 2023
Lead In Time / Mobilisation Phase	Monday 20 November – Tuesday 02 January 2024
Contract Start	Wednesday 03 January 2024

Torbay Council reserves the right to change the above timetable and Applicants will be notified accordingly if there is a change.

Please Note: Due to the Project's critical path, any request for an extension to this deadline which will impact on timescales for delivery is unlikely to be granted.]

## **B9 Authority Representatives**

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Applicants are advised that Torbay Council Representatives will only respond to queries or questions in relation to this Tender opportunity through ProContract and are unable to respond to any questions raised verbally or by email.

### **Authority Authorised Representative:**

Susan Wiltshire - Head of HR – All Lots

Jo Sandbrook – HR Manager – All Lots

Claire Knott – Recruitment Lead – Children's Services Recruitment Hub (Lot 2 only)

Paul Luscombe – Head of Business, Commercial and Support Services SWISCO (Lot 3 only)

Kim Smith – Senior HRBP SWISCO (Lots 1 and 3 only)

### **Procurement Representative:**

Lawrence Brown – Procurement Officer – All Lots

## **B10 Site Visit**

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Torbay Council does not propose to undertake formal escorted site visits for Lots 1 and 2, however this may be a consideration for bidders in relation to Lot 3 (SWISCO). Applicants

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should notify Torbay Council through ProContract's 'Messaging' facility, by no later than 12.00 noon on Friday 01 September 2023, that they wish to attend an escorted site visit (for Lot 3) to SWISCO's business premises in Paignton, Devon, on Monday 04 September 2023 at 10:30am. Applicants may be limited to a maximum of two representatives. PPE will be provided if required

For Lots 1 and 2, Applicants may visit the Council sites prior to completing their offer, to ensure they are fully familiar with the site locations. Claims on the grounds of lack of knowledge of site locations/conditions will not be accepted by Torbay Council.

## C Procurement Process

### C1 Procurement Procedure

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Torbay Council is inviting expressions of interest and Bids from Applicants in response to the Notice published on Find a Tender (FTS) under the identification number 2023/S 000-025121 dated 25 August 2023. This Procurement is being undertaken following the Open Procedure as outlined within the Directive (2014/24/EU) and implemented in the United Kingdom by The Public Contracts Regulations 2015 (SI 2015/102).

Only those organisations fulfilling all of the criteria set out in Regulation 77 of the Public Contracts Regulations may submit a Tender.

### C2 Stage One Selection

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#### C2.1 Selection

Torbay Council will use a Selection process to test Applicants' previous experience, existing capacity, compliance with relevant legislation and their ability to demonstrate that there are no formal grounds for exclusion.

The Selection Questionnaire can be found in Part 4 Selection Questionnaire.

The Applicant's response will be evaluated in accordance with the scoring methodology set out in section 0 below.

Applicants will need to satisfy the requirements of Stage One in order for their Stage Two response to be evaluated.

**Please Note:** Applicants are required to submit responses to Part 3 Certificates and Declarations, Part 4 Selection Questionnaire, Part 5 Award Questionnaire AND Part 7 Pricing Criteria

Torbay Council will then assess Part 4 Selection Questionnaire responses to ascertain that its minimum pass/fail requirements have been met. The pass/fail criteria is set out in 0 below.

#### C2.2 SQ Part 1 and 2

Where Applicants rely on other organisations to meet any of the selection criteria they must submit a completed SQ Part 1 and 2 for each of those organisations. This includes parent companies, affiliates, associates, or essential subcontractors. SQ Part 1 and Part 2 will be assessed in accordance with the selection criteria set out in C2.4 below.

#### C2.3 European Single Procurement Document

In accordance with Regulation 59 of the UK Public Contract Regulations 2015 Applicants may submit an XML version of the ESPD in place of Parts 1 and 2 of Part 4 Selection Questionnaire but must complete and submit Part 3 of the Selection Questionnaire.

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## C2.4 Selection Criteria

Applicants are advised to ensure they have read and fully understand the criteria below, which will be used in the evaluation process:

Stage One Selection	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
<b>Part 4 Selection Questionnaire</b>		<b>Pass</b>		<b>Pass</b>
<b>Part 1 Potential Supplier Information, comprising:</b>	<b>Torbay Council may exclude any Applicant who fails part or all of this section.</b>			
Section 1 Potential Supplier Information	This will be assessed on the basis of pass or fail. In order for the response to be considered a pass it must be fully completed by the Applicant and the Applicant must demonstrate that they meet the requirements of this section.		Pass	Pass
Section 1 Bidding Model	This section will be assessed on the basis of pass or fail. The Applicant must demonstrate that the Bidding Model proposed meets the requirements of the tender to pass.		Pass	Pass
<b>Part 2 Exclusion Grounds:</b>	<b>Torbay Council may exclude any Applicant who fails this section.</b>			
Section 2 Grounds for Mandatory Exclusion	This will be assessed on the basis of pass or fail. Torbay Council may exclude any Applicant who answers 'Yes' in any of the situations set out in this section.  The decision to exclude an Applicant in relation to the Exclusion Grounds will be subject to evidence of self-cleaning being provided by the Applicant demonstrating its reliability despite the existence of a relevant exclusion ground and Torbay Council considering such evidence to be sufficient.		Pass	Pass
Section 3 Mandatory and discretionary grounds relating	This will be assessed on the basis of pass or fail. Torbay Council may exclude any Applicant who answers 'Yes' to any of the situations set out in this section.		Pass	Pass

Stage One Selection	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
to the payment of taxes and social security contributions	Torbay Council reserves the right to use its discretion to exclude a potential supplier where it can demonstrate by any appropriate means that the potential supplier is in breach of its obligations relating to the non-payment of taxes or social security contributions.			
Section 4 Grounds for Discretionary Exclusion	<p>This will be assessed on the basis of pass or fail. Torbay Council may exclude any Applicant who answers ‘Yes’ to any of the situations set out in this section.</p> <p>The decision to exclude an Applicant in relation to the Exclusion Grounds will be subject to evidence of self-cleaning being provided by the Applicant demonstrating its reliability despite the existence of a relevant exclusion ground and Torbay Council considering such evidence to be sufficient.</p>		Pass	Pass
<b>Part 3 Selection Questions</b>	<p><b>Supporting evidence submitted in response to this section will only be evaluated as part of award due diligence should the Applicant be successful. At this stage, pass or fail evaluation is based on a completed response being received or self-certifying that the relevant criterion is met (see question-specific criteria below).</b></p> <p><b>Torbay Council may exclude any Applicant who fails to complete part or all of this section.</b></p>			
Section 5 Economic and Financial Standing	<p>This will be assessed on the basis of pass or fail.</p> <p><b>Assessment of Suitable Financial Standing</b></p> <p><b>Question 5.1, 5.2 or 5.3</b> – where the Applicant has provided the requested documentation, the response will be deemed a pass. Where the Applicant has not provided the requested</p>		Pass	Pass

Stage One Selection	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
	<p>documentation, the response will be deemed a fail. The information provided will only be assessed in respect of the successful Applicant(s) as part of Award Due Diligence.</p> <p><b>Question 5.4</b> – the Applicant is required to indicate whether their annual turnover for the previous 2 financial years is a minimum of twice the Annual Contract Value of £200,000.00 (Lot 1 only), £500,000.00 (Lot 2 only), £1,835,826.00 (Lot 3 only) <sup>1</sup>. A ‘Yes’ response will be considered to be a pass and a ‘No’ response a fail.</p> <p><b>Question 5.5</b> –where the applicant has confirmed they meet the requirement or the requirement is not applicable, this will be deemed a pass. Where they confirm they do not meet the requirement, this will be deemed a fail.</p> <p><b>Overall Assessment of Section 5</b></p> <p>At this stage Applicants will not be excluded from the process solely on the basis of failing one or more requirements in section 5. Torbay Council will consider all of the information provided by the successful Applicant(s) in their response to this section and undertake further financial checks, in accordance with Award Due Diligence below, to determine whether they have passed or failed this section in its entirety.</p> <p><b>Award Due Diligence</b></p> <p>The Council will carry out a credit check on the successful</p>			

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<sup>1</sup> The annual contract value is defined as the minimum anticipated spend over the life of the contract divided by the length of the contract, including any extensions.

Stage One Selection	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
	<p>Applicant, using Dun and Bradstreet's Finance Analytics system. The information, together with the Applicant's response to the questions in section 5, will be used to ascertain whether a broad financial appraisal should be undertaken.</p> <p>Where the requirement for a broad financial appraisal is established through the evaluation of the Selection Questionnaire, the Council will undertake an assessment of the circumstances of the Contract and the Applicant to determine financial capacity, health and dependency. This appraisal will be used to inform an assessment of risk. In making this assessment, Torbay Council will appraise a range of financial information applying a broad commercial perspective, including an appraisal of the financial statements submitted by the Applicant and an appraisal of other relevant sources of financial information, including but not limited to Dun and Bradstreet's Finance Analytics system. Torbay Council will use the outcomes of this appraisal to determine the Applicant's financial standing and in its opinion the level of risk to Torbay Council and as such whether a guarantor will be required. Where the appraisal indicates to Torbay Council that the Applicant is a clearly unrealistic bidder with inadequate resources and without, in its opinion, adequate financial support guarantees, Torbay Council reserves the right to reject the Applicant's bid and the contract will not be awarded.</p>			
Section 6 Technical and Professional Ability – Relevant	<b>Question 6.1 or 6.2.</b> In order for the response to be considered a pass, a response must be provided to 6.1 or 6.2 by the		Pass	Pass

Stage One Selection	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
Experience and Contract Examples	<p>Applicant. Failing to provide an answer to at least one of these questions will be considered a fail.</p> <p><b>Question 6.3</b> If the Applicant is intending to sub-contract a proportion of the contract, then in order for the response to be considered a pass a response must be provided, not providing a response will be considered a fail.</p> <p>Torbay Council will assess the information provided by the successful Applicant(s) in their response to this section as part of award due diligence.</p> <p>Torbay Council will contact any named organisation(s) to confirm that the information provided is accurate. Applicants should ensure they make any named organisation(s) aware that their details have been provided and that they will be contacted to verify the information.</p> <p>Where it has not been possible to verify the examples provided, at the sole discretion of Torbay Council the Applicant may fail this requirement and the contract will not be awarded.</p>			
Section 7 Additional Questions (7.1 to 7.6)	<p><b>Question 7.1</b> will be assessed on the basis of pass or fail. The Applicant must demonstrate they meet all the requirements.</p> <p>The successful Applicant will be required to provide evidence of compliance as part of the due diligence process.</p>		Pass	Pass



Stage One Selection	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
	<p>For <b>Question 7.5</b> where the applicant has confirmed they meet the requirement, this will be deemed a pass. Where they confirm they do not meet the requirement, this will be deemed a fail.</p> <p><b>Questions 7.6(a), (b) and (c)</b> will be assessed on the basis of pass or fail. In order for the response to be considered a pass it must be fully completed by the Applicant. Completed responses will not be assessed at this stage, but any information provided may be used as part of the broad financial appraisal of the successful Applicant.</p>			
<p>Section 7 Additional Questions (7.12)</p>	<p><b>Question 7.12(a)(i)</b> will be assessed on the basis of pass or fail. In order for the response to be considered a pass it must be completed by the Applicant.</p> <p>For <b>Questions 7.12 (a) (ii) and 7.12 (a) (iii)</b> responses will not be assessed at this stage, but any information provided may be used as part of the broad financial appraisal of the successful Applicant.</p> <p><b>Question 7.12(b)</b> will be assessed on the basis of pass or fail. The Applicant must demonstrate they meet all the requirements. A Yes response is a pass and the successful Applicant will be required to provide evidence that they meet the requirements as part of award due diligence.</p>		<p>Pass</p>	<p>Pass</p>

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Stage One Selection	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
	<p>Torbay Council may exclude any Applicant who answers 'No' to any of the requirements set out in this section. The decision to exclude an Applicant in relation to a 'No' response will be subject to the justification they provide in the response box in 7.12(b) and Torbay Council considering such evidence to be insufficient.</p> <p>Where award due diligence indicates to Torbay Council that the evidence provided does not demonstrate the Applicant's ability to meet the requirements, Torbay Council reserves the right to reject the Applicant's bid.</p>			
Section 7 Additional Questions (7.13)	Not Used		N/A	N/A

### C3 Stage Two Award

#### C3.1 Award Evaluation

Torbay Council will only undertake an evaluation of Most Economically Advantageous Tender (MEAT) criteria of those Applicants who have satisfied the requirements of Stage One Selection.

The Award criteria have been designed to assess MEAT, taking into account a combination of Quality, Social Value and Price. The top scoring Applicants will be considered to have been successful.

The Applicant's response will be evaluated in accordance with the scoring methodology set out in section C4 below.

**Please Note:** All percentage scores will be calculated to two decimal places.

For Lot 3 only [Where the scoring for two or more Tender submissions is tied, the top scoring Applicant will be the Applicant who has achieved the higher score on Method Statement C1.

Applicants are advised to ensure they have read and fully understand the criteria below, which will be used in the evaluation process:

Stage Two Award	Evaluation Criteria	Main Criteria	Sub-Criteria (Lot 1)	Sub-Criteria (Lot 2)	Sub-Criteria (Lot 3)	Threshold
<b>Total Score Available</b>		100.00%				
<b>The criteria below are applicable to Lot 1, Lot 2, and Lot 3</b>						
<b>Quality</b>						
<b>Award Questionnaire – Lots 1 and 2 (section B)</b>			85.00%	85.00%		

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Stage Two Award	Evaluation Criteria	Main Criteria	Sub-Criteria (Lot 1)	Sub-Criteria (Lot 2)	Sub-Criteria (Lot 3)	Threshold
<b>Method Statements (for Lots 1 and 2 only)</b>	This criteria will be assessed in accordance with the zero to five scoring basis as set out in 0 below.					
	<i>Method Statement B1 – Recruitment, Selection and Training procedures</i>		25.00%	25.00%	N/A	N/A
	<i>Method Statement B2 – Timesheets, Pay, Invoicing and Holidays</i>		20.00%	20.00%	N/A	N/A
	<i>Method Statement B3 – Contract Management, Implementation and Performance</i>		25.00%	25.00%	N/A	N/A
	<i>Method Statement B4 – Equality and Inclusion</i>		15.00%	15.00%	N/A	N/A
<b>Award Questionnaire – Lot 3 (section C)</b>					<b>50.00%</b>	
<b>Method Statements (Lot 3 only)</b>	This criteria will be assessed in accordance with the zero to five scoring basis as set out in 0 below.					
	<i>Method Statement C1 – Attracting, Recruiting, and Selecting Candidates</i>		N/A	N/A	20.00%	N/A

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Stage Two Award	Evaluation Criteria	Main Criteria	Sub-Criteria (Lot 1)	Sub-Criteria (Lot 2)	Sub-Criteria (Lot 3)	Threshold
	<i>Method Statement C2 – Induction, Supervision and Staff Management</i>	/	N/A	N/A	5.00%	N/A
	<i>Method Statement C3 – Pay, Invoicing and Administration of contractual annual leave</i>	/	N/A	N/A	5.00%	N/A
	<i>Method Statement C4 - Health, Safety &amp; Welfare</i>	/	N/A	N/A	5.00%	N/A
	<i>Method Statement C5 - Contract Management</i>	/	N/A	N/A	5.00%	N/A
	<i>Method Statement C6 – Contract Mobilisation</i>	/	N/A	N/A	10.00%	N/A
<b>Demonstration / Interview / Presentation – Not Used</b>		/	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
	<b>Social Value Criteria</b> ( <i>Applicants bidding for places on Lot 1 and/or Lot 2 should complete and submit Part 8c Light Set Social Value Calculator - Framework. Applicants bidding for Lot 3 should complete their Social Value bid, via the Social Value Portal</i> )	<b>10.00%</b>	/	/	/	/

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Stage Two Award	Evaluation Criteria	Main Criteria	Sub-Criteria (Lot 1)	Sub-Criteria (Lot 2)	Sub-Criteria (Lot 3)	Threshold
Qualitative Criteria	These criteria will be assessed in accordance with the requirements set out in Part 6 Social Value Requirement.	/	7.00%	7.00%	7.00%	N/A
Quantitative Criteria	These criteria will be assessed in accordance with the requirements set out in Part 6 Social Value Requirement.	/	3.00%	3.00%	3.00%	N/A
<b>Pricing Criteria – Lot 1 and 2</b>		<b>5.00%</b>	/	/	/	/
Pricing Schedule	This/These criteria will be assessed in accordance with the comparative scoring basis as set out in 0 below.	/	/	/	/	/
	<p><b>Pricing Criteria for Lot 1 – Approved Temporary Agency Staff Providers</b></p> <p>The assessed comparative scoring will be based on the submitted 'Total Average Charge Rate/On-cost' figure within cell H66 of the Lot 1 – Pricing Schedule (within Part 7 Pricing).</p>	/	5.00%	N/A	N/A	N/A

Stage Two Award	Evaluation Criteria	Main Criteria	Sub-Criteria (Lot 1)	Sub-Criteria (Lot 2)	Sub-Criteria (Lot 3)	Threshold
	<p>Please note cell H66 will automatically calculate from the percentage or cost (£) figures submitted within columns E and G and Applicants need only complete one column: E or G for each row, from 6 to 63.</p> <p>Applicants with the lowest '<i>Total Average Charge Rate/On-cost figure</i>', will score the maximum percentage score available for this Pricing Criteria and Applicants with higher figures will be awarded percentage scores proportionate to their distance from the lowest figure.</p>	/				
	<p><b><i>Pricing Criteria for Lot 2 – Childrens Services (Social Work) and Education</i></b></p> <p>The assessed comparative scoring will be based on the submitted '<i>Total Average Charge Rate/On-cost for Evaluation Purposes</i>' figure within cell H14 of the Lot 2 – Pricing Schedule (within Part 7 Pricing).</p>	/	N/A	5.00%	N/A	N/A

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Stage Two Award	Evaluation Criteria	Main Criteria	Sub-Criteria (Lot 1)	Sub-Criteria (Lot 2)	Sub-Criteria (Lot 3)	Threshold				
	<p>Please note cell H14 will automatically calculate from the percentage or cost (£) figures submitted within columns E and G and Applicants need only complete one column: E or G, for the Social Worker roles detailed.</p> <p>Applicants with the lowest '<i>Total Average Charge Rate/On-cost for Evaluation Purposes</i>' figure will score the maximum percentage score available for this Pricing Criteria, and Applicants submitting higher prices will be awarded percentage scores proportionate to their distance from the lowest cost.</p>	/	/	/	/	/				
<p><b>Pricing Criteria – Lot 3 only</b></p>	<p><b>40.00%</b></p>						/	/	/	/
<p><b><i>Pricing Criteria for Lot 3 – (SWISCO)</i></b></p> <p>The assessed comparative scoring will be based on the submitted '<i>Charge Rate/On- cost (as a %</i></p>	/						<p>N/A</p>	<p>N/A</p>	<p>40.00%</p>	<p>N/A</p>



For Information

Stage Two Award	Evaluation Criteria	Main Criteria	Sub-Criteria (Lot 1)	Sub-Criteria (Lot 2)	Sub-Criteria (Lot 3)	Threshold
	<p><i>figure of the Pay Rate per Hour</i>) figure within column E of the Lot 3 – Pricing Schedule (within Part 7 Pricing).</p> <p>Applicants with the lowest '<i>Charge Rate/On-cost</i>' figure will score the maximum percentage score available for this Pricing Criteria, and Applicants submitting higher prices, will be awarded percentage scores proportionate to their distance from the lowest cost.</p>	/				

## C4 Scoring Methodology

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Responses will be assessed using one, some or all of the following methods:

### C4.1 Pass/Fail

Evaluation criteria assessed on a pass/fail basis are those where either meeting the requirement is essential to Applicant's ability to deliver the Contract, or it is a prerequisite for the Authority to assess the commercial viability of an Applicant's bid. They will usually relate to questions where a Yes or No response can be provided. The ability to meet the requirement will achieve a Pass and the Applicant will achieve a fail where they are unable to meet the requirement.

Where an Applicant fails one or more Pass/Fail criteria they may be deselected from participating further in the process and will be notified accordingly. Applicants should refer to the evaluation criteria contained in sections 0 and 0

The criteria will also set out how the Applicant should evidence their ability to meet the requirement, this will be either:

- within their response to the mandatory criteria itself
- during due diligence prior to contract award.

If the Applicant is not able to subsequently evidence the ability to meet the requirement the response will be considered to be a fail and the Applicant will be deselected from participating further in the process and will be notified accordingly.

### C4.5 Zero to Five Scoring

Evaluation criteria assessed on a scoring basis will be evaluated using the zero to five scoring system in the table on the next page.

The scoring system is based on the degree to which the Applicant satisfies the requirement and provides sufficient evidence to support their response.

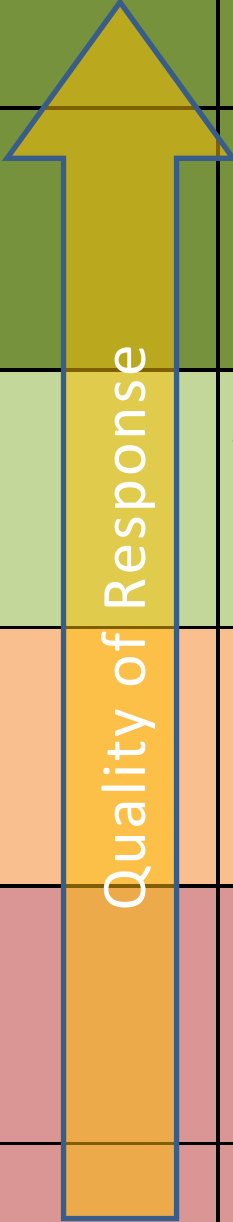
Where an Applicant's response is considered to have achieved a score of three, a further assessment will be made to determine whether the response has met the criteria required for a score of four or five to be awarded.

The Council's usual approach to evaluation of Tenders is for each Panel member to undertake an independent assessment of bids. The Panel will then come together in a Moderation Meeting, where a consensus score will be agreed.

**Please Note:** Where an Applicant's response is considered not to satisfy all of the core requirements, the maximum score achievable will be two, regardless of whether the Applicant exceeds the requirement in relation to some aspects of their response.

The scoring system awards the highest marks to those Applicants who, in addition to fully satisfying the core requirements, demonstrate their ability to meet some or all of the additional contract specific requirements or offer further services.

<p><b>Score 5 - Excellent</b></p>	<p>Excellent demonstration by the Applicant of the relevant ability, understanding, experience, skills, resource &amp; quality measures required to deliver the core requirements and most or all of the additional requirements, with evidence to support the response. Response identifies significant added value and/or innovation.</p>
<p><b>Score 4</b></p>	<p>Good demonstration by the Applicant of the relevant ability, understanding, experience, skills, resource &amp; quality measures required to deliver the core requirements and some or most of the additional requirements, with evidence to support the response. Response identifies potential added value.</p>
<p><b>Score 3</b></p>	<p>Satisfactory demonstration by the Applicant of the relevant ability, understanding, experience, skills, resource &amp; quality measures required to deliver the core requirements, with sufficient evidence to support the response.</p>
<p><b>Score 2</b></p>	<p>Demonstration by the Applicant of the relevant ability, understanding, experience, skills, resource &amp; quality measures required to deliver the majority of the core requirements and/or limited evidence to support the response.</p>
<p><b>Score 1</b></p>	<p>Poor demonstration by the Applicant of the relevant ability, understanding, experience, skills, resource &amp; quality measures required to deliver the core requirements, with little or no evidence to support the response.</p>
<p><b>Score 0 - Unacceptable</b></p>	<p>Does not comply and/or unacceptable demonstration by the Applicant of the ability, understanding, experience, skills, resource &amp; quality measures required to deliver the core requirements, with little or no evidence to support the response.</p>



**Scoring Example:**

<b>Sub Criteria % = 15.00%</b>			
<b>Applicant</b>	<b>Assessment</b>	<b>Score Awarded</b>	<b>%Score</b>
Applicant A	Exceeds the requirement, with an exceptional demonstration of relevant ability, understanding, experience, skills, resource & quality measures required to deliver the Contract, with evidence of significant added value/innovation	5	15.00%
Applicant B	Fully satisfies the requirement, provides sufficient evidence to demonstrate their ability to deliver the contract and offers some potential added value.	4	12.00%
Applicant C	Only meets some of the requirements, provides adequate evidence to demonstrate their ability to meet those requirements satisfied within the response and offers some added value and innovation in relation to aspects of their offer.	3	9.00%
Applicant D	Only meets some of the requirements, provides adequate evidence to demonstrate their ability to meet those requirements satisfied within the response and offers some added value and innovation in relation to aspects of their offer.	2	6.00%
Applicant E	Applicant says they fully satisfy the requirement, but provides insufficient evidence to demonstrate relevant ability, understanding, experience, skills, resource & quality measures required to deliver the Contract.	2	6.00%
Applicant F	Applicant does not provide sufficient assurance that they have the relevant ability, understanding, experience, skills, resource & quality measures required to satisfy the majority of the requirements.	1	3.00%
Applicant G	Applicant does not provide sufficient assurance that they have the relevant ability, understanding, experience, skills, resource & quality measures required to satisfy any of the requirements.	0	0.00%

**C4.6 Thresholds – Not used**

**C4.7 Weightings – Not used**

**C4.8 Comparative Scoring**

Evaluation criteria assessed on a comparative basis are those where the Applicant’s response can be compared to that of other Applicants, for example in relation to Pricing criteria and the quantitative element of the Social Value criteria:

- Price: Applicants offering the lowest price will score maximum marks out of a possible 100 and Applicants submitting higher prices will be awarded marks proportionate to their distance from the lowest price.
- In the event an Applicant submits a bid which results in any of the Pricing evaluation criteria being a zero, in order to return a score for the other Applicants the price used for evaluation purposes will be £0.01.
- Social Value: Applicants offering the highest monetary benefit will score maximum marks out of a possible 100 and Applicants with lower monetary benefit will be awarded marks proportionate to their distance from the highest monetary benefit.

**Scoring Example 1:**

$$\frac{\text{Lowest Price}}{\text{Applicant's Price}} \times \text{Available Marks} = \text{Score}$$

<b>Lowest Price: £1,000,000</b>		<b>Criteria: 60.00%</b>
<b>Applicant</b>	<b>Price</b>	<b>Score</b>
Applicant A	£1,000,000	60.00%
Applicant B	£1,100,000	54.55%
Applicant C	£1,273,050	47.13%
Applicant D	£1,899,999	31.58%

**Scoring Example 2:**

$$\frac{\text{Lowest Price}}{\text{Applicant's Price}} \times \text{Available Marks} = \text{Score}$$

<b>Lowest Price: £0.01</b>		<b>Criteria: 60.00%</b>
<b>Applicant</b>	<b>Price</b>	<b>Score</b>
Applicant A	£0.00	60.00%

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Applicant B	£1,100,000	0.00000055% Awarded Score to 2 Decimal Places 0.00%
Applicant C	£1,273,050	0.00000047% Awarded Score to 2 Decimal Places 0.00%
Applicant D	£1,899,999	0.00000032% Awarded Score to 2 Decimal Places 0.00%

**Scoring Example 3 (Social Value):**

$$\frac{\text{Applicant's score}}{\text{Highest score}} \times \text{Available Marks} = \text{Score}$$

<b>Highest Score: 16</b>		<b>Criteria: 3%</b>
<b>Applicant</b>	<b>SV Score</b>	<b>Score</b>
Applicant A	16	3.00%
Applicant B	6	1.13%
Applicant C	12	2.25%
Applicant D	11	2.06%

**K1.1 Social Value Scoring**

**Please Note:** the scoring basis and evaluation criteria for Social Value are set out in Part 6 Social Value Requirement.

**K1.2 Character, Word and Page Limits**

Character, word or page limits relate to the maximum number of characters, words or pages Applicants can submit.

Where an Applicant’s response exceeds any limit set, those elements of the response which fall outside of that limit will not be evaluated.

## D Tender Requirements

### D1 Communication

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**All** communication between Torbay Council and Applicants will take place through ProContract, this includes but is not limited to:

- (a) clarification questions;
- (b) submission of Confidentiality Agreements and issue of confidential Documents;
- (c) requests to participate in site visits;
- (d) suggestions and queries in relation to the Terms and Conditions;
- (e) post tender clarification questions;
- (f) invitations to demonstrations, interviews or presentations;
- (g) outcome notification letters.

Applicants must not make direct contact with Council officers, during the procurement process regarding this tender.

**Please Note:** Applicants are responsible, at all times during the Tender process, for checking whether any messages or amendments have been issued and should not rely solely upon automatic notification from ProContract.

### D2 Tender Clarification

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**Please Note:** Torbay Council will only accept clarification questions, including queries or suggestions on the Terms and Conditions, during the clarification period stated in the Procurement Timetable, unless the question is directly related to a response issued by Torbay Council on or after the deadline for submission of questions.

Where the Tender is being run as a 2 stage process queries or suggestions on the Terms and Conditions may only be raised during Stage One.

Torbay Council will not negotiate on any of the substantive terms of the Documents.

Responses to clarification questions will be provided to all Applicants except where the question:

- (a) is innovation based, in which case the response will only be provided to the Applicant who raised the question; or
- (b) relates to confidential Documents, in which case the response will only be provided to Applicants who have submitted a Confidentiality Agreement.

Torbay Council will endeavour to respond to clarification questions within 5 working days of the date the question is submitted, or the next working day if the question is submitted on a non-working day.

The identity of Applicants raising questions will remain confidential.

Applicants are responsible for ensuring they read and understand all of the responses to questions that have been raised.

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Applicants will need to register an interest in the Tender on ProContract in order to access responses to clarification questions or receive communications from Torbay Council regarding amendments to the Documents.

### **D3 Amendment to Documents**

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Amended Documents will be made available in both the publicly accessible opportunities area of ProContract and within the tender opportunity itself, except where the amendment relates to a confidential Document. Where changes are substantial and Torbay Council considers Applicants need additional time to take these changes into account, the Tender Submission deadline will be extended in accordance with the Public Contracts Regulations 2015.

Where the amendment relates to a confidential Document the amended Document will only be shared with those Applicants who have submitted a Confidentiality Agreement.

Amended Documents will form part of the resultant Contract.

**Please Note:** Applicants are responsible for ensuring they have read all communications and the amended Documents and will be considered to have taken any amendments into account when preparing their submission.

### **D4 Post Tender Clarification**

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Post tender clarification will be for the purposes of clarifying or supplementing the content of an Applicant's submission or Torbay Council's requirements where this would not be discriminatory to other Applicants. Questions may be issued to one, some or all Applicants as appropriate.

**Please Note:**

- Where post tender clarification results in modification to an Applicant's Tender Torbay Council reserves the right to reject the Tender.
- Where the post tender clarification results in substantial modification to the Contract Torbay Council reserves the right to restart or abandon the Tender process.
- Failure to respond to post tender clarification questions within the specified timescale may result in the Applicant's Tender being rejected.

### **D5 The Tender Documents**

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The Documents are and shall remain the intellectual property of Torbay Council. Applicants may only copy or reproduce the Documents for the purposes of their response. If no response is submitted the Applicant shall delete any Documents downloaded.

Where an Applicant identifies an error or omission within the Documents they should immediately notify Torbay Council through ProContract. Torbay Council will then rectify the error or omission and issue any amended Documents.

Some tenders will include confidential Documents and the tender Documents will then include a separate Confidentiality Agreement appendix. Any Documents considered by Torbay Council to be of a confidential nature will not be made publicly available. Applicants

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are responsible for ensuring that confidential Documents are treated as such, are used only for the purposes of this tender and are not disclosed in whole or part to any 3<sup>rd</sup> party without Torbay Council's prior written consent.

Applicants can access confidential Documents by completing and submitting the Confidentiality Agreement through the ProContract Messaging Facility.

Torbay Council may reproduce the whole or any portion of submitted Tenders for the purpose of tender evaluation.

## **D6 Preparation and Completion of Tenders**

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Applicants are responsible for ensuring they fully understand the requirements and have all the information they need to enable them to submit a response, within the time required. Torbay Council will not accept any claims related to an Applicant's failure to read and understand the Documents.

Applicants are responsible for meeting any costs, expenses or liabilities incurred in connection with this process, including if it is terminated or amended by Torbay Council. Torbay Council will not be responsible, nor will they pay for any expense or loss which may be incurred by Applicants in the preparation of their Tenders, or any other aspect of the Tender process.

Applicants are advised to note the following when completing their response:

- (a) all entries including responses to questions, rates, price totals or any other endorsements must be typewritten in English and in £ sterling. Handwritten responses will not be accepted;
- (b) responses must be submitted in the Documents as provided or on-line where required;
- (c) the format and layout of the response Documents must not be altered;
- (d) Part 3 Certificates and Declarations may be submitted in pdf format, but all other response Documents must be submitted in the format issued;
- (e) responses should be made in full and should not refer to information provided elsewhere in the Submission;
- (f) responses should fully address the requirements and should not rely on any knowledge the Council may have of your organisation or any contracts held with the Council, as your bid can only be evaluated on the basis of the information contained within it;
- (g) your responses should be written in English, in sentences with spaces between the words. Symbols or any other characters inserted between words instead of spaces is not acceptable. Any information that exceeds the word limits stated or that is not provided in the correct format will be redacted from your response and will be excluded from the evaluation;
- (h) supporting Documents / appendices will only be evaluated where these have been permitted within the response;
- (i) appendices, where permitted, must be clearly referenced within the response;
- (j) where a question does not apply to an Applicant they should clearly state N/A in

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- the response section;
- (k) individual evaluators may not evaluate the entire response and the evaluation panel may include other stakeholders, such as partner organisations or people who use Council services;
- (l) do not make any assumptions about your past or current supplier relationship with Torbay Council or assume that such prior relationships will be taken into account in the evaluation procedure;
- (m) all Documents must be completed in full, in accordance with any specific instructions set out within the Document and signed where required.

**Please Note:** Failure to complete or submit any of the Documents in accordance with Torbay Council's requirements may result in the Tender being rejected.

As arrangements relating to consortium bids or sub-contracting may change Applicants should respond on the basis of the arrangements envisaged at the time the Tender is submitted. Torbay Council must be notified immediately of any changes or proposed changes in relation to the bidding model, so that a further assessment against the selection criteria can be made. Torbay Council reserves the right to deselect the Applicant prior to any award of contract, based on an assessment of the updated information.

Where Applicants rely on other organisations to meet any of the selection criteria they must submit a completed SQ Part 1 and 2 Declaration for each of those organisations. This includes parent companies, affiliates, associates, or essential subcontractors.

Before submitting any documentation, Applicants need to understand the nature of Torbay Council's transparency commitments for tenders and contracts and the scope of Torbay Council's ability to withhold material. What will be disclosed does not differ from that currently disclosable under Freedom of Information legislation, but Applicants must ensure they understand the limitations on Freedom of Information exemptions for confidentiality and commercially sensitive information. **Please Note:** Applicants are requested to clearly identify any Documents or information contained within their submission which they consider to be commercially sensitive either during the tender process or after conclusion of the Contract.

**Please Note:** Applicants are expected to read, understand and confirm their acceptance of the Terms and Conditions before submitting their Tender. Where an Applicant reserves the right to comment or negotiate on them at a later date, this may result in the Tender being rejected.

## **D7 Submission and Opening of Tenders**

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Applicants should submit all documentation electronically through ProContract ([www.supplyingthesouthwest.org.uk](http://www.supplyingthesouthwest.org.uk)) using the Response Wizard as directed in the 'Supplier Guide' located in the help section or in Appendix A ProContract User Guide.

Applicants are responsible for ensuring:

- (a) they have submitted all of the required Documents in the correct format;
- (b) their response is submitted by the deadline. **Please Note:** any submissions classified by ProContract as late will be rejected.

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In the event Torbay Council is made aware of any technical issues with ProContract, which may prevent Applicants from meeting the submission deadline, the deadline may be extended. However Applicants are strongly advised to submit their Tender in good time.

Where an Applicant decides not to submit a Tender Torbay Council requests that the Applicant formally 'Opts Out' through ProContract, giving the reasons for non-submission. Torbay Council may contact Applicants who have expressed an interest but have not submitted a Tender, in order to understand their reasons for non-submission.

An Applicant's submitted Tender will constitute an irrevocable offer to provide the required goods, services or works.

### **Technical Support**

Any Applicants who experience problems with ProContract should contact the support desk:

[ProContractSuppliers@proactis.com](mailto:ProContractSuppliers@proactis.com)

Or click on the Help link at the bottom of the web page.

**Please Note:** If your issue is time sensitive call:

**0330 005 0352**

This line is available 09:00 to 17:30 Monday to Friday (excluding English bank and public holidays).

All Tenders will remain electronically sealed until the Submission deadline, when they will be unsealed by an independent Verifier in the presence of a member of the Procurement Team.

### **D8 Rejection of Tenders**

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Torbay Council will only reject Tenders where rejection is without prejudice to any other civil remedies available to Torbay Council or any criminal liability which the Applicant's conduct may attract.

Torbay Council will reject any Tender where:

- (a) submission was made after the date and time specified on the Documents;
- (b) submission was not made through ProContract;
- (c) the Applicant has not accepted Torbay Council's Terms and Conditions. **Please Note:** Torbay Council will seek clarification from the Applicant prior to rejecting the Tender;
- (d) the Applicant acts in any way improperly, including but not limited to canvassing, price fixing or inducements (which relate to offences under the Bribery Act 2010, Section 117 of the Local Government Act 1972 or any future legislation);
- (e) Torbay Council has become aware at any point that the Applicant has been afforded a competitive advantage or has a conflict of interest that cannot be rectified; or
- (f) Torbay Council has, after evaluation and moderation, determined that a

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threshold has not been achieved.

Torbay Council may at its absolute discretion reject any Tender where:

- (a) any situation(s) set out in regulation 57(8) of the Public Contracts Regulations 2015 are found by the Council to apply to the Applicant;
- (b) it is not in accordance with the required format;
- (c) the Applicant alters the Documents in any way;
- (d) it is considered by Torbay Council to be incomplete (see 0) or vague;
- (e) any of the information provided by an Applicant is found to be inaccurate
- (f) the Applicant contradicts itself in terms of any information provided;
- (g) the Applicant fails to demonstrate it will meet its TUPE obligations, where applicable to the contract;
- (h) the price has been assessed as being abnormally low (see 0);
- (i) the Applicant's price exceeds Torbay Council's declared budget;
- (j) the Applicant does not respond to post tender clarification questions within the specified timescale;
- (k) the tender has been qualified in any way; or
- (l) it is in breach of any condition contained within it.

Where the Applicant is relying on the capacity of a consortium member or sub-contractor and that organisation does not meet any relevant selection criteria and the Applicant is unable to replace the organisation with an alternative, if required by Torbay Council, this may result in the Applicant's Tender being rejected.

### **D8.1 Abnormally Low Tenders**

Where an Applicant's price has been assessed as being abnormally low Torbay Council will require the Applicant to explain the price proposed and will assess the explanation in accordance with the guidance set out in the Public Contracts Regulations 2015. The Tender will only be rejected where the evidence provided does not satisfactorily account for the low price or where the Applicant has obtained State Aid that has resulted in a distortion in competition.

Advice in assessing the explanation may be sought from Torbay Council's Corporate Finance section.

### **D8.2 Incomplete Tenders**

Tenders will be considered incomplete where the Applicant has not:

- (a) submitted all of the required Documents, including any supporting information requested;
- (b) fully completed all of the Documents required;
- (c) responded to all of the questions; or
- (d) submitted the Documents in the required format.

## D9 Evaluation and Award

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All accepted Tenders will be evaluated in accordance with the evaluation criteria set out in the Documents.

Torbay Council will only complete a full evaluation of Tenders which meet conditions of tender and have not been rejected for any of the reasons set out above (see D8).

Where the Applicant is relying on the capacity of a consortium member or sub-contractor and that organisation does not meet any relevant selection criteria Torbay Council reserves the right to require the Applicant to replace the organisation with an alternative.

The evaluation will be carried out by an Evaluation Panel and will be moderated by a member of the Procurement Team.

**Please Note:** Not all Panel members may assess every question, but all Tenders will be evaluated in the same manner and by the same Panel. Evaluation Panels may not comprise solely of Torbay Council's Officers, but may also include other key stakeholders, such as partner organisations and people who use Council services.

On completion of the evaluation process approval to award the Tender will be sought in accordance with Torbay Council's approval procedure.

Torbay Council is not bound to make any award of Contract. If the Contract is awarded it will be on the basis of the most economically advantageous tender, which may not be the lowest price offered.

All Applicants will be notified of the Tender outcome at the same time, unless where previously notified their Tender has been rejected. Notification will be through ProContract.

**Please Note:** Applicants will be advised through ProContract of any changes to the decision date.

Torbay Council will comply with the requirements of *Regulation 87 Standstill period* of the Public Contracts Regulations 2015.

## D10 Legal and Contracting Arrangements

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Information supplied by Torbay Council as part of the tender process is supplied in good faith and Applicants must satisfy themselves as to the accuracy of such information. Torbay Council accepts no responsibility for any loss or damage arising from the use by Applicants of such information. All information issued to Applicants must be treated as confidential.

Applicants must ensure that they are fully familiar with the nature and extent of the obligations that they will take on if their Tender is accepted.

This Tender will be run in accordance with the requirements of regulations *24 Conflicts of interest* and *41 Prior involvement of candidates or tenderers* of the Public Contracts Regulations 2015.

Where the successful Tender is on behalf of a consortium Torbay Council may require the consortium to assume a specific legal form or require joint liability for the execution of the Contract, where this is considered necessary for the satisfactory performance of the

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## Contract.

The information provided by Applicants will be relied upon to be true and accurate and will form part of the Contract with the successful Applicant. **Please Note:** If any of the information provided by an Applicant is found to be inaccurate the Applicant may be excluded from further participation in this or any future Tender issued by Torbay Council and could lead to termination of any resultant Contract.

In submitting a response Applicants will be confirming to Torbay Council that:

- (a) they have satisfied themselves of the accuracy and viability of all prices or rates stated within their response;
- (b) all prices or rates quoted will (unless otherwise provided for in the Contract) cover all of the Applicant's obligations under the Contract;
- (c) they have obtained all of the necessary information in relation to risks, contingencies or any other circumstances which reasonably influence or affect their bid;
- (d) their Tender is accurate and sufficient.

Torbay Council may, at its absolute discretion, extend the closing dates and times by amending the Tender on ProContract. Prospective Applicants will receive notification of the change of submission date and time. Unless any such extension has been granted, Tenders submitted after the submission dates and times will not be considered.

Torbay Council may, at its sole discretion, terminate the tendering procedure at any time. If such action is taken, Applicants will be notified through ProContract.

Torbay Council reserves the right to restart or abandon the Tender process where the lowest price submitted exceeds its estimate or available budget.

The Applicant's offer shall remain open for acceptance for a period of 6 months from the closing date and may be extended by mutual agreement.

**Please Note:** if the successful Applicant does not accept the Terms and Conditions as drafted Torbay Council reserves the right to withdraw the Contract award and class the submission as non-compliant.

Any acceptance of the Tender by Torbay Council will be communicated in writing to the Applicant and upon that acceptance the Contract shall become binding on all parties. Prior to issuing the Contract the successful Applicant may be required to provide evidence, including but not limited to, the accuracy of their self-assessment within Part 4 Selection Questionnaire and compliance with any Contractual requirements, such as insurances, disclosure and barring service checks and policies and procedures.

**Please Note:** If the successful Applicant is unable to provide this evidence Torbay Council reserves the right to withdraw the Contract award and class the submission as non-compliant.

The successful Applicant will not be allowed to commence performing the Contract prior to the formal Contract Documents being signed by both parties, unless written agreement to do so has been given by Torbay Council's Legal Service.

## E Glossary

### E1 Tender Documents

The following Documents, together with the Appendices and Links at 0 below, form the tender Documents:

Document	Purpose	For Completion and Submission
Part 1 Information <b>V3</b>	Contains information on the procurement process and instructions on how it will be conducted.	No
Part 2 Specification	Contains Authority's requirements in relation to the goods, services or works being procured.	No
Part 3 Certificates and Declarations <b>V2</b>	Contains the Certificates and Declarations to which all Applicants must conform.	Yes
Part 4 Selection Questionnaire <b>V2</b>	Contains the Selection Questions and may include the requirement for Applicants to provide some on-line responses.	Yes
SQ Part 1 and 2 Declaration <b>V2</b>	Contains the Part 1 and Part 2 of the Selection Questionnaire, which must be completed by any organisations the Applicant relies on to meet the selection criteria. This document must be submitted by the Applicant on their behalf.	Yes, if applicable
Part 5 Award Questionnaire <b>V2</b>	Contains the Award Questions and may include method statements and/or technical questions.	Yes
Part 6 Social Value Framework Requirement – Lot 1 and Lot 2	Contains information for Applicants on the submission and evaluation of social value requirements using Part 8c Light Set Social Value Calculator – Framework (for Applicants bidding for Lot 1 and/or Lot 2)	No

Document	Purpose	For Completion and Submission
Part 6 Social Value Requirement – SVP – Lot 3	Contains information for Applicants on the submission and evaluation of social value requirements on the Social Value Portal (for Applicants bidding for Lot 3)	No
Part 7 Pricing Criteria V2	Contains the Applicant’s pricing proposals for this Tender.	Yes
Updated_Part 8c Light Set Social Value Calculator Framework k_Temp_Agency Staff Providers 2024_V3	Contains the Applicant’s Social Value offer – <b>For places on Lot 1 – Approved Temporary Agency Staff Providers &amp; Lot 2 – Social Worker Agency Staff Providers Frameworks only</b>	Yes (by Applicants bidding for places on the Lo1 and/or Lot 2 Frameworks)
Terms and Conditions of Contract	Contains the terms and conditions under which the resultant Contract will operate	No. Applicants are required to confirm acceptance as part of their response

## E2 Appendices and Links

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E2.1 Appendix A ProContract User Guide

E2.2 Not Used.

E2.3 Not Used.

E2.4 Not Used.

E2.5 Not Used.

E2.6 Appendix F Health and Safety Policy Statement

E2.7 Appendix G Do’s and Don’ts for Social Value Bids

E2.8 Appendix H Torbay TOMs Framework

E2.9 Not Used.

E2.10 Appendix J Torbay Council Environment and Carbon Neutral Policy

E2.11 Appendix K Policy, Procedure and Plan Requirements

E2.12 Appendix L Recruitment Policy

E2.13 Appendix M Guidelines for Criminal Records Checks

E2.14 Appendix N Reference Policy



For Information

E2.15 Appendix O Eligibility to Work in the UK Policy

E2.16 Appendix P Recovery of Payments and Costs Form

E2.17 Appendix Q Agency Assignment Privacy Notice

E2.18 Appendix R Confidentiality Agreement

E2.19 Appendix S Expenses Policy

E2.20 Appendix T Agency Worker Policy

E2.21 Appendix U Torbay Council Pay Rates 2023/24

E2.22 Selection Questionnaire – List of Mandatory and Discretionary Exclusions:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/551130/List\\_of\\_Mandatory\\_and\\_Discretionary\\_Exclusions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf)

E2.23 Selection Questionnaire – EU Definition of an SME:

<http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/>

E2.24 Selection Questionnaire – PSC Guidance:

<https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships>

E2.25 <https://socialvalueportal.force.com/s/supplierregistration?svpprojectid=8e0-0000-7HBmp>

## E3 Definitions

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Term	Definition
<b>Torbay Council</b>	The Contracting Authority
<b>Applicant</b>	An organisation that may respond to this Tender.
<b>Authority Authorised Representative</b>	The Officer leading the Tender process on behalf of Torbay Council who may be responsible for managing the resultant Contract.
<b>Award</b>	The process by which Torbay Council will determine the successful bidder in accordance with <i>Regulation 67 Contract award criteria</i> of the Public Contracts Regulations 2015.
<b>Award Questions</b>	The written response submitted by the Applicant to evidence their ability to meet Torbay Council's requirements, which will form part of the evaluation process upon which award of the Contract will be based.
<b>Bidding Model</b>	The Applicant's proposals relating to any consortia or sub-contracting arrangements that will be put in place in order to deliver the Contract.
<b>Call for Competition</b>	The Notice published on Find a Tender and Contracts Finder.
<b>Confidential Information</b>	Any information or Documents which Torbay Council considers to be confidential in nature and which will only be made available to Applicants who sign and submit a Confidentiality Agreement.
<b>Consortia/Consortium</b>	Two or more persons, at least one of whom is an economic operator, acting jointly for the purpose of being awarded a public contract in accordance with <i>Regulation 19 Economic operators</i> of the Public Contracts Regulations 2015.
<b>Contract Term</b>	The length of the Contract including extensions, if available.
<b>Contracting Authority</b>	Torbay Council and any other Authority on whose behalf Torbay Council may be working.

Term	Definition
<b>Contractor, Provider or Supplier</b>	The Applicant awarded the Contract culminating from an offer to supply accepted by Torbay Council.
<b>Documents</b>	All of the tender Documents in relation to this Tender.
<b>Eligible Users</b>	Any organisation given access to the Contract resulting from this Tender.
<b>Evidence</b>	The provision of examples, facts, data, case studies or other such information that will validate or support statements made in an Applicant's response in order to demonstrate they have the relevant ability, skills, resource and quality measures required to meet the Council's requirements.
<b>Lead Applicant</b>	The organisation leading the bidding process on behalf of its consortia or sub-contractor partners.
<b>Lot</b>	One of a number of categories of goods or services into which a single procurement process has been divided. The use of lots potentially allows for multiple providers to be appointed following a single procurement process.
<b>Messaging Facility</b>	The area within ProContract where Applicants submit clarification questions and Confidentiality Agreements during the tender process and through which Torbay Council will post its replies.
<b>Official Purchase Order</b>	Torbay Council's Official Purchase Order, to which these conditions apply.
<b>ProContract</b>	The e-tendering portal through which Torbay Council advertises opportunities and conducts Tenders.
<b>Price Review Mechanism</b>	The mechanism that will be used during the life of the Contract to review and vary the price.
<b>Procurement Representative</b>	The Procurement Officer who is leading the procurement process on behalf of Torbay Council.
<b>Public Contracts Regulations</b>	The UK legislation concerning public procurement, which can be found at: <a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a> .

Term	Definition
<b>Relevant Tax Authority</b>	The organisation responsible for administering tax policy in the country in which the Applicant’s organisation is established.
<b>Social Value</b>	A process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment.
<b>Social Value Portal</b>	The online portal used by the Council to procure, measure, manage and report on Social Value within its Contracts.
<b>Standstill</b>	The period, as set out in Regulation 87 of the Public Contracts Regulations 2015, immediately following notification of the award decision to Applicants during which Torbay Council must not enter into the Contract.
<b>Supplying the South West</b>	Means the same as ProContract.
<b>SVP</b>	Social Value Portal]
<b>Tender</b>	The invitation to bid for this Contract; and / or The Applicant’s response to this tender opportunity.
<b>Transfer of Undertaking (Protection of Employment) Regulations 2006 (TUPE)</b>	The regulations which govern how employers must deal with transfer of staff when a service or business changes hands from one employer to another in order to ensure the principal terms of employees’ rights are protected.
<b>Variant Bids</b>	A response to this tender in which the Applicant proposes innovative or alternative approaches to meeting the Council’s minimum and mandatory requirements. All variant bids must be capable of being assessed in accordance with the stated evaluation criteria and must be accompanied by a non-variant tender.