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Tender

## **Re-opening of National Flexible Framework for Care and Support Services (New entrants April 2022)**

Scotland Excel

F21: Social and other specific services – public contracts

Contract notice

Notice identifier: 2021/S 000-025604

Procurement identifier (OCID): ocds-h6vhtk-02eb71

Published 13 October 2021, 3:55pm

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

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

Scotland Excel

Renfrewshire House, Cotton Street

Paisley

PA1 1AR

#### **Email**

[adultsocialcare@scotland-excel.org.uk](mailto:adultsocialcare@scotland-excel.org.uk)

#### **Telephone**

+44 1414888230

#### **Country**

United Kingdom

**NUTS code**

UKM83 - Inverclyde, East Renfrewshire and Renfrewshire

**Internet address(es)**

Main address

<http://www.scotland-excel.org.uk>

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA10383](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA10383)

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

The contract is awarded by a central purchasing body

**I.3) Communication**

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

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

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

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

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

Body governed by public law

**I.5) Main activity**

General public services

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**Section II: Object****II.1) Scope of the procurement**

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

Re-opening of National Flexible Framework for Care and Support Services (New entrants April 2022)

Reference number

1318

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

- 85300000 - Social work and related services

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

Services

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

UPDATE - OCTOBER 2021 REOPENING OF THE FLEXIBLE FRAMEWORK

As noted below, the previously advertised flexible framework relative to Care and Support Services commenced on 1 April 2020. In accordance with its terms, it is now being opened for New Entrants to be admitted under the same requirements as the original tender exercise and as noted herein.

The estimated value shown in II.1.5 reflects the value advertised at the establishment of the framework which is an estimate and subject to change).

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ORIGINAL CONTRACT NOTICE TEXT:

This procurement exercise is to establish a 'National Flexible Framework' in accordance with Regulations 74-76 of the Public Contracts (Scotland) Regulations 2015 (further referred to as 'the Flexible Framework') for the purchase of Care at Home and Supported Living

Services, collectively referred to as Care and Support Services.

Care and Support Services will support people to achieve the best possible quality of life, in terms of their personal aspirations, choices and abilities, that enables them to live independently and safely within their own home for as long as practicable.

The Flexible Framework allows for New Entrants to be admitted, as providers, after it has been established. Following award, successful providers will also be able to add new services and locations to their service offering in accordance with the terms of the Flexible Framework.

The value provided in II.1.5 is an ESTIMATE only.

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

Value excluding VAT: £560,000,000

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

This contract is divided into lots: No

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

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

- 85310000 - Social work services
- 85312000 - Social work services without accommodation

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

NUTS codes

- UKM - Scotland

Main site or place of performance

Various locations of the Councils and Associate Members within Scotland

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

This Flexible Framework is intended to allow Councils and associate members/other bodies to procure a variety of Care and Support Services, as further described within the procurement documents attached to this contract notice.

Councils in Scotland may have their own current arrangements for the purchase of Care and Support Services. Current care packages, agreed under different arrangements, will not necessarily transfer over to this new Flexible Framework. This will be a decision for Councils to make in line with their assessment and review process.

Scotland Excel elects to use the ESPD in this exercise in respect of exclusion grounds and selection criteria for this Flexible Framework, as a matter of best practice. A word

version of this document is attached for completion.

Changes to previously advertised procedures, taking cognisance of the current situation and impact during the tender exercise of the Corona virus outbreak:

Providers require to evidence possession of the minimum Care Inspection quality criteria of Grade 3 for Care and Support at the time of application to be included in the Flexible Framework (as set out in III.1.4, below), however, having taken cognisance of the impact the Corona Virus pandemic has had on Care Inspectorate inspections, for this current re-opening of the Flexible Framework, Providers may still apply if they reasonably anticipate the Services in their offer meeting the Care Inspectorate Grade quality criteria before the conclusion of the evaluation of all offers, (hereafter referred to as “the evaluation deadline”) currently envisaged to be 1 March 2022, but which date will be notified to Providers by Scotland Excel in writing. If tenderers cannot evidence that they meet all of the criteria in advance of the evaluation deadline (referred to above), Scotland Excel will be unable to proceed to award.

In line with the framework specification, should any of the defined terms, procedures or any other regulated matter become subject to any change in the Law, resulting in any change to the defined terms, or to the manner in which such procedures or other matters require to be dealt with, then such changes shall take precedence over that contained in the flexible framework. As such, workforce matters which change as a result of the implementation of national policy directives will be considered in line with the framework variation procedures.

**IMPORTANT NOTE: DATES QUOTED ABOVE MAY BE SUBJECT TO CHANGE.**

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

Duration in months

24

#### **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**

Economic operators may be excluded from this process if they are in any of the situations referred to in Regulation 58 of the Public Contracts (Scotland) Regulations 2015, the Invitation to Tender contained on PCS and is relevant to this procurement and the other procurement documents for further information.

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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

Care and Support Services are a social service as defined in Schedule 3 of the Public Contracts (Scotland) Regulations 2015 (“the

Regulations”) and the Flexible Framework which is the subject of this notice shall be established in accordance with Regulations 74-76 of

the Regulations. Any application of or reference to other Regulations unless clearly identified is not to be implied and should not be

construed as applying any of the other Regulations to the procurement exercise or resulting Flexible Framework or bringing any of them

into force.

It is a material condition of this Flexible Framework that throughout its Duration, the Provider will hold and maintain the necessary

Registration with the Care Inspectorate for the delivery of Services. The Provider will be required to have attained and maintain a grade of three (3) or above for all quality themes at the time of application to be included in the Flexible Framework.

Procurement documents contain additional information.

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

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

For full details of the contract conditions, please see the applicable procurement documents attached to this contract notice.

Scotland Excel will require the members of any tendering group of entities (including, but not limited to, consortium members, members of a group of economic operators) to be jointly and severally liable for the performance of the contract (no matter the legal form taken by those entities in order to enter into the contract).

Consortium information may be disclosed in accordance with the Regulations.

Tenderers should note there is no guarantee of any business, use, level of use or continuity of business through the Flexible Framework.

Councils will use the call off options described in the procurement documents to arrange care packages. This includes the option to award a block contract under the Flexible Framework to assist in the delivery of sustainable Care and Support Services.

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## **Section IV. Procedure**

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

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

Open procedure

#### **IV.1.3) Information about a framework agreement**

The procurement involves the establishment of a framework agreement

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

Technical 90% and Commercial 10%.

Please refer to the Information and Instructions to Tenderers for full details of the tender evaluation methodology.

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

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

Notice number: [2019/S 188-458172](#)

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

Date

24 November 2021

Local time

12:00pm

#### **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**

Scotland Excel as a central purchasing body, may procure this Flexible Framework on behalf of the following contracting authorities: the 32 Councils in Scotland and associate members are listed at: <https://home.scotland-excel.org.uk/about-us/our-members/>

Care Inspectorate Grades - Purchasers may set a locally acceptable minimum Care Inspectorate grade and may only enter into ISAs with

Providers which meet the required grades.

Please note the duration shown at section II.2.7 reflects the remaining period of the Flexible Framework, originally advertised as a total period of 48 months.

#### **Financial Stability**

Scotland Excel will conduct a financial analysis on tenderers from a credit referencing agency. The tenderer is to confirm that a search will not return a "Warning" or "caution" returnable code or any neutral code or can provide documents to prove that the tender does/would not represent an unmanageable risk should it be appointed onto the proposed Framework. Tenderers who are unable to demonstrate satisfactory financial stability will be excluded.

#### **Minimum Insurance Requirements**

##### **Public Liability**

To a minimum indemnity limit of ten million pounds Sterling each and every claim. Liability must not exclude abuse and/or molestation

cover.

##### **Employers' Liability**

To a minimum indemnity limit of ten million pounds Sterling each and every claim.

#### Statutory Third-Party Motor Vehicle Liability

Where a vehicle is used in delivery of the Service, statutory third-party motor vehicle cover should be evidenced by way of a valid MV

certificate in the company name, OR where there is no company fleet and employees use their own vehicles instead, a letter signed by a

person of appropriate authority confirming that the provider has ongoing arrangements in place to ensure that employees' vehicles are

appropriately insured and maintained for business purposes.

The Purchaser may request an increase to the minimum level of insurance cover required or request additional insurance cover when

purchasing an Individual Support Agreement.

Subject to Law and Guidance Scotland Excel reserves the right to enter into negotiations on any element following submission, to accept submissions without further negotiation, to award in part or in whole, or not to make any awards.

This Flexible Framework is designed for the provision of Care and Support Services delivered and regulated within Scotland. Care and

Support Services must operate in accordance with applicable law and guidance.

NOTE: To register your interest in this notice and obtain any additional information please visit the Public Contracts Scotland Web Site at

[https://www.publiccontractsscotland.gov.uk/Search/Search\\_Switch.aspx?ID=665899](https://www.publiccontractsscotland.gov.uk/Search/Search_Switch.aspx?ID=665899).

The buyer has indicated that it will accept electronic responses to this notice via the Postbox facility. A user guide is available at

[https://www.publiccontractsscotland.gov.uk/sitehelp/help\\_guides.aspx](https://www.publiccontractsscotland.gov.uk/sitehelp/help_guides.aspx).

Suppliers are advised to allow adequate time for uploading documents and to dispatch the electronic response well in advance of the closing time to avoid any last minute problems.

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:

On assessment of the market, it is unlikely that many provider responses will include proposals to sub-contract elements of the Service.

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:

Please refer to Schedule 1

(SC Ref:665899)

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

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

Court of Session

Parliament Square

Edinburgh

EH1 1RQ

Country

United Kingdom

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

Precise information on deadline(s) for review procedures

Regulations 2015 (SSI 2015/446, as amended) may bring proceedings in the Sheriff Court or the Court of Session in accordance with Regulation 88 of the 2015 Regulations