

# **Procurement Document**

**The Health Care Services (Provider Selection Regime) Regulations 2023 –  
Regulation 6(4) Direct Award Process B**

## **Application Process**

### **Provision of Community Health Improvement Services**

**Reference DN709907**

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## Introduction

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### Purpose

The purpose of this document is to provide instructions on expressing an interest (the “Application Process”) to be awarded a contract for the provision of relevant health care services.

This Application Process has been issued by Dorset Council in accordance with The Health Care Services (Provider Selection Regime) Regulations 2023, namely Regulation 6(4) Direct Award Process B where:

- a) the proposed contracting arrangements relate to relevant health care services in respect of which a patient is offered a choice of provider,
- b) the number of providers is not restricted by the relevant authority,
- c) the relevant authority will offer contracts to all providers to whom an award can be made because they meet all the requirements in relation to the provision of the relevant health care services to patients,
- d) the relevant authority has arrangements in place to enable providers to express an interest in providing the relevant health care services, and
- e) the procurement is not to conclude a framework agreement.

### Important Note

The Dynamic Purchasing System (DPS) functionality of the Council's e-tender system (ProContract) is being utilised to manage the Application Process. This does not mean this process is the creation of a DPS. The functionality of the e-tender system provides the Council means to process Applications and Contract Award to Eligible Providers in a secure, fully electronic environment to the benefit of both the Council and interested Organisations.

Organisations may see within the functionality of the e-tender system procurement terminology such as ITT, Invitation to Tender, Dynamic Purchasing System, DPS, Rounds, etc. Within such functionality the Council is unable to change the terminology as such functions are set by Proactis the system provider of ProContract.

This Application Process is not a competitive tender process. Nor is this Application Process any procedures set under Public Procurement Regulations 2015 or any other regulations other than The Health Care Services (Provider Selection Regime) Regulations 2023, Regulation 6(4) Direct Award Process B.

### Scope

Title of health care contract: **Provision of Community Health Improvement Services**

In accordance with The Health Care Services (Provider Selection Regime) Regulations 2023 (the “Regulations”), the Council (the “Relevant Authority”) wishes to provide an unrestricted patient choice provision in respect of Community Health Improvement Services (CHIS). The Council is therefore seeking to award contracts, under Direct Award Process B of the Regulations, to eligible providers for the provision of the following CHIS:

- Service 1: NHS Health Checks
- Service 2: Emergency Hormonal Contraception (EHC) services
- Service 3: Long-Acting Reversible Contraception (LARC)
- Service 4: Open Access Needle Exchange Services
- Service 5: Supervised Consumption Services
- Service 6: Community-Based Smoking Cessation Services

Interested Organisations may apply to deliver these services by completing an Application to evidence their eligibility, known as Eligibility Criteria details of which are provided in Appendix A.

There is no restriction to the number of eligible providers that may be awarded a contract for the provision of CHIS and there is no restriction on the number of services eligible providers can be awarded.

This CHIS Direct Award Process B will be open for 5 years with provision for the Council to extend the process period for a further 3 years and a further 2 years, making a potential process period of up to 10 years. Contracts will be awarded as and when Applications are received and are successful, during the process period. As such contracts may have different start dates ["Commencement Date"], as are subject to when the successful Application was made, but all contracts will expire on the closure of this CHIS Direct Award Process B [the "Expiry Date"].

Activity will be generated by service user choice.

### **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.

### **Data Protection Legislation**

Where the services require the Contracted Provider to process or share personal data, the contract 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 Contracted Provider 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 award but prior to any processing take place. The Contracted Provider must co-operate with this process as required.

The Council will liaise with the Contracted Provider to complete the data processing schedule which will form part of the contract entered into.

## Notes for Completion

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### 1. Glossary

- 1.1. **'Application Process'** means the process that enables Dorset Council to receive sufficient information from Organisations which are interested in delivering the health care services that are set out in the Contract and to allow the assessment on their ability to meet all requirements for the delivery of the said services. It comprises of the minimum requirements of an Eligible Provider, general service specification, and contract terms and conditions.
- 1.2. **'Contracted Provider'** means an organisation that has successfully been awarded a contract to deliver the health care services.
- 1.3. **'Council'** means Dorset Council;
- 1.4. **'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>; The Application Process will be run by the Council in the E-tender system as it provides all parties with a secure, fully electronic method to both assess Applications but also to issue contracts to Eligible Providers that are awarded a contract.
- 1.5. **"Eligible Providers"** mean Organisations that meet all the checks within the Application Process.
- 1.6. **'Organisation'** means a provider that wishes to, or has, expressed an interest in being awarded a contract to deliver the health care services.
- 1.7. **'Regulations'** means The Health Care Services (Provider Selection Regime) Regulations 2023.
- 1.8. **'Specification'** means the service specification which sets out the requirements of the health care services to be contracted and forms part of the Contract Terms and Conditions.

### 2. E-Tender System

- 2.1. Assistance in relation to the e-tender system is available to Organisations 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 Application Process 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. Organisations are able to click on "Register Intent" which will inform the Council of your intention to respond to this opportunity.
- 4.2. If an Organisation 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, Organisations may then proceed to respond to the on-line questions which the Council will assess Organisations ability to meet the requirements of the relevant health services.
- 5.2. To start the response Organisation are required to click 'Start My Response'.

## **6. Selection of Services**

- 6.1. If this Application Process respect of several services under the Contract refer to Guidance in respect of Services.
- 6.2. Organisations may apply for admission onto the one or more Lots.
- 6.3. Organisations must ensure that the correct selection of Services has been made before they submit their Application.

## **7. Confidentiality**

- 7.1. This Application Process, including all documentation, must be treated as private and confidential. Organisations must not release the details of the Application Process 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 Process shall not be canvassed for acceptance or discussed with the media, any other Organisation, member/officer of Dorset Council, or their representatives.

## **8. Preparation of Application**

- 8.1. Organisations must obtain for themselves all information necessary for the preparation of their Application response and all costs, expenses and liabilities incurred by the Organisations in connection with the preparation and submission of their Application shall be borne by the Organisation, whether or not their application to be awarded a contract to deliver the relevant health care services is successful.
- 8.2. It is the Organisations 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.
- 8.3. Information supplied to the Organisation by Council staff or contained in Council publications is supplied only for general guidance in the preparation of the Application.
- 8.4. Organisations 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 Organisations of such information.
- 8.5. Responses to each application question should be written concisely and clearly answer the question posed in English.
- 8.6. It is the Organisations responsibility to ensure that their answers are responded directly to the questions. The Council will not assess any application, response, or documentation submitted elsewhere by Organisations in the e-tender system; only answered responses made directly within the Application Process will be assessed.

Refer to [Supplier resources and top tips for tendering - Dorset Council](#) which whilst refers to tenders, these resources will be helpful to Organisations when completing an Application.

## **9. Communication**

- 9.1. All contact during the Application Process should be submitted in writing through the e-tender system.

- 9.2. Organisations should seek to clarify any points of doubt or difficulty via the e-tender system. It is not acceptable for Organisations 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. Organisations 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, Organisations must complete and upload other documentation that may be provided with the Application Process, or upload evidence to support their Application.

## 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

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## 1. Application

- 1.1. Organisations may apply to be awarded a contract to deliver Community Health Improvement Services (CHIS) by submitting an Application which comprises of:
- Eligibility Criteria questions regarding minimum entrance criteria [questions within e-tender system]
- 1.2. Organisations are required to submit their Application within the e-tender system by **2.00pm [14:00hrs] on 15<sup>th</sup> March 2024**. This will be the first application process clearance date, and applications received thereafter will be cleared initially on a monthly basis, however the Council reserves the right to amend as it sees fit.
- 1.3. Organisations must complete questions and upload documentation to the e-tender system, where requested to do so.
- 1.4. **It is the Organisation's responsibility to ensure that the Application is submitted within the e-tender system.**
- 1.5. Failure to answer and complete in full the Application within the e-tender system will result in the Council rejecting the Application as a failed submission.

## 2. Application Validation Period

- 2.1. All Tenderers shall keep their Application valid and open for acceptance by the Council for a period of 30 calendar days from the date of submission of Application.

# Evaluation and Contract Award

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## 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 Contract Award

- 2.1 The Council expects to make a decision on Applications within 30 calendar days of the date of submission.
- 2.2 Organisations will be notified in writing by the Council on the outcome of their Application.
- 2.3 Organisations should note that the Council reserves the right to terminate this procedure without any award of contract. They should also note that, should they be successful in being awarded a contract, the Council reserves the right to terminate the contract in accordance with the contract terms and conditions, if at any time it is discovered that the Organisation has 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 Eligibility Criteria

- 3.1 Applications will be selected by means of criteria as provided on Appendix A, known as Eligibility Criteria. All organisations that meet these requirements will be deemed as an "Eligible Provider" and be awarded a contract to deliver Community Health Improvements Services.

# Guidance in respect of Services

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## 1 Evaluation of Services

- 1.1 This Application Process is for the following Services; therefore, Applications will be evaluated per Service.
  - Service 1: NHS Health checks
  - Service 2: Emergency Hormonal Contraception (EHC) services
  - Service 3: Long-Acting Reversible Contraception (LARC)
  - Service 4: Open Access Needle Exchange Services
  - Service 5: Supervised Consumption Services
  - Service 6: Community-Based Smoking Cessation Services
- 1.2 Several evaluation templates may make up each Service which is necessary to avoid Organisations, 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 Services.

## 2 Selection of Service Templates

- 2.1 Organisations are required to opt-in to all templates of the Service or Services that are of interest to them.

**For example:**

There may be more than one template referring to Service 1 – Health Checks therefore the Tenderer if interested in Service1, is required to opt-in to each of these templates in order to access the on-line questions applicable to that particular Service and all such templates that form the Application Process to for Service 1.

If not interested in Service 1 then opt-out would be the correct selection; by opting-out the Organisation is not submitting an Application for that Service and is removing themselves from Service1.
- 2.2 Refer to the Service 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 Service:
- 2.3 Organisations are strongly advised to refer to the Service Templates Table to ensure that they opt-in to all the templates relevant to the Service(s) they are interest in and do not opt-out of any in error. An opt-out action equates to self-removal of the Application from that Service.



- 2.4 The correct selection is the responsibility of the Organisation, and the Council is unable to rectify any opt-outs made in error.
- 2.5 Organisations may re-apply to deliver other Services by re-applying if they so wish to do so.

## Service Templates Table

### Key:

✓ = template is applicable to that Service

✗ = template is not applicable to that Service

All Template questions are on-line therefore requiring a response.

SERVICE	ALL TO COMPLETE - Part 3 - Standard Selection Questionnaire	ALL TO COMPLETE - Standard Selection Questionnaire (SQ)	Service 1 - NHS Health Checks	Service 2 - Emergency Hormonal Contraception (EHC) services	Service 3 - Long-Acting Reversible Contraception (LARC)	Service 4 - Open Access Needle Exchange Services	Service 5 - Supervised Consumption Services	Service 6 - Community-Based Smoking Cessation Services
1	✓	✓	✓	✗	✗	✗	✗	✗
2	✓	✓	✗	✓	✗	✗	✗	✗
3	✓	✓	✗	✗	✓	✗	✗	✗
4	✓	✓	✗	✗	✗	✓	✗	✗
5	✓	✓	✗	✗	✗	✗	✓	✗
6	✓	✓	✗	✗	✗	✗	✗	✓

## 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 Application Process and as such these terms may not be qualified or amended with the submission of an Application.
- 1.2. By submitting an Application to deliver services, Organisations are agreeing to the Contract Terms and Conditions and shall thereby constituted and become binding on both parties.

### 2. Contract Documentation

- 2.1. It is not a requirement of the Application Process, nor the Contract Award, for both parties, Council, and the Organisation, to sign paper-based contract documentation as it is a requirement for all elements of the process to be fully electronic held within the e-tender system.

## Documentation

Within this Application Process Organisation 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	.Procurement Document – Community Health Improvement Services 7.3.24	✗
Advert	Appendix A – Eligibility Criteria - Community Health Improvement Services	✗
Advert	Contract Terms - Community Health Improvement Services v2	✗
Advert	DBS Checks Documents	✗
Advert	Provider contacts for Service 1 NHS Health Checks	✓
Advert	Provider contacts for Service 2 EHC	✓
Advert	Provider contacts for Service 3 LARC	✓
Advert	Provider contacts for Service 4 Open Access Needle Exchange	✓
Advert	Provider contacts for Service 5 Supervised Consumption	✓
Advert	Provider contacts for Service 6 Smoking Cessation	✓
Advert	Service 1 Health Checks SPECIFICATION April 2024 v2	✗
Advert	Service 2 EHC SPECIFICATION April 2024 v2	✗
Advert	Service 3 LARC SPECIFICATION April 2024 v2	✗
Advert	Service 4 Needle Exchange SPECIFICATION April 2024 v2	✗
Advert	Service 5 Supervised Consumption SPECIFICATION April 2024 v2	✗
Advert	Service 6 Smoking Cessation SPECIFICATION April 2024 v2	✗

## **Disclaimer**

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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 Applications except those raised and responded to as part of a clarification 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 Application Process.

Any errors in this procurement document shall not invalidate the Application Process nor release any Contracted Provider 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 process without prior notice and to terminate discussions and the delivery of information at any time before the award of contract.