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Tender

## Disability Services for Adults

West Lothian Council

F02: Contract notice

Notice identifier: 2021/S 000-000585

Procurement identifier (OCID): ocds-h6vhtk-02899d

Published 12 January 2021, 3:48pm

### Section I: Contracting authority

#### I.1) Name and addresses

West Lothian Council

West Lothian Civic Centre, Howden South Road

Livingston

EH54 6FF

#### Email

[tom.henderson@westlothian.gov.uk](mailto:tom.henderson@westlothian.gov.uk)

#### Telephone

+44 1506281814

#### Fax

+44 1506281325

#### Country

United Kingdom

**NUTS code**

UKM78 - West Lothian

**Internet address(es)**

Main address

<http://www.westlothian.gov.uk>

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA00140](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA00140)

**I.3) Communication**

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

<https://www.publictenderscotland.publiccontractsscotland.gov.uk>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.publictenderscotland.publiccontractsscotland.gov.uk>

**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

Disability Services for Adults

Reference number

CC10057

#### II.1.2) Main CPV code

- 85000000 - Health and social work services

#### II.1.3) Type of contract

Services

#### II.1.4) Short description

West Lothian Council commission services and support which focus on prevention, early intervention and maintaining and promoting independence, enabling people to live independently in their own homes where they choose to do so.

West Lothian Council will be making use of the provisions of the Light Touch Regime and intend to operate a Framework Agreement for adults with a disability to receive care in their own homes and properties owned by landlords with appropriate support for a period of 4 years with the possibility of extending for a period of up to a further 48 months.

The framework will be for new business only and current business will remain with the incumbent providers. If an incumbent provider is successful their existing packages of care will be transferred to the terms and conditions of the new framework agreement.

If any existing provider is not appointed to the new framework the packages of care may continue as 'spot purchases' through a separate contractual arrangement until they end naturally to ensure service continuity for the service user.

The framework will be split into 4 different Lots and Service providers to be appointed to the framework will be required to score at least 60 (sixty)% of the total quality score.

#### II.1.6) Information about lots

This contract is divided into lots: Yes

Tenders may be submitted for all lots

## **II.2) Description**

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

Supporting service users with complex needs resulting in behaviours that challenge

Lot No

1

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

- 85000000 - Health and social work services
- 85300000 - Social work and related services

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

NUTS codes

- UKM78 - West Lothian

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

The Council have a requirement for suitably qualified and experienced service providers to support service users with complex needs resulting in behaviours that challenge:

Service users will be eligible for Lot 1 services when an assessment of risk has concluded that they present with behaviour(s) that challenge to such an intensity, frequency, or duration as to threaten the quality of life and/or the physical safety of the individual or others. Thus leading to responses that are restrictive, aversive or result in exclusion and/or deny access to the use of ordinary community facilities.

The Council intend operating a Framework Agreement whereby service providers who meet all the mandatory criteria, pass the Selection Stage, score a sufficiently high score within the Technical Envelope in the Invitation to Tender, are prepared to accept the council's hourly rate and are able to meet all requirements, will be appointed.

Whilst the Framework Agreement will use the flexibility offered by the Light Touch Regime allowing for re-opening of competition to other service providers to be appointed on 1 July 2022 and each anniversary thereafter, an Open Procedure as provided within the Public Contracts (Scotland) Regulations will be used to appoint providers to the Framework Agreement.

The current budget hourly rates for Lot 1 – Supporting service users with Complex Behaviour(s) that Challenge is GBP 20.28

The rate effective from 1 April 2021 is still to be determined by the Council's Financial Management Unit and an inflationary increase will be provided.

The night hours payment which is currently GBP 11.16 will also be subject to an inflationary increase from 1 April 2021.

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

Quality criterion - Name: Service Delivery / Weighting: 5

Quality criterion - Name: Quality Assurance / Weighting: 7.5

Quality criterion - Name: Scenario Analysis / Weighting: 10

Quality criterion - Name: Adult Protection / Weighting: 5

Quality criterion - Name: Service User Engagement / Weighting: 5

Quality criterion - Name: Service User Feedback / Weighting: 5

Quality criterion - Name: Workforce Matters / Weighting: 7.5

Quality criterion - Name: Responding in a Crisis / Weighting: 5

Price - Weighting: 50

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

Start date

1 July 2021

End date

30 June 2025

This contract is subject to renewal

Yes

Description of renewals

The Framework Agreement will be able to be extended for a period of up to a further 48 months.

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

Variants will be accepted: No

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

Options: No

#### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

#### **II.2.14) Additional information**

In accordance with Section 67 (5) of the PC(S)Regulations - form of a fixed price or cost on the basis of which economic operators will compete on quality criteria only whereby price is fixed at an hourly rate.Utilising the flexibility of the Light Touch Regime with regard to the award criteria, those providers who are prepared to accept the Partnership's hourly rates will score 50%.

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

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

Supporting Service users with Mental Health and Addictions

Lot No

3

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

- 85000000 - Health and social work services
- 85300000 - Social work and related services

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

NUTS codes

- UKM78 - West Lothian

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

The Council require suitably experienced and qualified service providers to support service users with Mental Health and Addictions. Service users will be eligible for Lot 3 services where an assessment of risk has concluded that their mental health significantly restricts their ability to participate in activities of daily living and community involvement.

The Council intend operating a Framework Agreement whereby service providers who meet all the mandatory criteria, pass the Selection Stage, score a sufficiently high score within the Technical Envelope in the Invitation to Tender, are prepared to accept the Council's hourly rate and are able to meet all requirements, will be appointed.

Whilst the Framework Agreement will use the flexibility offered by the Light Touch Regime allowing for re-opening of competition to other service providers to be appointed on 1 July 2022 and each anniversary thereafter, an Open Procedure as provided within the Public Contracts (Scotland) Regulations will be used to appoint providers to the Framework Agreement.

The current budget hourly rates for Lot 3 – Supporting Service users with Mental Health and Addictions is GBP 17.56

The rate effective from 1 April 2021 is still to be determined by the council's Financial Management Unit and an inflationary increase will be provided.

The night hours payment which is currently GBP 11.16 will also be subject to an inflationary increase from 1 April 2021.

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

Quality criterion - Name: Service Delivery / Weighting: 5

Quality criterion - Name: Quality Assurance / Weighting: 7.5

Quality criterion - Name: Scenario Analysis / Weighting: 10

Quality criterion - Name: Adult Protection / Weighting: 5

Quality criterion - Name: Service User Engagement / Weighting: 5

Quality criterion - Name: Service User Feedback / Weighting: 5

Quality criterion - Name: Workforce Matters / Weighting: 7.5

Quality criterion - Name: Responding in a Crisis / Weighting: 5

Price - Weighting: 50

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

Start date

1 July 2021

End date

30 June 2025

This contract is subject to renewal

Yes

Description of renewals

The framework will be able to be extended for a period of up to a further 48 months.

**II.2.10) Information about variants**

Variants will be accepted: No

**II.2.11) Information about options**

Options: No

**II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

**II.2.14) Additional information**

In accordance with Section 67 (5) of the PC(S) Regulations - form of a fixed price or cost on the basis of which economic operators will compete on quality criteria only whereby price is fixed at an hourly rate. Utilising the flexibility of the Light Touch Regime with regard to the award criteria, those providers who are prepared to accept the Partnership's hourly rates will score 50%.

**II.2) Description**

**II.2.1) Title**

Supporting servicing users with complex conditions to access their community

Lot No

2

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

- 85000000 - Health and social work services
- 85300000 - Social work and related services

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

NUTS codes

- UKM78 - West Lothian

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

The Council have a requirement for suitably qualified and experienced service providers to support service users with complex conditions to access their community:

Service users will be eligible for Lot 2 services where an assessment of risk has concluded that their long term and complex conditions significantly restrict their ability to participate in activities of daily living and community involvement.

The Council intend operating a Framework Agreement whereby service providers who meet all the mandatory criteria, pass the Selection Stage, score a sufficiently high score within the Technical Envelope in the Invitation to Tender, are prepared to accept the Council's hourly rate and are able to meet all requirements, will be appointed.

Whilst the Framework Agreement will use the flexibility offered by the Light Touch Regime allowing for re-opening of competition to other service providers to be appointed on 1 July 2022 and each anniversary thereafter, an Open Procedure as provided within the Public Contracts (Scotland) Regulations will be used to appoint providers to the Framework Agreement.

The current budget hourly rates for Lot 2 – Supporting service users with Complex conditions to access their community is GBP 18.04

The rate effective from 1 April 2021 is still to be determined by the Council's Financial Management Unit and an inflationary increase will be provided.

The night hours payment which is currently GBP 11.16 will also be subject to an inflationary increase from 1 April 2021.

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

Quality criterion - Name: Service Delivery / Weighting: 5

Quality criterion - Name: Quality Assurance / Weighting: 7.5

Quality criterion - Name: Scenario Analysis / Weighting: 10

Quality criterion - Name: Adult Protection / Weighting: 5

Quality criterion - Name: Service User Engagement / Weighting: 5

Quality criterion - Name: Service User Feedback / Weighting: 5

Quality criterion - Name: Workforce Matters / Weighting: 7.5

Quality criterion - Name: Responding in a Crisis / Weighting: 5

Price - Weighting: 50

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

Start date

1 July 2021

End date

30 June 2025

This contract is subject to renewal

Yes

Description of renewals

The framework will be able to be extended for a period of up to a further 48 months.

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

Variants will be accepted: No

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

Options: No

#### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

#### **II.2.14) Additional information**

In accordance with Section 67 (5) of the PCS Regulations - form of a fixed price or cost on the basis of which economic operators will compete on quality criteria only whereby price is fixed at an hourly rate. Utilising the flexibility of the Light Touch Regime with regard to the award criteria, those providers who are prepared to accept the Partnership's hourly rates will score 50%.

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

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

Supporting service users with complex conditions to manage their personal care

Lot No

4

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

- 85000000 - Health and social work services
- 85300000 - Social work and related services

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

NUTS codes

- UKM78 - West Lothian

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

The Council require suitably experienced and qualified service providers to support service users with complex conditions to manage their personal care.

The Council intend operating a Framework Agreement whereby service providers who meet all the mandatory criteria, pass the Selection Stage, score a sufficiently high score within the Technical Envelope in the Invitation to Tender, are prepared to accept the Council's hourly rate and are able to meet all requirements, will be appointed.

Whilst the Framework Agreement will use the flexibility offered by the Light Touch Regime

allowing for re-opening of competition to other service providers to be appointed on 1 July 2022 and each anniversary thereafter, an Open Procedure as provided within the Public Contracts (Scotland) Regulations will be used to appoint providers to the Framework Agreement.

The current budget hourly rates for Lot 4 – Supporting service users to manage their personal care is GBP 20.28

The rate effective from 1 April 2021 is still to be determined by the Council's Financial Management Unit and an inflationary increase will be provided.

The night hours payment which is currently GBP 11.16 will also be subject to an inflationary increase from 1 April 2021.

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

Quality criterion - Name: Service Delivery / Weighting: 5

Quality criterion - Name: Quality Assurance / Weighting: 7.5

Quality criterion - Name: Scenario Analysis / Weighting: 10

Quality criterion - Name: Adult Protection / Weighting: 5

Quality criterion - Name: Service User Engagement / Weighting: 5

Quality criterion - Name: Service User Feedback / Weighting: 5

Quality criterion - Name: Workforce Matters / Weighting: 7.5

Quality criterion - Name: Responding in a Crisis / Weighting: 5

Price - Weighting: 50

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

Start date

1 July 2021

End date

30 June 2025

This contract is subject to renewal

Yes

Description of renewals

The framework will be able to be extended for a period of up to a further 48 months.

**II.2.10) Information about variants**

Variants will be accepted: No

**II.2.11) Information about options**

Options: No

**II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

**II.2.14) Additional information**

In accordance with Section 67 (5) of the PC(S) Regulations - form of a fixed price or cost on the basis of which economic operators will compete on quality criteria only whereby price is fixed at an hourly rate. Utilising the flexibility of the Light Touch Regime with regard to the award criteria, those providers who are prepared to accept the Partnership's hourly rates will score 50%.

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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

To be appointed to this framework registration with the Care Inspectorate, Care and Support level 3 is a mandatory requirement. Where a provider has not achieved level 3 they will have three months to reach this level. Where a provider is newly registered there is a requirement to reach level 3 within twelve months.

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

List and brief description of selection criteria

Minimum Insurance required is:

Employers Liability 10,000,000 GBP (Ten Million GBP) subject to legislative requirements.

Professional Indemnity 2,000,000 GBP (Two Million GBP) - Unless these risks are confirmed as covered by extension of Public Liability policy.

Public liability 5,000,000 GBP (Five Million GBP) - Employers should hold insurance at a minimum level of 5m GBP in line with current legislation unless specifically exempt.

Re SPD question 4B.6 West Lothian Council will use Dun and Bradstreet's DBAi financial reporting system to assess the financial stability of tenderers. Tenderers with a Failure Score of 35 or above on the DBAi system will be deemed to have evidenced satisfactory financial stability. Please note that below 35 will not be considered as having met this criteria. If a tenderer has a Failure Score of less

than 35, the tenderer may be required to submit their last three years accounts.

In the event that the tenderer is not required to publish accounts and therefore does not have a Dun & Bradstreet or equivalent rating, tenderers should be able to provide financial accounts when requested. The council will then conduct an analysis of the accounts to ensure that there is no significant financial risk. Please note that if you intend on attaching 2 years accounts, these must include financial

data over a 3 year period.

It is recommended that candidates review their own Dun & Bradstreet Score in advance of

submitting their tender. If following this review tenderers consider that the Dun & Bradstreet Score does not reflect their current financial status, details of this should be provided complete with evidence of a good high street credit rating (the equivalent of Dun & Bradstreet score 35) from a recognised credit referencing agency. The council will review any such information as part of the evaluation of Tenderer's financial status.

In the event that a firm does not meet the financial criteria for consideration but has a parent company that does, the firm may still be eligible for consideration where their Tender Submission is supported by a Parent Company Guarantee.

Should after review of the financial evaluation the tenderer fail, then the tender submission may be rejected.

Whilst there is no exclusion criteria pertaining to minimum turnover requirements, bidders are required to enter details of general yearly turnover for the last three years within the Invitation to Tender.

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

List and brief description of selection criteria

Bidders are required to provide specific examples of carrying out similar services performed during the last three years.

Bidders are also required to provide point of contact details at stated respective organisations.

Please note that the Council reserve the right to request references without notifying yourself.

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

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

The provider must follow the requirements set out in the service specification and comply with all statutory requirements in the delivery of

the service. This is regarded as a mandatory requirement. Notwithstanding any conditions agreed in the service specification, all terms and conditions set out in the main full contract will apply.

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## Section IV. Procedure

### IV.1) Description

#### IV.1.1) Type of procedure

Open procedure

#### IV.1.3) Information about a framework agreement or a dynamic purchasing system

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

Envisaged maximum number of participants to the framework agreement: 40

In the case of framework agreements, provide justification for any duration exceeding 4 years:

Using the provisions of the Light Touch Regime, the Framework Agreement may be re-opened on an annual basis allowing new providers to join the Framework Agreement on 1 July 2022 and each anniversary thereafter.

#### 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: [2019/S 200-487075](#)

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

Date

8 February 2021

Local time

12:00pm

#### 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

15 February 2021

Local time

12:00pm

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## **Section VI. Complementary information**

**VI.1) Information about recurrence**

This is a recurrent procurement: No

**VI.3) Additional information**

Only those service providers who achieve a score of at least 60(sixty)% of the maximum quality score will be considered for appointment to the framework.

The Council may re-open the framework to new providers each April allowing service providers to be appointed from 1 July 2022 and each anniversary thereafter.

With reference to SPD question Q2B; complete information for all company directors, using home address.

CONFIDENTIALITY - All information supplied by the Authority must be treated in confidence and not disclosed to third parties except

insofar as this is necessary to obtain sureties or quotations for the purpose of submitting the tender. All information supplied by you to the

Authority will similarly be treated in confidence except:

(i) for any information required to be disclosed or otherwise provided by the Authority to any person in order to comply with the Freedom

of Information (Scotland) Act 2002 and any codes of practice applicable from time to time relating to access to public authorities'

information.

The Tenderer shall co-operate, facilitate, support and assist the Authority in the provision of this information. In the event the Authority is

required to provide information to any person as a result of a request made to it under such Act and/or codes, the Authority shall adhere to

the requirements of such Act and/or codes in disclosing information relating to this Agreement, the Project documents and the Contractor.

(ii) that references may be sought from banks, existing or past clients, or other referees submitted by the tenderers;

(iii) for the disclosure of such information with regard to the outcome of the procurement process as may be required to be published in accordance with the requirements of UK government policy on the disclosure of information relating to government contracts.

Additional Information within the Invitation to Tender for Quality Management and Health and Safety requirements can be found at the

following link : <https://www.westlothian.gov.uk/article/11428/Changes-to-Public-Procurement-Rules>

The HSE website will be checked for breaches. Should West Lothian Council's Health and Safety team not be satisfied with the outcome

your tender will be rejected.

Economic operators may be excluded from this competition if they are in any of the situations referred to in regulation 58 of the Public

Contracts (Scotland) Regulations 2015.

For further information regarding regulated procurements please refer to Regulations 58 and 59 of The Public Contracts (Scotland) Regulations 2015.

Police Scotland will be consulted with regards to Serious and Organised Crime checks. Any links to this type of activity may cause your tender to be rejected.

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 16965.

For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2343>

The Contracting Authority does not intend to include a sub-contract clause as part of community benefits (as per Section 25 of the Procurement Reform (Scotland) Act 2014) in this contract for the following reason:

Whilst the contract value for this framework is above 4m GBP, it is envisaged that a significant number of providers will be appointed and no provider will be awarded a contract in excess of 4m GBP

The Contracting Authority does not intend to include any community benefit requirements in this contract for the following reason:

Whilst the contract value for this framework is above 4m GBP, it is envisaged that a significant number of providers will be appointed and no provider will be awarded a contract in excess of 4m GBP

Whilst a Community Benefits Clause is not incorporated, where bidders include any Community Benefits within their submission, these

will be accepted by the council via the contract variation process and the service provider will be expected to deliver as part of the contract.

(SC Ref:636256)

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

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

Livingston Sheriff Court

West Lothian Civic Centre, Howden South Road

Livingston

EH54 6FF

Country

United Kingdom