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Tender

## **TD1526 - Framework for the Provision of Standard Home Care Services**

Derby City Council

F02: Contract notice

Notice identifier: 2021/S 000-000343

Procurement identifier (OCID): ocds-h6vhtk-0288ab

Published 8 January 2021, 12:22pm

### **Section I: Contracting authority**

#### **I.1) Name and addresses**

Derby City Council

Corporation Street

Derby

DE12FS

#### **Email**

[procurement@derby.gov.uk](mailto:procurement@derby.gov.uk)

#### **Country**

United Kingdom

#### **NUTS code**

UKF11 - Derby

#### **Internet address(es)**

Main address

[www.derby.gov.uk](http://www.derby.gov.uk)

### **I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at

[www.eastmidstenders.org](http://www.eastmidstenders.org)

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

[www.eastmidstenders.org](http://www.eastmidstenders.org)

### **I.4) Type of the contracting authority**

Regional or local authority

### **I.5) Main activity**

General public services

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

TD1526 - Framework for the Provision of Standard Home Care Services

Reference number

DN513344

#### **II.1.2) Main CPV code**

- 85000000 - Health and social work services

#### **II.1.3) Type of contract**

Services

#### **II.1.4) Short description**

The Council is requesting bids for Service Providers to be awarded a place on a framework to provide Standard Home Care (domiciliary care) Services.

Standard Home Care Definition: The Care Quality Commission (CQC) definition of Home Care and Support are as follows:

"These services provide personal care for people living in their own homes. The needs of people using the services may vary greatly, but packages of care are designed to meet individual circumstances. The person is visited at various times of the day or, in some cases, care is provided over a full 24-hour period. Where care is provided intermittently throughout the day the person may live independently of any continuous support or care between visits."

Customers of Home Care Services will:

- Be residents of Derby City
- Be over the age of 18 years
- Have eligible care or support needs as defined by the Council
- Require Home Care as defined above

Customers may have complex and multiple support needs. Service Providers will need to develop personalised Support Plans that identify clear and quantifiable ways that they will support Customers to achieve their individual outcomes and remain independent in their own home.

Customers that will require this Service will have a wide range of needs that may include one or a combination of the following broad headings (please note this list is not exhaustive):

- Physical disability or frailty,
- Learning disability
- Mental Health
- Sensory Disabilities and/or Communication needs
- Dementia or other cognitive difficulties

Tenderers must have Care Quality Commission (CQC) registration in place for the delivery of personal care.

The Service Provider will also be required to be registered with the CQC to be able to deliver personal care in the City of Derby. Successful Service Providers not already registered to do this, will be required to apply to be registered to do this within a month of receiving the framework award letter.

Tenderers must have Care Quality Commission rating above 'Inadequate' in place for the delivery of personal care to be able to bid.

Where a Tenderer is waiting for a rating from the CQC for the delivery of personal care from the CQC, they can still submit a bid. If subsequently the rating is 'Inadequate', then the service Provider will be required to provide an action plan that is satisfactory to the Council that will address all the concerns raised by the CQC within a timescale agreed with the Council.

## Value

The potential framework value is £62,706,904.62 over four years.

Contract Opportunities will only initially be for new Service requirements (care packages). The Council also reserves the right to review existing care packages and put these out as a Contract Opportunity under this Framework.

The advertised contract value takes into account the possibility of reviewing and putting existing care packages out as Contract Opportunities, but there is no guarantee this will happen. Therefore, no guarantee of business value or volume can be given. Service Providers will have to form their own views as to the potential for such an arrangement.

#### **II.1.5) Estimated total value**

Value excluding VAT: £62,706,905.62

#### **II.1.6) Information about lots**

This contract is divided into lots: Yes

Tenders may be submitted for all lots

Maximum number of lots that may be awarded to one tenderer: 2

The contracting authority reserves the right to award contracts combining the following lots or groups of lots:

See ITT document for Lot Allocation process.

### **II.2) Description**

#### **II.2.1) Title**

Lot 1 - Central Locality

Lot No

1

#### **II.2.2) Additional CPV code(s)**

- 85000000 - Health and social work services

#### **II.2.3) Place of performance**

NUTS codes

- UKF11 - Derby

#### **II.2.4) Description of the procurement**

Standard Home Care Definition: The Care Quality Commission (CQC) definition of Home Care and Support are as follows:

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## Framework Lots

The framework is split into four geographical Lots.

The Council intends to appoint the following number of Service Providers in each of the following Lots:

Lot 1 - Central Locality = Three Service Providers (Value £14,926,587.15)

Lot 2 - West Locality = Four Service Providers (Value £15,985,354.10)

Lot 3 - East Locality = Three Service Providers (Value £14,150,640.14)

Lot 4 - South Locality = Three Service Providers (Value £17,644,323.24)

A Tenderer MUST state what Lots it is bidding for and their Lot preference.

A Tenderer can bid for all four Lots or any number of Lots.

A Tenderer can only be awarded a maximum of two Lots.

Scores will be the same for Tenderers across all the Lots they bid for, though ranking

might be different in different Lots if all Tenderers do not bid for all Lots.

The Council also reserves the right to appoint fewer than the required number of Service Providers in each Lot, where each Tenderer has been awarded the maximum of two Lots and there are no other options to allocate a Service Provider to a particular Lot.

The process for deciding how Lots are allocated to successful Tenderers is described further in the ITT document.

### Framework Operation

The Council reserves the right to open a Lot or Lots and run a open competitive tendering process to replace existing Framework Service Provider due to failure/poor performance/material breaches etc.

There will also be the option of opening up a Lot or Lots to add an additional Service Provider where there are capacity issues within that Lot.

Further to the points above there will still be the rule that a Service Provider can only be awarded two Lots, so if a provider on this Framework already has two Lots, they will not be able to bid for an additional Lot.

The initial Framework Term is two years. The maximum framework term is four years.

### Fees

The Council has a set a maximum hourly rate for the provision of Home Care services as part of its Fee structure. Tenderers must confirm that they accept this Fee structure as part of their Tender response. Details are in the ITT.

### TUPE

The initial tendering of this Framework does not give rise to the Transfer of Undertakings (Protection of Employment) 2006 Regulations, as no existing work is being transferred. However where existing care packages are reviewed and put out as a Contract Opportunity then TUPE may be considered in each relevant Contract Opportunity.

### Other

Tenderers must meet the minimum requirements of the main suitability questionnaire as detailed in Section 4.3 of the ITT Document.

For clarity, the procurement process adopted by the Councils has been developed in accordance with Regulation 76 of the regulations and in particular in accordance with the

fundamental public procurement principles of transparency and equal treatment. For the avoidance of doubt this means that the Council has not adopted an open procedure, framework (as defined in the regulations) for the undertaking of this procurement process. The Council will be permitted to use the Framework in a number of ways (in accordance with the Light Touch Regime (Regulation s74 to 77) of the Public Contracts Regulations 2015 and any subsequent amendment or re-enactment thereof).

Contract awards will be via a competitive competition process or direct award.

Framework will start on the 1st June 2021 and last for two years. There will be an option to extend up to a further two years.

Further details are provided in the tender document.

#### **II.2.5) Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **II.2.6) Estimated value**

Value excluding VAT: £14,926,587.15

#### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Start date

1 June 2021

End date

31 May 2023

This contract is subject to renewal

Yes

Description of renewals

Framework will start on the 1st June 2021 and last for two years. There will be an option to extend up to a further two years.

Further details are provided in the tender document.

#### **II.2.10) Information about variants**

Variants will be accepted: No

### **II.2.11) Information about options**

Options: Yes

Description of options

Framework will start on the 1st June 2021 and last for two years. There will be an option to extend up to a further two years.

Further details are provided in the tender document.

## **II.2) Description**

### **II.2.1) Title**

Lot 2 - West Locality

Lot No

2

### **II.2.2) Additional CPV code(s)**

- 85000000 - Health and social work services

### **II.2.3) Place of performance**

NUTS codes

- UKF11 - Derby

### **II.2.4) Description of the procurement**

Standard Home Care Definition: The Care Quality Commission (CQC) definition of Home Care and Support are as follows:

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- Require Home Care as defined above

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Customers that will require this Service will have a wide range of needs that may include one or a combination of the following broad headings (please note this list is not exhaustive):

- Physical disability or frailty,
- Learning disability
- Mental Health
- Sensory Disabilities and/or Communication needs
- Dementia or other cognitive difficulties

Tenderers must have Care Quality Commission (CQC) registration in place for the delivery of personal care.

The Service Provider will also be required to be registered with the CQC to be able to deliver personal care in the City of Derby. Successful Service Providers not already registered to do this, will be required to apply to be registered to do this within a month of receiving the framework award letter.

Tenderers must have Care Quality Commission rating above 'Inadequate' in place for the delivery of personal care to be able to bid.

Where a Tenderer is waiting for a rating from the CQC for the delivery of personal care from the CQC, they can still submit a bid. If subsequently the rating is 'Inadequate', then the service Provider will be required to provide an action plan that is satisfactory to the Council that will address all the concerns raised by the CQC within a timescale agreed

with the Council.

## Value

The potential framework value is £62,706,904.62 over four years.

Contract Opportunities will only initially be for new Service requirements (care packages). The Council also reserves the right to review existing care packages and put these out as a Contract Opportunity under this Framework.

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## Framework Lots

The framework is split into four geographical Lots.

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Lot 3 - East Locality = Three Service Providers (Value £14,150,640.14)

Lot 4 - South Locality = Three Service Providers (Value £17,644,323.24)

A Tenderer MUST state what Lots it is bidding for and their Lot preference.

A Tenderer can bid for all four Lots or any number of Lots.

A Tenderer can only be awarded a maximum of two Lots.

Scores will be the same for Tenderers across all the Lots they bid for, though ranking might be different in different Lots if all Tenderers do not bid for all Lots.

The Council also reserves the right to appoint fewer than the required number of Service Providers in each Lot, where each Tenderer has been awarded the maximum of two Lots and there are no other options to allocate a Service Provider to a particular Lot.

The process for deciding how Lots are allocated to successful Tenderers is described

further in the ITT document.

## Framework Operation

The Council reserves the right to open a Lot or Lots and run a open competitive tendering process to replace existing Framework Service Provider due to failure/poor performance/material breaches etc.

There will also be the option of opening up a Lot or Lots to add an additional Service Provider where there are capacity issues within that Lot.

Further to the points above there will still be the rule that a Service Provider can only be awarded two Lots, so if a provider on this Framework already has two Lots, they will not be able to bid for an additional Lot.

The initial Framework Term is two years. The maximum framework term is four years.

## Fees

The Council has a set a maximum hourly rate for the provision of Home Care services as part of its Fee structure. Tenderers must confirm that they accept this Fee structure as part of their Tender response. Details are in the ITT.

## TUPE

The initial tendering of this Framework does not give rise to the Transfer of Undertakings (Protection of Employment) 2006 Regulations, as no existing work is being transferred. However where existing care packages are reviewed and put out as a Contract Opportunity then TUPE may be considered in each relevant Contract Opportunity.

## Other

Tenderers must meet the minimum requirements of the main suitability questionnaire as detailed in Section 4.3 of the ITT Document.

For clarity, the procurement process adopted by the Councils has been developed in accordance with Regulation 76 of the regulations and in particular in accordance with the fundamental public procurement principles of transparency and equal treatment. For the avoidance of doubt this means that the Council has not adopted an open procedure, framework (as defined in the regulations) for the undertaking of this procurement process. The Council will be permitted to use the Framework in a number of ways (in accordance with the Light Touch Regime (Regulation s74 to 77) of the Public Contracts Regulations 2015 and any subsequent amendment or re-enactment thereof).

Contract awards will be via a competitive competition process or direct award.

Framework will start on the 1st June 2021 and last for two years. There will be an option to extend up to a further two years.

Further details are provided in the tender document.

#### **II.2.5) Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **II.2.6) Estimated value**

Value excluding VAT: £15,985,354.10

#### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Start date

1 June 2021

End date

31 January 2023

This contract is subject to renewal

Yes

Description of renewals

Framework will start on the 1st June 2021 and last for two years. There will be an option to extend up to a further two years.

Further details are provided in the tender document.

#### **II.2.10) Information about variants**

Variants will be accepted: No

#### **II.2.11) Information about options**

Options: Yes

## Description of options

Framework will start on the 1st June 2021 and last for two years. There will be an option to extend up to a further two years.

Further details are provided in the tender document.

## **II.2) Description**

### **II.2.1) Title**

Lot 3 - East Locality

Lot No

3

### **II.2.2) Additional CPV code(s)**

- 85000000 - Health and social work services

### **II.2.3) Place of performance**

NUTS codes

- UKF11 - Derby

### **II.2.4) Description of the procurement**

Standard Home Care Definition: The Care Quality Commission (CQC) definition of Home Care and Support are as follows:

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- Require Home Care as defined above

Customers may have complex and multiple support needs. Service Providers will need to develop personalised Support Plans that identify clear and quantifiable ways that they will support Customers to achieve their individual outcomes and remain independent in their own home.

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- Sensory Disabilities and/or Communication needs
- Dementia or other cognitive difficulties

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## Value

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a Contract Opportunity under this Framework.

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#### Framework Lots

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Lot 3 - East Locality = Three Service Providers (Value £14,150,640.14)

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A Tenderer can bid for all four Lots or any number of Lots.

A Tenderer can only be awarded a maximum of two Lots.

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The Council also reserves the right to appoint fewer than the required number of Service Providers in each Lot, where each Tenderer has been awarded the maximum of two Lots and there are no other options to allocate a Service Provider to a particular Lot.

The process for deciding how Lots are allocated to successful Tenderers is described further in the ITT document.

#### Framework Operation

The Council reserves the right to open a Lot or Lots and run a open competitive tendering process to replace existing Framework Service Provider due to failure/poor performance/material breaches etc.

There will also be the option of opening up a Lot or Lots to add an additional Service Provider where there are capacity issues within that Lot.

Further to the points above there will still be the rule that a Service Provider can only be awarded two Lots, so if a provider on this Framework already has two Lots, they will not be able to bid for an additional Lot.

The initial Framework Term is two years. The maximum framework term is four years.

## Fees

The Council has a set a maximum hourly rate for the provision of Home Care services as part of its Fee structure. Tenderers must confirm that they accept this Fee structure as part of their Tender response. Details are in the ITT.

## TUPE

The initial tendering of this Framework does not give rise to the Transfer of Undertakings (Protection of Employment) 2006 Regulations, as no existing work is being transferred. However where existing care packages are reviewed and put out as a Contract Opportunity then TUPE may be considered in each relevant Contract Opportunity.

## Other

Tenderers must meet the minimum requirements of the main suitability questionnaire as detailed in Section 4.3 of the ITT Document.

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Contract awards will be via a competitive competition process or direct award.

Framework will start on the 1st June 2021 and last for two years. There will be an option to extend up to a further two years.

Further details are provided in the tender document.

## **II.2.5) Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **II.2.6) Estimated value**

Value excluding VAT: £14,150,640.14

#### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Start date

1 June 2021

End date

31 May 2023

This contract is subject to renewal

Yes

Description of renewals

Framework will start on the 1st June 2021 and last for two years. There will be an option to extend up to a further two years.

Further details are provided in the tender document.

#### **II.2.10) Information about variants**

Variants will be accepted: No

#### **II.2.11) Information about options**

Options: Yes

Description of options

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Further details are provided in the tender document.

### **II.2) Description**

### **II.2.1) Title**

Lot 4 - South Locality

Lot No

4

### **II.2.2) Additional CPV code(s)**

- 85000000 - Health and social work services

### **II.2.3) Place of performance**

NUTS codes

- UKF11 - Derby

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### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Start date

1 June 2021

End date

31 May 2023

This contract is subject to renewal

Yes

Description of renewals

Framework will start on the 1st June 2021 and last for two years. There will be an option to extend up to a further two years.

Further details are provided in the tender document.

### **II.2.10) Information about variants**

Variants will be accepted: No

### **II.2.11) Information about options**

Options: Yes

Description of options

Framework will start on the 1st June 2021 and last for two years. There will be an option to extend up to a further two years.

Further details are provided in the tender document.

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## **Section III. Legal, economic, financial and technical information**

### **III.1) Conditions for participation**

#### **III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions

Selection criteria as stated in the procurement documents

#### **III.1.2) Economic and financial standing**

Selection criteria as stated in the procurement documents

#### **III.1.3) Technical and professional ability**

Selection criteria as stated in the procurement documents

### **III.2) Conditions related to the contract**

#### **III.2.1) Information about a particular profession**

Execution of the service is reserved to a particular profession

Reference to the relevant law, regulation or administrative provision

Selection criteria as stated in the procurement documents

#### **III.2.2) Contract performance conditions**

Conditions relating to environmental and social requirements of the contracting authority may be included in this

contract. The details are to be provided in the procurement documents.

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Open procedure

#### **IV.1.8) Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: Yes

#### **IV.2) Administrative information**

##### **IV.2.1) Previous publication concerning this procedure**

Notice number: [2020/S 249-622758](#)

##### **IV.2.2) Time limit for receipt of tenders or requests to participate**

Date

5 February 2021

Local time

9:00am

##### **IV.2.4) Languages in which tenders or requests to participate may be submitted**

English

##### **IV.2.6) Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 4 (from the date stated for receipt of tender)

##### **IV.2.7) Conditions for opening of tenders**

Date

5 February 2021

Local time

9:15am

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## **Section VI. Complementary information**

### **VI.1) Information about recurrence**

This is a recurrent procurement: Yes

### **VI.3) Additional information**

The Council is requesting bids for Service Providers to be awarded a place on a framework to provide Standard Home Care (domiciliary care) Services.

#### Overview of Requirement

Standard Home Care Definition: The Care Quality Commission (CQC) definition of Home Care and Support are as follows:

"These services provide personal care for people living in their own homes. The needs of people using the services may vary greatly, but packages of care are designed to meet individual circumstances. The person is visited at various times of the day or, in some cases, care is provided over a full 24-hour period. Where care is provided intermittently throughout the day the person may live independently of any continuous support or care between visits."

Customers of Home Care Services will:

- Be residents of Derby City
- Be over the age of 18 years
- Have eligible care or support needs as defined by the Council
- Require Home Care as defined above

Customers may have complex and multiple support needs. Service Providers will need to develop personalised Support Plans that identify clear and quantifiable ways that they will support Customers to achieve their individual outcomes and remain independent in their own home.

Customers that will require this Service will have a wide range of needs that may include one or a combination of the following broad headings (please note this list is not exhaustive):

- Physical disability or frailty,

- Learning disability
- Mental Health
- Sensory Disabilities and/or Communication needs
- Dementia or other cognitive difficulties

Tenderers must have Care Quality Commission (CQC) registration in place for the delivery of personal care.

The Service Provider will also be required to be registered with the CQC to be able to deliver personal care in the City of Derby. Successful Service Providers not already registered to do this, will be required to apply to be registered to do this within a month of receiving the framework award letter.

Tenderers must have Care Quality Commission rating above 'Inadequate' in place for the delivery of personal care to be able to bid.

Where a Tenderer is waiting for a rating from the CQC for the delivery of personal care from the CQC, they can still submit a bid. If subsequently the rating is 'Inadequate', then the service Provider will be required to provide an action plan that is satisfactory to the Council that will address all the concerns raised by the CQC within a timescale agreed with the Council.

## Value

The potential framework value is £62,706,904.62 over four years.

Contract Opportunities will only initially be for new Service requirements (care packages). The Council also reserves the right to review existing care packages and put these out as a Contract Opportunity under this Framework.

The advertised contract value takes into account the possibility of reviewing and putting existing care packages out as Contract Opportunities, but there is no guarantee this will happen. Therefore, no guarantee of business value or volume can be given. Service Providers will have to form their own views as to the potential for such an arrangement.

## Framework Lots

The framework is split into four geographical Lots.

The Council intends to appoint the following number of Service Providers in each of the following Lots:

Lot 1 - Central Locality = Three Service Providers (Value £14,926,587.15)

Lot 2 - West Locality = Four Service Providers (Value £15,985,354.10)

Lot 3 - East Locality = Three Service Providers (Value £14,150,640.14)

Lot 4 - South Locality = Three Service Providers (Value £17,644,323.24)

A Tenderer MUST state what Lots it is bidding for and their Lot preference.

A Tenderer can bid for all four Lots or any number of Lots.

A Tenderer can only be awarded a maximum of two Lots.

Scores will be the same for Tenderers across all the Lots they bid for, though ranking might be different in different Lots if all Tenderers do not bid for all Lots.

The Council also reserves the right to appoint fewer than the required number of Service Providers in each Lot, where each Tenderer has been awarded the maximum of two Lots and there are no other options to allocate a Service Provider to a particular Lot.

The process for deciding how Lots are allocated to successful Tenderers is described further in the ITT document.

### Framework Operation

The Council reserves the right to open a Lot or Lots and run a open competitive tendering process to replace existing Framework Service Provider due to failure/poor performance/material breaches etc.

There will also be the option of opening up a Lot or Lots to add an additional Service Provider where there are capacity issues within that Lot.

Further to the points above there will still be the rule that a Service Provider can only be awarded two Lots, so if a provider on this Framework already has two Lots, they will not be able to bid for an additional Lot.

The initial Framework Term is two years. The maximum framework term is four years.

### Fees

The Council has a set a maximum hourly rate for the provision of Home Care services as part of its Fee structure. Tenderers must confirm that they accept this Fee structure as part of their Tender response. Details are in the ITT.

## TUPE

The initial tendering of this Framework does not give rise to the Transfer of Undertakings (Protection of Employment) 2006 Regulations, as no existing work is being transferred. However where existing care packages are reviewed and put out as a Contract Opportunity then TUPE may be considered in each relevant Contract Opportunity.

## Other

Tenderers must meet the minimum requirements of the main suitability questionnaire as detailed in Section 4.3 of the ITT Document.

For clarity, the procurement process adopted by the Councils has been developed in accordance with Regulation 76 of the regulations and in particular in accordance with the fundamental public procurement principles of transparency and equal treatment. For the avoidance of doubt this means that the Council has not adopted an open procedure, framework (as defined in the regulations) for the undertaking of this procurement process. The Council will be permitted to use the Framework in a number of ways (in accordance with the Light Touch Regime (Regulation s74 to 77) of the Public Contracts Regulations 2015 and any subsequent amendment or re-enactment thereof).

Contract awards will be via a competitive competition process or direct award.

## **VI.4) Procedures for review**

### **VI.4.1) Review body**

Derby City Council

Council House, Corporation Street

Derby

DE1 2FS

Country

United Kingdom

### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

The contracting authority will incorporate a minimum 10 calendar day standstill period following electronic

notification (minimum of 15 calendar days for any other means of communication) to tenderers of the award

decision. This period allows unsuccessful tenderers to seek further debriefing from the contracting authority

before the contract is entered into. If an appeal regarding the award of a contract has not been successfully

resolved the Public Contracts Regulations 2015 (Si 2015 No 102) provide for aggrieved parties who have been

harmed or are at risk of harm by a breach of the rules to take action in the High Court (England, Wales and

Northern Ireland). Any such action must be brought promptly . Where a contract has not been entered into the Court may order the setting aside of the award decision or order the authority to

amend any document and may award damages. If the contract has been entered into the Court may only award

damages. The purpose of the standstill period referred to above is to allow parties to apply to the Courts to set

aside the award decision before the contract is entered into.