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Tender

## **KMCAS-125 - Electronic Market Place for Supported Living Services**

Kirklees Council  
NHS Kirklees CCG

F21: Social and other specific services – public contracts

Contract notice

Notice identifier: 2022/S 000-003034

Procurement identifier (OCID): ocids-h6vhtk-031274

Published 2 February 2022, 4:24pm

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

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

Kirklees Council

Town Hall, Ramsden Street,

Huddersfield

HD1 2TA

#### **Contact**

Ian Penny

#### **Email**

[ian.penny@kirklees.gov.uk](mailto:ian.penny@kirklees.gov.uk)

#### **Telephone**

+44 1484221000

**Country**

United Kingdom

**NUTS code**

UKE44 - Calderdale and Kirklees

**National registration number**

GB184352457

**Internet address(es)**

Main address

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

Buyer's address

<https://vortender.eu-supply.com/ctm/Company/CompanyInformation/Index/104104>

**I.1) Name and addresses**

NHS Kirklees CCG

High Street

Huddersfield

HD1 2LF

**Contact**

Viv Nicholson

**Email**

[viv.nicholson@northkirkleesccg.nhs.uk](mailto:viv.nicholson@northkirkleesccg.nhs.uk)

**Country**

United Kingdom

## **NUTS code**

UKE44 - Calderdale and Kirklees

## **Internet address(es)**

Main address

<https://www.kirklees.gov.uk>

Buyer's address

<https://vortender.eu-supply.com/ctm/Company/CompanyInformation/Index/104104>

## **I.2) Information about joint procurement**

The contract involves joint procurement

## **I.3) Communication**

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

[https://uk.eu-supply.com/app/rfq/rwlentrance\\_s.asp?PID=43271&B=UK](https://uk.eu-supply.com/app/rfq/rwlentrance_s.asp?PID=43271&B=UK)

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

[https://uk.eu-supply.com/app/rfq/rwlentrance\\_s.asp?PID=43271&B=UK](https://uk.eu-supply.com/app/rfq/rwlentrance_s.asp?PID=43271&B=UK)

Tenders or requests to participate must be submitted to the above-mentioned address

## **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**

KMCAS-125 - Electronic Market Place for Supported Living Services

Reference number

KMCAS-125

#### **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 of the Borough of Kirklees (the “Council”) is conducting this procurement exercise, in accordance with the Light Touch Regime of the Public Contracts Regulations 2015 (SI 2015/102), and intends to establish an Electronic Market Place (“EMP”) with Providers with relevant experience and ability to provide Supported Living Services on a non-exclusive basis to Adults with eligible Social Care needs for the Council.

The EMP may be used by the Council and by the NHS Kirklees Clinical Commissioning Group (CCG) (subject to CCG governance approval).

The Council wishes to establish a Supported Living Services (SLS) EMP to replace the current Framework Agreement. As the current Framework Agreement does not allow new Providers to be able to join, the new SLS EMP will allow new Providers to join.

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

Value excluding VAT: £70,000,000

#### **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**

Lot 1 - Supported Living - Community Based

Lot No

1

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

- 85000000 - Health and social work services

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

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Kirklees

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

Kirklees Council wish to establish a Supported Living Services ("SLS") Provider Agreement to replace the current Framework Agreement which may also be used by the NHS Kirklees Clinical Commissioning Group ("CCG") (subject to CCG governance approval). As the current Framework arrangement does not allow new Providers to be able to join, the new SLS arrangement will in the format of an Electronic Market Place ("EMP") which will allow new Providers to join.

A SLS Multi-Provider Agreement will be established and will allow the Council and the CCG to engage with suitably qualified Providers who will be able to deliver flexible services which will empower Service Users to live as independently as possible in their own home; this may include 1:1 support to access community activities and social activities.

The majority of the care and support required through this SLS Provider Agreement will be Regulated Activity, requiring the Provider to be appropriately registered with the Care Quality Commission. There may be occasions where Non-Regulated Activities are required.

Providers should assume they will be providing Regulated Activity. It is the responsibility of the Provider to ensure that they have checked the Care Quality Commission Regulation Guidance regarding what is Regulated Activity.

Further details regarding the Services required are set out in the General Specification (see the procurement documents) and in the Terms and Conditions (see the procurement documents)

The value of the Services to be awarded through this EMP is estimated to be approximately £7,000,000.00 (seven million pounds) per annum. In order to meet its requirements the Council has divided the Services into two overarching Lots under which are seven distinct Categories.

The Lots determine whether the requirement is to be delivered as floating support for people in their own homes or whether it is to be delivered to a number of Service Users based in shared accommodation. The distinct Categories mirror Service User Primary Care needs which allows Applicants (economic operators/tenderers) to identify and apply against the appropriate categories for their specialisms and ensures that the Council extends invitations to tender only to those qualified and capable Candidates with the correct experience and expertise for that Service User.

#### Category Description:

1 - Learning Disabilities; borderline, mild, moderate to severe including profound and multiple disabilities and/or Autism and/or Mental Health with Behaviours that challenge Providers.

2 - Autism including those who identify as having Autism and those on the autistic spectrum such as Asperger's (self-diagnosed or diagnosed by a professional).

3 - Mental Health; enduring and severe

4 - Personality Disorder

5 - Complex physical and/or sensory impairment, long term health condition

6 - Acquired Brain Injury

7 - Persistent or Chronic Drug and alcohol dependencies

Following the initial Request to Participate deadline, subsequent Requests to participate can be submitted at any time throughout the duration of the EMP but please note that evaluation of submitted Requests to Participate are only planned to take place on a quarterly basis.

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

Value excluding VAT: £35,000,000

## **II.2.7) Duration of the contract or the framework agreement**

Duration in months

120

## **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**

Stated values are estimates and the contracting authority shall not be bound by such estimates nor should these be interpreted as an undertaking to purchase any services.

This EMP is anticipated to run from 01 April 2022 to 31 March 2027 with the Council reserving the right to extend for up to five (5) further twelve (12) month periods, up to 31 March 2032.

## **II.2) Description**

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

Lot 2 - Supported Living - Buildings Based

Lot No

2

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

- 85000000 - Health and social work services

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

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Kirklees

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

Kirklees Council wish to establish a Supported Living Services ("SLS") Provider Agreement to replace the current Framework Agreement which may also be used by the NHS Kirklees Clinical Commissioning Group ("CCG") (subject to CCG governance approval). As the current Framework arrangement does not allow new Providers to be able to join, the new SLS arrangement will in the format of an Electronic Market Place ("EMP") which will allow new Providers to join.

A SLS Multi-Provider Agreement will be established and will allow the Council and the CCG to engage with suitably qualified Providers who will be able to deliver flexible services which will empower Service Users to live as independently as possible in their own home; this may include 1:1 support to access community activities and social activities.

The majority of the care and support required through this SLS Provider Agreement will be Regulated Activity, requiring the Provider to be appropriately registered with the Care Quality Commission. There may be occasions where Non-Regulated Activities are required. Providers should assume they will be providing Regulated Activity. It is the responsibility of the Provider to ensure that they have checked the Care Quality Commission Regulation Guidance regarding what is Regulated Activity.

Further details regarding the Services required are set out in the General Specification (see the procurement documents) and in the Terms and Conditions (see the procurement documents)

The value of the Services to be awarded through this EMP is estimated to be approximately £7,000,000.00 (seven million pounds) per annum. In order to meet its requirements the Council has divided the Services into two overarching Lots under which are seven distinct Categories.

The Lots determine whether the requirement is to be delivered as floating support for people in their own homes or whether it is to be delivered to a number of Service Users based in shared accommodation. The distinct Categories mirror Service User Primary Care needs which allows Applicants (economic operators/tenderers) to identify and apply against the appropriate categories for their specialisms and ensures that the Council extends invitations to tender only to those qualified and capable Candidates with the correct experience and expertise for that Service User.

Category Description:

1 - Learning Disabilities; borderline, mild, moderate to severe including profound and multiple



disabilities and/or Autism and/or Mental Health with Behaviours that challenge Providers.

2 - Autism including those who identify as having Autism and those on the autistic spectrum such as Asperger's (self-diagnosed or diagnosed by a professional).

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Following the initial Request to Participate deadline, subsequent Requests to participate can be submitted at any time throughout the duration of the EMP but please note that evaluation of submitted Requests to Participate are only planned to take place on a quarterly basis.

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

Value excluding VAT: £35,000,000

#### **II.2.7) Duration of the contract or the framework agreement**

Duration in months

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#### **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**

Stated values are estimates and the contracting authority shall not be bound by such estimates nor should these be interpreted as an undertaking to purchase any services.

This EMP is anticipated to run from 01 April 2022 to 31 March 2027 with the Council reserving the right to extend for up to five (5) further twelve (12) month periods, up to 31 March 2032.

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

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

#### **III.1.4) Objective rules and criteria for participation**

List and brief description of rules and criteria

Refer to the Request to Participate Submission Document and EMP documentation. The Council & CCG reserve the right to exclude any Applicant whom they deem to not satisfy any criteria.

Applicants must be able to demonstrate that the net worth quoted on the latest year of their balance sheet is positive and acceptance that the Applicant's turnover will be taken into account to determine a limit to the volume of Contracts that can be awarded at one time under this EPM.

Applicants must have, or commit to obtain, Employers & Public Liability Insurance cover of £10 million and Malpractice Insurance of not less than £1 million

Applicants must have a Safeguarding Policy for vulnerable adults & children.

Applicants must have a Health & Safety Policy that complies with current legislation.

Applicants must have a CQC rating of 'requires improvement' or above.

Applicants must be located within 15 miles of Kirklees Boundary

Applicants must score a minimum 15 points to pass Questions 8.10-8.12

### **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

Applicants must be registered with the Care Quality Commission (CQC) and deliver Services in accordance with the registration requirements of the CQC, complying with all relevant regulations and best practice guidelines.

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

As detailed in the EMP application documents published on the YORtender tendering portal.

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## **Section IV. Procedure**

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

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

Restricted procedure

#### **IV.1.11) Main features of the award procedure**

If a Contracting Body decides to source any of the Services through this EPM, then it may satisfy its requirements by allocating a Contract in accordance with the terms laid down in the EMP Information, Rules and Instructions document, included within the procurement documents.

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

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

Date

31 March 2032

Local time

1:00pm

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

English

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## **Section VI. Complementary information**

### **VI.2) Information about electronic workflows**

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

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

Tenderers are advised that this procurement in accordance with the Light Touch Regime of the Public Contracts Regulations 2015 (SI 2015/12), and intends to establish an Electronic Market Place ("EMP"). An EMP will be established with Providers with relevant experience and ability to provide Supported Living Services on a non-exclusive basis to adults with eligible Primary Care Needs for the Council. The EMP does not operate in the same way as a Framework Agreement or Dynamic Purchasing System ("DPS"). It is a quasi DPS and is an "open market" product designed to provide access to a pool of Members which can be constantly refreshed. Potential Members can apply to participate in a EMP at any time by completing and submitting a RTP.

The Contracting Authorities consider that this EMP may be suitable for economic operators that are small or medium enterprises (SMEs). However, any selection of Applicants (economic operators/tenderers) will be solely on the criteria set out in the procurement documents.

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

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

High Court of England and Wales

N/A

Country

United Kingdom

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

Precise information on deadline(s) for review procedures

Applicants who are unsuccessful shall be informed by the Contracting Authority as soon as possible after the decision is made. If an Applicant requires any additional information as to why their submission was unsuccessful, this should be requested from the address at Section I.1) of this notice. If the matter has not been successfully resolved, then the Public Contracts Regulations 2015 (SI 2015/102) 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 started within thirty (30) days beginning with the date when the aggrieved party first knew or sought to have grounds for starting the proceedings had arisen. The court may extend the time limited for starting proceedings where the court considers that there is a good reason for doing so, but not so as to permit proceedings to be started more than three (3) months after that date. Where a contract has not been entered into, the court may order the setting aside of the award decision or order for any document to be amended and may award damages, make a declaration of ineffectiveness, order for a fine to be paid, and/or order the duration of the contract to be shortened. If however the contract has been concluded, the Court may only award damages or, where the contract award procedures have not been followed correctly, declare the contract to be ineffective.