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Tender

## **Provision of Deprivation of Liberty Safeguards (DoLS) Assessments**

Medway Council

F02: Contract notice

Notice identifier: 2024/S 000-038310

Procurement identifier (OCID): ocids-h6vhtk-04c073

Published 27 November 2024, 2:03pm

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

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

Medway Council

Medway Council, Gun Wharf, Dock Road

Chatham

ME4 4TR

#### **Contact**

Mr James Welch

#### **Email**

[james.welch@medway.gov.uk](mailto:james.welch@medway.gov.uk)

#### **Country**

United Kingdom

#### **Region code**

UKJ41 - Medway

**Internet address(es)**

Main address

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

Buyer's address

<https://www.kentbusinessportal.org.uk/>

**I.3) Communication**

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

<https://www.kentbusinessportal.org.uk/>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.kentbusinessportal.org.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**

Provision of Deprivation of Liberty Safeguards (DoLS) Assessments

Reference number

DN751767

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

- 85000000 - Health and social work services

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

Services

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

Medway Council is seeking a single provider for the provision of Deprivation of Liberty Safeguards (DoLS) assessments. The purpose of this service is to organise, complete and return the assessments, required for DoLS under the Mental Capacity Act (2014). These assessments must be carried out by a Section 12 registered doctor and returned to the Council within a set timeframe.

Full details of the requirement are available in the tender documents available to download from the Kent Business Portal.

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

Value excluding VAT: £1,323,000

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

This contract is divided into lots: No

## **II.2) Description**

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

NUTS codes

- UKJ41 - Medway

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

Medway Council is seeking a single provider for the provision of Deprivation of Liberty Safeguards (DoLS) assessments. The purpose of this service is to organise, complete and return the assessments, required for DoLS under the Mental Capacity Act (2014). These assessments must be carried out by a Section 12 registered doctor and returned to the Council within a set timeframe.

By way of background, the Mental Capacity Act (2005) is amended by the 2007

amendments to the Mental Health Act (1983) to include the Deprivation of Liberty Safeguards (DoLS), implemented on 1 April 2009. The safeguards provide legal protection for vulnerable people who are, or may become, deprived of their liberty in a hospital or care home. They apply to people who have a mental disorder and who are assessed as lacking capacity to consent to the arrangements made for their residence, care or treatment. The Deprivation of Liberty Safeguards require hospitals and care homes (Managing Authorities) to apply to the Supervisory Body (in this case, Medway Council) for an authorisation to deprive the relevant person of their liberty. Before an authorisation is issued, the Supervisory Body must ensure that six assessments are completed. The assessments are undertaken by a Best Interests Assessor for DoLS (BIA) and a Section 12 mental health approved DoLS trained doctor as follows:

The six assessments, and the person responsible for completing each assessment, are as follows:

1. Age (The relevant person must be over the age of 18 years) - BIA
2. Mental Capacity - BIA
3. No Refusals - BIA
4. Mental Health – Section 12 doctor
5. Eligibility - Section 12 doctor, or BIA who is Approved Mental Health Professional (AMHP) qualified
6. Best Interests - BIA

The Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008 require that the person undertaking the Mental Health assessment must be:

- a. approved under section 12 of the Mental Health Act 1983, or
- b. a registered medical practitioner who the Supervisory Body is satisfied has three years post registration experience in the diagnosis or treatment of mental disorder.

The supervisory body must also be satisfied that the person has successfully completed the Deprivation of Liberty Safeguards Mental Health Assessors training programme made available by the Royal College of Psychiatrists. Except in the 12 month period beginning with the date that the doctor has successfully completed the standard training, the regulations for England also require the Supervisory Body to be satisfied that the doctor has, in the 12 months prior to selection, completed further training relevant to their role as a mental health assessor.

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

Quality criterion - Name: Quality / Weighting: 60%

Price - Weighting: 40%

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

The term of the contract will be initially for 3 years with 3 further options to extend for 2 years, (3 years, plus 2 + 2 + 2 years).

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

Variants will be accepted: No

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

Options: Yes

Description of options

The term of the contract will be initially for 3 years with 3 further options to extend for 2 years, (3 years, plus 2 + 2 + 2 years).

### **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.1.2) 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 a single operator

In the case of framework agreements, provide justification for any duration exceeding 4 years:

The framework is for an initial period of three years, with three options to extend by two years. DoLS was due to be replaced by the Liberty Protection Safeguards (LPS) during the last parliament, but the legislation was not cleared before the change of government. The new government has not yet outlined its stance on LPS, and so this legislation is currently on hold. The additional extensions of this contract provide scope to have a contract in place for up to two parliamentary terms, which should be sufficient time for the proposed legislation to be reviewed, revised, consulted upon, and receive royal ascent.

#### **IV.1.8) Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: No

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

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

Date

3 January 2025

Local time

3:00pm

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

English

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

Date

3 January 2025

Local time

3:00pm

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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**

Medway Council

Chatham

Country

United Kingdom