

Procurement

Document

(Open Tender Procedure)

Tender for

Framework to provide Short Breaks for Children who are Disabled from April 2022

Reference DN573106

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Introduction

Purpose

The purpose of this document is to provide instructions on the response to the Invitation to Tender ("ITT"), known as "Tender"

The Tender enables Dorset Council to receive sufficient information from Organisations ("Tenderers") interested in supplying the required Goods, Services or Works and to allow: a) both the assessment of their capacity and suitability, and b) enable the Council to evaluate the Tenders submitted to find the most suitable Tenderer who can meet the Specification and provide competitiveness of price.

The Tender has been issued by Dorset Council in connection with a competitive procurement in accordance with the Open Procedure under the Public Contract Regulations 2015 ("the Regulations).

Title of Tender Opportunity:	Framework to provide Short Breaks for Children who are Disabled from April	
	2022	

Project Scope:

Short Breaks for Children, Young People and Young Adults who are Disabled are focussed on delivering and developing services for 0 – 25-year-olds.

This tender is about putting in place a range of Targeted and Specialist Short Break opportunities throughout the County [Dorset Council area].

Short breaks are when a child or young person has planned time apart from their main carer outside school hours, taking part in activities they like, to form and develop friendships and become more confident and independent.

Short Breaks allow the child's family to have a break from the demands of caring, to relax and recharge their batteries, to spend time with each other and their other children and to reduce family stress.

Reliability of the provision and support is essential in order that a family can plan ahead.

Short Breaks are for children and young people who need extra support and this tender is in relation to:

- Targeted Services services intended for children and young people who are disabled and who need some additional support, or who may need groups and services specifically designed to meet their needs. Access is usually for children and young people who meet the criteria set by the provider but without the need for a social care assessment. Providers of targeted services will be expected to agree their acceptance criteria for attendance with Dorset Council.
- Specialist Services services intended for children and young people who are disabled with more complex needs and who usually will have received a social care assessment.

IR35 - Employment Status

When the Council engages a contractor to provide services, it must ascertain the contractor's employment status to meet the requirements of HMRC and IR35 legislation. Should the Council determine that the contractor is to

be regarded as an employee, the Council is required to deduct income tax and national insurance contributions from payments to the contractor.

Accordingly, Tenderers are expected to fully co-operate with the Council to provide all necessary information to enable the Council to accurately determine employment status.

Data Protection Legislation

Where the services require the successful Tenderer to process or share personal data, the contract/framework will be subject to the Data Protection Act 2018, incorporating the UK GDPR as set out therein and the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426).

The successful Tenderer must be familiar with all data protection legislation applicable within the UK, including their obligations as a data processor or controller, and will have all necessary systems and processes in place to ensure compliance. Guidance from the Information Commissioner's Offices is available here: <u>Guide to Data</u> <u>Protection | ICO</u>

If the service is likely to result in high risk for individuals, the Council may be required to conduct a Data Protection Impact Assessment after contract/framework award but prior to any processing taking place. The successful Tenderer must co-operate with this process as required.

The Council will liaise with the winning Tenderer to complete the data processing schedule which will form part of the contract/framework agreement entered into.

Notes for Completion

1. Glossary

- 1.1. **Contracting Bodies'** or **`Contracting Body'** or **`End User'** means any other contracting bodies described in the Find a Tender notice;
- 1.2. **'Contractor'** means the person, firm or company appointed by the Council or Contracting Body to supply the Goods, Services or Works under a Framework Agreement or any Call-Off Contract or Order and shall include the Contractor's employees, personal representatives, successors and permitted assigns;
- 1.3. 'Council' means Dorset Council;
- 1.4. **`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;
- 1.5. "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
- 1.6. **`Framework Agreement'** means the agreement and all Appendices to the agreement for Goods and Services between the Council and the Contractor. A Contractor Framework established in accordance with Regulation 33 of the Public Contracts Regulations 2015 (and any subsequent amendment or reenactment thereof).
- 1.7. **`Invitation to Tender'** means the Tender process and all its components, inviting tenders for inclusion within a Framework Agreement;
- 1.8. Offer' means the offer made by the Tenderer in relation to a Framework Agreement;
- 1.9. **'Specification'** means the scope of the Goods, Services or Works to be provided pursuant to a Framework Agreement or any Call-Off Contract;
- 1.10. **`Tenderer or Tenderers'** means a Contractor submitting a tender to the Council for inclusion on a Framework Agreement:

2. E-Tender System

- 2.1. Assistance in relation to the e-tender system is available to Tenderers via the Supplier Help Icon within the system.
- 2.2. Supplier Guidance documents are also available to view and download.

3. To View this Opportunity

3.1. To view the Tender (ITT) Information in detail click on the opportunity title within 'My activities' section. Click start, you can now view all the documents relevant to that opportunity.

4. Register Intent

4.1. Tenderers are able to click on "Register Intent" which will inform the Council of your intention to respond to this opportunity.

4.2. If a Tenderer does not wish to or is unable to submit a Tender and not interested in proceeding, then they are required to click on 'No longer wish to respond' to decline the opportunity.

5. Response Wizard

- 5.1. After registering intent, Tenderers may then proceed to respond to the on-line questions.
- 5.2. To start the response Tenderers are required to click 'Start My Response'.

6. Selection of Lots

- 6.1. If this Tender is in respect of several Lots refer to Lots on page 13 for Guidance in Respect of Lots.
- 6.2. Tenderers must ensure that the correct selection of lots has been made before they submit their response.

7. Confidentiality

- 7.1. This Tender process, including all documentation, must be treated as private and confidential. Tenderers must not disclose the fact that they have been invited to complete a Tender or release its details other than on an 'In Confidence' basis to those whom they need to consult for the purpose of preparing the Tender response, such as professional advisors or partner organisations for joint applications or consortia partners.
- 7.2. The Tender shall not be canvassed for acceptance or discussed with the media, any other Organisation, member/officer of Dorset Council, or their representatives.

8. Preparation of Tender

- 8.1. If the Council issues an amendment to the original Tender process, 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 Tenderers.
- 8.2. Tenderers must obtain for themselves all information necessary for the preparation of their Tender response and all costs, expenses and liabilities incurred by the Tender in connection with the preparation and submission of the Tender shall be borne by the Tenderer, whether or not their bid is successful.
- 8.3. Information supplied to the Tenderer by Council staff or contained in Council publications is supplied only for general guidance in the preparation of the Tender.
- 8.4. Tenderers 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 Tenderers of such information.
- 8.5. Responses to each Tender question should be written concisely and clearly answering the question posed in English.

9. Communication

- 9.1. All contact during this procurement should be submitted in writing through the e-tender system.
- 9.2. Tenderers should seek to clarify any points of doubt or difficulty via the e-tender system within 7 working days before the closing date of the Tender <u>Monday 13th December 2021 at midnight</u>, to enable to the Council to respond to all Tenderers. It is not acceptable for Tenderers to seek clarifications via telephone or e-mail outside of the e-tender system.
- 9.3. 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. Tenderers should therefore not include within the question placed their organisation's name and any potentially commercially sensitive information.

10. Price Schedule(s)

10.1. The Council requires Tenderers to complete and upload Price Schedule(s) where requested to do so within the e-tender system.

11. Other Documents or Supporting Evidence

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

12. Submission of Tender

- 12.1. Tenderers are required to submit their Tender within the e-tender system by <u>Thursday 23rd December</u> <u>2021 at 12:00 noon.</u>
- 12.2. Tenderers are advised to allow sufficient time to complete questions and upload documentation to the e-tender system, where requested to do so.
- 12.3. It is the Tenderer's responsibility to ensure that the Tender is submitted within the e-tender system by the closing date and time.
- 12.4. **Failure** to answer and complete the Tender within the e-tender system will result in the Council rejecting the Tender as a Fail / Non-compliant bid.
- 12.5. **Failure** to complete and upload any required documentation within the e-tender system will result in the Council rejecting the Tender as a Fail / Non-compliant bid.
- 12.6. Late Tender Submissions: Tenders received after the closing date will not be considered.
- 12.7. The Council is under no obligation to consider partial submissions.
- 12.8. The information supplied in response to the Tender will be checked for completeness and compliance before responses are evaluated. The Council expressly reserves the right to require a Tenderer to provide additional information supplementing or clarifying any of the information provided in response to the requests set out in the Tender. However, the Council is not obliged to make such requests.

13. Award Process

In this section "Regulation" or "Regulations" means The Public Contract Regulations 2015.

- 13.1. The Council anticipates making an award for the Framework Agreement within 30 days of the closing date for the submission of tenders. The Council may, if necessary, at its discretion, extend the period for completing the award process.
- 13.1.1. Tenderers should note that the Council reserves the right to terminate this tender procedure without any decision to award.
- 13.2. The decision to award will be on the basis of the criteria as specified in this Procurement Document and in accordance with the Regulations.
- 13.3. Once the Council has decided on the award of the Contract all Tenderer(s) will receive an award decision notice in writing pursuant to Regulation 55.
- 13.4. The Council will apply a 10-day standstill period in accordance with Regulation 87.
- 13.5. The standstill period applies from the date the Council issues, by electronic means, to all Tenderer(s) the award decision notice which will set out:
- 13.5.1. the criteria for the award of the contract;
- 13.5.2. the reasons for the decision including the characteristics and relative advantages of the successful tender and the scores of the addressee's tender and the winning tenders in the case of a Framework Agreement;

- 13.5.3. a precise statement of when the standstill period is expected to end.
- 13.6. The purpose of the standstill period is to enable Tenderers to review and digest the decision, and if required to seek further debrief material. Such requests should be made via the e-tender system.
- 13.7. The Council has a duty to comply with the Regulations and the enforcement of an actionable breach of this duty shall be through High Court proceedings in accordance with Regulation 91. Chapter 6 – Regulations 88 to 104 further refers.
- 13.7.1. If court proceedings are not commenced during the standstill period, the Council will enter into the contract at the end of the standstill period.
- 13.7.2. If court proceedings are commenced during the standstill period, the contract-making shall automatically be suspended in accordance with Regulation 95.
- 13.7.3. Legal communication in respect of a challenge to an award decision shall be addressed to the Head of Legal Services, Dorset Council, County Hall, Colliton Park, Dorchester, DT1 1XJ.
- 13.8. Upon acceptance of award, the Framework Agreement shall be deemed entered into and become binding on the successful Tenderer and the Council. The Tenderer shall, upon request of the Council, execute the formal Agreement in the form contained in this Tender document.
- 13.8.1. Tenderers must not undertake work without written notification that they have been awarded the Agreement and are required to start work.
- 13.9. Tenderers should also note that, should they be successful, the Council reserves the right to terminate the Framework Agreement, if at any time it is discovered that the Tenderer made any material misrepresentation and/or failed to notify the Council of any material changes in relation to the information provided in their Tender submission.

14. Whistleblowing Policy and Procedure

- 14.1. This policy describes the Council's commitment to supporting and protecting whistleblowers. It not only applies to council employees but also applies to supplies.
- 14.2. For details of the policy: https://moderngov.dorsetcouncil.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13280

Evaluation and Award

1 Evaluation

- 1.1 Evaluations will be undertaken by officers of the Council who will follow a systematic and comprehensive process in accordance with the Council's procedures.
- 1.2 Tenders will be evaluated to find the most suitable Tenderer who can meet the Specification and provide competitiveness of price.
- 1.3 Submitted Tender responses will be evaluated by officers of the Council using the award criteria and weightings.

2 Award Criteria and Weightings

- 2.1 Tenderer's completion of the On-Line Questions will give the award score in terms of Quality. Such questions shall include, but are not limited to, questions in relation to company policies, accreditations and memberships, and specific questions to technical abilities in terms of contract delivery / performance in relation to the goods and services being tendered.
- 2.2 Tenderer's completion of the Price Schedule will give the award score in terms of Price.

2.3 **Table: Award Criteria and Weightings**

AWARD CRITERIA & WEIGHTINGS		
Price	50%Category A the Average Hourly Charge will be used to calculate the Score (as indicated on the pricing schedule page 2).Category B the Average Hourly Charge will be used to calculate the Score (as indicated on the pricing schedule page 3).	
Quality	50% <u>Tenderers must score a minimum of 60% within the Quality section of the Evaluation to be awarded the Framework Agreement.</u> Summary of the questions for both Lots as follows, equating to 100% quality evaluation criteria:	

Question No	Question Title	Question Weighting
-		%
1	Service Description and Delivery	15%
2	Mobilisation	15%
3	Behaviour Management	10%
4	Management Structure and Business Continuity	5%
5	Staffing	15%
6	Quality Assurance, Outcomes and Monitoring	15%
7		
8	Voice of the child / young person / parent carers Challenges / Operational Issues	15% 10%
Questions	for both Lots - Non-scoring:	
Question	Question Title	
No		
1	Complaints	
2	Areas of coverage	
3	Professional bodies	
4	Organisation profile	
Question No	Question Title	
1	Regulatory bodies	
Questions Question No 1	for CATEGORY B specific – Non-scoring: Question Title Mini-competition 2022-23	
Mini-compe	tition for 2022-23	
under Categ break servic reviewing se	the mini-competition application for funding of Short gory B of the framework in 2022-23. In order to ensu- ces are in place from the 1st April 2022 Dorset Coun ubmitted mini-competition applications immediately a of the framework tender bids.	ire these short cil will be
	we invite you to complete the attached mini-competit ng services that you are proposing to deliver for 2022	
Submission	of the mini-competition application ONLY after the to	

	e-tender system or by email to childrensservicescontracts@dorsetcouncil.gov.uk by 31st March 2022
	For this project the review of the mini-competition applications will be after the proposed award letters for the Framework are sent out, for which the date is currently scheduled for the 1 st February 2022.
	Please be aware there is a risk that you will be completing the application prior to any announcement of award and acceptance of bids is dependent on award to the Framework.
	[Mini-competition application is included in the public attachments of this tender].
Evaluation Scoring	The on-line questions within the e-tender system must be completed by Tenderers and where requested to do so, Tenderers must attach required documentation.
	Quality Scoring Where responses to questions are to be scored, the following are applied by Evaluators against Tenderer's submitted responses: -
	5 - Excellent Comprehensive and detailed response that provides high levels of confidence that the required service and delivery will be achieved. Demonstrates excellent understanding of the specification and contract requirements.
	<i>3 - Good</i> Response addresses key issues and is adequately developed. Provides good levels of confidence that the required service and delivery will be achieved. Demonstrates good understanding of the specification and contract requirements.
	 1 - Basic Response addresses a limited range of issues and is basically developed. Provides only limited levels of confidence that the required service and delivery will be achieved. Demonstrates only a basic understanding of the specification and contract requirements.
	<i>0 - Unacceptable</i> No response or response fails to address issues and is poorly developed. Provides little or no confidence that the required service and delivery will be achieved. Demonstrates little or no understanding of the specification and contract requirements.
	All the individual questions are mandatory therefore Tenderers are required to submit a response. Failure to complete the on-line questions will result in a Fail as Evaluators will not be able to evaluate fully the submitted Tender.

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	Pass / Fail: Where sections or questions have the criteria as a Pass or Fail, it will be clearly stated as such. Section or questions scored as a Fail will result in the Tender being disqualified.
	Price Evaluations: The scoring is carried out within an Excel spreadsheet outside of the e-tender system.
	The equations used outside of the system to reach the score between $0-5$ are as follows: (for purposes of explanation, the outcome of each calculation is show below as sum A, sum B, etc.
	Stage 1All price bids are compared against lowest bid to reach percentage differencefrom lowest bid.Equation: price bid – lowest bid / lowest bid * $100 = Sum A$
	Stage 2Sum A is then shown as % different from 100Equation: $100 - Sum A = Sum B$
	Stage 3 Sum B is then divided by 100 to show it as a figure Equation: Sum B / 100 = Sum C
	Stage 4 Sum C is then multiplied by the maximum score of 5 to reach the final score Equation: Sum C * 5
	The final score is then entered into the Score Card and will be within 2 x decimal places, e.g., 3.50. No minus scores can be entered into the Score Card therefore any minus scores will be entered as 0.
Evaluation Weightings	Within a Score Card all weightings are allowed a maximum of 100 and based on percentages. This applies to a single weighting of an overall question template, section or question.
	<i>For example:</i> Score Card with four sections Four sections totalling 25 points each = 100 for the whole evaluation Each question in a section totalling 20 points each = 100 for that section
	An evaluation has a maximum score of 5. The evaluation is based on the average score to reach the % out of 100. Examples: An average score of 5 would attain 100%; an average score of 1 would attain 20%.
	When evaluating weightings are applied first to the questions, and then the results of those weightings are applied to those of the sections. If scored 100% for the questions in a section, that result would be multiplied against the section's

weight. So, 100% of a section with a weight of 100 would be 100% of the evaluation – however, 100% of a section with a weight of 10 would only account
for 10% of the evaluation in relative terms.

3 Financial Evaluation

- 3.1 The extent of the Financial Evaluation will depend on the value and strategic importance of the contract, whether a Public Contract or individual Call-Off Contracts from a Framework Agreement. The objectives of undertaking Tenderer's financial assessment as part of a procurement exercise are to:
 - Assess the risk to public sector business and/or public money which would result if a Tenderer bidding for a contract were to go out of business, or have inadequate financial resources to perform the contract; and
 - When justified, eliminate from the procurement any Tenderer whose current financial capacity would pose an unacceptable risk to business and/or public money.
- 3.2 Financial evaluation will be a combination of both financial and non-financial factors and will consider:
 - Applicant Acceptability status of a Tenderer in relation to the requirements of Regulation 57 and 58 of the Public Contracts Regulations 2015.

3.3 Economic and Financial Standing

- 3.4 A Tender will be deemed to be a higher risk if the Tenderer appears to be an unrealistic candidate where the contract value represents a disproportionate volume of the Tenderer's business taking into account the nature, timescales, value and risk of the contract.
- 3.5 The review of the financial health of a Tenderer may include, but not be limited to, the following checks:
 - General review of Financial Statements.
 - Review of ratios as appropriate, such as the areas of Financial Structure (such as liquidity and gearing), Operating Performance (such as efficiency, profitability, and working capital), and Investment.
 - A credit rating check.
 - Review for unusual accounting policies
 - Review for major business restructuring.
 - Review of Audit Opinion.
- 3.6 It is emphasised that financial standing is only a part of the overall selection criteria.

4 **Procurement Timetable**

4.1 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.

Table: Procurement Timetable

Date or Target Date	Activity
Monday 22 nd November 2021	Publication of opportunity and tender documentation available
Monday 13 th December 2021 @ midnight	End of period for tenderers to seek clarification
Thursday 23 rd December 2021 @ 12:00 noon	Closing date / time for submissions
Friday 24 th December 2021 – Tuesday 11 th January 2022	Tender evaluation period
Wednesday 12 th January 2022 – Wednesday 19 th January 2022	Authorisation to award
Thursday 20th January 2022	Provisional award notification
Thursday 20 th January 2022 – Monday 31 st January 2022	10-day standstill period
Tuesday 1 st February 2022	Formal award
Friday 1 st April 2022	Start of Framework Agreement

Guidance in Respect of Lots

1 Evaluation of Lots

- 1.1 This procurement procedure is for the following Lots, therefore, Tenders will be evaluated per Lot.
 - CATEGORY A Specialist Services
 - CATEGORY B Targeted Services
- 1.2 Several evaluation templates may make up each Lot which is necessary to avoid Tenderers, where possible, having to answer the same questions potentially several times. This is not always avoidable and dependent on whether the question and potential response is generic enough to apply to all Lots.

2 Selection of Lot Templates

2.1 Tenderers are required to opt-in to all templates of the Lot or Lots that are of interest to them.

For example:

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

If not interested in Lot 1 then opt-out would be the correct selection; by opting-out the Tenderer is not submitting an Offer for that Lot and is removing themselves from Lot 1.

- 2.2 Refer to the Lot Templates Table overleaf to understand which evaluation templates are within the Tender and which hold the on-line questions that must be answered per Lot:
- 2.3 Tenderers are strongly advised to refer to the Lot Templates Table to ensure that they opt-in to all the templates relevant to the Lot(s) they are interest in and do not opt-out of any in error. (An opt-out action equates to self-removal of the Tender from that Lot). The e-tender system provides Tenderer's with the ability to opt-in and opt-out of templates up until the Tenderer submits their Tender; Tenderer's are unable to do this once they have submitted.
- 2.4 The correct selection is the responsibility of the Tenderer and the Council is unable to rectify any opt-outs made in error nor can accept Offers subsequent to any opt-outs made in error.

Lot Templates Table

Key:

- \checkmark = template is applicable to that Lot
- ***** = template is not applicable to that Lot
- \square = template questions are on-line therefore requiring a response
- \boxtimes = template questions are not on-line therefore requiring no response

LOT	Part 3 - Standard Selection Questionnaire - Open Procedure ALL TO COMPLETE	Standard Selection Questionnaire (SQ) ALL TO COMPLETE	CATEGORY A Only – Specialist Services	CATEGORY B Only – Targeted Services
А	$\checkmark \square$	$\checkmark \square$	$\checkmark \square$	×
В	$\checkmark \square$	$\checkmark \square$	×	$\checkmark \square$

Framework Re-opening

- 1.1 A Prior Information Notice will be released annually commencing September 2020 advertising the Framework to provide Short Breaks for Children who are Disabled and requesting expressions of interest from suppliers not already members of the Framework. Where there are expressions of interest from one supplier or more, then the Framework will be re-opened to allow further suppliers to apply to become members.
- 1.2 The Framework re-opening will follow the same process as detailed in the Procurement Document and all successful suppliers will be issued and will agree to the same Framework Agreement terms and conditions as original members of the Framework.
- 1.3 Suppliers who are successful will then join the Framework to provide Short Breaks for Children who are Disabled commencing 1st April following.
- 1.4 The Framework will not re-open in September 2022 if the Framework is due to end permanently on 31st March 2023.
- 1.5 In the case of an extension for the Framework, the Framework will not re-open in September of the extension period.

Documentation

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

LOCATION OF DOCUMENT	DOCUMENT TITLE	COMPLETE AND UPLOAD
Advert / EOI	Procurement Document – Short Breaks Reopening 2022	×
Advert / EOI	Framework Agreement - Short Breaks Reopening 2022	×
Advert / EOI	Schedule 1 – Specification - Short Breaks Reopening 2022	×
Advert / EOI	Schedule 2 – Price Schedule - Short Breaks Reopening 2022	✓
Advert / EOI	Mini-competition Cat B - Short Breaks Reopening 2022	<pre>✓ for CATEGORY B ONLY</pre>

Disclaimer

This information in this document does not purport to be comprehensive. It has not been independently verified. It is not intended to provide the basis of any investment decision and should not be considered as recommendation by Dorset Council as an invitation to negotiate.

The Council does not accept any qualifications or additions to invitations to tender except those raised and responded to in the clarification stage or where a response to a question is requested. The Council will not accept any amendments or alterations to the terms and conditions raised during or after the tender submission. Any errors in this procurement document shall not invalidate the Tender procedure or release any Tenderer from any obligation under a Contract. Errors or omissions corrected by the Council that affect the contract shall be made by agreement.

The Council reserves the right to change the Tender procedure without prior notice and to terminate discussions and the delivery of information at any time before the signing of any contract.