

**TORBAY COUNCIL**

**Part 1 Information**

**Contract Reference**

**TCS1720**

**Contract Title**

**Residential Placements Partner**

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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**

## 1 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.

## 2 Procurement Information

### 2.1 Background Information

#### 2.1.1 The Local Context

Torbay is located on the South Devon coastline and comprises the three district communities of Torquay, Brixham and Paignton. As part of what has become known as the 'English Riviera', Torbay attracts thousands of visitors each year drawn to its harbours and beaches. Tourism and fisheries remain important elements within the local economy although this is diversifying to include electronics, photonics, and health and care provision. Road links have improved significantly in recent years with the opening of the South Devon Highway acting as a further stimulus to the economy.

Over recent years, Torbay Council has faced significant reductions in its budgets due to successive reductions in the funding it receives from Central Government, this has required difficult decisions in relation to the services it provides.

Torbay's population is 133,373 (2015 MYE) and estimated to rise to 148,500 by 2039, albeit this is a slower rate than that seen nationally. Older people make up a bigger proportion of the population than that seen in England as a whole and Torbay's population of over 70s is expected to increase by around 28.1% by 2025. In 2015, for every person of retirement age there were just fewer than 2 of working age, compared to 3 persons in the England average.

There are 24,789 children living in Torbay (Census Data 2011). In 2015, the birth rate was 10.3 per 10000 which is below the South West and national averages. The proportion of children aged between 5 and 14 is also expected to rise by 11% over the next 10 years, which is slightly higher than that seen across England.

Torbay comprises of areas with significant material wealth alongside areas of deprivation. The Index of Multiple Deprivation (IMD) 2015 ranks Torbay as the 46th most deprived authority in England (out of 326) compared to 37th in 2013 and 41st in 2010. In terms of overall Multiple Deprivation, there are 14 Lower Super Output Areas (LSOAs) in Torbay which fall into the most deprived 10% nationally and 28 LSOAs in the most deprived 20%.

Levels of unemployment in Torbay are at 5.4% which is above the South West average of 4.1%, and national average of 4.8%. The percentage of young people aged 18-24 claiming Job Seekers Allowance is 3.7% and above the south west and the national averages. Around 23.6% of children in Torbay are classed as living in poverty.

Educational attainment in Torbay has continued to improve across all phases. Children receive a high quality start through access to a range of good and outstanding early years provision resulting in 70.6% of children achieving a good level of development against 69.3% nationally. Key Stage 2 results for 2016 were below national and regional comparators. The percentage of young people educated in Torbay's schools achieving 5 or more GCSEs at grades A\* to C including English and Mathematics is 58.6% which is up on the previous two years and higher than national and regional. Following recent inspections 100% of mainstream secondary provision is judged to be good or outstanding.

Torbay has 4.4% of pupils with Statements or Education, Health and Care Plans compared to 2.9% nationally. Children in receipt of additional support achieve well at Key Stage 2 with Torbay ranked as the 27th best performing Local Authority in this respect.

The health and wellbeing of children in Torbay is mixed compared with the England average. Infant and child mortality rates are similar to the England average. Children in Torbay have average levels of obesity: 9.5% of children aged 4-5 years and 18.0% of children aged 10-11 years are classified as obese. Admissions for children for mental health conditions and self-harm were higher than England average in 2015/16.

Torbay Council is subject to an improvement plan since its last Ofsted Inspection in June 2018. An independent commissioner has been appointed to support Torbay's improvement journey which is now showing signs of a pace of change (Ofsted monitoring visit January 2020). The Children's Service's Leadership team is absolutely focused on ensuring that children in Torbay are provided with services which improve their outcomes. This particular procurement process forms part of the Council's commitment to the Council's sufficiency duty to ensure that children have access to high quality services to enhance their life chances.

### **2.1.2 Sufficiency Strategy**

A primary aim of Torbay Councils recently drafted Sufficiency Strategy is to have a well-developed and targeted range of community support arrangements and high-quality placements for children within and around Torbay. As such a number of interdependent sufficiency work streams have been created with the aim of developing solutions to the issues that have been identified.

A focus of one of the sufficiency work streams is to improve the 'edge of care offer' in Torbay. By doing so we aim to provide support to families to prevent family breakdowns and enable children to remain living in their homes, thus preventing avoidable admissions into care. However, it is acknowledged that for a number of children, residential care may

be the most appropriate living option and therefore the demand for residential care in different forms will continue.

It is set out within the Sufficiency Strategy that it is the strategic intention of Torbay Council to restrict the use of residential care to those children with needs that are best met by such a resource. It is well proven that children in care do better if they experience family type life experiences either in foster care, special guardianship, and residential care or through adoption. Wherever it is possible to do so we shall try to enable families to remain unified or to support them to live together successfully after a period of care during which time intensive work takes place to build the platform for the child to make a successful return to their family. This work is best achieved if the care resource is geographically approximate to the child's home and community and it mirrors as closely as possible domestic life. This means that residential provision should be provided in small, comfortable domestic style properties ideally located within easy travelling distance of Torbay's borders.

Currently, Torbay has no residential resources of its own which means that it has to commission places through the independent sector if it chooses to offer residential provision.

### **2.1.3 Rationale for this Approach**

When a child comes into care and depending on their needs an option for some children is to be placed into residential care. Previously many local authorities maintained their own in-house residential provision but over time many of these resources have closed and authorities are increasing reliant on placing children in private residential homes, sometimes many miles from the child's parents and social networks. Research evidence shows that this does not lead to consistently good outcomes for children.

Torbay is a small council area which means that there are significant pressures on housing resources and the inevitable and associated constraints on the number of families living within the council boundaries who can come forward with offers to become foster carers. In addition, independent services, including independently run foster care and residential provision, are limited in Torbay. There are currently no children's residential homes in Torbay.

Torbay does not currently have any in-house residential provision, as a result we purchases all of our residential placements from third parties. In the financial year 2018/19 we spent approximately £6m on these placements. There were 44 children in residential placement in September 2019, with an average cost of £4,800 per week. A significant number of these placements are outside of Torbay and in some instances outside of the south west region. This means that the child is placed away from their home which can lead to risk of being socially isolated from family and friend networks. An additional resource pressure is also added, i.e. the time and cost incurred by the social work team to perform their statutory function. The Council has been considering its reliance on external residential provision and exploring different delivery models which are more effective for children and better utilise staff and financial resources.

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The number of placements of children 20 miles or more away from their home is 136 or 39.3% of the looked after population. In total 174 children (49%) are placed outside of the authority's boundaries. This is high and latest comparator figures show national averages to be at 13% and comparator authority averages to be 12.3%.

Placement Type	Location	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	%
<b>16+ Supported Accommodation</b>	Within Torbay	2	3	1	3	10	15	4.26%
	Outside Torbay	5	7	5	9	9	11	3.13%
<b>Family Centre / Mother &amp; Baby Unit</b>	Within Torbay	-	-	-	-	-	-	-
	Outside Torbay	1	4	4	1	1	1	0.28%
<b>Foster Placement with Other Carer</b>	Within Torbay	138	133	123	150	144	134	38.07%
	Outside Torbay	65	60	73	86	89	92	26.14%
<b>Foster Placement with Relative / Friend</b>	Within Torbay	16	10	16	12	24	20	5.68%
	Outside Torbay	11	8	9	12	14	9	2.56%
<b>Homes / Hostels</b>	Within Torbay	-	-	2	2	1	1	0.28%
	Outside Torbay	29	29	25	28	32	42	11.93%

Table 1 Proportion of LAC by placement provider and location (within/outside Torbay)

## 2.2 Minimum Requirements

The requirements set out in Part 2 Specification are the Council's minimum requirements for the provision of this Service. Applicants must be able to demonstrate they have the capability and capacity to meet those requirements the whole term of this Contract.

## 2.3 Contract Period

It is anticipated that the Contract will commence on 01 April 2021 or at date to be agreed for a period of 5 years and may be extended for a period of up to 5 further year(s) 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.

## 2.4 Division of Contract into Lots

This Contract is being divided into Lots as follows:

**Lot One** – a single Provider to deliver care in a residential setting for:

- (a) children and young people on the edge of care. Provision of placements for up to twelve (12) weeks, to children and young people aged between

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ten (10) and fifteen (15), so that reunification can take place;

- (b) looked after children. Provision of both short and long term placements to children aged between twelve (12) and seventeen (17), who are considered to be in need of residential care in the Torbay area.

**Lot Two** – a single Provider to deliver care in a residential setting for children on the edge of care. Provision of placements for up to twelve (12) weeks to children, aged between ten (10) and fifteen (15), so that re-unification can take place.

**Lot Three** – a single provider to deliver care in a residential setting for looked after children. Provision of both short and long term placements to children, aged between twelve (12) and seventeen (17), who are considered to be in need of residential care in the Torbay area.

The Council is seeking to appoint:

- (a) a single Provider to Lot One only; OR
- (b) a single Provider to Lot Two and a single Provider to Lot Three

The Council will award a Contract against the Lot or Lots which, following evaluation of submissions, are deemed to offer best value in accordance with the criteria set out in section 3.3 below.

There is no limit to the number of or combination of Lots an Applicant may bid for or be awarded,

## **2.5 Contract Price**

### **2.5.1 Budget**

The maximum contract value in year one of the contract, including implementation and mobilisation costs + six months standard support costs, is:

Lot 1	£1,000,000
Lot 2	£500,000
Lot 3	£500,000

**Please Note:** Year one of the Contract is the initial twelve month period from the date of commencement of the implementation and mobilisation period. For evaluation purposes the standard support costs are calculated for a six month period, in accordance with the timetable at 2.7 below, although it is acknowledged that this is subject to change in the event the implementation / mobilisation period is reduced.

Applicants should note that, whilst they are only required to submit pricing for the implementation / mobilisation and the initial 6 month period of delivery for the Service, the maximum budget available for years two to five will not exceed:

Lot 1	£4,500,000
Lot 2	£2,250,000
Lot 3	£2,250,000



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The maximum amount that can be apportioned to management overhead costs each year must not exceed 10% of the budget for that year.

**Please Note:** Where the Applicant's proposed prices exceed:

- a) the year one maximum value, including implementation and mobilisation costs + six months standard support costs; and/or
- b) the 10% allowance for management overheads costs.

the Applicant will be deemed to have failed the process in its entirety and will not be evaluated further.

### **2.5.2 Young Person's Costs**

Applicants should note that Young Person's Costs will only be paid in respect of those Children and Young People placed within the Home at any given time. Young Person's Costs will not be met in respect of vacancies or voids within the Service.

### **2.5.3 Enhanced Support Operating Costs**

Applicants should note that the Council reserves the right to provide or source those services highlighted in yellow within Part 5 Pricing directly where this offers better value in comparison to the service being offered by the Provider.

### **2.5.4 Price Review**

The price offered by the Applicant in Part 5 Pricing must be firm and fixed for the first year of full operation of the home and should also include as a separate figure any one-off implementation, mobilisation and set-up costs.

Pricing for future years will be reviewed annually in accordance with RPI/CPI and Schedule 6 of the Contract, taking into consideration any legislative changes, such as national living wage, that impact on the cost of delivering the Service.

Any price variations 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.

## **2.6 Variant Bids**

The Council will consider variant bids. However, Applicants should note that scope to change the proposed housing model is limited as this has been agreed through the Council's formal governance process. Any significant variation would require further Cabinet and full Council approval before a decision to award the Contract on the basis of a variant bid could be considered.

Applicants are encouraged to be innovative in their thinking when preparing bids and to provide any suggestions and solutions that provide a more cost efficient and value for money solution.

Torbay Council may, at its sole discretion, consider variant bids in line with *Regulation 45 Variants* of the Public Contract Regulations 2015 where these are based on a demonstrable value for money rationale.

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Torbay Council will only accept variant bids if the Applicant is able to demonstrate within that bid the ability to meet the requirements of Part 2 Specification. Variant bids submitted which do not meet these requirements will be deemed to be non-compliant and not capable of acceptance by Torbay Council.

Variant bids may only be submitted where a compliant bid is also submitted.

The published evaluation criteria will be used to assess whether the variant bid represents the most economically advantageous tender or not, taking all factors into account.

Variant bids must be set out in writing, as a separate document to the tender and accompanied by Part 4 Submission and Part 5 Pricing. Whilst Part 5 Pricing does not need to follow the structure set the information provided must be capable of being assessed against the stated criteria. The full scope of the proposal, including costings and implementation details must be submitted in accordance with the terms set out in these tender documents.

## 2.7 Procurement Timetable

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

Procurement Stage	Dates
Sent Call for Competition	Thursday 25 June 2020
Tender Documents Published	Tuesday 30 June 2020
Clarification Question Submission Deadline	Monday 13 July 2020 12:00 Midnight
Clarification Responses Deadline	Monday 20 July 200 12:00 Midnight
Site Visits	See section 2.9 below
Tender Submission Date & Time	Monday 27 July 2020 12:00 Noon
Evaluation Period	Tuesday 28 July to Monday 03 August 2020
Presentation	Thursday 30 to Friday 31 July 2020
Contract Award Notification	Tuesday 18 August 2020
Standstill Period	Wednesday 19 to Friday 28 August 2020
Implementation and Mobilisation Period	Monday 31 August 2020 to Friday 26 February 2021
Service 'go live' date	Monday 01 March 2021

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Applicants should note that the Service 'go live' date is based on a maximum of six (6) month's for implementation and mobilisation and is the latest date on which the Council would expect the Service to 'go live' following award of the Contract. In the event the Service can be mobilised in a shorter period then the 'go live' date will be brought forward.

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

## **2.8 Authority Representatives**

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:**

Ben Short, Head of Service

### **Procurement Representative:**

Chloe Bradshaw, Procurement Officer

## **2.9 Site Visit**

At the time of issuing this tender the Council has not purchased the properties from which the Services are to be delivered. In the event purchases have been made before the submission deadline Applicants will be notified of arrangements to participate in site visits.

Should site visits take place Applicants should note that there may a limit of a maximum of two representatives per bidding organisation.

## 3 Procurement Process

### 3.1 Procurement Procedure

Torbay Council is inviting expressions of interest and Bids from Applicants in response to the OJEU Contract Notice identification number 2020/S 124-305309 dated 30 June 2020. This Procurement is being undertaken in accordance with the Regulations 74, 75 and 76 of the Public Contracts Regulations 2015 (SI 2015/102) relating to the award of contracts for Social and Other Specific Services, the tender process will broadly follow the Open Procedure as outlined within the Public Contracts Regulations 2015 (SI 2015/102).]

### 3.2 Stage One Selection

3.2.1 In completing Part 3 Selection Questionnaire, Applicants should not assume that Torbay Council has any prior knowledge of the Applicant, its practice, reputation or its involvement in existing services, projects or procurements. In evaluating Part 3 Selection Questionnaire, except as set out in 3.2.2 below, Torbay Council will only consider information provided in the response to the SQ.

3.2.2 Notwithstanding 3.2.1, Torbay Council may take account of any prior knowledge it has of the Applicant, its practice, reputation or its involvement in existing services, projects or procurements to the extent that such knowledge indicates that information contained in the Applicant's SQ submission is false, misleading or inaccurate.

#### 3.2.3 Qualitative Selection

Torbay Council will use a Qualitative 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 3 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 Selection Questionnaire, Part 4 Award Questionnaire, Part 5 Pricing AND Part 6 Certificates and Declarations.

Torbay Council will then assess Part 3 Selection Questionnaire responses to ascertain that its minimum pass/fail requirements have been met. The pass/fail criteria is set out in 3.2.5 below.

#### 3.2.4 European Single Procurement Document

In accordance with Regulation 59 of the UK Public Contract Regulations 2015 and EU Implementing Regulation 2016/7 Applicants may submit an XML version of the ESPD in place of Parts 1 and 2 of Part 3 Selection Questionnaire, but must complete and submit Part 3 of Part 3 Selection Questionnaire.

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### 3.2.5 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
Part 3 Selection Questionnaire		Pass		Pass
Part 1 Potential Supplier Information, comprising:	Torbay Council may exclude any Applicant who fails part or all of this section.			
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
Section 1 Contact Details and Declaration	This section will be assessed on the basis of pass or fail. The Applicant must fully complete this section.		Pass	Pass
Part 2 Exclusion Grounds:	Torbay Council may exclude any Applicant who fails this section.			
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.  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.		Pass	Pass

Stage One Selection – Evaluation Criteria		Main Criteria	Sub-Criteria	Threshold
	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.			
Section 3 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>	<b>Torbay Council may exclude any Applicant who fails part or all of this section.</b>			
Section 4 Economic and Financial Standing	<p>This will be assessed on the basis of pass or fail. The Applicant must demonstrate that they meet the requirements of this section in order to pass it in its entirety.</p> <p><b>Assessment of Suitable Financial Standing</b></p> <p><b>Question 4.1</b> – where the Applicant has indicated that they will provide the requested documentation i.e. they have answered 'Yes', to one or more of the options listed and have provided the financial information indicated in their response, the response will be deemed a pass. Where the Applicant has responded 'No' or has not provided the financial information they have indicated they will provide, the response will be deemed a fail. Torbay Council may give the Applicant the</p>		Pass	Pass

Stage One Selection – Evaluation Criteria		Main Criteria	Sub-Criteria	Threshold
	<p>opportunity to submit any missing financial information where it is considered this will not afford the Applicant any unfair advantage.</p> <p><b>Question 4.2(a)</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<sup>1</sup> of:</p> <p>Lot 1    £1,100,000</p> <p>Lot 2    £550,000</p> <p>Lot 3    £550,000</p> <p>A ‘Yes’ response will be considered to be a pass and a ‘No’ response a fail.</p> <p><b>Overall Assessment of Section 4</b></p> <p>Where an Applicant has failed question 4.1 and/or question 4.2(a) Torbay Council will consider the information provided at 4.2(b) before determining whether the Applicant has failed this section in its entirety. Where the Applicant has provided sufficient information or assurance at 4.2(b) they will pass this section. Where an Applicant fails this section they will be deemed to have failed this stage in its entirety, their submission will not be evaluated further and they will be notified accordingly.</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.

	<p><b>Due Diligence</b></p> <p>As part of the pre-award due diligence process, an appraisal will also be undertaken on the winning Applicant's submission. Torbay Council will undertake an assessment of the circumstances of the Contract and the Applicant, which may include the following approach:</p> <ul style="list-style-type: none"> <li>• A broad financial appraisal of the Applicant will be undertaken to determine financial capacity, health and dependency.</li> <li>• This appraisal will be used to inform an assessment of risk.</li> <li>• 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 Credit Reporter system.</li> <li>• 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.</li> <li>• 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.</li> </ul>			
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Stage One Selection – Evaluation Criteria		Main Criteria	Sub-Criteria	Threshold
Section 5 Further Details in Relation to Applicants who are Part of a Wider Group	This section is for information purposes and will not be assessed, other than for checking that it has been completed where applicable.		N/A	N/A
Section 6 Technical and Professional Ability – Relevant Experience and Contract Examples	This section will be assessed on the basis of pass or fail. The Applicant must demonstrate they have relevant experience in delivering similar requirements, or are able to explain why they are unable to provide a minimum of one example.		Pass	Pass
Section 7 Requirements under the Modern Slavery Act 2015	This section will be assessed on the basis of pass or fail. The Applicant must demonstrate they meet the requirements, if applicable.		Pass	Pass
Section 8 Insurance	This section will be assessed on the basis of pass or fail. The Applicant must demonstrate they meet all the requirements.		Pass	Pass
Section 8 Project Specific Questions to Assess Technical and Professional Ability – Mandatory Pass / Fail Requirements	This section will be assessed on the basis of pass or fail. The Applicant must demonstrate they meet all the requirements.		Pass	Pass

**Please Note:** The Applicant must submit a completed SQ Part 1 and 2 Declaration for each organisation that it relies on to meet the selection criteria (including parent companies, affiliates, associates, or essential subcontractors). SQ Part 1 and Part 2 Declarations will be assessed in accordance with the criteria above.

### 3.3 Stage Two Award

Torbay Council will only evaluate the Stage Two submissions of those Applicants who have satisfied the requirements of Stage One Selection and meet any mandatory requirements for Stage Two.

Applicants are required to complete and submit Part 3 Selection Questionnaire, Part 4 Award Questionnaire, Part 4A / B / C Method Statement Response (as applicable to the Lots being bid for), Part 5 Pricing and Part 6 Certificates and Declarations.

The Applicant's response will be evaluated in accordance with the scoring methodology set out in section 3.4 below.

#### 3.3.1 Award Evaluation

The Award criteria have been designed to assess the Most Economically Advantageous Tender (MEAT), taking into account a combination of Quality and Price. The top scoring Applicant will be considered to have been successful.

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

Where the scoring for two or more Tender submissions is tied, the top scoring Applicant will be the Applicant who has achieved the highest combined score for Method Statements 1, 2, 3 and 7 and the Presentation and has also met any thresholds set.

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	Threshold
Part 4 Award Questionnaire and Part 5 Pricing Submission				
Mandatory Criteria	The questions within this section will be assessed on the basis of pass or fail.  Torbay Council may exclude any Applicant who fails this section.	Pass		Pass

Stage Two Award – Evaluation Criteria		Main Criteria	Sub-Criteria	Threshold
Total Score Available (MEAT)		100%		
The criteria below are applicable to all three lots				
Quality	The questions within this section will be assessed on the zero to five scoring basis.	60.00%		Unweighted score of 3
Method Statements	C1.1 / C2.1 / C3.1 Mobilisation		4	12
	C1.2 / C2.2 / C3.2 Service Delivery Model		5	15
	C1.3 / C2.3 / C3.3 Staffing		4	12
	C1.4 / C2.4 / C3.4 Restorative and Trauma Informed Approach		3	
	C1.5 / C2.5 / C3.5 Transition		3	
	C1.6 / C2.6 / C3.6 Partnership with Community		1	
	C1.7 / C2.7 / C3.7 Leadership and Governance		4	12
	C1.8 / C2.8 / C3.8 Data Protection, Information Sharing and Information Security		3	
	C1.9 / C2.9 / C3.9 Social Value		2	
	C1.10 / C2.10 / C3.10 Property Considerations		1	
	C1.11 / C2.11 / C3.11 Added Value		1	
Presentation	Presentation requirements are set out Appendix E Presentation Requirements and will be assessed on the zero to five scoring basis.		4	12

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	<p>Applicants must be available for the timescales indicated within the procurement timetable at section 2.7.</p> <p>Applicants will be contacted through the Supplying the South West e-tendering portal during the evaluation period. The invite will detail the date, time and location and the required content of the presentation, which will include any specific questions/topics to be covered and the scoring system.</p>			
<b>Price</b>	<b>The questions within this section will be assessed on the comparative scoring basis.</b>	<b>40.00%</b>		
One-off implementation and mobilisation costs			5.00%	
Year one standard operating costs			15.00%	
Average enhanced support operating costs			20.00%	

## 3.4 Scoring Methodology

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

### 3.4.1 Pass/Fail

Evaluation criteria assessed on a pass/fail basis are those where meeting the requirement is essential to Applicant's ability to deliver the Contract. 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 questions they will be deselected from participating further in the process and will be notified accordingly.

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

- within their responses to the Award questions; or
- during due diligence prior to contract award.

If the Applicant does not evidence 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.

### 3.4.2 Thresholds

The quality criteria have thresholds attributed to specific method statements, these are detailed in the table at 3.3.1 above and Part 4 Award Questionnaire. The highest scoring Applicant is required to achieve a minimum non-weighted score of three for each of the identified method statements in order to be awarded the Contract. Where the highest scoring Applicant's response has not met one or more of the required thresholds the Contract will be awarded to the next highest scoring Applicant who has met all of the thresholds.

### 3.4.3 Zero to Five Scoring

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

<b>Score 5</b>	<b>Excellent</b>	<b>Exceeds the requirement.</b> Exceptional demonstration by the Applicant of the relevant ability, understanding, experience, skills, resource & quality measures required to deliver the Contract. Response identifies factors that will offer significant added value and/or innovation, with evidence to support the response.
<b>Score 4</b>	<b>Good</b>	<b>Satisfies the requirement with minor additional benefits.</b> Above average demonstration by the Applicant of the relevant ability, understanding, experience, skills, resource & quality measures required to deliver the Contract. Response identifies factors that will offer potential added value, with evidence to support the response.

<b>Score 3</b>	<b>Acceptable</b>	<b>Satisfies the requirement.</b> Adequate demonstration by the Applicant of the relevant ability, understanding, experience, skills, resource & quality measures required to deliver the Contract, with sufficient evidence to support the response.
<b>Score 2</b>	<b>Minor Reservations</b>	<b>Minor reservations on the Applicant's ability to satisfy the requirement.</b> Some minor reservations of the Applicant's relevant ability, understanding, experience, skills, resource & quality measures required to deliver the Contract, with little or no evidence to support the response.
<b>Score 1</b>	<b>Serious Reservations</b>	<b>Major reservations on the Applicant's ability to satisfy the requirement.</b> Considerable reservations of the Applicant's relevant ability, understanding, experience, skills, resource & quality measures required to deliver the Contract, with little or no evidence to support the response.
<b>Score 0</b>	<b>Unacceptable</b>	<b>Does not meet the requirement.</b> Does not comply and/or insufficient information provided to demonstrate that the Applicant has the ability, understanding, experience, skills, resource & quality measures required to deliver the Contract, with little or no evidence to support the response.

The scoring system is based on the Applicant's ability to fully satisfy the requirement and provide 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.

**Please Note:** Where an Applicant's response is considered not to satisfy the requirement and/or adequately demonstrate the ability to deliver the Contract 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 requirement, demonstrate to a high level they have the relevant ability, understanding, experience, skills, resources and quality measures in place and/or offer added value or innovative solutions.

#### Scoring Example:

<b>Applicant</b>	<b>Assessment</b>	<b>Score</b>
Applicant A	Fully satisfies the requirement and provides sufficient evidence to demonstrate their ability to deliver the contract	3
Applicant B	Fully satisfies the requirement, provides sufficient evidence to demonstrate their ability to deliver the contract and offers some potential added value.	4
Applicant C	Only meets some of the requirements, provides adequate evidence to demonstrate their ability to meet those requirements	2

	satisfied within the response and offers some added value and innovation in relation to aspects of their offer.	
Applicant D	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

### a) Weightings

Quality criteria are weighted between one and five. The weighting for each individual criteria will be applied to the score awarded e.g. a question weighted a one which achieves a score of three will achieve an overall score of three and a question weighted a three which achieves a score of three will achieve an overall score of nine.

### b) The Requirement

Applicants will be assessed against all of the requirements within Part 2 Specification.

### 3.4.4 Comparative Scoring

Price criteria will be assessed on a comparative basis, where the Applicant's response can be compared to that of other Applicants.

Applicants offering the lowest price will score maximum marks out of a possible 100 and those 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 evaluation criteria being a zero, in order to return a score for the other Applicants the price used for evaluation purposes will be £1.00.

### Scoring Example

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

### Mobilisation and Implementation Costs:

Lowest Price: £0.00 £1.00 used for evaluation purposes		Criteria: 5.00%
Applicant	Price	Score
Applicant A	£0.00	5.00%
Applicant B	£5,000.00	0.0010% Awarded score to 2 decimal places = 0.00%
Applicant C	£12,500.00	0.0004%

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		Awarded score to 2 decimal places = 0.00%
Applicant D	£27,500.00	0.0002% Awarded score to 2 decimal places = 0.00%

### Year One Standard Operating Costs

Lowest Price: £975,000		Criteria: 15.00%
Applicant	Price	Score
Applicant A	£1,000,000.00	14.63%
Applicant B	£976,000.00	14.98%
Applicant C	£980,546.00	14.92%
Applicant D	£975,000.00	15.00%

### Average Enhanced Support Operating Costs

Lowest Price: £23.00		Criteria: 20.00%
Applicant	Price	Score
Applicant A	£67.00	6.87%
Applicant B	£23.00	20.00%
Applicant C	£50.00	9.20%
Applicant D	£39.50	11.65%

### Total Price Scores

Criteria: 40.00%	
Applicant	Score
Applicant A	26.49%
Applicant B	34.99%
Applicant C	24.12%
Applicant D	26.65%



## 4 Tender Requirements

### 4.1 Communication

**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.

**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.

### 4.2 Tender Clarification

**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 or of 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.

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.

### 4.3 Amendment to Documents

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 necessary the Tender Submission deadline will be extended to enable Applicants time to take these changes into account.

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.

### 4.4 Post Tender Clarification

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.

Where post tender clarification results in substantial modification to the Contract Torbay Council reserves the right to restart or abandon the Tender process.

**Please Note:** Failure to respond to post tender clarification questions in a timely manner may result in the Applicant's Tender being rejected.

### 4.5 The Tender Documents

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 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.

## 4.6 Preparation and Completion of Tenders

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) 6 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) where a word or page limit has been set any portion of the response which exceeds that limit will not be evaluated;
- (g) supporting documents / appendices will only be evaluated where these have been permitted within the response;
- (h) appendices, where permitted, must be clearly referenced within the response;
- (i) where a question does not apply to an Applicant they should clearly state N/A in the response section;
- (j) 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;
- (k) do not make any assumptions about your past or current supplier relationship with Torbay Council or to assume that such prior relationships will be taken into account in the evaluation procedure;
- (l) all Documents must be completed in full 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 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.

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 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. Applicants cannot reserve the right to comment or negotiate on them at a later date.

## 4.7 Submission and Opening of Tenders

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.

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.

## 4.8 Rejection of Tenders

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's price exceeds Torbay Council's declared budget;
- (d) 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;
- (e) 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); or
- (f) 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.

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

- (a) the price has been assessed as being abnormally low (see 4.9);
- (b) it is considered by Torbay Council to be incomplete (see 4.10) or vague;
- (c) it is not in accordance with the required format;
- (d) the Applicant alters the Documents in any way or misrepresents itself in terms of any previous information provided;
- (e) the Applicant does not respond to post tender clarification questions in a timely manner;
- (f) the tender has been qualified in any way; or
- (g) it is in breach of any condition contained within it.

## 4.9 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

## 4.10 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.

## 4.11 Evaluation and Award

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 accepted Tenders which meet all of the mandatory requirements as set out within the Documents.

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, whether this is to award or not to award the Contract. 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.

## 4.12 Legal and Contracting Arrangements

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 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 12 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 Torbay Council will require the successful Applicant to provide evidence of 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

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the formal Contract documents being signed by both parties, unless written agreement to do so has been given by Torbay Council's Legal Service.



## 5 Glossary

### 5.1 Tender Documents

The following documents, together with the Appendices and Links at 5.2 below, form the tender documents:

Document	Purpose	For Completion and Submission
Part 1 Information	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 Selection Questionnaire	Contains the Selection Questions and may include the requirement for Applicants to provide some on-line responses.	Yes
SQ Part 1 and 2 Declaration	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 the Applicant is relying on other organisations to meet the selection criteria
Part 4 Award Questionnaire	Contains the Award Questions and may include mandatory requirements, method statements and/or technical questions.	Yes
Part 4A Lot One Method Statement Response	Contains the Lot One Award Method Statement response template	Yes if the Applicant is bidding for Lot One
Part 4 A Lot Two Method Statement Response	Contains the Lot Two Award Method Statement response template	Yes if the Applicant is bidding for Lot Two

Document	Purpose	For Completion and Submission
Part 4 A Lot Three Method Statement Response	Contains the Lot Three Award Method Statement response template	Yes if the Applicant is bidding for Lot Three
Part 5 Pricing	Contains the Applicant's pricing proposals for this Tender.	Yes
Part 6 Certificates and Declarations	Contains the Certificates and Declarations to which all Applicants must conform.	Yes
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
Individual Placement Agreement	Contains the template for the individual agreements for any child or your person placed within the Service	No Applicants are required to confirm acceptance as part of their response

## 5.2 Appendices and Links

5.2.1 Appendix A ProContract User Guide

5.2.2 Appendix E Presentation Requirements

5.2.3 Appendix F Draft Community and Corporate Plan

5.2.4 Appendix G Heads of Terms for Sub-Lease

5.2.5 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)

5.2.6 Selection Questionnaire – EU Definition of an SME:

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

For Information

5.2.7 Selection Questionnaire – PSC Guidance:

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

5.2.8 Torbay Children's Services Policy Manual

<https://torbaychildcare.proceduresonline.com/>

## 5.3 Definitions

In addition to those definitions set out in the table below, Applicants should also refer to Schedule 3 Definitions and Interpretation of the Contract.

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 and 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 Contract Notice sent electronically for publication in the Official Journal of the European Union.
<b>Child or Children</b>	Any young person aged between 10 and 17 whose care and where specified educational needs are the responsibility of the Authority, who is the subject of a placement for whom the price of the placement is met by the Authority or those for whom it is acting.
<b>Children's Home or Home</b>	A residential establishment, including a Nursing Home (see below) that is registered with DCSF to provide 24 hour care and accommodation for a child or young person who is unable to live with their family. This also includes schools that can accommodate children or young people for more 295 days (including weekends, bank holidays and school holiday periods) a year.

Term	Definition
<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.
<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>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>Provider</b>	The Applicant awarded the Contract culminating from an offer to supply accepted by Torbay Council.

<b>Term</b>	<b>Definition</b>
<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> .
<b>Relevant Tax Authority</b>	The organisation responsible for administering tax policy in the country in which the Applicant's organisation is established.
<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>Tender</b>	The invitation to bid for this Contract; and / or The Applicant's response to this tender opportunity.
<b>The Council</b>	Torbay Council
<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>Young Person or Young People</b>	Any young person aged between 10 and 17 whose care and where specified educational needs are the responsibility of the Authority, who is the subject of a placement for whom the price of the placement is met by the Authority or those for whom it is acting.