

This is a published notice on the Find a Tender service: <https://www.find-tender.service.gov.uk/Notice/024060-2024>

Tender

## **CC13701 - Early Learning & Childcare Services - Re-opening of Framework CC13109**

WEST LoTHIAN COUNCIL

F02: Contract notice

Notice identifier: 2024/S 000-024060

Procurement identifier (OCID): ocids-h6vhtk-0407b0

Published 1 August 2024, 8:51am

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

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

WEST LoTHIAN COUNCIL

West Lothian Civic Centre

Livingston

EH54 6FF

#### **Contact**

Tom Henderson

#### **Email**

[Tom.Henderson@westlothian.gov.uk](mailto:Tom.Henderson@westlothian.gov.uk)

#### **Country**

United Kingdom

#### **NUTS code**

UKM78 - West Lothian

**Internet address(es)**

Main address

<https://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.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

---

## **Section II: Object**

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

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

CC13701 - Early Learning & Childcare Services - Re-opening of Framework CC13109

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

- 80110000 - Pre-school education services

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

Services

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

West Lothian Council intend re-opening The Flexible Framework for Early Learning and Childcare services (contract reference CC13109) to new entrants.

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

Value excluding VAT: £22,334,488

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

This contract is divided into lots: No

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

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

NUTS codes

- UKM78 - West Lothian

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

West Lothian Council intend to re-open flexible framework for early learning and childcare services (Contract Reference CC13109) to new entrants.

This requirement follows Scottish Government Follows the Child and providers will need to have National Standards gradings of good or above.

Please note that there is no requirement for providers who have been appointed to

framework CC13109 to re-apply.

The council will be using the allowable flexibilities of the Light Touch Regime and this is detailed within the Invitation to Tender e.g. re-opening to new entrants, reduced timescales for tender return.

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

Quality criterion - Name: National Care Standards / Weighting: 50

Price - Weighting: 50

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

Duration in months

33

This contract is subject to renewal

Yes

Description of renewals

At the sole discretion of the council, this contract may be extended for a period of a further 12 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**

Whilst the dates have been included, these may be subject to change to reflect the academic term dates i.e. this contract is for a period of 33 months.

---

## **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

Service Providers must be able to meet the National Standards criteria - Good or Above.

This is a mandatory requirement

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

List and brief description of selection criteria

Following consultation with the council's Risk & Insurance Manager, bidders will be expected to have the following Insurances in place at contract commencement :

Professional Indemnity 2M GBP

Employers Liability 10M GBP

Public Liability 10M GBP

The council will also undertake Dun and Bradstreet checks and Minimum levels are provided.

Minimum level(s) of standards required:

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 50 or above on the DBAi system will be deemed to have evidenced satisfactory financial stability. Please

note that below 50 will not be considered as having met this criteria. If a tenderer has a Failure Score of less

than 50, the tenderer may be required to submit their last three years accounts

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

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

Service providers will be required to undertake service provision in accordance with the Service Specification

---

## **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

#### **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: [2023/S 000-029193](#)

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

Date

30 August 2024

Local time

12:00pm

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

English

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

Date

30 August 2024

Local time

12:00pm

---

### **Section VI. Complementary information**

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

This is a recurrent procurement: Yes

Estimated timing for further notices to be published: In accordance with provisions 74 - 76 of the

Public Contracts (Scotland) Regulations 2015 for the Award of contracts for social and other specific services, the council may re-open this Flexible Framework to other providers at quarterly intervals after contract commencement in August 2024 and new service providers will be able to apply to be appointed to the Flexible Framework.

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

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 the

Supplement to the current World Trade Organisation or elsewhere in accordance with the requirements of UK government policy on the

disclosure of information relating to government contracts.

Procedures for Review - An economic operator that suffers, or is at risk of suffering, loss or damage attributable to a breach of duty under the Public Contracts (Scotland) Regulations 2015 or the Procurement Reform (Scotland) Act 2014, may bring proceedings in the Sheriff Court or the Court of Session'

Re SPD question 4B.6 In relation to D&B checks

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. Please note that if you intend on attaching 2 years accounts, these must include financial data over a 3 year period.

The council will review any information which is comparable to a Dun & Bradstreet score of 50 from a recognised Agency to substantiate

the 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.

Police Scotland and D&B checks will be carried out.

Community Benefits proposals will not form part of the award criteria and will not be evaluated. However, any Community Benefits

proposals offered will become contractual obligations.

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 27253. 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>

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

As the council is not procuring services for Education services but is doing so for parent/carers this is deemed to be an excluded contract in accordance with Regulation 4 1 (b) 1 of the Procurement Reform (Scotland) Act 2014 where a contract is an excluded contract for the purposes of section 3 if (a) it is a contract of a kind to which Public Contracts Regulations do not apply by virtue of regulation 4 or 7 to 18 of those regulations, b(i) it is for the purpose of acquiring goods, works or services in order to sell, hire or provide them to other persons.

(SC Ref:773819)

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

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

Livingston sheriff court

West Lothian Civic Centre

Livingston

EH54 6FF

Country

United Kingdom