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Tender

## **Adult Supported Living - Procured Service Arrangement (PSA)**

South Lanarkshire Council

F02: Contract notice

Notice identifier: 2022/S 000-011959

Procurement identifier (OCID): ocds-h6vhtk-030f30

Published 9 May 2022, 11:47am

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

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

South Lanarkshire Council

Council Headquarters Almada Street

Hamilton

ML3 0AA

#### **Contact**

Steven McMichael

#### **Email**

[steven.mcmichael@southlanarkshire.gov.uk](mailto:steven.mcmichael@southlanarkshire.gov.uk)

#### **Telephone**

+44 1698454142

**Country**

United Kingdom

**NUTS code**

UKM95 - South Lanarkshire

**Internet address(es)**

Main address

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

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA00410](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA00410)

**I.3) Communication**

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

<https://www.publictendersscotland.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.publictendersscotland.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**

Adult Supported Living - Procured Service Arrangement (PSA)

Reference number

SLC/PS/SW/18/001

#### **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 has an on-going requirement to procure Adult Supported Living Services. The Services will support vulnerable adults to live in their own homes and to play an active part in their communities as much as they are able.

The Self-Directed Support (SDS) regulations offer Supported Persons a choice of provider to an extent not available through a Framework or a Dynamic Purchasing System (DPS) therefore the Council is utilising an innovative Procured Service Arrangement (PSA) under the Light Touch Rules contained in Regulations 74 – 76 of the Public Contract (Scotland) Regulations 2015.

The PSA will allow providers to be added over its 15 year term, this will facilitate Supported Person's choice.

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

Value excluding VAT: £225,000,000

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

This contract is divided into lots: Yes

Tenders may be submitted for maximum number of lots

2

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

Lot 1 - Standard Care has 9 sub categories as detailed section II.2.4 hereof

Lot 2 - Enhanced Care

Number of Lots

Bidders may submit tenders as below:-

Lot 1 only or

Lot 1 and Lot 2

Bids for Lot 2 only will NOT be accepted by the Council.

## **II.2) Description**

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

Standard Care

Lot No

1

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

- 85000000 - Health and social work services

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

NUTS codes

- UKM95 - South Lanarkshire

Main site or place of performance

South Lanarkshire Council area

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

### **Lot 1 - Standard Care**

The Council is procuring Services for vulnerable adults and the term “Lot” could be seen as incompatible with the principles of individualisation and the procurement of social care services. The process however is a formal procurement procedure carried out within The Public Contracts (Scotland) Regulations 2015 where Section 5. Conduct of the Procedure Regulation 47 details the arrangements for the division of contracts into lots. The use of this term for this procurement process is therefore unavoidable.

Lot 1 - Standard care has 9 sub categories as below:

Lot 1(a) - People with learning disabilities

Lot 1(b) - People with physical disabilities

Lot 1(c) - People with mental health problems

Lot 1(d) - People with acquired or traumatic brain injury

Lot 1(e) - People who are hearing impaired

Lot 1(f) - People who are visually impaired

Lot 1(g) - People with autism

Lot 1(h) - People with substance misuse/addiction problems

Lot 1(i) - People who are in receipt of palliative/end of life care.

Contracts awarded under Lot 1 will be awarded in accordance with the arrangements detailed in Attachment 5 Call on Procedure.

Bidders should note that the Council are not giving or implying any guarantee in respect of the value or volume of any services to be awarded under this Procured Service Arrangement.

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

Quality criterion - Name: Technical Weighting / Weighting: 95

Price - Weighting: 5

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

Duration in months

180

This contract is subject to renewal

Yes

Description of renewals

On completion of the initial evaluation process and appointment of Bidders to the Procured Service Arrangement, the ITT will reopen to new bids. The ITT will remain open for the lifetime of the PSA. There are no limits to the number of times that bidders can submit bids.

A new procurement process will take place in 2034.

## **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) Description**

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

Enhanced Care

Lot No

2

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

- 85000000 - Health and social work services

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

NUTS codes

- UKM95 - South Lanarkshire

Main site or place of performance

South Lanarkshire Council area

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

Lot 2 - Enhanced Care

The Council is procuring services for vulnerable adults who have been assessed by the Council as requiring enhanced care. Contracts awarded under Lot 2 will be awarded in accordance with the arrangements detailed in Attachment 5 Call on Procedure. No Prices are being sought for Lot 2 at this time.

Enhanced Care is defined as a where the Supported Person's presentation requires the support of a staff group with an advanced skill set who have validated competencies in routinely responding to unpredictable and high risk situations.

Bids for Lot 2 only will NOT be accepted by the Council.

Bidders should note that the Council are not giving or implying any guarantee in respect of the value or volume of any services to be awarded under this Procured Service Arrangement.

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

Quality criterion - Name: Technical / Weighting: 95

Price - Weighting: 5

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

Duration in months

180

This contract is subject to renewal

Yes

Description of renewals

On completion of the initial evaluation process and appointment of Bidders to the Procured Service Arrangement, the ITT will reopen to new bids. The ITT will remain open for the lifetime of the PSA. There are no limits to the number of times that bidders can submit bids.

A new procurement process will take place in 2034.

### **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



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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

SPD Question 2.C.1 Reliance on the capacities of other entities

Bidders are required to complete a full ESPD for each of the entities whose capacity they rely upon.

SPD Question 2.D.1 Subcontractors on whose capacity the bidder does not rely

Bidders are required to complete a shortened version of the SPD for each Subcontractor on whose capacity the bidder does not rely on.

Exclusion Criteria

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.

SPD Questions 3A – 3C have been identified as mandatory exclusion grounds and SPD Questions 3D have been identified as discretionary exclusion grounds. All the exclusion grounds will be assessed on a PASS/FAIL basis. For the mandatory exclusion grounds a bid will be excluded where the bidder fails to provide either a positive response or to provide details to the satisfaction of the Council of the self cleansing measures undertaken. For the discretionary exclusion grounds a bid may be excluded where the bidder fails to provide either a positive response or if the Council is not satisfied as to the self cleansing measures undertaken.

SPD Question 4A.1 Trade Registers. It is a requirement of this tender that if the bidder is UK based they must hold a valid registration with Companies House. Where the bidder is UK based but not registered at Companies House they must be able to verify to the Councils satisfaction that they are trading from the address provided in the tender and under the company name given.

If the bidder is based out-with the UK they must be enrolled in the relevant professional or trade register appropriate to their country as described in Schedule 5 of the Public Contracts (Scotland) Regulations 2015.

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

List and brief description of selection criteria

#### **SPD Question 4B.4 Economic and Financial Standing**

The Council will use the following ratios to evaluate a bidders financial status:

Profitability – this is taken as profit after tax but before dividends and minority interests. If a company makes a profit then it is a pass for this ratio;

Liquidity – this is calculated as current assets less stock and work in progress, divided by current liabilities. If the answer is greater than or equal to one then it is a pass for this ratio

Gearing – this is calculated as the total external secured borrowing (short term and long term) divided by shareholder funds expressed as a percentage. If the answer is less than or equal to 100% it is considered a pass for this ratio.

Bidders must provide the name and value of each of the 3 ratios within their response to SPD question 4B.4.

The Council requires bidders to pass 2 out of the 3 financial ratios above.

Where 2 out of the 3 ratios cannot be met, the Council may take the undernoted into consideration when assessing financial viability and the risk to the Council, providing that the Bidder can supply evidence to substantiate any of the mitigating criteria when requested to do so. The following list is not exhaustive and other criteria may be considered where proposed by a bidder as mitigating factors:

Would the bidder have passed the checks if prior year accounts had been used?

Were any of the poor appraisal outcomes "marginal"?

Does the bidder operate in a market which, traditionally, requires lower liquidity or higher debt finance?

Does the bidder have sufficient reserves to sustain losses for a number of years?

Does the bidder have a healthy cashflow?

Is the bidder profitable enough to finance the interest on its debt?

Is most of the bidder's debt owed to group companies?

Is the bidder's debt due to be repaid over a number of years, and affordable?

Have the bidder's results been adversely affected by "one off costs" and / or "one off accounting treatments"?

Do the bidder's auditors (where applicable) consider it to be a "going concern"?

Will the bidder provide a Parent Company Guarantee?

Is the bidder the single supplier/source of the Goods/Works/Services in the marketplace?

The Council will request submission of and assess the bidder's financial accounts, and may use financial verification systems to validate the information provided.

Minimum level(s) of standards possibly required

SPD Question 4B.5 Insurance

The bidder must confirm that they have or will commit to obtain prior to the commencement of the contract, the following levels of Insurance Cover:

Employer's Liability Insurance covering the death of or bodily injuries to employees of the bidder arising out of and in the course of their employment in connection with this contract to the level of 10000000 GBP in respect of each claim, without limit to the number of claims.

Public Liability Insurance covering the death of or bodily injury to a person (not an employee of the bidder) or loss of or damage to property resulting from an action or failure to take action by the bidder to the level of 5000000 GBP in respect of each claim, without limit to the number of claims.

Professional Indemnity Insurance covering the failure of the bidder to use the skill and care normally used by professionals providing the services described in this tender to the level of 5000000 GBP in respect of each claim, without limit to the number of claims.

Such insurance shall be maintained throughout any Call on Period and for a minimum of 6 years following the expiry or termination of any Call on Contract.

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

List and brief description of selection criteria

SPD Question 4C.1.2 Technical and Professional Ability

Lot 1 - Standard Care

Bidders must provide 3 detailed examples of relevant experience for each sub category selected at SPD Question 2A.18 by completing and uploading "Attachment 11 - Technical Experience Response Template for ESPD 4.C.1.

#### Lot 2 - Enhanced Care

If Lot 2 is selected at SPD Question 2A.18, 3 examples of relevant experience are required for this lot by completing and uploading "Attachment 11 - Technical Experience Response Template for SPD 4.C.1.

#### SPD Question 4C.6 Technical and Professional Ability Qualifications of the Company

It is a minimum requirement of this tender that Bidders can demonstrate that they have achieved a score of 3 or above in the themed area of Care and Support in the latest Inspection Report issued by the Care Inspectorate. Please confirm within your response in the Qualification Envelope that you can meet this requirement. The Council will verify this information directly from the Care Inspectorate.

It is a minimum requirement of this tender that Bidders can demonstrate that all individuals who will be engaged in the delivery of the contract must be appropriately vetted in accordance with the Protection of Vulnerable Groups (Scotland) Act 2007.

#### SPD Question 4C.6.1 Technical and Professional Ability Qualifications of the Staff

It is a minimum requirement of this tender that Bidders can demonstrate that w

here required, staff are registered with the Scottish Social Services Council (SSSC). The Bidder will be required to provide this information to the Council in relation to the staff who deliver the Services.

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

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

As detailed in Attachment 9 - Call On Contract and Attachment 12 - Procured Service Arrangement Terms and Conditions.

#### **III.2.3) Information about staff responsible for the performance of the contract**

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract

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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: [2022/S 000-002199](#)

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

Date

26 August 2022

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**

Tender must be valid until: 24 February 2023

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

Date

26 August 2022

Local time

12:00pm

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## **Section VI. Complementary information**

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

This is a recurrent procurement: Yes

Estimated timing for further notices to be published: Bidders who were not appointed to the PSA following completion of the initial evaluation process can apply for appointment to the PSA at any time during its term. There are no limits to the number of times that bidders can submit bids.

A new procurement process will take place in 2034.

### **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**

SPD Questions 3A.1 to 3A.8 Serious and Organised Crime – Information Sharing Protocol

When requested to by the Council bidders must complete and submit the Serious and Organised Crime – Information Sharing Protocol Form for evaluation prior to any appointment being made.

Declarations and Certificates

The successful Bidders will provide the undernoted certificates, declarations and/or completed questionnaires to evidence their compliance with the relevant questions within the Qualification, Technical and Commercial Envelopes.

SPD Question 2D.1 Prompt Payment Certificate

SPD Question 3D.3 Human Rights Act Declaration

Declaration Section \*Form of Tender

SPD Question 3D.11 Non-Collusion Certificate

SPD Question 4B.5.1 Insurance Certificates

SPD Questions 3A.1 to 3A.8 Serious and Organised Crime Declaration

SPD Question 3A.6 Modern Slavery Act 2015 Declaration

SPD Question 4C.6 Confirmation of Registration with the Care Inspectorate and Protection of Vulnerable Groups (Scotland) Act 2007 Declaration

SPD Question 4C.6.1 Confirmation of SSSC status of staff who deliver the Services

Declaration Section Health and Safety Questionnaire (Non Construction)

All certificates, declarations and questionnaires can be found within the Attachment area of PCS-T.

Attachment 6, Form of Offer and Attachment 4, Commercial Envelope Response must be completed and uploaded within the Commercial Envelope.

Failure to provide this information or in the event that the information provided does not support or evidence the statements made within the ESPD will invalidate the bid.

The Council reserves the right to review the qualification and technical criteria for appointment to the PSA in line with changes to legislation, good industry practice and commercial considerations.

Upon appointment to the PSA any contracts that bidders currently have in place with the Council for existing packages of care will cease to apply and will be replaced with the terms and conditions set out in the PSA from the date of their appointment to the PSA.

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 21246. For more information see:

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

A sub-contract clause has been included in this contract. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2363>

Community benefits are included in this requirement. For more information see:

<https://www.gov.scot/policies/public-sector-procurement/community-benefits-in-procurement/>

A summary of the expected community benefits has been provided as follows:

In the event of the Provider having specified in their Tender that they will provide Community Benefits as part of any Call On Contract the Provider shall use their best endeavours to ensure that the Community Benefits are provided throughout the Call On Period.

Examples of Community Benefits are detailed in Attachment 7 within the General Attachment Area of PCS-T Project no. 21246.

(SC Ref:691660)

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

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

Hamilton Sheriff Court

Sheriff Court House, 4 Beckford Street

Hamilton

ML3 0AA

Country

United Kingdom