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The logo for Bath & North East Somerset Council, featuring the text "Bath & North East Somerset Council" in a green, sans-serif font, centered between two horizontal blue lines.

**Bath & North East
Somerset Council**

**INVITATION TO PARTICIPATE
in the Flexible Framework
for the
Provision of Care
for Adults in Care Homes**

under the Light Touch Regime

PRO CONTRACT REFERENCE NO: DN394994

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SECTION 1 – THE REQUIREMENT

1.1 Introduction

Bath & North East Somerset Council are establishing a Flexible Framework for the Provision of Care for Adults in Care Homes.

The Flexible Framework will be used for making care home (both residential and nursing) placements for older people (65+ years old), whose primary need does not relate to a Learning Disability.

The Flexible Framework is being established by Bath & North East Somerset Council and may also be accessed by BANES Clinical Commissioning Group (CCG). Placements eligible for Funded Nursing Care will be made by the Council, with the Funded Nursing Care contribution being made by the CCG directly to the Council.

The CCG may also use the Flexible Framework to call-off NHS Continuing Healthcare and fully health funded placements.

The Flexible Framework is being established under the Light Touch Regime and therefore applies the flexibilities afforded under regulation 76 of the Public Contracts Regulations 2015. These flexibilities include, but are not limited to, the length of the Flexible Framework which exceeds the 4 year term (regulation 33(3)) and the re-opening of the framework to allow new entrants periodically. Given the nature of the care homes market it is necessary to allow new entrants to enter the framework. Given that the framework will not be closed to new entrants competition is not restricted, therefore justifying a longer contract term than otherwise permissible.

1.2 Overview

Initial applications to participate in the Flexible Framework will invited during September/October 2019. Once the evaluation of the initial applications is complete the Council will launch the Flexible Framework and commence use of it for securing individual care home placements and block contracts.

The Flexible Framework will be used by the Council and will also be accessible by Bath and North East Somerset CCG to call-off care home placements.

The Flexible Framework will be used for calling-off individual placements and block contracts at nursing and residential homes within the B&NES boundary. The Council also invites care homes who are close to the B&NES boundary to participate.

The Flexible Framework will not be used to make out of area care home placements, unless the home is very close to the B&NES Council and/or CCG boundaries.

The Flexible Framework will not be closed to new entrants. Requests to Participate will be invited periodically. It is anticipated that this will take place at least 6 monthly, but may be more frequent at the Council's discretion.

Service Users who are placed in care homes at the date that the Flexible Framework comes into use will remain in their current homes. The Flexible Framework will be used for securing any new requirements.

1.3 Contracting Structure

Each Provider admitted to the Flexible Framework will sign up to the terms of the Framework Agreement, which will cover all of their homes that are being admitted. They will also, at the point of entry to the framework, sign up to an Individual Service Agreement for each of their homes, which will govern the call-off of individual care home placements.

Where the care home is a nursing home they will also need to agree to the NHS Standard Contract (Short Form) which will govern any NHS Continuing Healthcare and/or fully health funded placements that the CCG wish to call-off of the Flexible Framework. An indicative copy of the NHS call-off contract is provided with this pack.

An indicative Block Contract is provided. Providers will only sign up to the Block Contract terms and conditions where they are awarded a Block Contract. Such Block Contracts will be put into place through the Framework, with all suitable Providers being invited to bid for available blocks.

1.4 Who should apply?

The Council requires that a Request to Participate is submitted by the organisation with whom the contract will be held. This will vary depending on the structure of your organisation.

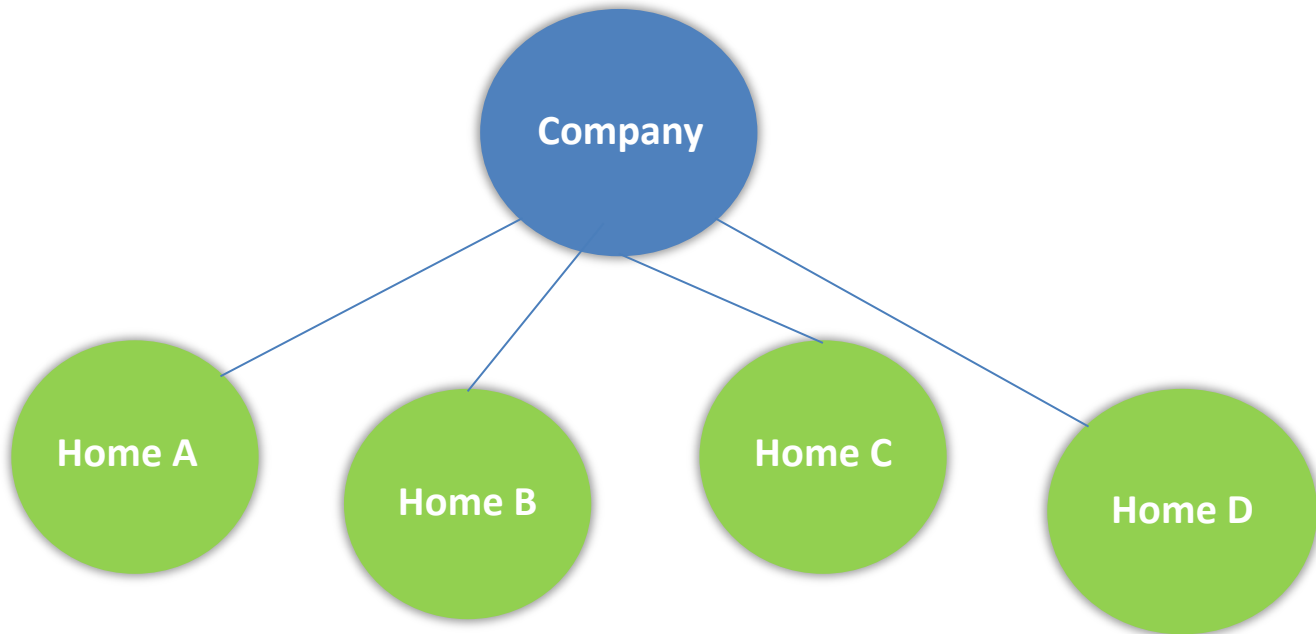
Please see below a number of possible scenarios, which may apply. If your organisations structure is not reflected here and you are not clear at what level the Request to Participate should be submitted please contact us through the messaging function on the e-tendering system and we will advise accordingly.

Scenario 1: Company operating 1 registered location



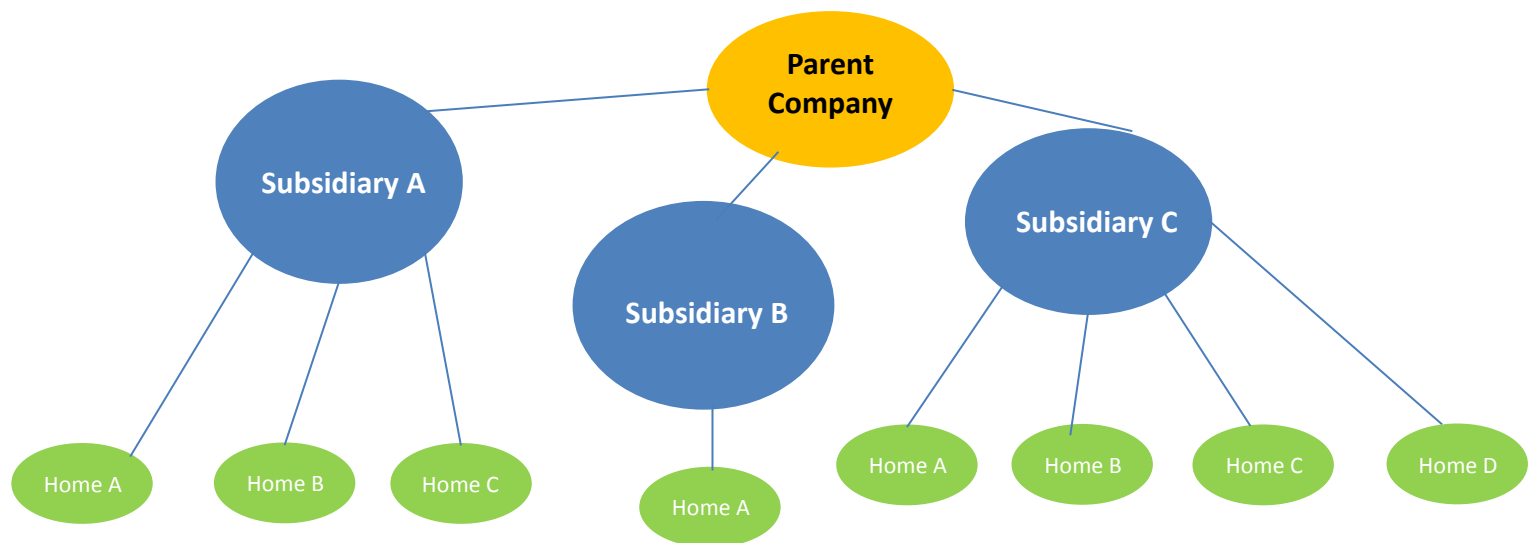
Who applies? The company who own and operate the registered location will need to submit a Request to Participate.

Scenario 2: Company operating multiple registered locations



Who applies? The company who own and operate the homes will apply and they will provide details relating to each of the homes they wish to add to the Flexible Framework in their Request to Participate.

Scenario 3: Parent company, owning multiple subsidiaries, which each operate 1 or more registered locations



Who applies? Each subsidiary will apply and each will provide details relating to the homes they wish to add to the Flexible Framework in their Request to Participate.

Updating the list of homes

Where an organisation that has been accepted onto the Flexible Framework wishes to amend the list of care homes they have on the framework (e.g. they open a new home) they will need to make contact with commissioners through the messaging function on the e-tendering system in the first instance.

The Provider will be asked to submit details relating to the home, so that commissioners can confirm that the home meets the Selection Requirements (as per the Selection Questionnaire). The Provider will be advised of the outcome and call-off contracts relating to that home will be issued accordingly.

1.5 Future Developments

Throughout the term of the Flexible Framework there may be changes to the specified services and/or contractual requirements to allow for changes in practice. These will be dealt with through the contractual Variation Process. This section sets out a number of the known pieces of work which may result in a required variation to the Flexible Framework. This is not intended to be an exhaustive list and other developments may occur.

At the outset of the Flexible Framework the CCG will contract for NHS Continuing Healthcare and fully health funded placements by way of a call-off from the Flexible Framework, on an NHS Standard Contract (Short Form). Over the term of the framework the Council and the CCG will be working together to further integrate health and social care provision in B&NES. In the event that the Council and CCG enter into a formal joint commissioning arrangement, during the term of the Flexible Framework, it is anticipated that the Council will subsequently call-off all individual placements and block contracts on behalf of both organisations.

Current practice in B&NES is for the care home to collect directly from the Service User any Client Care Charge that they are assessed as making towards their placement and any top-up that a third party has agreed to make towards the placement. The Council are currently out to consultation on a new charging framework which, if implemented will see this change. In the event that this change is implemented to the way payments are made to care homes, the Payment Mechanisms will be varied to take account of the change in responsibility for collection of these charges.

The Council are exploring the introduction of the ContrOCC Provider Portal which would result in the issuing of remittance advices electronically to providers rather than in hard copy, as per the current system. Once

introduced Providers would be required to access remittance advices via an online portal and to confirm accuracy of such advices via the same route.

The NHS is currently undertaking a piece of work to review the specified requirements for NHS Continuing Healthcare funded placements and the requirements of Providers in terms of supporting service users with dementia. These reviews will inform the specifications issued with this procurement process and may result in some variations to those specifications during the term of the Flexible Framework.

In March 2019 the Council resolved to declare a Climate Emergency. Work is currently underway to identify priorities and develop an action plan. As the Council develops these plans they will wish to engage with Care Home providers and may ask Providers to take appropriate actions to increase the sustainability of their buildings and operations. Further information regarding the Council's response to the Climate Emergency is available at: <https://www.bathnes.gov.uk/climate-emergency>

1.6 Specification

All services delivered under the Flexible Framework will be subject to the Specification for the Provision of Care for Adults in Care Homes, which is a generic specification relating to all services delivered in care homes with and without nursing. This is included in Part A of the following document.

Where a particular home is contracted to deliver services for people with complex dementia the Outcome Based Service Specification for People Living with Complex Dementia Needs will also apply. This is included in Part B of the following document.



Care Homes
Combined Spec 26.09

Where a call-off for NHS Continuing Healthcare or Fully Health Funded Placements is made, under the NHS Standard Contract (Short Form) the following specification will apply, in addition to the generic Specification for the Provision of Care for Adults in Care Homes.



CHC Spec April 2018
(updated 09.2019) v4

The specifications provided are in draft form and will be finalised prior to issue of contract documents.

1.7 Lots

The Council will, where appropriate, break contracts into lots to facilitate SME participation in line with the Public Contracts Regulation 2015.

The services covered by this procurement exercise have not been sub-divided into lots because the services will be called-off of the Flexible Framework in line with the Council's published Brokerage Policy which ensures that call-off opportunities are appropriately distributed.

The Council's draft Brokerage Policy is included at Appendix 5 for information.

1.8 Scope of Framework

The Flexible Framework for the Provision of Care for Adults in Care Homes will be used for placing Service Users into both residential and nursing homes. The Service Users will be older people (65+ years old), whose primary need is not Learning Disabilities.

The Flexible Framework will be used for calling-off individual placements and block contracts at nursing and residential homes within the B&NES Council and/or CCG boundary. The Council also invites care homes who are close to the B&NES boundary to participate.

The Flexible Framework will not be used to make out of area care home placements, unless the home is very close to the B&NES Council and/or CCG boundaries.

For the avoidance of doubt, placements made in out of area care homes (unless very close to the B&NES Council and/or CCG boundaries) will be made outside of this framework and will be subject to a standalone contract.

1.9 Term of Flexible Framework

It is anticipated that the Flexible Framework will commence early December 2019. This will be confirmed once evaluation of submitted Requests to Participate has been completed.

The Flexible Framework will expire 5 years after its commencement, unless extended. There is provision for a 2 year extension beyond the initial term.

1.10 Re-opening of Flexible Framework

The Flexible Framework will not be closed to new entrants. Requests to Participate will be invited periodically.

It is anticipated that this will take place at least 6 monthly, but may be more frequent at the Council's discretion.

As and when the Flexible Framework is re-opened to new entrants a message will be issued through ProContract advising registered organisations that a new “Acceptance Round” has been released. The system will create a new acceptance round with a revised deadline date.

Once organisations have been accepted onto the Flexible Framework they do not need to concern themselves with a new acceptance rounds.

1.11 Value

The current annual spend on care home placements across B&NES (in area placements only) is an estimated £21,978,000. This includes Funded Nursing Care contributions and NHS Continuing Healthcare placements.

Securing a place on the Flexible Framework for the Provision of Care for Adults in Care Homes is no guarantee of placements being made. The Council and CCG give no guarantee with regard to the total number of Service Users or Placements, length of Call-Off Contracts, or values of the Services to be requested by it pursuant to the Flexible Framework.

1.12 Transfer of Undertakings (Protection of Employment) TUPE

It is the Council’s view that TUPE will not apply with respect to the services currently provided because service users who are currently placed in care homes will remain in those settings and will not transfer as part of the establishment of the framework. **Applicants should however seek their own professional advice in order to form their views on the question of TUPE.**

SECTION 2 – INSTRUCTIONS TO APPLICANTS

2.1 E-tender System

The Council uses ProContract as its e-tendering system. Assistance in relation to the e-tender system is available to Applicants via the Supplier Help facility on the Homepage.

Supplier Guidance documents are also available to view and download.

Suppliers must ensure that they have the most up to date Invitation to Participate document by registering on the e-tendering system at www.supplyingthesouthwest.org.uk and expressing an interest. This will enable suppliers to view the latest documents and see any comments and discussions on those documents.

If you are still unable to resolve your issue in using the system you should send an e-mail to ProContractsuppliers@Proactis.com explaining the nature of your query.

2.2 Register Intent or opt out

The “Register Intent” button will be greyed out until the mandatory requirement to click on “View ITT” has been carried out.

Once the Tender Information has been viewed Applicants will be able to click on “Register Intent” which will inform the Council of your intention to respond to this opportunity.

If an Applicant does not wish to, or is unable to submit a Request to Participate and is not interested in proceeding, then they are required to click on “Opt Out” to decline the opportunity.

2.3 Preparation of Requests to Participate

Organisations must obtain for themselves all information necessary for the preparation of their Request to Participate and all costs, expenses and liabilities incurred by the Applicant in connection with the preparation and submission of the Request to Participate shall be borne by the Applicant, whether or not their offer is successful.

Information supplied to the Applicant by Council staff or contained in Council and CCG publications is supplied only for general guidance in the preparation of the Request to Participate. It shall remain the property of the Council and shall be used only for the purpose of this procurement exercise.

Applicants must satisfy themselves as to the accuracy of any such information and no responsibility is accepted by the Council for any loss or damage of whatever kind and howsoever caused arising from the use by Applicants of such information.

Responses to each question should be written concisely and clearly answer the question posed in English.

Applicants will only be able to respond to questions that require an input from them and are located within the e-tender system.

2.4 Other Documents or Supporting Evidence

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

Requests to Participate must not be qualified, conditional, or accompanied by statements that could be construed as rendering them equivocal and/or placed on a different footing to those of other Applicants. Only Requests to Participate submitted without qualification, in accordance with this invitation to participate will be accepted for consideration. The Council’s decision on whether or not a Request to Participate is acceptable will be final and the

Applicant concerned will not be consulted. If an Applicant is excluded from consideration, the Applicant will be notified.

2.5 Submission deadline

Applicants are required to submit their Request to Participate within the e-tender system by **12 noon, Friday 25th October 2019**.

Applicants are advised to allow sufficient time to complete questions and upload documentation to the e-tender system, where requested to do so.

It is the Applicant's responsibility to ensure that the Request to Participate is submitted and has fully uploaded all required documentation within the e-tender system by the closing date and time. Emailed or hard copy Requests to Participate will not be accepted.

Failure to answer and complete the Selection Questionnaire within the e-tender system will result in the Council rejecting the submission as a Fail / Non-compliant submission.

Failure to complete and upload any required documentation within the e-tender system will result in the Council rejecting the submission as a Fail / Non-compliant submission.

Documentation: If you are uploading multiple documents, it is recommended that you zip them using WinZip or WinRAR. Do not include any macro enabled spreadsheets or embedded documents. Acceptable file formats are: *txt, rtf, mpp, vsd, dwg, rar, msg, ics, html, gif, jpg, png, jpeg, tiff, tif, zip, pdf, doc, xls, ppt, docx, xlsx, pptx, mp3, mov, m4a, swf, wmv, mpg, mpeg, avi, wav, odt, odp, ods, numbers and pages.*

Late Submissions: submissions received after the closing date will not be considered.

The Council is under no obligation to consider partial or late submissions.

If the Council issues an amendment to the original Invitation to Participate, and if it regards that amendment as significant, an extension of the closing date may, at the discretion of the Council be given to all Organisations.

The information supplied in a Request to Participate will be checked for completeness and compliance before responses are evaluated. The Council expressly reserves the right to require an Applicant to provide additional information supplementing or clarifying any of the information provided in the Request to Participate. However, the Council is not obliged to make such requests.

Applicants shall accept and acknowledge that by issuing this ITP the Council shall not be bound to accept any submission and reserves the right not to

conclude a Flexible Framework for some or all of the services for which Requests to Participate are invited.

2.6 Communication

All contact and communication during this procurement should be submitted in writing through the e-tender system.

Applicants should seek to clarify any points of doubt or difficulty via the e-tender system in sufficient time before the closing date, to enable the Council to respond to all Applicants. It is not acceptable for Applicants to seek clarifications via telephone or e-mail outside of the e-tender system.

Where the Council considers any question or request for clarification to be of material significance it may communicate both the query and the response, in a suitably anonymous form, to all interested parties. Applicants should therefore not include within any questions their organisation's name and/or any potential commercially sensitive information.

2.7 Confidentiality

The supplier must keep confidential and will not disclose to any third parties any information contained within their submission. They shall not release details other than on an 'In Confidence' basis to those whom they need to consult for the purpose of preparing the response, such as professional advisors or joint bidders.

The submission shall not be canvassed for acceptance or discussed with the media, any other Organisation, member/officer of Bath & North East Somerset Council, or their representatives. Any supplier trying to exert any undue influence during the procurement process could be excluded from the process.

2.8 Grounds for Rejection

The Council reserves the right to reject or disqualify an Applicant and/or its Consortium Members where:-

- A submission is late, is completed incorrectly, is materially incomplete or fails to meet the Council's submission requirements which have been notified to Applicants;
- the Applicant and/or its Consortium Members are unable to satisfy the terms of Regulation 57 of the Public Contracts Regulations 2015 and/or fails to certify at Appendix 1 that it has fulfilled these requirements;
- the Applicant and/or its Consortium Members are guilty of material misrepresentation in relation to its application and/or the process;
- the Applicant and/or its Consortium Members contravene any of the terms and conditions of this document or the ITP; or

- there is a change in identity, control, financial standing or other factor impacting on the selection and/or evaluation process affecting the Applicant and/or its Consortium Members;
- disqualification of an Applicant will not prejudice any other civil remedy available to the Council and will not prejudice any criminal liability that such conduct by an Applicant may attract.

2.9 Disclaimer

Whilst the information in this ITP and supporting documents has been prepared in good faith, it does not purport to be comprehensive nor has it been independently verified.

Neither the Council, nor any relevant Other Contracting Bodies, nor their advisors, respective directors, officers, members, partners, employees, other staff or agents:

- make any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the ITP; or
- accepts any responsibility for the information contained in the ITP or for their fairness, accuracy or completeness of that information nor shall any of them be liable for any loss or damage (other than in respect of fraudulent misrepresentation) arising as a result of reliance on such information or any subsequent communication.

Any Framework Agreement or Contract concluded as a result of this ITP shall be governed by English law.

2.10 Freedom of Information Act

Applicants should note that the Council is subject to the 'Freedom of Information Act 2000' and provisions are in force allowing any person access to information held by the Council. There are limited exemptions to this. The exemptions include information, the disclosure of which would be an actual breach of confidence or likely to prejudice the commercial interests of any person, or information that constitutes a trade secret. Applicants are requested to state which part, if any, of the information supplied with their submissions is confidential or commercially sensitive or should not be disclosed in response to a request for information. Where Applicants state that any information is confidential or commercially sensitive, they must also state why they consider the information to be confidential or commercially sensitive. Applicants' statements will be considered in the context of the exemptions provided for under the Act and the Council is unable to give any guarantee that the information in question will not be disclosed.

2.11 Transparency

Suppliers and those organisations who bid should be aware that if they are awarded a contract, the resulting contract between the supplier and the

Council will be published under the government transparency policy. To view details of what we MUST publish, see the Local Government Transparency Code 2015 at the link below.

[Local Government Transparency code 2015](#)

The Council is required to publish details of all expenditure over £500 made to its suppliers and all contracts and framework agreements over £5000.

Details will be published on the Council's website and the government's transparency website (Data.gov.uk) and Contracts Finder.

Suppliers and those organisations who bid should be aware that if they are awarded a contract, the resulting contract between the supplier and the Council will be published. In some circumstances limited redactions will be made to some contracts before they are published in order to comply with existing law and for the protection of national security.

In submitting a Request to Participate, the supplier accepts the Council's right to publish details of expenditure as well as information contained within the supplier's submission.

2.12 Safeguarding

All commissioned services (where relevant) are required to adhere to the Council's safeguarding procedures, in line with the local multi-agency board.

Applicants must be able to confirm and demonstrate (where applicable) that they have established processes in place, as detailed in the Selection Questionnaire.

2.13 Equality

Bath & North East Somerset Council is committed to equality of opportunity for everyone and believes that the diversity of the local community is a major strength that contributes to the social and economic prosperity of the area. This extends to the way it deals with its suppliers. All suppliers will be treated fairly and equitably before, during and after this procurement procedure.

2.14 Ethical Standards

Ethical procurement takes the wider view and incorporates the net benefits for both the buyer organisation and the wider world. The Council will consider the impact of environmental, economic and social factors along with price and quality.

The Council must ensure that the practices it undertakes in business are above reproach. They will be aware of and lookout for signs of unacceptable

practices in the supply chain such as fraud, corruption, modern-day slavery, human trafficking and wider issues such as child labour.

2.15 Social Value

In the provision of Services Providers are asked to consider the Social Value that they are able to deliver. The benefits could be in the form of social benefits (for example reducing anti-social behaviour), economic benefits (for example increasing local employment), or environmental benefits (for example reducing local environmental impact of the provision).

For further details on the Council's Social Value Policy, Applicants can request a copy of the policy from the Procurement Team by e-mailing procurement@bathnes.gov.uk

2.16 Step-In Rights

Please note that the Council reserves the right to incorporate step-in rights into this contract in the incidence of a failure of the main contractor or a sub-contractor to carry out their obligations under the contract.

2.17 Payment to Sub-Contractors

Suppliers should be aware that where they will enter into a sub-contract with a supplier or contractor for the purpose of performing its obligations under the Contract, it shall ensure that a provision is included in such a sub-contract which requires payment to be made of all sums due by the supplier to the sub-contractor within a specified period not exceeding 30 days from the receipt of a valid invoice.

2.18 Procurement Timetable

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

This timetable applies to the initial setting up of the Flexible Framework. As and when the framework is re-opened to new applications the deadline for submissions will be notified by the e-tendering system.

Date	Activity
Thursday 26 th September 2019	Invitation to Participate (ITP) issued to potential suppliers
12 noon, Thursday 10 th October 2019	Closing date for clarification questions to be submitted
12 noon, Friday 25 th October 2019	Closing date and time for receipt by the Council of Applicants responses to the ITP
November	Evaluation of the ITP responses by evaluation panel &

	supplier financial accounts by Internal Audit
November/December	Contract awards concluded
Early December	Anticipated Commencement Date of Flexible Framework

2.19 Required documents

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

DOCUMENT TITLE	COMPLETE AND UPLOAD
Section 1 – The Requirement	x
Section 2 – Instructions to Applicants	x
Section 3 – Request to Participate	x
Section 4 – Evaluation and Award	x
Appendix 1 – Non Collusion Certificate	✓
Appendix 2 - Terms and Conditions of Contract	x
Appendix 3 - Scoring Methodology	x
Appendix 4 – Financial Capacity Review Methodology	x
Appendix 5 – Draft Brokerage Policy	x

Please Note: The completion and electronic return of all the documents ticked above is mandatory. The Request to Participate must be completed via the online form in the e-tendering system.

2.20 Terms & Conditions

The Council will award places on the Flexible Framework and Call-Off Contracts based on the Terms and Conditions provided with this ITP document.

SECTION 3 – REQUEST TO PARTICIPATE

A Request to Participate in the Flexible Framework is made by submitting a completed Selection Questionnaire. The Selection Questionnaire must be completed online in the e-tendering system.

A PDF version of the Selection Questionnaire is provided below for your use in preparing your response; however only submissions completed via the online form will be accepted.



FINAL Care Homes
Selection Questionnaire

SECTION 4 – EVALUATION AND AWARD

4.1 Evaluation and Award

Evaluations will be undertaken by officers of the Council who will follow a systematic and comprehensive process in accordance with the Council's procedures. Submissions will be evaluated to confirm whether Applicants meet the selection requirements as set out in the Selection Questionnaire and the Evaluation Methodology. All Applicants meeting these minimum selection requirements will be admitted to the Flexible Framework.

The Council expects to conclude evaluation of the submitted Requests to Participate within 28 days of the closing date for the submission of requests. The Council may, if necessary, extend the period for completing the award process.

The decision of the award will be based on evaluation against the attached Evaluation Methodology.

Applicants that are successful in securing a place on the framework will receive a notice in writing.

Applicants who have not been successful will equally receive in writing a notice.

Upon acceptance, the Framework Agreement and Individual Service Agreement shall thereby be constituted and become binding on both parties and, notwithstanding that, the Applicant upon request of the Council will execute a formal Framework Agreement and Individual Service Agreement in the form contained in this Invitation to Participate.

Applicants must not undertake work without written notification that they have been awarded a Contract and are required to start work.

Applicants should note that the Council reserves the right to terminate this procedure without any decision to award and will not be liable for any costs incurred by the Applicants in preparing their responses.

Applicants should also note that, should they be successful the Council reserves the right to terminate the Framework Agreement and any Call-Off Contract, if at any time it is discovered that the Applicant made any material misrepresentation and/or have not notified to the Council about any material changes in relation to the information provided in the submission.

4.2 Evaluation Methodology

Submitted Selection Questionnaires will be evaluated by officers of the Council in accordance with the evaluation methodology provided in Appendix 3.

All the individual questions are mandatory therefore Applicants are required to submit a response. Failure to complete the questions will result in a fail as evaluators will not be able to evaluate fully the submitted Request to Participate.

Pass / Fail: Where sections or questions have the criteria as a Pass or Fail, it will be clearly stated as such. Sections or questions scored as a Fail will result in the disqualification of the Request to Participate.

4.3 Clarifications

Upon examination of the submissions, it may be necessary for the evaluators to request clarifications from the Applicants. The question(s) will be sent on the e-tendering system and Applicants must respond in the same manner.

Clarifications received from Applicants outside the e-tendering system will not be responded to.

4.4 Evaluation Report and Recommendation

An evaluation report will be produced by the evaluators and a recommendation made to admit successful providers onto the Flexible Framework.

4.5 Award

Upon completion of the procurement exercise, the Council will advise both successful and unsuccessful Applicants of the outcome and confirm the next steps with regards to executing contracts and active use of the framework.

SECTION 5 - APPENDICES

1. Non-Collusion Certificate
2. Terms and Conditions of Contract
3. Scoring Methodology
4. Financial Assessment Methodology
5. Draft Brokerage Policy

APPENDIX 1

NON-COLLUSION CERTIFICATE

I, the undersigned, in submitting the accompanying Request to Participate in relation
To the Flexible Framework for the Provision of Care for Adults in Care Homes.

certify on behalf of (name of Applicant).....

that, with the exception of any information attached hereto (see * below):

- 1) this submission is made in good faith, and is intended to be genuinely competitive;
- 2) the amount of this tender has been arrived at independently, and has not been fixed, adjusted or influenced by any agreement or arrangement with any other undertaking, and has not been communicated to any competitor;
- 3) we have not entered into any agreement or arrangement with any competitor or potential competitor in relation to this tender;
- 4) I have read and I understand the contents of this Certificate, and I understand that knowingly making a false declaration on this form may result in legal action being taken against me.

In this certificate, the word 'competitor' includes any undertaking who has been requested to submit a tender or who is qualified to submit a tender in response to this request for tenders, and the words 'any agreement or arrangement' include any such transaction, whether or not legally binding, formal or informal, written or oral.

* Information is/is not attached hereto (delete as appropriate)

SIGNED:.....

FOR AND ON BEHALF OF:.....

DATE:.....

APPENDIX 2

TERMS AND CONDITIONS OF CONTRACT

The terms and conditions that relate to this Flexible Framework are provided separately on the ProContract opportunity page.

APPENDIX 3

SCORING METHODOLOGY



FINAL Selection
Questionnaire Evalua

APPENDIX 4

FINANCIAL CAPACITY REVIEW METHODOLOGY



Care Homes Financial
Review.docx

APPENDIX 5

DRAFT BROKERAGE POLICY



Draft Brokerage
Policy (v6).doc

Glossary

'Applicant' means the organisation who is submitting a Request to participate in the Flexible Framework;

'Contracting Bodies' or 'Contracting Body' means any other public sector organisation or Local Authority described in the Contract or Framework Agreement who is allowed to procure under the Contract;

'Contractor' means the person, firm or company appointed by the Council or Contracting Body to supply the Goods or Services under this Contract and shall include the Contractor's employees, personal representatives, successors and permitted assigns;

'Council' means Bath & North East Somerset Council;

'Contract' means the written agreement between the Council or Contracting Body consisting of the clauses within the terms and conditions of contract and the Order;

'e-tender system' means the electronic tender system named Pro-Contract. It is provided by ProActis and is hosted via <http://www.supplyingthesouthwest.org.uk>;

'Flexible Framework' means the mechanism being established for the Council and CCG's use for calling-off individual placements and block contracts in care homes;

'Invitation to Participate' means this document and all its components, which is inviting Applicants to make a submission for inclusion on the Flexible Framework;

'Request to Participate' means the submission that is made by Applicants who wish to join the Flexible Framework;

'Selection Requirements' means the minimum requirements set out by the Council which Applicants must meet in order to be admitted to the Flexible Framework;

'Specification' means the scope and description of the Services to be provided pursuant to this Flexible Framework as set out in Section 1 – Specification.