

TORBAY COUNCIL

Part 5 Mandatory Criteria

Contract Reference

TELS5222

Contract Title

**Two to Five (2-5) Years Childcare
Nursery Provision 2023**

Maximum Period of Contract

8 years (4+2+2)

Return Date

Tuesday 06 December 2022

Return Time

No later than 12:00 Noon

Return To

**www.supplyingthesouthwest.org.uk
(ProContract)**

Applicant Name

Contents

Stage Two Award – Mandatory Pass / Fail Criteria.....	3
Section A. Not Used.....	3
Section B. TUPE.....	3
Section C. Safer Recruitment.....	3
Section D. Data Protection, Information Sharing and Information Security	4
Section E. Climate Emergency	6
Section F. Not Used.....	7
Section G. Health and Safety	7
Section H. Invoicing	8
Section I. Not Used.....	8
Section J. Disaster Recovery and/or Business Continuity Plans.....	8
Section K. Exit Planning.....	9
Section L. Not Used.....	10
Section M. Contract Specific Requirements.....	10

Stage Two Award – Mandatory Pass / Fail Criteria

The questions within this section shall be assessed on the basis of pass or fail.

Please Note: Where you are required to provide a narrative response, your response 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.

Section A. Not Used

Section B. TUPE

These questions relate to section B1 TUPE of Part 2 Specification.

Question Number	Questions	Response
B1.	Please confirm whether you will comply with the requirements set out in section B1 of Part 2 Specification.	Choose an item.
	<p>Minimum Requirement</p> <p>That the Applicant provides a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant will be required to provide written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.</p>	

Section C. Safer Recruitment

These questions relate to section B2 Safer Recruitment of Part 2 Specification.

Question Number	Questions	Response
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C1.	Please confirm whether you will comply with the requirements set out in section B2 of Part 2 Specification.	Choose an item.
	<p>Minimum Requirement</p> <p>That the Applicant provides a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant will be required to provide written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.</p>	

Section D. Data Protection, Information Sharing and Information Security

These questions relate to section B3 Data Protection, Information Sharing and Information Security of Part 2 Specification.

Question Number	Questions	Response
D1.	<p>Data Collection and Data Processing</p> <p>Please confirm whether you will comply with the requirements set out in section B3.1 of Part 2 Specification. Your response should be supported by completion of the table set out in the Response Evidence box below.</p>	Choose an item.
	<p>Minimum Requirement</p> <p>That the Applicant provides a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement, and completion of the table set out in the Response Evidence box below.</p> <p>Page / Word Limit: Maximum 1 page A4 in Arial 12</p> <p>Evidencing Compliance</p> <p>You must complete the table in the Response Evidence box below and submit your Data Protection Policy as part of your response.</p>	

Response Evidence:		
The means of processing the data		
Approved sub-processors and in each case: <ul style="list-style-type: none"> Nature and purpose of processing Location of processing 		
Details of approved international transfers of Contract Personal Data together with details of approved transfer mechanisms		
Details of the technical and organisational measures in place to protect contract personal data		
D2.	Protection for the Rights and Freedoms of Data Subjects Please confirm whether your proposed system complies with the requirements set out in section B3.2 of Part 2 Specification.	Choose an item.
	Minimum Requirement That the Applicant provides a response to this question. Evaluation Criteria This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail. Evidencing Compliance You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant will be required to provide written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.	
D3.	Security Please confirm whether your proposed system complies with the requirements set out in section B3.3 of Part 2 Specification.	Choose an item.

	<p>Minimum Requirement</p> <p>That the Applicant provides a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant will be required to provide written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.</p>	
D4.	<p>CESG Cloud Information Security Questionnaire</p> <p>If your organisation is offering a Cloud-based service, please confirm whether you have completed Appendix 1 – CESG Cloud Information Security Questionnaire and submit this as part of your Tender response.</p>	Choose an item.
	<p>Minimum Requirement</p> <p>That the Applicant provides a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail. Where the requirement does not apply, a N/A response will be deemed a Pass.</p> <p>Evidencing Compliance</p> <p>If your response to this question is Yes, you will be required to submit a completed (Appendix D) CESG Cloud Information Security Questionnaire with your tender submission.</p>	
<p>Section E. Climate Emergency</p> <p>These questions relate to section B4 Climate Emergency of Part 2 Specification.</p>		
Question Number	Questions	Response

	Please confirm that your organisation can satisfy all of the requirements set out in section B4.1 of Part 2 Specification.	Choose an item.
E1.	<p>Minimum Requirement</p> <p>That the Applicant provides a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant will be required to provide written evidence (including their Environmental Policy and action plan for the reduction of negative environmental impacts), to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.</p>	

Section F. Not Used

Section G. Health and Safety

These questions relate to section B6 Health and Safety of Part 2 Specification.

Question Number	Questions	Response
G1.	<p>Please confirm whether you will comply with the requirements set out in sections B6.1 and B6.2 of Part 2 Specification and the requirements of Appendix F Council Health and Safety Policy Statement.</p> <p>Minimum Requirement</p> <p>That the Applicant provides a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant will be required to provide</p>	

written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.

Section H. Invoicing

These questions relate to section B7 Invoicing of Part 2 Specification.

Question Number	Questions	Response
H1.	Please confirm whether you will comply with the requirements set out in section B7 of Part 2 Specification.	Choose an item.
	<p>Minimum Requirement</p> <p>That the Applicant provides a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>You do not need to provide evidence of compliance at this stage. Prior to Service commencement the successful Applicant may be required to provide written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Service Contract may be withdrawn or terminated.</p>	

Section I. Not Used

Section J. Disaster Recovery and/or Business Continuity Plans

These questions relate to section B9 Disaster Recovery and/or Business Continuity Plans of Part 2 Specification.

Question Number	Questions	Response
	Please confirm that you will comply with the requirements set out in section B9 of Part 2 Specification.	Choose an item.

J1.	<p>Minimum Requirement</p> <p>That the Applicant provides a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant will be required to provide written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.</p>
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Section K. Exit Planning

These questions relate to section B10 Exit Planning of Part 2 Specification.

Question Number	Questions	Response
	Please confirm whether you will comply with the requirements set out in section B10 of Part 2 Specification.	Choose an item.
K1.	<p>Minimum Requirement</p> <p>That the Applicant provides a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant will be required to provide written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.</p>	

Section L. Not Used

Section M. Contract Specific Requirements

These questions relate to sections B12.1 to B12.12 Contract Specific Requirements of Part 2 Specification.

Question Number	Questions	Response
M1.	<p>Please confirm that you have a minimum of five (5) years' experience of running a nursery as per section B12.1 of Part 2 Specification.</p> <p>Minimum expectation: The Authority's minimum requirement in relation to this mandatory criterion is for the Applicant to</p> <p>Minimum Requirement</p> <p>That the Applicant declares 'Yes' and provides evidence of said experience requirements set out in section B12.1 of Part 2 Specification. as a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>Evidence of compliance must be provided in the Response Evidence box below. Please provide please evidence of your minimum of five (5) years' experience of running a nursery (as per section 3.1.3 of Part 2 Specification).</p> <p>Word / Page Limit: half page A4 in Arial 12 (row height set at 13cm)</p>	<p>Choose an item.</p>
Response Evidence:		
M2.	<p>As per section B12.2 of Part 2 Specification, please confirm that you are able to advise the name and relevant childcare qualification of the manager/owner or supervisor in your organisation who has a minimum of five (5) years' experience working in childcare, plus provide proof of their qualification.</p>	<p>Choose an item.</p>

	<p>Minimum Requirement</p> <p>That the Applicant declares ‘Yes’ and provides the relevant name and provides proof of their qualification, as a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>Evidence of compliance must be provided in the Response Evidence box below. Please provide the name and relevant childcare qualification of the manager/owner or supervisor in your organisation who has a minimum of five (5) years’ experience working in childcare, plus provide proof of their qualification</p> <p>Word / Page Limit: half page A4 in Arial 12 (row height set at 13cm)</p>	
<p>Response Evidence:</p>		
<p>M3.</p>	<p>As per section B12.3 of Part 2 Specification, please confirm that you are able to advise who the Ofsted ‘registered person’ in your organisation is, which is the person with the ultimate responsibility.</p>	<p>Choose an item.</p>
	<p>Minimum Requirement</p> <p>That the Applicant declares the relevant name, as a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>Evidence of compliance must be provided in the Response Evidence box below. Please provide the name of who is the Ofsted ‘registered person’ in your organisation, which is the person with the ultimate responsibility</p> <p>Word / Page Limit: half page A4 in Arial 12 (row height set at 13cm)</p>	
<p>Response Evidence:</p>		

<p>M4.</p>	<p>As per section B12.4 of Part 2 Specification, please confirm that you have the following policies and procedures in place and that they are adhered to:</p> <ul style="list-style-type: none"> a) Safeguarding / Child Protection policies and procedures; b) Staff recruitment / induction policy / safer recruitment policies and procedures; c) Procedure for dealing with allegations against employees and/or volunteers; d) Enhanced DBS disclosure policy and process (and details of how often they are renewed and process for dealing with a positive disclosure, etc.); e) Employee handbook; f) Complaints and Whistleblowing; g) Risk Assessment. 	<p>Choose an item.</p>
<p>Minimum Requirement</p> <p>That the Applicant can evidence that they have these policies and procedures in place, that they are adhered to and that the policies themselves meet, as a minimum, the Authority's own policies and procedures on such issues (where they exist)., as a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant will be required to provide written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.</p>		
<p>M5.</p>	<p>As per section B12.5 of Part 2 Specification, please confirm that your organisation is committed to ensuring that all employees working within / on behalf of the Nursery provision have a new Enhanced Disclosure and Barring Service (DBS) check prior to commencement on the Contract / in post and that this is renewed as required, for the duration of this Contract.</p>	<p>Choose an item.</p>

	<p>Minimum Requirement</p> <p>That the Applicant declares ‘Yes’ to their compliance to all of these requirements, as a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant will be required to provide written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.</p>	
<p>M6.</p>	<p>As per section B12.6 of Part 2 Specification, please confirm that the provision will be operational from Thursday 01 June 2023, subject to Ofsted registration.</p>	<p>Choose an item.</p>
	<p>Minimum Requirement</p> <p>That the Applicant declares ‘Yes’ as a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant may be required to provide written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.</p>	
<p>M7.</p>	<p>As per section B12.7 of Part 2 Specification, please confirm that your organisation is willing to submit to an inspection by Ofsted and demonstrate a commitment to achieving an Ofsted grade of good or better.</p>	<p>Choose an item.</p>
	<p>Minimum Requirement</p> <p>That the Applicant declares ‘Yes’ as a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p>	

	<p>Evidencing Compliance</p> <p>You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant may be required to provide written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.</p>	
M8.	As per section B12.8 of Part 2 Specification, please confirm that your organisation will meet and agrees in full to all of the requirements of this section.	Choose an item.
	<p>Minimum Requirement</p> <p>That the Applicant declares 'Yes' to their compliance to all of these requirements, as a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant may be required to provide written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.</p>	
M9.	As per section B12.9 of Part 2 Specification, please confirm that you will be prepared to purchase and provide any additional equipment as necessary, to facilitate the Nursery delivery.	Choose an item.
	<p>Minimum Requirement</p> <p>That the Applicant declares 'Yes' as a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant will be required to provide written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.</p>	

<p>M10.</p>	<p>Section B12.10 of Part 2 Specification states ‘the Authority will charge a rent of £10,000 per annum for a lease of the Nursery building. The successful applicant will be required to enter into the lease agreement without amendment or renegotiation. The successful Applicant will be required to provide a rent deposit deed or guarantor, for the on-going annual rental charge. This will need to be provided before the commencement of the Contract. This offer should take into account the draft Heads of Terms of the Lease and the outgoing and liabilities contained therein. However, the successful Applicant will be responsible for paying any charges that arise during the Contract as a result of their use of the building and facilities associated with it (for example, utility bills or repairs and maintenance costs)’. Please confirm that you fully comply with all requirements within this section.</p>	<p>Choose an item.</p>
<p>Minimum Requirement</p> <p>That the Applicant declares ‘Yes’ to their compliance to all of these requirements, as a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p> <p>Evidencing Compliance</p> <p>You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant will be required to provide written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.</p>		
<p>M11.</p>	<p>Please confirm that as per section B12.11 of Part 2 Specification, your organisation is fully compliant with all of the Safer Recruitment requirements, for the duration of the Contract including any extension periods.</p>	<p>Choose an item.</p>
<p>Minimum Requirement</p> <p>That the Applicant declares ‘Yes’ as a response to this question.</p> <p>Evaluation Criteria</p> <p>This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.</p>		

	Evidencing Compliance
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You do not need to provide evidence of compliance at this stage. Prior to Contract commencement the successful Applicant will be required to provide written evidence to demonstrate compliance with this requirement. Where compliance is not evidenced the Contract may be withdrawn or terminated.