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**Procurement**

**Document**

**(Open Tender Procedure)**

Tender for

 **Short Breaks for Children who are Disabled and/or have Complex Health Needs**

**Reference DCC-CS/2015-18**

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**Introduction**

**Purpose**

The purpose of this document is to provide guidance on the response to the Invitation to Tender (“ITT”), known as “Tender”

The Tender enables Dorset County Council to receive sufficient information from Organisations (“Tenderers”) interested in supplying the required goods or services 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 County 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**: Short Breaks for Children Who are Disabled and/or have Complex Health Needs

**Project Scope**:

We are looking to secure suitable service providers to join appropriate frameworks in order to provide a range of short break opportunities for children, young people and their carers.

The Framework categories are:

|  |  |
| --- | --- |
| **Framework Category 1:**  | **Specialist Residential overnight short breaks** |
| **Framework Category 2:**  | **Specialist Saturday, after school and holiday short break sessions based in Weymouth area** |
| **Framework Category 3:** | **Specialist Saturday, after school and holiday short break sessions** |
| **Framework Category 4:**  | **Sessional services (at home or in the community) including befriending/buddy/PA schemes** |
| **Framework Category 5:**  | **After school, holiday and weekend play, sports and activity sessions for all ages** |
| **Framework Category 6:**  | **Activity, day and evening sessions for young people aged 15-18 years** |

Category 1 - 3

Support for Children and Young People, from providers who successfully gain a place on a framework will be called-off the framework by the Children who are Disabled Teams, Children’s Services, working alongside the families, who meet the threshold to receive this support

Category 4 – 6

Once Providers are successfully onto the frameworks, a mini competition will be ran annually at the start of the financial year in order to allocate funds and define support for the year.

The opportunity will cover the period 1 April 2017 to 31 March 2019.

Notes for Completion

1. Glossary
	1. **Contracting Bodies’** or **`Contracting Body’** or **`End User’** means any other contracting bodies described in the OJEU notice;
	2. **‘Contractor'** means the person, firm or company appointed by the Council or Contracting Body to supply the Goods or Services under this Framework Agreement or any Call-Off Contract / Contract or Order and shall include the Contractor's employees, personal representatives, successors and permitted assigns;
	3. **‘Council’** means Dorset County Council;
	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;
	5. “e-tender system” means the electronic tender system named Pro-Contract. It is provided by Due North and is hosted via <http://www.supplyingthesouthwest.org.uk>
	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 re-enactment thereof).
	7. **`Invitation to Tender’** means the Tender process and all its components, inviting tenders for inclusion within the Framework Agreement / Contract;
	8. **`Offer’** means the offer made by the Tenderer in relation to the Proposed Contract / Framework Agreement;
	9. **‘Specification’** means the scope of the Goods or Services to be provided pursuant to this Framework Agreement and any Call-Off Contract / Contract as set out in x – Specification;
	10. **`Tender / Tenderers’** means a Contractor submitting a tender to the Council for inclusion on the Framework Agreement / Contract:
2. E-Tender System
	1. Assistance in relation to the e-tender system is available to Tenderers via the Supplier Help Icon within the system.
	2. Supplier Guidance documents are also available to view and download.
3. **To View this Opportunity**
	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**
	1. Tenderers are able to click on “Register Intent” which will inform the Council of your intention to respond to this opportunity.
	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**
	1. After registering intent, Tenderers may then proceed to respond to the on-line questions.
	2. To start the response Tenderers are required to click 'Start My Response'.
6. Selection of Lots
	1. If this Tender is in respect of several Lots refer to Lots on page 11 for Guidance in Respect of Lots.
	2. Tenderers to ensure that the correct selection of lots has been made before they submit their response.
7. Confidentiality
	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 joint bidders.
	2. The Tender shall not be canvassed for acceptance or discussed with the media, any other Organisation, member/officer of Dorset County Council, or their representatives.
8. Preparation of Tender
	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 Organisations.
	2. Organisations 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.
	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.
	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.
	5. Responses to each Tender question should be written concisely and clearly answer the question posed in English.
	6. Tenderers will only be able to respond to questions that do require an input from them therefore built as “on-line” within the e-tender system.
9. Communication
	1. All contact during this procurement should be submitted in writing through the e-tender system.
	2. Tenderers should seek to clarify any points of doubt or difficulty via the e-tender system in sufficient time, not less than 7 working days before the closing date of the Tender, 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.
	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.
		1. Tenderers should therefore not include within the question placed their organisation’s name and any potential commercially sensitive information.
10. Price Schedule(s)
	1. The Council requires Tenderers to complete and upload Price Schedule(s) where requested to do so within the e-tender system.
11. Full Financial Statements
	1. Tenderers are required to upload, where requested to do so within the e-tender system, two years Full Financial Statements which include Profit & Loss Account, balance sheet and all the notes to the accounts. If these Full Financial Statements are not available, the Council requires Tenderers to supply the most up-to-date Management Accounts for the year showing actuals.
	2. The Company Reference Number must be quoted on all accounts submitted.
12. Other Documents or Supporting Evidence
	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.
13. Submission of Tender
	1. Tenderers are required to submit their Tender within the e-tender system **by 13th December 2016**
	2. Tenderers are advised to allow sufficient time to complete questions and upload documentation to the e-tender system, where requested to do so.
	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.
	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.
	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.
	6. **Late Tender Submissions:** Tenders received after the closing date will not be considered.
		1. The Council is under no obligation to consider partial or late submissions.
	7. 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.
14. Award Process
	1. The Council expects to make an award for the Preferred Provider Framework within 5 days of the closing date for the submission of tenders. The Council may, if necessary, extend the period for completing the award process.
	2. The decision of the award will be based on the evaluation criteria as outlined under Evaluation and Award.
	3. Tenderer(s) that are successful awarded will receive in writing an award decision notice pursuant to Regulation 55 of the Public Contracts Regulations 2015.
		1. Upon acceptance, the Preferred Provider Framework shall thereby be constituted and become binding on both parties and, notwithstanding that, the Tenderer upon request of the Council execute a formal Preferred Provider Framework in the form contained in this Tender process.
		2. Tenderers must not undertake work without written notification that they have been award a Contract, and are required to start work.
	4. Tenderers who have not been successful will equally receive in writing an award decision notice pursuant to Regulation 55 of the Public Contracts Regulation 2015.
	5. Tenderers should note that the Council reserves the right to terminate this procedure without any decision to award.
	6. Tenderers should also note that, should they be successful the Council reserves the right to terminate the Preferred Provider Framework, if at any time it is discovered that the Tenderer made any material misrepresentation and/or have not notified to the Council about any material changes in relation to the information provided in the Tender submission.

**Evaluation and Award**

**­**

1. Evaluation
	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.
	2. Tenders will be evaluated to find the most suitable Tenderer who can meet the Specification and provide competitiveness of price.
	3. Submitted Tender responses will be evaluated by officers of the Council using the award criteria and weightings.
2. Award Criteria and Weightings
	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. Tenderer’s completion of the Price Schedule will give the award score in terms of Price.
	3. Table: Selection Criteria and Weightings

|  |
| --- |
| SELECTION CRITERIA & WEIGHTINGS |
| PriceQuality | 40% (based on the all-inclusive hourly rate of service provision) 60% (based on responses to the tender questionnaire(s)) |
| 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 CriteriaWhere responses to questions are to be scored, the following are applied by Evaluators against a Tenderer’s submitted responses:-

|  |  |  |
| --- | --- | --- |
| **Descriptor** | **Narrative** | **Score** |
| **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.* | **5** |
| **Good** | *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.* | **3** |
| **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.* | **1** |
| **Unacceptable** | *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.* | **0** |

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.**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 not proceeding to full evaluation.Price Evaluations: The scoring is carried out within an Excel spreadsheet outside of the e-tender system. The all-inclusive hourly rate of Service Provision shall be the element of pricing schedule scored.The equations used outside of the system to reach the score between 0 – 4 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 difference from lowest bid.*Equation: price bid – lowest bid / lowest bid \* 100 = Sum A*Stage 2Sum A is then shown as % different from 100*Equation: 100 – Sum A = Sum B*Stage 3Sum B is then divided by 100 to show it as a figure*Equation: Sum B / 100 = Sum C*Stage 4Sum C is then multiplied by the maximum score of 4 to reach the final score*Equation: Sum C \* 4*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. |
| Quality 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. A 60% pass mark is required to pass the quality evaluation element of this tender.An evaluation has a maximum score of 5. This means that if a question has been evaluated and scored as 5 it would be 100% of that question. If it was scored as 3 then it would be 60% of that question.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. |

1. Financial Evaluation
	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.
	1. 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.
* Economic and Financial Standing – Tenderers are required to supply Full Financial Statements where requested to do so in the e-tender system, pursuant to Regulation 58 of the Public Contracts Regulations 2015 which will be assessed with the following
	1. Economic and Financial Standing
	2. A Tenderer’s financial position will be reviewed to assess whether the Tenderer has a healthy financial position.
	3. A Tender is likely be eliminated (likely to “Fail”) from the procurement on financial grounds where:
* The Tenderer has negative net assets.
* Financial Statements or credit referencing raise concerns regarding a healthy financial position.
	1. 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.
	2. 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.
* Review for trends in Financial Structure and Operating Performance ratios.
* Review of gearing.
* A credit rating check.
* Review for unusual accounting policies
* Review for major business restructuring.
* Review of Gearing and Liquidity.
* Review of Audit Opinion.
	1. It is emphasised that financial standing is only a part of the overall selection criteria.
1. Procurement Timetable
	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** |
| 14th – 15th November 2016 | Tender open on Pro-contract |
| 1stDecember 2016 | Last days for questions |
| 6th December 2016 | Tender closed on Pro-contract |
| 12th – 19th December | Tenders for Lot 1 – 6 are evaluated |
| 20th – 23rd December | Initial Contract Award – pending standstill |
| 23rd Dec 2016 – 2nd Jan 2017 | Standstill Period  |
| 3rd January 2017 | Contract award (following satisfactory standstill period) |
| January/February 2017 | Meeting with New Providers (Category 4, 5, 6) |
| February/March 2017 | Mini competition for Category 4, 5, 6 begins |
| 1st April 2017 | Contract begins for Category 1 - 6 |

**Guidance in Respect of Lots**

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1. Evaluation of Lots
	1. This procurement procedure is includes the following Lots therefore Tenders will be evaluated per Lot.

|  |  |
| --- | --- |
| **Category 1 Lot 1** | **Specialist Residential overnight short breaks** |
| **Category 2 Lot 2** | **Specialist Saturday, after school and holiday short break sessions based in Weymouth area** |
| **Category 3****Lot 3** | **Specialist Saturday, after school and holiday short break sessions** |
| **Category 4 Lot 4** | **Sessional services (at home or in the community) including befriending/buddy/PA schemes** |
| **Category 5****Lot 5** | **After school, holiday and weekend play, sports and activity sessions for all ages** |
| **Category 6****Lot 6** | **Activity, day and evening sessions for young people aged 15-18 years** |

1. 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 dependant on whether the question and potential response is generic enough to apply to all Lots.
	1. Selection of Lot Templates
	2. Tenderers are required to opt-in to all templates if the Lot that is 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 Several evaluation templates may make up each Lot which is necessary to avoid Tenderers, where 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 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 removing themselves from Lot 1.

* 1. 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. 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,
	3. By opting-out of any templates the Tenderer will be removing their Tender from that Lot.
	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.

**Documentation**

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

|  |  |
| --- | --- |
| **DOCUMENT TITLE** | **COMPLETE AND UPLOAD** |
| Open Tender Guidance Document | **✓** |
| Schedule 1 – Specification | **✓** |
| Schedule 2 – Pricing Schedule | **✓** |
| Contract Terms and Conditions | **✓** |
| Form of Tender | **✓** |