

**Durham County Council**

**Provider Panel for Day Services**

**ProContract Reference DN526604**

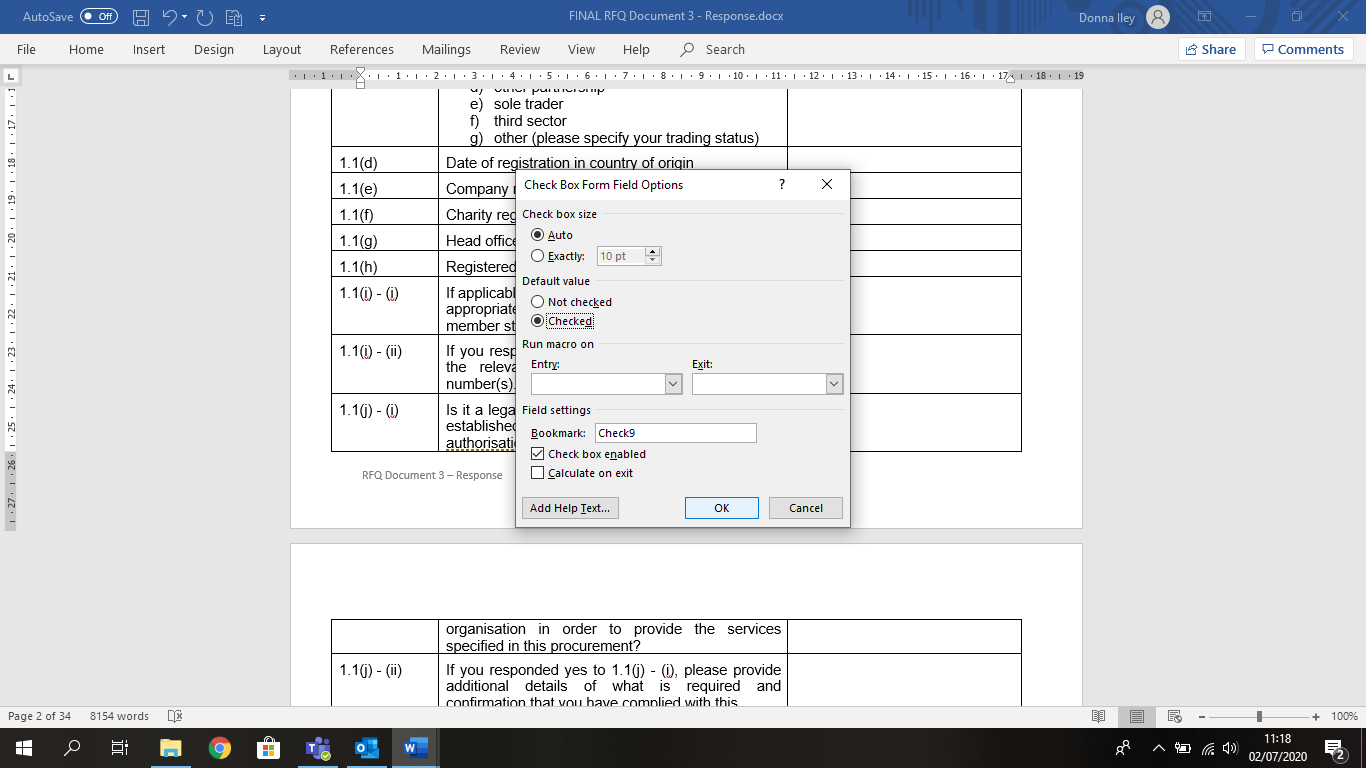
**ITT Document 3 - Response**

**IMPORTANT:**

*Please read the information in* ***Document 1 – instructions*** *- before beginning to complete the ITT. That document contains important guidance on how to complete your ITT response.*

**Guidance:**

**To check a box right click on your mouse the box you wish to check, left click on ‘Properties’, select ‘Checked’ then click on ‘OK’.**



**Part 1: Potential supplier Information**

Please answer the following questions in full. Note that every organisation that is being relied on to meet the selection must complete and submit the Part 1 and Part 2 self-declaration.

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| --- | --- | --- |
| **Section 1** | **Potential supplier information** | |
| **Question number** | **Question** | **Response** |
| 1.1(a) | Full name of the potential supplier submitting the information |  |
| 1.1(b) – (i) | Registered office address (if applicable\*) |  |
| 1.1(b) – (ii) | Registered website address (if applicable\*) |  |
| 1.1(c) | Trading status   1. public limited company 2. limited company 3. limited liability partnership 4. other partnership 5. sole trader 6. third sector 7. other (please specify your trading status) |  |
| 1.1(d) | Date of registration in country of origin |  |
| 1.1(e) | Company registration number (if applicable) |  |
| 1.1(f) | Charity registration number (if applicable) |  |
| 1.1(g) | Head office DUNS number (if applicable) |  |
| 1.1(h) | Registered VAT number |  |
| 1.1(i) - (i) | If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established? | Yes  No  N/A |
| 1.1(i) - (ii) | If you responded yes to 1.1(i) - (i), please provide the relevant details, including the registration number(s). |  |
| 1.1(j) - (i) | Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be a member of a particular organisation in order to provide the services specified in this procurement? | Yes  No |
| 1.1(j) - (ii) | If you responded yes to 1.1(j) - (i), please provide additional details of what is required and confirmation that you have complied with this. |  |
| 1.1(k) | Trading name(s) that will be used if successful in this procurement |  |
| 1.1(l) | Relevant classifications (state whether you fall within one of these, and if so which one)   1. Voluntary Community Social Enterprise (VCSE) 2. Sheltered Workshop 3. Public service mutual |  |
| 1.1(m) | Are you a Small, Medium or Micro Enterprise (SME)[[1]](#footnote-1)? | Yes  No |
| 1.1(n) | Details of Persons of Significant Control (PSC), where appropriate: [[2]](#footnote-2)  - Name;  - Date of birth;  - Nationality;  - Country, state or part of the UK where the PSC usually lives;  - Service address;  - The date he or she became a PSC in relation to the company (for existing companies the 6 April 2016 should be used);  - Which conditions for being a PSC are met;  - Over 25% up to (and including) 50%,  - More than 50% and less than 75%,  - 75% or more. [[3]](#footnote-3)  (Please enter N/A if not applicable) |  |
| 1.1(o) | Details of immediate parent company:    - Full name of the immediate parent company  - Registered office address (if applicable)  - Registration number (if applicable)  - Head office DUNS number (if applicable)  - Head office VAT number (if applicable)  (Please enter N/A if not applicable) |  |
| 1.1(p) | Details of ultimate parent company:  - Full name of the ultimate parent company  - Registered office address (if applicable)  - Registration number (if applicable)  - Head office DUNS number (if applicable)  - Head office VAT number (if applicable)  (Please enter N/A if not applicable) |  |

**Please note:** A criminal record check for relevant convictions may be undertaken for the preferred suppliers and the persons of significant in control of them.

\* 1.1(b)(i) and (ii) – “Registered Address” details apply to organisations registered with Companies House, and the address associated with that registration..

Please provide the following information about your approach to this procurement:

|  |  |  |
| --- | --- | --- |
| **Section 1** | **Bidding model** | |
| **Question number** | **Question** | **Response** |
| 1.2(a) - (i) | Are you bidding as the lead contact for a group of economic operators? | Yes  No  If yes, please provide details listed in questions 1.2(a) (ii), (a) (iii) and to 1.2(b) (i), (b) (ii), 1.3, Section 2 and 3.  If no, and you are a supporting bidder please provide the name of your group at 1.2(a) (ii) for reference purposes, and complete 1.3, Section 2 and 3. |
| 1.2(a) - (ii) | Name of group of economic operators (if applicable) |  |
| 1.2(a) - (iii) | Proposed legal structure if the group of economic operators intends to form a named single legal entity prior to signing a contract, if awarded. If you do not propose to form a single legal entity, please explain the legal structure. |  |
| 1.2(b) - (i) | Are you or, if applicable, the group of economic operators proposing to use sub-contractors? | Yes  No |
| 1.2(b) - (ii) | If you responded yes to 1.2(b)-(i) please provide additional details for each sub-contractor in the following table: we may ask them to complete this form as well.   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Name |  |  |  |  |  | | Registered address |  |  |  |  |  | | Trading status |  |  |  |  |  | | Company registration number |  |  |  |  |  | | Head Office DUNS number (if applicable) |  |  |  |  |  | | Registered VAT number |  |  |  |  |  | | Type of organisation |  |  |  |  |  | | SME (Yes/No) |  |  |  |  |  | | The role each sub-contractor will take in providing the works and /or supplies e.g. key deliverables |  |  |  |  |  | | The approximate % of contractual obligations assigned to each sub-contractor |  |  |  |  |  | | |

**Contact details and declaration**

I declare that to the best of my knowledge the answers submitted and information contained in this document are correct and accurate.

I declare that, upon request and without delay I will provide the certificates or documentary evidence referred to in this document.

I understand that the information will be used in the selection process to assess my organisation’s suitability to be invited to participate further in this procurement.

I understand that the authority may reject this submission in its entirety if there is a failure to answer all the relevant questions fully, or if false/misleading information or content is provided in any section.

I am aware of the consequences of serious misrepresentation.

|  |  |  |
| --- | --- | --- |
| Section 1 | **Contact details and declaration** | |
| **Question number** | **Question** | **Response** |
| 1.3(a) | Contact name |  |
| 1.3(b) | Name of organisation |  |
| 1.3(c) | Role in organisation |  |
| 1.3(d) | Phone number |  |
| 1.3(e) | E-mail address |  |
| 1.3(f) | Postal address |  |
| 1.3(g) | Signature (electronic is acceptable) |  |
| 1.3(h) | Date |  |

**Part 2: Exclusion Grounds**

Please answer the following questions in full. Note that every organisation that is being relied on to meet the selection must complete and submit the Part 1 and Part 2 self-declaration.

|  |  |  |
| --- | --- | --- |
| **Section 2** | **Grounds for mandatory exclusion** | |
| **Question number** | **Question** | **Response** |
| 2.1(a) | **Regulations 57(1) and (2)**  The detailed grounds for mandatory exclusion of an organisation are set out on this [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.  Please indicate if, within the past five years you, your organisation or any other person who has powers of representation, decision or control in the organisation been convicted anywhere in the world of any of the offences within the summary below and listed on the [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf). | |
|  | Participation in a criminal organisation. | Yes  No  If Yes please provide details at 2.1(b) |
|  | Corruption. | Yes  No  If Yes please provide details at 2.1(b) |
|  | Fraud. | Yes  No  If Yes please provide details at 2.1(b) |
|  | Terrorist offences or offences linked to terrorist activities | Yes  No  If Yes please provide details at 2.1(b) |
|  | Money laundering or terrorist financing | Yes  No  If Yes please provide details at 2.1(b) |
|  | Child labour and other forms of trafficking in human beings | Yes  No  If Yes please provide details at 2.1(b) |
| 2.1(b) | If you have answered yes to question 2.1(a), please provide further details.  Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction,  Identity of who has been convicted  If the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents. |  |
| 2.2 | If you have answered Yes to any of the points above have measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning) | Yes  No |
| 2.3(a) | **Regulation 57(3)**  Has it been established, for your organisation by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which the organisation is established (if outside the UK), that the organisation is in breach of obligations related to the payment of tax or social security contributions? | Yes  No |
| 2.3(b) | If you have answered yes to question 2.3(a), please provide further details. Please also confirm you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest and/or fines. |  |

**Please Note:** The authority 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.

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| **Section 3** | **Grounds for discretionary exclusion** | |
|  | **Question** | **Response** |
| 3.1 | **Regulation 57 (8)**  The detailed grounds for discretionary exclusion of an organisation are set out on this [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.  Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation. | |
| 3.1(a) | Breach of environmental obligations? | Yes  No  If yes please provide details at 3.2 |
| 3.1 (b) | Breach of social obligations? | Yes  No  If yes please provide details at 3.2 |
| 3.1 (c) | Breach of labour law obligations? | Yes  No  If yes please provide details at 3.2 |
| 3.1(d) | Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State? | Yes  No  If yes please provide details at 3.2 |
| 3.1(e) | Guilty of grave professional misconduct? | Yes  No  If yes please provide details at 3.2 |
| 3.1(f) | Entered into agreements with other economic operators aimed at distorting competition? | Yes  No  If yes please provide details at 3.2 |
| 3.1(g) | Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure? | Yes  No  If yes please provide details at 3.2 |
| 3.1(h) | Been involved in the preparation of the procurement procedure? | Yes  No  If yes please provide details at 3.2 |
| 3.1(i) | Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions? | Yes  No  If yes please provide details at 3.2 |
| 3.1(j)  3.1(j) - (i)  3.1(j) - (ii)  3.1(j) –(iii)  3.1(j)-(iv) | Please answer the following statements  The organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.  The organisation has withheld such information.  The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.  The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award. | Yes  No  If Yes please provide details at 3.2  Yes  No  If Yes please provide details at 3.2  Yes  No  If Yes please provide details at 3.2  Yes  No  If Yes please provide details at 3.2 |

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| 3.2 | If you have answered Yes to any of the above, explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning) |  |

**Evaluation Criteria**

Part 2 is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Fail** | **Pass** |
| --- | --- |
| Identified grounds for exclusion under regulation 57 of the Public Contracts Regulations 2015. | No grounds for exclusion identified under regulation 57 of the Public Contracts Regulations 2015 |

**Important note:** The Council may, at its discretion and in consideration of any additional information provided or mitigating circumstances, disregard any grounds for exclusion if it is satisfied that there are overriding requirements in the general interest that justify doing so – see the note on “Self-Cleaning” below.

ADDITIONAL NOTE 1 – CONFLICTS OF INTEREST

In accordance with the relevant question above, the Council may exclude the bidding organisation if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the bidding organisation to inform the Council. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the Council should not represent a conflict of interest for a bidding organisation.

ADDITIONAL NOTE 2 – TAKING ACCOUNT OF BIDDERS’ PAST PERFORMANCE

In accordance with the relevant question above, the Council may assess the past performance of a bidding organisation. The Council may take into account any failure to discharge obligations under previous relevant contracts of the bidding organisation completing this Selection Questionnaire. This may include deficiencies in contracts with other public contracting authorities – not just contracts involving the Council.

In addition, the Council may re-assess reliability based on past performance at key stages in the procurement process (i.e. supplier selection, tender evaluation, contract award stage etc.). Bidding organisations may also be asked to update the evidence they provide in this section to reflect more recent performance on new or existing contracts (or to confirm that nothing has changed).

ADDITONAL NOTE 3 - SELF-CLEANING

Any Bidding Organisation that answers “yes” to any of the questions in Part 2 should provide sufficient evidence that provides a summary of the circumstances and any remedial action that has taken place subsequently, which may effectively “self-clean” the situation referred to. The bidding organisation must demonstrate that it has taken such remedial action, to the satisfaction of the Council in each case.

If such evidence is considered by the Council (whose decision will be final) as sufficient, the bidding organisation concerned shall be allowed to continue in the procurement process.

In order for the evidence referred to above to be sufficient, the bidding organisation shall, as a minimum, prove that it has:

* paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
* clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
* taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The measures taken by the bidding organisation shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Council to be insufficient, the bidding organisation shall be given a statement of reasons for that decision.

**Part 3: Selection & Award Questions**

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| **Section 4** | **Economic and Financial Standing** | |
| **4.0** | **Please note: An evaluation of financial standing is not included as part of this procurement exercise. No financial information is required from bidding organisations on this occasion.**  **PLEASE PROCEED TO SECTION 6** | |
|  | Question | Response |
| **4.1** | Are you able to provide a copy of your audited accounts for the last two years, if requested?  If ***no***, can you provide **one** of the following? Answer with Y/N in the relevant box: | Yes  No |
| (a) A statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation. | Yes  No |
| (b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position. | Yes  No |
| (c) Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status). | Yes  No |
| **4.2** | We have specified a minimum level of economic and financial standing and a minimum financial threshold, and these form part of the evaluation criteria for this procurement. These are set out immediately below. Please self-certify by answering ‘Yes’ or ‘No’ that you meet **all** of the financial requirements set out. | Yes  No |
| **4.2: Minimum Thresholds** | * **Turnover** in last complete financial year: **[£ xxxxxxx]** * Financial Ratios of: **[xxxxxxx]** | |

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| **Section 5** | **If you have indicated in the Selection Questionnaire question 1.2 that you are part of a wider group, please provide further details below:** | |
| **Name of organisation:** | |  |
| **Relationship to the Supplier completing these questions:** | |  |

|  |  |  |
| --- | --- | --- |
| **5.1** | Are you able to provide parent company accounts if requested to at a later stage? | Yes  No |
| **5.2** | If yes, will your parent company provide a financial guarantee on your behalf? | Yes  No |
| **5.3** | If no, will another organisation (e.g. a bank) act as your guarantor? | Yes  No  If “Yes” please state the name of the Guarantor organisation: |

**Evaluation Criteria for Sections 4 and 5**

These sections are evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Fail** | **Pass** |
| --- | --- |
| Failure by the bidding organisation to confirm that it meets the minimum level of financial standing (where any are stated in 4.2),  And:  Being unable to meet the required level of financial standing itself, the bidder is not in a position to provide a Guarantor. | No financial assessment is applied to this procurement exercise. |

**If You Require a Guarantor**

If your organisation is unable to meet the minimum financial thresholds for the contract you may still submit a bid as long as this is backed by a financial guarantor or guarantors. The guarantor must meet the stated level of financial standing in your place. Where a bidding organisation provides more than one guarantor, the guarantors must collectively meet the turnover threshold, and individually meet any other thresholds.

You will be required to provide full financial information from the guarantor if selected. If the bidding organisation is awarded a contract, the Council will not finalise the award or place any orders under the contract until the relevant guarantor has entered into a deed of guarantee addressed to the Council on terms which are no more onerous to the guarantor than those indicated in Document 1, Appendix 1 – Terms of Deed. If more than one guarantor is required, then these instructions apply to each guarantor required.

|  |  |  |
| --- | --- | --- |
| **Section 6** | **Modern Slavery Act 2015:** **Requirements under Modern Slavery Act 2015** | |
| **6.1** | Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")? | Yes  No |
| **6.2** | If you have answered “yes” to question 6.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015? | Yes  Please provide the relevant URL in the box below.  No  Please provide an explanation in the box below. |
| Supplementary information to 6.2: | | |

**Evaluation Criteria for Section 6**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Fail** | **Pass** |
| --- | --- |
| The bidding organisation is an relevant commercial organisation as defined by the Act, but does not, or cannot confirm that it complies with the annual reporting requirements. | The bidding organisation is an relevant commercial organisation as defined by the Act, and it has demonstrated that it complies with the annual reporting requirements,  Or:  The bidding organisation is not a relevant commercial organisation as defined by the Act. |

**Note:** A relevant commercial organisation defined by the Act is one whose annual financial turnover exceeds £36 million pounds.

**7. Additional Pass / Fail Questions**

Suppliers who self-certify that they meet the requirements to these additional questions will be required to provide evidence of this if they are successful at contract award stage.

**7.1: Insurance**

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| --- | --- | --- |
| **Section 7.1** | **Insurance** | **Response** |
|  | Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:  Employer’s (Compulsory\*) Liability Insurance = **£5 million**  Public Liability Insurance = **£5 million**  Professional Indemnity Insurance = **£1 million**  Motor Vehicle Insurance - third party cover required as a minimum  \* It is a legal requirement that all companies hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders. | Yes  No |

ADDITIONAL NOTE for CONSORTIA and SPV bidders:

**Consortia, partnerships and joint ventures**

Consortia must confirm that the consortium collectively has the required levels of insurance, except for employer’s liability – each consortium member that employs staff must have an individual policy at the required level for this.

**Special Purpose Vehicles**

Special purpose vehicles must confirm that either the vehicle itself, or one of the members of the vehicle, where the policy specifically extends cover to the vehicle, has the required levels of insurance.

**Evaluation Criteria for Section 7.1**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Fail** | **Pass** |
| --- | --- |
| Failure by the bidding organisation to confirm that it has or, if successful, will buy the specified minimum levels of insurance. | The bidding organisation confirms that it has or, if successful, will buy the specified minimum levels of insurance. |

**7.2: Health & Safety**

The following applies to organisations that are bidding for work to be undertaken in the UK.

The bidding organisation must:

* Ensure that its entire workforce and subcontractors will comply with all relevant health and safety legislation as well as any requirements or instructions from the Council.
* Have appointed a competent person with overall responsibility for health and safety that is duly authorised in the organisation.
* Have processes in place for the identification of training needs and delivery of training to its workforce appropriate to the work for which it is bidding.
* Have processes in place for the development of risk assessments and method statements relevant to the nature of the work for which it is bidding that will identify, manage and mitigate associated risks and hazards.
* *(If it is an organisation with five or more employees)* have in place a written health and safety policy as required by Section 2(3) of the Health and Safety at Work etc Act 1974 and issue any codes of safe working practices to your workforce. This policy must provide details of the competent person or persons that have been appointed on behalf of the organisation to undertake the measures needed to comply with the requirements and prohibitions of the Management of Health and Safety at Work Regulations 1999.

The Council may verify your compliance with the above requirements at any stage of the procurement process or during the life of the contract, by means of policy checking, validation of accreditations, site audits or any other method it deems appropriate.

For further information on employers’ health and safety obligations, please visit the Health and Safety Executive website at: <http://www.hse.gov.uk/simple-health-safety/index.htm>.

Specific guidance on how to write a policy and risk assessment is available at <http://www.hse.gov.uk/simple-health-safety/write.htm>.

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| **Section 7.2** | **Health & Safety** | **Response** |
|  | I confirm that the bidding organisation understands and agrees to the undertakings as described above. | Yes  No |

ADDITIONAL NOTE for CONSORTIA and SPV bidders:

**Consortia, partnerships and joint ventures**

The lead consortium member must ensure that the information in this section regarding Health & Safety is effectively communicated to all consortium members. The lead consortium member must provide assurance that all consortium members understand, and have the ability to fulfil all health and safety requirements relating to the work being undertaken.

**Special Purpose Vehicles**

The lead SPV member must ensure that the information in this section regarding Health & Safety is effectively communicated to all of the organisations represented by the SPV. The lead SPV member must provide assurance that all SPV members understand, and have the ability to fulfil, all health and safety requirements relating to the work being undertaken.

**Evaluation Criteria**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

**Evaluation Criteria for Section 7.2**

| **Fail** | **Pass** |
| --- | --- |
| Failure by the bidding organisation to confirm they agree to the Health & Safety undertakings as described. | The bidding organisation confirms they agree to the Health & Safety undertakings as described. |

**7.3: Equality & Diversity**

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| --- | --- | --- | --- |
| **Section 7.3.1**  **Does the bidding organisation comply with its legal obligations under the Equality Act 2010, relating to the following?** | | | |
| ***Confirm as appropriate*** | | | |
| Age | | Yes  No | |
| Disability | | Yes  No | |
| Gender reassignment | | Yes  No | |
| Marriage and civil partnership | | Yes  No | |
| Pregnancy and maternity | | Yes  No | |
| Race | | Yes  No | |
| Religion or belief | | Yes  No | |
| Sex | | Yes  No | |
| Sexual orientation | | Yes  No | |
| ***NOTE TO ORGANISATION:***  ***It is the responsibility of the bidding organisation to keep up to date with relevant legislation and ensure it has a current understanding.*** | | | |
|  | | | |
| **Section 7.3.2** | **Unlawful Discrimination at Tribunal** | | **Response** |
|  | In the last three years has any finding of unlawful discrimination been made against the bidding organisation by any court or industrial or employment tribunal? | | Yes  No |

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| --- | --- | --- |
| **Section 7.3.3** | **Unlawful Discrimination at Statutory Investigation** | **Response** |
|  | In the last three years has any finding of unlawful discrimination been made against the bidding organisation as a result of a formal investigation by the Equality and Human Rights Commission (EHRC) or any relevant statutory European Body? | Yes  No |

|  |  |  |
| --- | --- | --- |
| **Section 7.3.4** | **Taking Remedial Action** | **Response** |
|  | ONLY complete this section if you answered “YES” to 7.3.2 and/or 7.3.3:  If the bidding organisation was required to take action, did the action taken satisfy the relevant  organisation? | Yes  No |
|  | Outline what action the bidding organisation was required to take: |  |
|  | Outline what action the bidding organisation actually took. If the required action was not taken, explain why not: |  |

|  |  |  |
| --- | --- | --- |
| **Section 7.3.5** | **Sub-Contractors** | **Response** |
|  | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | Yes  No  Do not use any sub-contractors |

**Evaluation Criteria for Section 7.3**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Fail** | **Pass** |
| --- | --- |
| Failure to confirm that the bidding organisation complies with any of its legal obligations as outlined  OR  Evidence of findings of unlawful discrimination by any court or industrial or employment tribunal or formal investigation and no evidence of adequate steps (or evidence of inadequate steps) taken as a consequence of any findings. | The bidding organisation confirms that it complies with all of its legal obligations as outlined  AND  No evidence of findings of unlawful discrimination by any court or industrial or employment tribunal or formal investigation; OR evidence of findings of unlawful discrimination by a court, tribunal, or formal investigation but evidence is provided of adequate steps taken as a consequence. |

**7.4: Environmental Management**

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| --- | --- | --- |
| **Section 7.4.1** | **Breach of Environmental Legislation** | **Response** |
|  | In the last three years, has your organisation been convicted of breaching environmental legislation, or had any formal notice served upon it, by any environmental regulator or authority (including local authority), either in the UK or any other EU member state? | Yes  No |
|  | If “YES” please give details of the conviction or notice, including any action taken to resolve the situation: | |

|  |  |  |
| --- | --- | --- |
| **Section 7.4.2** | **Sub-Contractors** | **Response** |
|  | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | Yes  No  Do not use any sub-contractors |

**Evaluation Criteria for Section 7.4**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Fail** | **Pass** |
| --- | --- |
| A relevant and material prosecution, notice or sanction has been made against the bidding organisation and there is insufficient evidence of adequate steps (or evidence of inadequate steps) taken as a consequence of any findings. | No evidence of relevant prosecution, notice or sanction having been made against the bidding organisation  **Or:**  Evidence of a relevant prosecution, notice or sanction having been made, but evidence is provided of adequate steps taken as a consequence of any findings. |

**7.5: CONTRACT SPECIFIC ESSENTIAL CRITERIA QUESTIONS**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

Please refer to Document 1: “Instructions to Bidders” for more information on how to complete this section.

|  |  |  |
| --- | --- | --- |
| **Section 7.5.1** | **Safeguarding of Vulnerable Adults and Children and Young People** | **Response** |
|  | Please confirm that your organisation has written policies and procedures in relation to safeguarding vulnerable adults and or safeguarding children and young people which are no less than two years old and conform with, and link to Durham County Council policies and procedures.  For more information see;  <http://www.safeguardingdurhamadults.info/> | Yes  No |
|  | Please confirm that your organisation has written policies and procedures in relation to safeguarding children and young people which are no less than two years old and conform with, and link to Durham County Council policies and procedures. | Yes  No |

**Evaluation Criteria for Section 7.5.1**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Fail** | **Pass** |
| --- | --- |
| Providers do not confirm that they have, or will have, written policies and procedures in relation to safeguarding children and young people and vulnerable adults, which are no less than two years old and conform with, and link to Durham County Council policies and procedures. | Providers confirm that they have, or will have, written policies and procedures in relation to safeguarding children and young people, and or, vulnerable adults, which are no less than two years old and conform with, and link to Durham County Council policies and procedures. |

**7.6: Disclosure and Barring Service (DBS)**

This section is evaluated on a pass/fail basis. Providers who fail will be disqualified from the procurement process.

The bidding organisation must confirm that, if successful, it will:

* Ensure that all applicable employees and volunteers who are engaged on this Service have been subject to an enhanced DBS check prior to their employment
* That they are not employed to work on this Service where they are found to have any conviction, caution, reprimand or warning which is relevant to the Service.
* That DBS information will be supplied to the Council on request.

|  |  |  |
| --- | --- | --- |
| **Section 7.6** | **Disclosure and Barring Service** | **Response** |
|  | All applicable employees and volunteers will be subject to an enhanced DBS check | Yes  No |
|  | Any applicable employee or volunteer found to have a conviction, caution, reprimand or warning relevant to the service will not be employed to work in the service | Yes  No |
|  | DBS information or equivalent will be supplied to the Council on request | Yes  No |

**Evaluation Criteria for Section 7.6**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Fail** | **Pass** |
| --- | --- |
| Providers do not confirm that if requested they will provide details of an enhanced DBS check where it is deemed necessary by the referring Authority in accordance with current legislation | Providers Confirm that if requested they will provide details of an enhanced DBS check where it is deemed necessary by the referring Authority in accordance with current legislation |

**7.7 UK General Data Protection Regulations (UK GDPR)**

|  |  |  |
| --- | --- | --- |
| **Section 7.7** | **UK General Data Protection Regulations (UK GDPR)** | **Response** |
|  | Please confirm that you have in place, or that you will have in place by contract commencement, the human and technical resources to perform the contract to ensure compliance with the UK General Data Protection Regulations and ensure the protection of the rights of data subjects. | Yes  No |

**Evaluation Criteria for Section 7.7**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Fail** | **Pass** |
| --- | --- |
| Failure to confirm that the bidding organisation has in place, or will have in place by contract commencement, the human and technical resources to perform the contract to ensure compliance with UK GDPR and ensure the protection of rights of data subjects. | The bidding organisation confirms that it has in place, or will have in place by contract commencement, the human and technical resources to perform the contract to ensure compliance with UK GDPR and ensure the protection of rights of data subjects. |

**7.8 DATA PROTECTION – ICO REGISTRATION**

The Data Protection Act 2018 requires every data controller who is processing personal information to register with the Information Commissioner’s Office, unless they are specifically exempt.

Please note that if you answer “Yes” the Council will independently check this information on the ICO database, to verify your response.

|  |  |  |
| --- | --- | --- |
| **Section 7.8** | **Data Protection – ICO Registration** | **Response** |
|  | Please confirm – is your organisation registered as a data controller with the Information Commissioner’s Office (ICO) as required by the Data Protection Act 2018? | Yes  No  Exempt |
|  | Please provide your ICO registration number |  |
|  | If exempt, please state reason: |  |

**Evaluation Criteria for Section 7.8**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified and removed from the procurement process.

| **Fail** | **Pass** |
| --- | --- |
| The bidding organisation is **not** registered as a data controller with the ICO. | The bidding organisation states that it is registered as a data controller with the ICO, and the Council’s own check verifies this statement as correct or the Council confirms the bidding organisation is exempt. |

**7.9: Service User Groups (Lots)**

This section is evaluated on a pass/fail basis. Providers who fail to indicate at least one Service User Group for the delivery of Day Services will be disqualified from the procurement process.

|  |  |  |
| --- | --- | --- |
| **Section 7.9** | **Service User Groups** | **Response** |
|  | Older People (aged 65yrs+) | Yes  No |
|  | Adults with Physical Disabilities /Sensory Impairment (aged 18–64yrs) | Yes  No |
|  | Adults with Learning Disabilities and/or challenging behaviour, those on the autism spectrum and/or, those who may have associated mental health problems (18-64yrs) | Yes  No |

**Evaluation Criteria for Section 7.9**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Fail** | **Pass** |
| --- | --- |
| Providers do not confirm at least one Service User Group for delivery of Day Services. | Providers confirm at least one Service User Group for delivery of Day Services. |

**7.10 Social Value**

Under the Public Sector (Social Value) Act 2013 the Council must consider the social, economic and environmental benefits that can be created within County Durham. To support this, we need to gather data on the number of Full Time Equivalent (FTE) employees that are employed in the delivery of this contract and who live within the boundaries of County Durham.

This section is evaluated on a pass/fail basis. Providers who fail to indicate the number of Full Time Equivalent (FTE) employees that are employed in the delivery of this contract and who live within the boundaries of County Durham will be disqualified from the procurement process.

|  |  |
| --- | --- |
| Number of Full Time Annual equivalent employees working on this contract that live within the boundaries of County Durham | FTE |

**Evaluation Criteria for Section 7.10**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Fail** | **Pass** |
| --- | --- |
| Providers do not complete the table to identify how many Full Time Equivalent employees are working on this contract that live within the boundaries of County Durham | Providers do complete the table to identify how many Full Time Equivalent employees are working on this contract that live within the boundaries of County Durham |

**7.11 Providers who are delivering premises-based services:**

**This section is for information only**. Please provide details of the establishment were day services are being delivered.

|  |  |  |
| --- | --- | --- |
| **Section 7.11** | **Premises Based Delivery of Services** | |
| **Contact Name** | **Delivery address** | **Email/telephone:** |
|  |  |  |
|  |  |  |
|  |  |  |

*Please repeat further rows where you have multiple delivery sites.*

**8. Tender Price**

Bidders are required to submit their prices for Day Services. The Services have been categorised across the following Service User Groups/ Lots:

|  |  |
| --- | --- |
| **Lot No.** | **Lot Title** |
| **1** | **Older People (aged 65yrs+)** |
| **2** | **Adults with Physical Disabilities and/or Sensory Impairment (aged 18-64yrs)** |
| **3** | **Adults with Learning Disabilities and/or challenging behaviour, those on the autism spectrum and/or, those who may have associated mental health problems (18-64yrs)** |
| **4** | **Transport** |

Bidders must note the minimum and maximum rates where they apply. Bidders who exceed the minimum/maximum ceiling prices stated will be removed from evaluation of that Category/Service User Group (Lot). All rates are based on a 6hr day. **Bidders should submit a single rate (£) price that is between the minimum and maximum range stated below.**

No claims for additional payment will be considered. All costs should be *exclusive* of VAT.

Submitted rates may be subjected to inflationary increase, this will be applied in April in each year at the discretion of the Council.

**Providers will only be given one rate for each service user and not a mixture of more than one rate.**

|  |  |  |
| --- | --- | --- |
| 1. DAY SERVICES FOR OLDER PEOPLE (65yrs+)   (please confirm Service User Group/Lot) | | Yes  No |
| Category | Rates | Bidder tender rate submitted for 2023/2024 £: |
| Standard Day Service | Minimum per day rate £20.00  Maximum per day rate £42.33 | £ |
| Bathing Session | £10.00 per session maximum rate | £ |

|  |  |  |
| --- | --- | --- |
| 1. DAY SERVICES FOR ADULTS WITH PHYSICAL DISABILITIES/SENSORY IMPAIRMENT (18-64yrs)   (please confirm Service User Group/Lot) | | Yes  No |
| Category | Rates | Bidder tender rate submitted for 2023/2024: |
| Standard Day Service | Minimum per day rate £20.00  Maximum per day rate £42.33 | £ |
| Bathing Session | £10.00 per session maximum rate | £ |

|  |  |  |
| --- | --- | --- |
| 1. DAY SERVICES FOR ADULTS WITH LEARNING DISABILITIES AND/OR CHALLENGING BEHAVIOUR, THOSE ON THE AUTISM SPECTRUM AND/OR, THOSE WHO MAY HAVE ASSOCIATED MENTAL HEALTH PROBLEMS (18-64YRS)   (please confirm Service User Group/Lot) | | Yes  No |
| Category | Rates | Bidder tender rate submitted for 2023/2024 £: |
| Standard Day Service | Minimum per day rate £20.00  Maximum per day rate £42.33 | £ |
| Specialist Day Service | Minimum per day rate £35.00  Maximum per day rate £65.90 | £ |
| 1:1 Support  *(including Community Outreach)* | £16.21 per hour maximum rate | £ |

|  |  |  |
| --- | --- | --- |
| 1. TRANSPORT   (please confirm) | | Yes  No |
| Category | Rates | Bidder tender rate submitted for 2023/2024 £: |
| Mileage rate for transport | 45p per mile maximum rate |  |

**9. Form of Tender and Declaration**

**FORM OF TENDER**

**Durham County Council**

Invitation to Tender for Membership to the Provider Panel for Day Services (The “Contract”).

To Durham County Council

I/We hereby offer and agree to execute the whole of the Services required in carrying out the above project in accordance with the following:

* The Contract Terms and Conditions as set out in ITT Document 2 – Contract
* Our Agreement to Form of Tender and Declaration as confirmed in Document 3 – ITT Application Form(this document)
* Completed Pricing Schedule and response to Sections 1 to 9 of Document 3 – ITT Response (this document)
* Relevant Clarifications

I/We acknowledge that the parties will not enter into a Contract unless and until they execute and complete a Contract incorporating the above mentioned documents.

I/We certify that this is a bona fide Tender and that I/we have not fixed or adjusted the amount of the Tender by or under or in accordance with any agreement or arrangement with any other person.

I / We agree that the Council may disclose the Tender information/documentation (submitted to the Council during this Procurement) more widely with other Public Sector Contracting Authorities for the purpose of ensuring effective public sector procurement processes, including the bench-marking of costs against other organisations to ensure value for money is being obtained.

I/We also certify that we have not done and I/we undertake that I/we will not do at any time before the hour and date specified for the return of this Tender any of the following acts: -

(a) Communicate to a person other than the person calling for this Tender the amount or approximate amount of the proposed Tender, except where the disclosure, in confidence, of the approximate amount of the Tender was necessary to obtain insurance premium quotations required for the preparation of the Tender;

(b) Enter into any agreement or arrangement with any other person to the effect that such person shall refrain from tendering or as to the amount of any tender to be submitted;

(c) Offer or pay or give or agree to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other Tender or proposed Tender for the said work any act or thing of the sort described above.

In this Certificate, the word "person" includes any persons and any body or association, corporate or unincorporated; and "any agreement or arrangement" includes any such transaction, formal or informal and whether legally binding or not.

|  |  |
| --- | --- |
| **DECLARATION**  I have checked that all questions have been answered, where applicable, and that supporting documents are enclosed, if and as requested.  I certify that the information supplied is accurate, to the best of my knowledge, and I accept the conditions and undertakings of the procurement documentation and process.  I certify that I have not canvassed any member, Director, employee, representative or adviser of the Council in connection with this procurement process.  I understand that untrue, inaccurate or out of date information could result in my organisation not being invited to tender or disqualified at any point in the procurement process or in the termination of the contract, if already awarded.  I understand that it is a criminal offence, punishable by imprisonment, to give or offer any gift or consideration whatsoever as an inducement or reward to any servant of a public body and that any such action could result in my organisation not being invited to tender or being disqualified at any point in the procurement process or in the termination of the contract, if already awarded. | |
| Signed |  |
| Name |  |
| On behalf of (bidding organisation) |  |
| Position in organisation |  |
| Email address |  |
| Date |  |

1. See EU definition of SME <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en> [↑](#footnote-ref-1)
2. UK companies, Societates European (SEs) and limited liability partnerships (LLPs) will be required to identify and record the people who own or control their company. Companies, SEs and LLPs will need to keep a PSC register, and must file the PSC information with the central public register at Companies House. [See PSC guidance](https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships). [↑](#footnote-ref-2)
3. Central Government contracting authorities should use this information to have the PSC information for the preferred supplier checked before award. [↑](#footnote-ref-3)