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Tender

## **Re-opening of TD1526 - framework for the provision of Standard Home Care (domiciliary care) Services**

DERBY CITY COUNCIL

F02: Contract notice

Notice identifier: 2023/S 000-031508

Procurement identifier (OCID): ocds-h6vhtk-040ef4

Published 25 October 2023, 3:44pm

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

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

DERBY CITY COUNCIL

Corporation Street

Derby

DE1 2FS

#### **Contact**

Procurement

#### **Email**

[procurement@derby.gov.uk](mailto:procurement@derby.gov.uk)

#### **Telephone**

+44 1332640768

**Country**

United Kingdom

**Region code**

UKF11 - Derby

**Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

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

**I.3) Communication**

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

[www.estmidstenders.org](http://www.estmidstenders.org)

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

[www.eastmidstenders.org](http://www.eastmidstenders.org)

**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**

Re-opening of TD1526 - framework for the provision of Standard Home Care (domiciliary care) Services

Reference number

TD1526/1

#### **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 is requesting bids for Service Providers to be awarded a place on a framework to provide Standard Home Care (domiciliary care) Services.

Overview of Requirement

Standard Home Care Definition: The Care Quality Commission (CQC) definition of Home Care and Support are as follows:

"These services provide personal care for people living in their own homes. The needs of people using the services may vary greatly, but packages of care are designed to meet individual circumstances. The person is visited at various times of the day or, in some cases, care is provided over a full 24-hour period. Where care is provided intermittently throughout the day the person may live independently of any continuous support or care between visits."

Customers of Home Care Services will:

- Be residents of Derby City
- Be over the age of 18 years

- Have eligible care or support needs as defined by the Council
- Require Home Care as defined above

Customers may have complex and multiple support needs. Service Providers will need to develop personalised Support Plans that identify clear and quantifiable ways that they will support Customers to achieve their individual outcomes and remain independent in their own home.

Customers that will require this Service will have a wide range of needs that may include one or a combination of the following broad headings (please note this list is not exhaustive):

- Physical disability or frailty,
- Learning disability
- Mental Health
- Sensory Disabilities and/or Communication needs
- Dementia or other cognitive difficulties

Tenderers must have Care Quality Commission (CQC) registration in place for the delivery of personal care.

The Service Provider will also be required to be registered with the CQC to be able to deliver personal care in the City of Derby. Successful Service Providers not already registered to do this, will be required to apply to be registered to do this within a month of receiving the framework award letter.

Tenderers must have Care Quality Commission rating above 'Inadequate' in place for the delivery of personal care to be able to bid.

Where a Tenderer is waiting for a rating from the CQC for the delivery of personal care from the CQC, they can still submit a bid. If subsequently the rating is 'Inadequate', then the service Provider will be required to provide an action plan that is satisfactory to the Council that will address all the concerns raised by the CQC within a timescale agreed with the Council.

The framework is split into four geographical Lots:

Lot 1 - Central Locality

Lot 2 - West Locality

Lot 3 - East Locality

Lot 4 - South Locality

The Framework was let for an initial period of two years commencing 13th September 2021 but has since been extended until 12th September 2025.

The Council now requires additional capacity in Lots 3 and 4 and intends to appoint up to two further Service Providers in each of those Lots. Existing providers in Lots 1 and 2 will be considered, however will not be permitted to be awarded any more than a maximum of two lots when taking into account all four Lots.

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

Value excluding VAT: £62,706,904.62

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

This contract is divided into lots: Yes

Tenders may be submitted for all lots

Maximum number of lots that may be awarded to one tenderer: 2

## **II.2) Description**

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

Lot 3 - East Locality

Lot No

3

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

- 85000000 - Health and social work services

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

NUTS codes

- UKF11 - Derby

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

The Council is requesting bids for Service Providers to be awarded a place on a framework to provide Standard Home Care (domiciliary care) Services.

### Overview of Requirement

Standard Home Care Definition: The Care Quality Commission (CQC) definition of Home Care and Support are as follows:

"These services provide personal care for people living in their own homes. The needs of people using the services may vary greatly, but packages of care are designed to meet individual circumstances. The person is visited at various times of the day or, in some cases, care is provided over a full 24-hour period. Where care is provided intermittently throughout the day the person may live independently of any continuous support or care between visits."

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Tenderers must have Care Quality Commission rating above 'Inadequate' in place for the delivery of personal care to be able to bid.

Where a Tenderer is waiting for a rating from the CQC for the delivery of personal care from the CQC, they can still submit a bid. If subsequently the rating is 'Inadequate', then the service Provider will be required to provide an action plan that is satisfactory to the Council that will address all the concerns raised by the CQC within a timescale agreed with the Council.

#### Value

The potential framework value is £62,706,904.62 over four years.

Contract Opportunities will only initially be for new Service requirements (care packages). The Council also reserves the right to review existing care packages and put these out as a Contract Opportunity under this Framework.

The advertised contract value takes into account the possibility of reviewing and putting existing care packages out as Contract Opportunities, but there is no guarantee this will happen. Therefore, no guarantee of business value or volume can be given. Service Providers will have to form their own views as to the potential for such an arrangement.

#### Framework Lots

The framework is split into four geographical Lots:

Lot 1 - Central Locality

Lot 2 - West Locality

Lot 3 - East Locality

Lot 4 - South Locality

The Framework was let for an initial period of two years commencing 13th September 2021 but has since been extended until 12th September 2025.

The Council now requires additional capacity in Lots 3 and 4 and intends to appoint two further Service Providers in each of those Lots. Existing providers in Lots 1 and 2 will be considered, however will not be permitted to be awarded any more than a maximum of two lots when taking into account all four Lots.

- A Tenderer MUST state what Lots it is bidding for and their Lot preference.
- A Tenderer can bid for one or two Lots.
- A Tenderer can only be awarded a maximum of two Lots.
- Existing Providers on the Framework with two Lots may not bid.
- Existing Providers on the Framework with one Lot at present may bid for up to two further Lots but will only be awarded one if successful.
- Scores will be the same for Tenderers across all the Lots they bid for, though ranking might be different in different Lots if all Tenderers do not bid for all Lots.

The Council also reserves the right to appoint fewer than the required number of Service Providers in each Lot, where each Tenderer has been awarded the maximum of two Lots and there are no other options to allocate a Service Provider to a particular Lot.

The process for deciding how Lots are allocated to successful Tenderers is described further in the ITT document.

Providers joining the framework at this re-opening stage will see their place on the framework commence 1st April 2024 and last until 12th September 2025.

### Framework Operation

The Council reserves the right to open a Lot or Lots and run an open competitive tendering process again in the future to replace existing Framework Service Providers due to failure/poor performance/material breaches etc.

There will also be the option of opening up a Lot or Lots again to add an additional Service Provider where there are capacity issues within that Lot.

Further to the points above there will still be the rule that a Service Provider can only be awarded two Lots, so if a provider on this Framework already has two Lots, they will not be able to bid for an additional Lot.

The maximum framework term is four years and as it commenced 13 September 2021, it will now end on 12th September 2025.

Providers joining the framework at this re-opening stage will see their place on the framework commence 1st April 2024 and last until 12th September 2025.

## Fees

The Council has a set a maximum hourly rate for the provision of Home Care services as part of its Fee structure. Tenderers must confirm that they accept this Fee structure as part of their Tender response. Details are in the ITT.

## TUPE

The initial tendering of this Framework does not give rise to the Transfer of Undertakings (Protection of Employment) 2006 Regulations, as no existing work is being transferred. However where existing care packages are reviewed and put out as a Contract Opportunity then TUPE may be considered in each relevant Contract Opportunity.

## Other

Tenderers must meet the minimum requirements of the main suitability questionnaire as detailed in Section 4.3 of the ITT Document.

For clarity, the procurement process adopted by the Councils has been developed in accordance with Regulation 76 of the regulations and in particular in accordance with the fundamental public procurement principles of transparency and equal treatment. For the avoidance of doubt this means that the Council has not adopted an open procedure, framework (as defined in the regulations) for the undertaking of this procurement process. The Council will be permitted to use the Framework in a number of ways (in accordance with the Light Touch Regime (Regulation s74 to 77) of the Public Contracts Regulations 2015 and any subsequent amendment or re-enactment thereof).

Contract awards will be via a competitive competition process or direct award.

Further details are provided in the tender document.

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

Quality criterion - Name: Quality / Weighting: 100

Price - Weighting: 0

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

Value excluding VAT: £14,150,640

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

Start date

4 April 2024

End date

12 September 2025

This contract is subject to renewal

No

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

Variants will be accepted: No

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

Options: No

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

The deadline for Tenders is 10am on 28th November 2023

Documents are available at [www.eastmidstenders.org](http://www.eastmidstenders.org)

Please search for TD1526.

Please note: we will only accept expressions of interest through the e-tendering system.

## **II.2) Description**

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

Lot 4 - South Locality

Lot No

4

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

- 85000000 - Health and social work services

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

NUTS codes

- UKF11 - Derby

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Providers joining the framework at this re-opening stage will see their place on the framework commence 1st April 2024 and last until 12th September 2025.

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failure/poor performance/material breaches etc.

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For clarity, the procurement process adopted by the Councils has been developed in accordance with Regulation 76 of the regulations and in particular in accordance with the fundamental public procurement principles of transparency and equal treatment. For the avoidance of doubt this means that the Council has not adopted an open procedure, framework (as defined in the regulations) for the undertaking of this procurement process. The Council will be permitted to use the Framework in a number of ways (in accordance with the Light Touch Regime (Regulations 74 to 77) of the Public Contracts Regulations 2015 and any subsequent amendment or re-enactment thereof).

Contract awards will be via a competitive competition process or direct award.

Further details are provided in the tender document.

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

Quality criterion - Name: Quality / Weighting: 100

Price - Weighting: 0

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

Value excluding VAT: £17,644,323

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

Start date

1 April 2024

End date

12 September 2025

This contract is subject to renewal

No

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

Variants will be accepted: No

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

Options: No

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

The deadline for Tenders is 10am on 28th November 2023

Documents are available at [www.eastmidstenders.org](http://www.eastmidstenders.org)

Please search for TD1526.

Please note: we will only accept expressions of interest through the e-tendering system.

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

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

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

Selection criteria as stated in the procurement documents

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

Selection criteria as stated in the procurement documents

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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

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

Date

27 November 2023

Local time

11:00pm

**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: 3 (from the date stated for receipt of tender)

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

Date

28 November 2023

Local time

10:00am

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**Section VI. Complementary information**

**VI.1) Information about recurrence**

This is a recurrent procurement: No

**VI.4) Procedures for review**

**VI.4.1) Review body**

Derby City Council

DERBY

DE1 2FS

Country

United Kingdom

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

Precise information on deadline(s) for review procedures

Precise information on deadline(s) for review procedures:

Derby City Council will incorporate a minimum 10 calendar days standstill period at the point information on the award of the contract is communicated to tenderers. This period allows unsuccessful tenderers to seek further debriefing from the contracting authority before the contract is entered into.

Applicants have 2 working days from the notification of the award decision to request additional debriefing and that information has to be provided a minimum of 3 working days before the expiry of the standstill period. Such additional information should be required from the contact details provided in section 1.1 of this notice.

If an appeal regarding the award of a contract has not been successfully resolved the Public Contracts Regulations 2015 (Si 2015 No 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 brought promptly (generally within 3 months).

Where a contract has not been entered into the Court may order the setting aside of the award decision or order the authority to amend any document and may award damages. If the contract has been entered into the Court may only award damages. [The purpose of the standstill period referred to above is to allow parties to apply to the Courts to set aside the award decision before the contract is entered into].