

Integrated Mediation and Disagreement Resolution For Young People and Parents and Carers of Children with Special Educational Needs and/or Disabilities

NCCT43111

Invitation to Tender

**Thursday 17th April 2025**

# Contents

Information for Applicants

[Contents 3](#_Toc256000000)

[1 Context and requirement of the procurement 4](#_Toc256000001)

[2 Correspondence and clarifications 5](#_Toc256000002)

[3 About this procurement document 5](#_Toc256000003)

[4 Advice and instructions to Applicants 7](#_Toc256000004)

[5 Procurement Process Information and Procurement Timeline 12](#_Toc256000005)

[6 Contract Data 13](#_Toc256000006)

[7 Receipt and evaluation of Applications by the Council 14](#_Toc256000007)

[8 Evaluation Information 16](#_Toc256000008)

[9 Important legal notice 21](#_Toc256000009)

Forms for completion by Applicants

[Form A: Details of Applicant 27](#_Toc256000010)

[Form B: Grounds for exclusion 29](#_Toc256000011)

[Form C: Compliance with minimum standards 32](#_Toc256000012)

[Form D: Willingness and ability to comply with contractual requirements 43](#_Toc256000013)

[Form F: Quality 45](#_Toc256000014)

[Form G: Pricing schedule 48](#_Toc256000015)

[Form Z: Applicant's declaration 49](#_Toc256000016)

# Context and requirement of the procurement

* 1. Context

Norfolk County council is looking to award a contract for the provision of SEND Mediation and Disagreement Resolution. The Children and Families Act 2014 requires Mediation and Disagreement Resolution (MDR) services to be put in place by Local Authorities and health commissioners.

Norfolk’s MDR service is jointly commissioned between Norfolk County Council and NHS Norfolk and Waveney Integrated Care Board (ICB).

Disagreement Resolution and Mediation is a voluntary, private and confidential process. The aim is to bring people together in a facilitated way to find solutions to their disagreements.
It can save time and pressure for all involved and it can help re-build relationships that have broken down. Early resolution of disagreements benefits children, young people, parents, carers, institutions, and professionals’ party to the disagreement.

•Mediation focuses on elements of an Education Health and Care Plan (EHCP) in education, social care, or health. It is used at various stages of the process and is specifically linked to decisions about EHCP needs assessments and plans.
•Disagreement Resolution focuses on any element of SEND provision, not just those who are being assessed for (or have) an EHCP.

Please note:

Norfolk County Council has joined the government's Devolution Priority Programme.

This process has the potential to lead to the establishment of a county combined authority for Norfolk and Suffolk, with strategic powers, headed by an elected mayor. A consultation is under way.

Government has also invited participation by Norfolk in Local Government Review. This process has the potential to lead to unitary local government in Norfolk. One of these changes could happen without the other. The contract may be assigned or novated to any successor authority(ies) to Norfolk County Council or to any joint body incorporating or formed by any such successor. The County Council or a successor authority or joint body may order services on behalf of other local authorities serving any area within Norfolk's current geographical boundaries.

* 1. Requirement

A service which will provide an integrated Mediation and Disagreement Resolution service which provides early resolution of disagreements, benefitting children, young people, parents, carers, institutions, and professionals’ party to the disagreement.

Mediation and Disagreement Resolution refer to different processes in the Children and Families Act 2014 but they are both informal and non-legalistic processes for resolving disagreements.

The service will respond to referrals in relation to disagreements about the EHCP process and / or NHS Children’s Continuing Care eligibility.

The provider will need to use mediation to try to resolve the disagreements in the following situations related to the EHCP process:
a) When the Local Authority has decided not to carry out an EHC needs assessment.
b) When the Local Authority has decided not to carry out an EHC needs re-assessment.
c) When the Local Authority has refused to issue an EHCP.
d) When young people or parents receive the final or amended EHCP and wish to appeal about parts:
i: - Special Education needs (Section B).
ii: - Special Educational provision (Section F).
iii: - Health provision (Section G).
vi: - Names and type of setting, but not when this is the only issue (Section I with B & F).
e) When the Local Authority has decided not to issue a final EHCP.
f) Refusal to amend an EHCP following a review.
g) Refusal to amend an EHCP following a re-assessment.
h) Cease to maintain an EHCP.
.

Full details of the requirement can be found in the Service Specification, which forms a Schedule to the Terms and Conditions.

# Correspondence and clarifications

All correspondence and clarifications will be issued via In-Tend. Please make sure your details are correct and that you check the system regularly. We advise adding a second person or a team to your In-Tend account for contingency.

Any internal reviewers such as board members, trustees or partners who may raise issues must be engaged early to ensure points of clarification and any commercial issues that may affect your bid can be raised with us by the clarification date.

If you encounter any difficulties whilst using the system you can contact the In-Tend support team by phoning 0845 557 8079 or +44 (0) 114 407 0065 or by emailing support@in-tend.co.uk.

# About this procurement document

* 1. The main parts of the first section of this procurement document

|  |  |
| --- | --- |
| Section | Purpose |
| Advice and instructions to Applicants | Tells you how to upload your application and what you must do if you wish to take part in the tender. |
| Procurement Process Information and Procurement Timeline | Sets out key details about the procurement process and the anticipated dates for key elements in the procurement process. |
| Contract Data | Tells you what the terms of any contract entered into under the tender will be. |
| Receipt and Evaluation of Applications | Tells you what we will do with applications we receive, how we will evaluate them and our rights and obligations in respect of the receipt and evaluation process. |
| Evaluation Information | Contains key information that we will use in the evaluation process, including how we will score responses. |

|  |  |
| --- | --- |
| **Important Legal Notice** | Sets out the basis on which we will conduct the tender exercise. |

* 1. Forms for completion by Applicants

The forms that make up the parts of the document that are to be completed by Applicants are labelled A to Z. The forms that you must complete and return are contained in this document unless otherwise indicated.

**Please note that you, and any subcontractors involved in the delivery of the contract, must be registered on the Government’s Central Digital Platform, Find a Tender Service, or we will not be able to accept your bid.**

Information about the Government’s Central Digital Platform can be found online at [Find a Tender Service](https://www.find-tender.service.gov.uk/) and [Central Digital Platform - factsheet (HTML) - GOV.UK](https://www.gov.uk/government/publications/procurement-act-2023-short-guides/central-digital-platform-factsheet-html?utm_source=phpList&utm_medium=email&utm_campaign=Procurement+Act+Update+%285th+February+2025+-+Issue+%234%29&utm_content=HTML).

Further details about the forms are contained in sections 7 and 8, including which forms are and are not being used in this procurement. The forms labelled A to Z are:

|  |  |
| --- | --- |
| Section | Purpose |
| Form A – Details of Applicant | This tells us about you and your organisation and who is applying. |
| Form B – Grounds for exclusion | This form tells us whether there are any grounds under which we will have to exclude you, and any sub-contractors you might rely on to deliver the contract, from bidding.  |
| Form C – Compliance with minimum Standards | This form checks your experience and whether you hold the relevant experience and registrations where necessary. It includes minimum standards such as finance and Health and Safety and other checks where relevant to the contract.  |
| Form D – Willingness and ability to comply with contractual requirements | This form checks whether you are prepared to enter in to the contract without change and whether you hold the relevant insurances.  |
| Form E – Shortlisting questions | This is a form used for shortlisting applicants and is only used in staged procurements. This form is not being used for this procurement. |
| Form F – Quality | This form seeks to determine how you will deliver the contract. |
| Form G – Price  | This form is about the price you will charge for the service.  |
| Form Z – Applicant’s checklist and declaration | This form is your checklist to ensure that you have included everything required and your declaration that you are prepared to provide the contract as tendered, under the terms and conditions issued.  |

* 1. The following documents are attached

|  |  |
| --- | --- |
| **Section** | **Purpose** |
| Terms and Conditions  | The terms and conditions referred to in the Contract Data |
| Specification and requirements | Tells you about the context for this procurement and the specification for the goods and/or services we require. This forms a Schedule of the Contract. |
| Performance schedule  | Tells you about the Performance Monitoring and Quality Assurance for the service we require. This forms a Schedule of the Contract. |
| Data Processing Schedule  | Tells you about the data processing for the service we require. This forms a Schedule of the contract.  |
| Needs Assessment  | The Needs Assessment collates key information which helps to inform the needs of the users of the service in preparation for the procurement of the Mediation and Disagreement Resolution service in September 2025-28 |

* 1. Obligation to consider Small and Medium Enterprises

The Council has considered SMEs.

* Insurance requirements within the tender have been assessed as fair against the subject matter of the contract; and
* Insurance at the levels required is not expected to be purchased until a contract is awarded; and
* Limits of liability in the contract have been assessed as reasonable against the subject matter and value of the contract; and
* Performance management reporting is at the minimum required for the Council to be assured of effective delivery.

# Advice and instructions to Applicants

* 1. Issues to consider before bidding

We suggest that Applicants consider the following issues before deciding whether to bid:

* 1. Have you read the Specification and the minimum requirements in Form C, and are you able to provide the service? If you aren’t certain, ensure you seek early clarification.
	2. If there are strict deadlines for implementation or delivery, are you able to meet them?
	3. Is there anything in the documents that you think would prevent you from bidding? If so, please request clarification to ensure there isn’t a miscommunication.
	4. Tender preparation

When preparing your tender, it is important to consider the following:

1. Have you read all the instructions, the documents attached and taken in to account any indicative budget provided in the documents or contract notice?
2. Are you registered on the Government’s Central Digital Platform, Find a Tender Service? More information is available at [Find a Tender Service](https://www.find-tender.service.gov.uk/) and [Central Digital Platform - factsheet (HTML) - GOV.UK](https://www.gov.uk/government/publications/procurement-act-2023-short-guides/central-digital-platform-factsheet-html?utm_source=phpList&utm_medium=email&utm_campaign=Procurement+Act+Update+%285th+February+2025+-+Issue+%234%29&utm_content=HTML).
3. Tenders should be clear and concise and in Form F must describe how you will provide the service being tendered rather than just stating that you will provide the service.
4. Bids that are ambiguous or generic in their response or don’t describe how the service will be provided are unlikely to score well. In our experience, tailored solutions that have taken in to account the Council’s requirements in their answers usually score better than generic responses that have not.
5. If the word count is causing you significant issues with answering a question thoroughly, please raise this as a clarification.
6. Please note that the evaluation panel will be made up of people with different experiences and skills and you should take this into account when writing your response.
7. When completing the price schedule at Form G, have you ensured that your price is fully inclusive of all costs of providing the service in accordance with the contract? We cannot accept bids that have been caveated (see Instructions to Applicants below). If you are unclear about pricing, please seek clarification.
	1. Return of your application
8. If you intend to submit a Tender, please ensure that you arrange to return the documents by the date and time stated. The Council is under no obligations to accept late tenders.
9. You do not need to submit any of the first section of this Invitation to Tender: you only need to submit the Forms from page 27 onwards.

How to upload and submit your application

1. Log in to In-Tend and navigate to “My Tenders” under the “Tenders” tab near the top of the page. Locate the procurement that you are applying for and click “view details”.
2. Click on the tab where you found the tender documents for download. Depending on the procurement this may be labelled as “Request to Participate”, “Conditions of Participation”, “ITT” or “Invitation to Tender”.
3. Scroll down the page until you see a button in the centre of the screen entitled “Attach Documents”. Click on this and it will take you in to your computer to select and attach files. Select the file you need, click “Open” and it will upload the document to the screen. Repeat these actions until everything you wish to attach as part of your application is displayed on the webpage, click on the “Submit Return” button.
4. If you have made a mistake or forgotten to upload a document, you can repeat this process. You may submit your application multiple times, but only the final submission will be evaluated.
5. We advise that you leave plenty of time for upload and submission of your documents to allow for any possible problems with internet or power.
	1. Instructions to Applicants

Applicants must follow all the numbered instructions below.

First steps

1. If you take part in this procurement exercise you will be bound by the terms stated in the Important legal notice. You should review this notice carefully.
2. Applicants should view the Procurement Privacy Notice on the Council’s website <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/open-data-fois-and-data-protection/data-protection/privacy-notices/procurement-service-privacy-notice> and must raise any concerns about the Privacy Notice and how personal information will be handled during the procurement process without delay.

Language

1. All questions, notices, tenders, supporting documents and correspondence are to be submitted in English.

The clarification process

1. If there is anything unclear or you think that you need more information, you must send in a clarification question as early as possible in the process and in any case before the final deadline given in the Procurement Process Information and Procurement Timeline. Questions must be submitted via In-Tend correspondence and must be associated with the correct project to receive a response. Clarification questions will be answered on a regular basis through the clarification facility on In-Tend.
2. Once the final deadline is passed, no new questions may be sent in but you will have a final chance to seek clarification of answers already given. You must submit any such request within the period stated in the Procurement Process Data.

Content of the application

1. In preparing your application you must assume that the evaluators know nothing about your organisation.
2. Throughout the application, you should reflect the Statement of Requirements or Service Specification. To assist you in achieving the highest scores, you should review the “Descriptors for the allocation of quality scores” in the Evaluation Data and write your answers accordingly.
3. You have an overriding obligation to exercise your skill and judgment, to ensure that your solution is fit for purpose and to warn us if, in your opinion, our proposed application of your solution would result in a poor or unacceptable outcome for us.
4. Different questions may be marked by different evaluators and not all evaluators will have read your entire application. The answer to each question must be self-contained. Answers such as “see answer to question x” are not acceptable. You must not include brochures, leaflets or other attachments unless specifically requested. If you do, they will not be read, except where an Applicant has submitted a completed European Single Procurement Document.
5. The forms for completion must be reproduced and completed, except where we say otherwise.
6. So that they are readable, answers must be in a minimum of 11-point font, with line spacing of 1.2 times.
7. You must keep to the given word or page limits for each question.
8. Documents must not contain any embedded objects which appear in the printed copy as icons, rather than in full.
9. It is your responsibility to make sure that your application is complete and unambiguous.
10. Bids must be your own original work and any bids that are plagiarised will be rejected. If you have collaborated with a third party to develop your response, this must be clearly explained within the response and any quoted material within a submission must be attributed. If you have used AI, Large Language Models or machine learning software to generate parts of your response, you must declare which elements of the bid were so developed, and that the bid is an accurate reflection of how you will provide the goods, services or works bid.

No caveats or qualifications

1. Your tender must not be caveated or qualified. The following are some examples of caveats or qualifications:
2. statements that you have made certain assumptions and that, if these assumptions prove incorrect, you may wish to change price, timescales, quality, terms and conditions or other aspects of your offer;
3. statements that you do not comply with any mandatory requirement of the specification;
4. statements that you do not accept, or wish to modify, any aspect of the Contract or that any variant or additional term or condition will apply.

Completion of the application

1. You should not complete and submit your application until after the clarifications have closed.
2. Your application must consist of all the documents listed in the checklist at Form Z. You must include all attachments requested but should include no other documents (and any other document will be disregarded by the Council when conducting its evaluation).
3. On finalising your application, you must complete the checklist at Form Z, and then sign the declaration, scan and upload it as part of your submission.

Submission

1. Your submission must be uploaded and submitted before the deadline specified in the Procurement Process Data. We are under no obligation to consider any application which arrives after the deadline.

Multiple bids

1. Multiple applications from a given prime contractor or consortium will not be evaluated by the Council.
2. An applicant may act as the proposed prime contractor for one bid, and a proposed sub-contractor for another.
3. However, an applicant may act as:
* the proposed prime contractor for one bid, and a proposed sub-contractor for another; or
* the proposed prime contractor for one bid, and a proposed consortium member for another; or
* a consortium member for more than one bid.
1. Where an Applicant is involved in more than one bid, all relevant forms must be completed for each bid.
2. Where they form part of more than one bid, Applicants shall pay particular attention to the need to avoid collusion in pricing and commercial terms.
3. In particular, no Applicant shall be involved in the setting of the price to be tendered to the Council for more than one bid.

**Offer capable of acceptance**

1. If we award a contract to you all statements and commitments made by you in your tender shall be binding upon you.
2. Your tender must constitute an offer to provide the supplies, works or services specified in this Invitation to Tender in accordance with the contractual terms referred to in the Contract Data, as amended by any clarification response issued by the Council before the tender submission date. Your offer must remain open for acceptance for the period stated in the Procurement Process Data.
3. We may at our discretion ask you to extend the period for which your offer remains valid or to reconfirm the validity of your offer after expiry of the initial period of validity. You may at your discretion agree to such a request, or not. If all of those asked to extend the validity of their offer do not agree to do so, we may award the contract to the highest-ranked Applicant which is willing to extend the validity of its offer.
4. We may accept your offer by writing to you awarding the contract, at which point a binding contract will exist between you and us without any need for further formalities.
5. However, without prejudice to the enforceability of the above contract we may require you to execute the contract as a deed after award and you must do so promptly on request. We will not agree any modification to the contract at this stage.

# Procurement Process Information and Procurement Timeline

* 1. Timetable and information

The procurement timetable, outlined below, is for information and potentially subject to change. The Council reserves the right to amend any aspect of the timetable during the procurement and evaluation process.

|  |  |
| --- | --- |
| ****Information**** | Details |
| ****Procurement reference number**** | NCCT43111 |
| ****Procurement title**** | Integrated Mediation and Disagreement Resolution For Young People and Parents and Carers of Children with Special Educational Needs and/or Disabilities |

|  |  |
| --- | --- |
| **Date contract notice dispatched to publisher** | Thursday 17th April 2025  |
| **Procurement procedure** | Open procedure as defined in the Procurement Regulations 2024 |
| **Justification for decision not to subdivide into lots (section 18(2)(b) of the Procurement Act 2023)** | It is important that young people, parents and carers receive a seamless service  |

|  |  |
| --- | --- |
| **Final deadline for submission of clarification questions relating to ITT** | 11am UK time on Friday 9th May 2025 |
| **Deadline to request further explanation about clarification answers (no new questions to be introduced)** | Midnight UK time on the third working day after the Council sends its final answers to the clarification questions received before the above deadline |
| **Deadline for submission of tender documents** | 11am UK time on Monday 19th May 2025 |
| **Expected date for issuing Contract Award notice and for standstill period to commence** | 20th June 2025 |
| **Expected date for standstill period to finish** | Midnight UK time on 1st July 2025 |
| **Contract Award** | 2nd July 2025  |

|  |  |
| --- | --- |
| **Contracting Authority’s name and address** | Procurement Sourcing TeamNorfolk County CouncilFloor LG County HallMartineau LaneNorwichNR1 2DHUnited Kingdom**DO NOT SEND ANY CORRESPONDENCE BY POST** |
| **Correspondence** | All correspondence and clarifications regarding the procurement should go through In-Tend: <http://In-Tendhost.co.uk/norfolkcc>  |
| **Public Services (Social Value) Act 2012** | The Authority has concluded that it is not appropriate to consult on social value in respect of this procurement, because social value is intrinsic to the requirement. |
| **Address for submission of tender documents** | All tenders must be submitted via the In-Tend portal. |
| **Period for which offers must remain open for acceptance** | 60 days from the tender submission deadline |
| **Award decision and standstill process** | The Council shall have no obligation to Applicants concerning debriefing beyond those contained in the Procurement Regulations 2024. The Council will observe a standstill period and will not enter into a contract until after midnight on the eighth working day from when the contract award notice has been published. |

# Contract Data

* 1. Contract information

|  |  |
| --- | --- |
| ****Contract information**** | Details |
| **Conditions of contract** | As set out in Section 3 |
| **Contract commencement date** | The contract will commence on the day we send you our formal award letter accepting your tender. |
| **Required Service Commencement Date** | 1st September 2025 |
| **Term** | 36 months from the Required Service Commencement Date. |

# Receipt and evaluation of Applications by the Council

General

* 1. We will admit, evaluate and where appropriate reject Applications reasonably, impartially and as set out below. We make no other commitments concerning our admission, evaluation or rejection of Applications.
	2. New and forgotten documents may not be able to be considered after the tender deadline has passed.

Clarification

* 1. It is your responsibility to make sure that your Application is clear, complete and unambiguous. We may ask you to clarify your answers provided that in our judgment this does not adversely affect the integrity and fairness of the exercise, but we are not obliged to do so and other bidders may be notified that clarifications have been sought and what it was regarding.

The Public Services (Social Value) Act 2012

* 1. Social value considerations (the economic, social and environmental well-being of the Authority’s area of operations) have been included in the specification for this contract but are not used as evaluation criteria.

Compliance with Instructions to Applicants

* 1. You must comply with the Instructions to Applicants or you risk your Application being rejected.

Grounds for exclusion (Form B)

* 1. If any of the grounds for exclusion set out in Form B applies, we will normally reject your Application (and tell you that we have done so).
	2. If any bidder appears on the Government’s debarment list, that supplier will be excluded.
	3. Exceptionally, and in accordance with any relevant legislation, we may exercise our discretion and permit your Application to be considered if any of the discretionary grounds for exclusion apply.

Compliance with minimum standards (Form C)

* 1. We will check that you have provided, in your answers on Form C, evidence that you meet the minimum standards set out there. We will not be able to further consider your application if in our opinion you do not meet the minimum standards.

Willingness and ability to comply with contractual requirements (Form D)

* 1. We will check that you have confirmed that you can enter into the contract under the specified terms and conditions (without modification) and hold appropriate levels of insurance (or are willing to obtain it).

Form E (not used)

Award of Overall Quality Score (Form F)

* 1. For each question in Form F, we will award a mark based on the Descriptors stated in the Evaluation Data (unless we state, on Form F, that we are using different descriptors for that question).
	2. Each question in Form F is weighted. The weightings are set out in the Evaluation Data.
	3. The score for each question will be divided by the maximum possible score for that question and then multiplied by the individual weighting to give a weighted score.
	4. For example, if a score of 3 out of 5 is given and the question is worth 10% of total marks (3/5\*10), then the weighted score will be 6.
	5. We will sum the weighted Scores to give an Overall Quality Score.

Quality Threshold

* 1. We will reject any tender which does not achieve an Overall Quality Score greater than or equal to the Quality Threshold stated in the Evaluation Data.

Abnormally low tenders

* 1. We may reject tenders which we consider to be abnormally low, having first followed any statutory process which applies.

Award of Price Score (Form G)

* 1. Price marks will be awarded as follows:
* The bid with the lowest price will be allocated the maximum number of weighted points. Other tenders being awarded marks in proportion to this price, so that for example a total price that is 30% more expensive will receive 30% fewer marks, one that is 60% more expensive will receive 60% fewer marks etc.
	1. A total of 30% of the overall score is allocated to Price.
	2. We will exclude from the final calculation of Price Scores any tender which has been rejected.

Combining Overall Quality and Price Scores

* 1. To give a Total Score out of one hundred, the Overall Quality Score will be added to the Price Score.
	2. In the event of a tie, the tied bidders will be asked to submit a revised price by a given deadline.

Award of contract

* 1. We will (subject to our right not to make an award at all) first make a provisional award to the Applicant achieving the highest Total Score. The standstill period will commence when we publish the contract award notice.
	2. Our contract award decision is not binding on us and we may decide not to enter into the contract at all or, in the event of an error or misjudgement being identified, change our award decision prior to entering into a contract. Our award of the contract, communicated to the Applicant by us in writing, will constitute acceptance of the Applicant’s offer and a binding contract will then exist between us and the Applicant on the terms set out in this Invitation to Tender. We may though require the successful Applicant to execute a written agreement between us.
	3. If the successful Applicant cannot or will not perform the contract, we may award the contract without further competition to the next-ranked Applicant which is willing and able to perform the contract, but only on the basis of that Applicant’s offer and the terms set out in this Invitation to Tender.
	4. We will check whether you have signed the declaration in Form Z as part of the evaluation process. If the declaration is not signed, we will be unable to award you a contract.
	5. If we award you a contract, we will countersign Form Z and you will be legally bound by it.

# Evaluation Information

|  |  |
| --- | --- |
| ****Evaluation information**** | Where |

|  |  |
| --- | --- |
| **Grounds for exclusion** | As set out in Form B |
| **Minimum standards including technical and professional capacity** | As set out in Form C |
| **Willingness and ability to comply with contractual requirements** | As set out in Form D |

|  |
| --- |
| ****Award Criteria - Weightings for quality and price**** |
| **Overall Price weighting** | 30% |
| **Overall Quality weighting** | 70% |
| Total | 100% |

**Weighting of quality questions (Form F1)**

|  |  |  |
| --- | --- | --- |
| ****Reference**** | ****Subject area**** | ****Weighting as apercentage of the marks available**** |

|  |  |  |
| --- | --- | --- |
| F1.1 | **Service Delivery Plan**  | 35% |
| F1.2 | **Management of the Service**  | 35% |
| **Total** |  | **70%** |
| **Quality threshold****(minimum acceptable overall quality score)** |  40 marks out of 70 |

**Descriptors for the award of quality marks**

|  |  |
| --- | --- |
| **The mark to be awarded is that for which the descriptors most closely match the tenderer’s response** | **Mark awarded** |
| An excellent response that is realistic, appropriately detailed and specific. Any weakness is immaterial and:* the approach embodies accepted good practice in all material respects and offers excellent levels of (as appropriate) functionality, performance, environmental performance, ease of use and other relevant characteristics;
* the response is tailored to the requirement wherever relevant and, where relevant, to specific circumstances;
* all material aspects of the question are fully answered, and the approach described fully meets all material aspects of the requirement;
* where relevant the proposal is ambitious in terms of outcomes, and sets out a convincing, coherent and evidence-based approach to achieving the outcomes claimed; and
* where relevant, the organisation, capacity, qualification and experience of staff assigned to performing the contract are excellent.
 | 5 |
| A good response that is realistic, appropriately detailed and specific and with only minor weaknesses, where:* the approach generally embodies accepted good practice and offers good levels of (as appropriate) functionality, performance, environmental performance, outcomes, ease of use and other relevant characteristics;
* with minor or no exceptions, the response is tailored to the requirement where relevant and, where relevant, to specific circumstances;
* all material aspects of the question are fully answered, and the approach described meets the material aspects of the requirement, with no or minor exceptions;
* where relevant the proposal seeks to deliver a good level of outcome, and sets out a convincing, coherent and evidence-based approach to achieving the outcomes claimed; and
* where relevant, the organisation, capacity, qualification and experience of staff assigned to performing the contract are good, with only minor deficiencies.
 | 4 |
| A satisfactory response that is realistic in all material respects, and that is at least sufficiently detailed and specific to give general clarity about what is to be delivered and how. There are some weaknesses, but all of the following requirements are met:* the approach does not materially conflict with accepted good practice and generally offers acceptable levels of (as appropriate) functionality, performance, environmental performance, ease of use and other relevant characteristics;
* all material aspects of the question are fully answered, and the approach described meets the material aspects of the requirement, with no or minor exceptions;
* while the response may be somewhat generic, it is not inappropriate to the specific circumstances or too high-level to give reasonable clarity and confidence;
* where relevant the proposal seeks to deliver acceptable outcomes, and sets out a reasonably convincing, coherent and evidence-based approach to achieving the outcomes claimed; and
* where relevant, the organisation, capacity, qualification and experience of staff assigned to performing the contract are generally acceptable.
 | 3 |
| A rather deficient response that is not of a sufficient standard to meet all the bullet points set out above for a score of ‘3’ but that is not considered so unsatisfactory as to raise serious doubts as to the prudence of entering into a contract incorporating the response, as further described in the descriptor below for a score of ‘1’. | 2 |
| A response which shows **some or all** of the following characteristics such that in the round a prudent contracting authority would have serious doubts about entering into a contract incorporating the response:* there being insufficient detail or specificity to be clear, wholly or for a material aspect of the requirement, what is to be delivered and how;
* the approach materially conflicting with accepted good practice and/or failing to offer acceptable levels of (as appropriate) functionality, performance, environmental performance, ease of use or other relevant characteristics;
* material parts of the question(s) not being answered or material parts of the response being unrealistic or the approach described, in some material respect, appearing not to meet the requirement or not to comply with the law;
* the approach described appearing, in some material respects, not to deliver expected levels of (as appropriate) functionality, performance, environmental performance, ease of use or other relevant characteristics;
* the approach conflicting with accepted good practice in some material respects;
* the approach being in material part inappropriately generic or a poor fit with the specific circumstances or context;
* the approach being unacceptably unambitious in terms of outcomes or the approach to achieving the claimed outcomes being materially unconvincing; and/or
* where relevant, the organisation, capacity, qualifications and/or experience of staff assigned to performing the contract not reaching the expected levels in some material respects.

**If any response receives a score of ‘1’, the entire submission will be rejected.** | 1 |
| No response or a response with insufficient content to allow meaningful evaluation or a fundamentally unrealistic response or a clearly unacceptable response where the weaknesses, individually or in aggregate, are fundamental.**If any response receives a score of ‘0’, the entire submission will be rejected.** | 0 |

**When evaluators are reviewing your response, they will be considering the following points, as relevant to the question.**

* Detail, completeness and specificity
	+ How detailed is the answer about what is to be delivered and how?
	+ Are all aspects of the question covered?
	+ Is the answer sufficiently specific and, where relevant, tailored to the requirement and the context?
* Is the proposal realistic – for example in (as relevant) timescales, resourcing, identification and mitigation of risks and obstacles, and if relevant stakeholder engagement, cultural fit and/or technical approach?
* Does the proposal accord with good practice?
* Does the proposal meet the requirement in all material respects?
* Is the proposal suitably ambitious in terms of outcomes, and to what extent does it set out a convincing, coherent and evidence-based approach to achieving the outcomes claimed?
* As relevant, the functionality, performance, environmental performance, ease of use and other relevant characteristics provided by the proposal
* Where relevant to the question, evaluate the organisation, qualification and experience of staff assigned to performing the task. For example:
	+ Is the structure appropriate to the service to be delivered?
	+ Is the balance of front-line, management and support staff appropriate?
	+ Are key staff suitably qualified and experienced?

# Important legal notice

**No implied contract**

* 1. Norfolk County Council (“the Council” or, where the context so requires, “We”) does not make any binding commitment to actual or potential tenderers (“Applicants” or, where the context so requires “you”) or to any other party about its conduct of this procurement exercise, other than to abide by its statutory obligations and the express terms of this Important Legal Notice.

**Acceptance of conditions**

* 1. Any Applicant who participates in this procurement exercise shall be deemed to accept the above condition and the conditions set out below. These conditions form the entire understanding between the parties about the conduct of the tender exercise.
	2. The Council will not accept any change to the terms of this legal notice and in the event that any Applicant submits any tender or notice which seeks to change these conditions the purported change shall be void, even if the Council considers the Applicant’s completed request to participate or tender.

**Communications, information and notices**

* 1. Applicants shall not, in connection with this procurement exercise, rely on any communication from the Council (including without limitation any notice published by the Council and any information published on any web site) unless it specifically states that it concerns this procurement exercise and bears the reference number stated on the front page of this document. Applicants shall not rely on any communication which is not in writing.
	2. Information supplied by the Council is subject to constant updating and amendment in the future and is necessarily selective and is supplied for general guidance in the preparation of tenders. It does not purport to contain all of the information which Applicants may require and Applicants must satisfy themselves by their own investigations about the accuracy of such information.
	3. The Council has taken reasonable steps to ensure, as at the date of each document supplied by the Council in connection with this procurement (“Procurement Document”), that the facts which are contained in or provided with each such document are true and accurate in all material respects. But the Council does not make any representation or warranty as to the accuracy or completeness of the Procurement Documents, or the reasonableness of any assumptions on which they may be based. The Council accepts no liability to Applicants however arising, whether resulting from the use of the information provided, or from any omissions from or deficiencies in the information. As such, the Council cannot accept responsibility for any inaccurate information obtained by Applicants.
	4. Any notice from any person in connection with this procurement exercise must be sent to the Contact Name and Address stated in the Procurement Process Data below in accordance with the relevant timescales.

**Amendments to the procurement process**

* 1. The Council may at its sole discretion change any aspect of, or stop this procurement exercise at any point and if it stops the exercise (or the procurement of any lot or lots therein) need not provide any Applicant with the scores allocated in any marking exercise already undertaken or the reasons for the allocation of those scores.

**Applicants’ costs**

* 1. The Council will not under any circumstances be liable to pay Applicants for any costs incurred as a result of their participating in this procurement exercise.

**Standstill period and contract award notice**

* 1. The Council shall have no obligation to Applicants concerning debriefing beyond those contained in the Procurement Regulations 2024. The Council will observe a standstill period and will not enter into a contract until after midnight on the eighth working day beginning with the day when the contract award notice is published.
	2. Applicants hereby agree that they will not reveal the Council’s provisional award decision to any person (other than staff, Directors, trustees or professional advisers who have a need to know) until the completion of the standstill period, and that they will place a similar obligation on any person to whom they notify the Council’s provisional decision.

**Confidentiality, Freedom of Information and Intellectual Property**

* 1. The Council is subject to laws about access to information including the Freedom of Information Act 2000, the Environmental Information Regulations 2004, the Audit Commission Act 1998 and the Procurement Act 2023. The Council may - despite any claim made by any Applicant that any information is given in confidence or is confidential in nature – be required to release any information it holds in accordance with the law, subject to the Council’s discretion concerning any applicable exemption or the application of any public interest test. It is important to note that information may be commercially sensitive for a time - for example, during a tender process - but afterwards some of that information it may not be, while other information may remain commercially sensitive for a longer period. The timing of any request for information may be extremely important in determining whether or not information is exempt. Applicants should note that no information is likely to be regarded as exempt forever.
	2. The Council does not in general consider the identities of the successful bidder or of unsuccessful bidders to be commercially confidential. It
	3. will publish the details of the successful bidder(s) as required by the Procurement Regulations 2024 and the Local Government Transparency Code;
	4. will provide unsuccessful bidders with a copy of successful bidders’ assessment summaries, redacted only to the extent that they contain information that is sensitive commercial information and where there is an overriding public interest in its being withheld from publication or other disclosure;
	5. will publish such details of unsuccessful bidders as are required by Regulation 27 of the Procurement Regulations 2024; and
	6. may release the identity of unsuccessful bidders in response to FOI requests without consultation with the bidders concerned once the contract has been awarded.
	7. Any working documents produced by the Council in the course of evaluation shall remain confidential to and the property of the Council and need not be retained by the Council.
	8. All intellectual property rights in the Procurement Documents and all materials provided by the Council or its professional advisers, consultants or information providers in connection with this tender and tender process are and shall remain the property of the Council and/or its professional advisers, consultants and/or information providers. The information they contain shall be used only for the purpose of preparing a tender and delivering any resulting contract.
	9. The contents of the Procurement Documents together with all other information, materials, specifications or other documents provided pursuant to or in the course of this procurement exercise, or prepared by the Applicants specifically for such purposes, shall be treated at all times as confidential by the Applicants unless put in the public domain by the Council. Applicants may not disclose any such information, materials, specifications or other documents to any third parties or to any other part of the Applicant´s company or group or use them for any purpose other than for the preparation and submission of responses to the Procurement Documents. Applicants may not publicise the Council’s name or the tender without the prior written consent of the Council.
	10. Applicants must seek the approval of the Council before providing to third parties any information provided in confidence by the Council and shall ensure that all third parties to whom disclosure is made shall keep any such information, materials, specifications or other documents confidential and not disclose them to any other third party except as set out above.

**Collusion, canvassing, bribery and corruption**

* 1. Applicants shall not enter into any agreement or arrangement with any other person with the intent that the other person shall refrain from responding to the procurement exercise or submit an excessively high price or an otherwise unattractive or non-compliant offer nor enter into any price-fixing agreement with any other person in respect of this procurement process.
	2. Applicants shall not, in connection with this procurement process or the proposed contract:
	3. offer any inducement, fee or reward to any officer or member of the Council;
	4. do anything which would constitute a breach of section 117(2) of the Local Government Act 1972 or of the Bribery Act 2010; or
	5. canvass any officer or member of the Council in connection with the response/tender about any aspect of the proposed contract or for soliciting information in connection therewith.
	6. If any Applicant or any employee of any Applicant or any third party acting on behalf of any Applicant commits an act detailed in clauses 9.18 or 9.19 or offers, promises or gives any bribe or inducement or makes any improper threat or colludes (or offers or agrees to collude) with any other Applicant in connection with this procurement exercise then, in addition to any criminal sanction such conduct may attract, the Council may:
	7. immediately exclude that Applicant’s offer from consideration;
	8. exclude that Applicant from future procurement exercises;
	9. terminate any contract entered into with that Applicant; and
	10. recover from that Applicant the reasonable costs of re-running this procurement exercise and any consequential losses (including loss of anticipated savings) which result from any delay in letting a contract.
	11. If any person approaches any Applicant seeking any bribe or making any offer to collude in respect of this procurement exercise, that Applicant is to contact the Council’s Head of Law immediately.



**Integrated Mediation and Disagreement Resolution For Young People and Parents and Carers of Children with Special Educational Needs and/or Disabilities**

NCCT43111

INVITATION TO TENDER

TO BE COMPLETED AND RETURNED BY APPLICANT

Form A: Details of Applicant

**Applicants are to edit the header of this form to insert their name at the top of every page.**

**You must be registered on the government’s Central Digital Platform,** [Find a Tender Service](https://www.find-tender.service.gov.uk/)**, or we will not be able to accept your bid.**

**Form A is split into different parts.**

## **Part 1 of Form A is information relevant to the procurement.** Part 1 – basic details

|  |  |
| --- | --- |
| Name of person or organisation tendering  |  |
| Trading as… |  |
| Find a Tender Service share code |  |
| Are you bidding in conjunction with another supplier? | Answer ‘yes or no’       |
| If yes, who is the lead bidder? |  |

|  |
| --- |
| **Person managing bid** |
| Ms, Mr, etc |  |
| Name |  |
| Address |  |
| Postcode |  |
| Country |  |
| Phone |  |
| Mobile |  |
| **Director, partner or trustee overseeing bid** |
| Mr, Ms, etc |  |
| Name |  |
| Address |  |
| Postcode |  |
| Country |  |
| Phone |  |
| Mobile |  |
| **Registered office address** |
|  |
|  |
|  |
| Postcode |  |
| Country |  |
| **Applicant’s registration number, as applicable** |
| Company registration no.  |  |
| Charity registration no.  |  |
| VAT registration no. |  |
| Other registration no. |  |
| **Group structure (as applicable)** |  |
| Name of immediate parent organisation |  |
| Company registration number |  |
| Name of ultimate UK holding company |  |
| Company registration number |  |
| Name of ultimate parent organisation |  |
| Country |  |

|  |
| --- |
| **Company size** |
| Are you an SME? (yes/no) |  |
| **Type of organisation (select one box only)** |
| Sole Trader |[ ]  Public sector |[ ]
| Partnership(Unincorporated) |[ ]  Private Company |[ ]
| Limited Liability Partnership (‘LLP’) |[ ]  Public Limited Company |[ ]
| Private Co. Limited by Guarantee |[ ]  VCSE, please select: Choose an item. |

**Part 2 is information relevant to contract management if you were to be successful and is non-mandatory but useful if we have a quick award-to-contract-commencement process.**

## Part 2 – contract management

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Role | Name | Phone | Mobile | Email |
| Contract manager |  |  |  |  |
| Ordering/referral |  |  |  |  |
| Contract queries |  |  |  |  |
| Invoice queries |  |  |  |  |
| Emergency out of hours contact |  |  |  |  |

**If you are not an existing NCC supplier, please complete the BACS form below. We will only pay by BACS transfer.**

|  |
| --- |
| Bank Details |
| Account Type |    |
| Name of Bank |        |
| Address of Bank |        |
| Sort Code |        |
| Account Number |        |
| Building Society Roll Number |        |
| Name the account is held in |        |

## Part 3 – not used

Form B: Grounds for exclusion

* **Applicants are to reproduce this Form B, retaining the question text and question numbering, and return it as part of their submission. Applicants are to answer all questions.**
* Applicants must edit the header of this section to insert their name at the top of every page of the forms so that it is clear to evaluators whose bid is whose.
* **Please do not append any documents unless specifically requested below.**
* If you cannot answer ‘yes’ to every question below it is very unlikely that your **Tender** will be accepted, and you should contact us for advice before completing this form.
* Please see section 4.4 of this Tender document for how this Form B should be completed if you are bidding as a lead contractor with sub-contractors or as a consortium.
* Applicants and any sub-contractor or member of a consortium who are also completing Form B must complete the self-declarations in relation to this Form B on behalf of all connected persons and entities, in accordance with The Procurement Act 2023 and the Procurement Regulations 2024.

## **B.1 Mandatory Grounds for Exclusion**

**We certify that we are registered on the Government’s Central Digital Platform, Find a Tender Service, and that we are not considered an excluded supplier under any of the provisions in** [**Schedule 6 of the Procurement Act 2023**](https://www.legislation.gov.uk/ukpga/2023/54/schedule/6)**.**

[ ]  Yes

[ ]  No

**If you have answered “no”, please provide an explanation below.**

## **B.2 Discretionary Grounds for Exclusion**

**We certify that we are registered on the Government’s Central Digital Platform, Find a Tender Service, and that we are not considered an excludable supplier under any of the provisions in** [**Schedule 7 of the Procurement Act 2023**](https://www.legislation.gov.uk/ukpga/2023/54/schedule/7)**.**

[ ]  Yes

[ ]  No

**If you have answered “no”, please provide an explanation below.**

## **B.3 Sub-contractors**

**We certify that the subcontractor(s) we rely on to deliver this contract are, or will be by contract award, registered on the Government’s Central Digital Platform, Find a Tender Service, and are not an excluded supplier(s) under any of the provisions outlined in B.1.**

[ ]  Yes

[ ]  No

**If you have answered “no”, please provide an explanation below.**

**We certify that the subcontractor(s) we rely on to deliver this contract are, or will be by contract award, registered on the Government’s Central Digital Platform, Find a Tender Service, and are not an excludable supplier(s) under any of the provisions outlined in B.2.**

[ ]  Yes

[ ]  No

**If you have answered “no”, please provide an explanation below.**

Please note that we will verify the information provided on this Form B with the Central Digital Platform.

We reserve the right to ask you to replace any sub-contractors that you are relying on to deliver the contract that are excluded or excludable suppliers.

Form C: Compliance with minimum standards

* **Applicants are to reproduce this Form C retaining the question text and question numbering and return it as part of their submission. Applicants are to answer all questions.**
* Applicants must edit the header of this section to insert their name at the top of every page of the forms so that it is clear to evaluators whose bid is whose.
* **Please do not append any documents unless specifically requested below.**
* **Responses to this Form C will be evaluated against the criteria at the end of the Form.**

## **Technical or Professional ability**

Our minimum standards for technical or professional ability are that Applicants have the experience, capabilities and qualifications set out in the questions below and are able to provide satisfactory references as evidence of their relevant track record. Please complete each question as instructed.

We need to be satisfied that your organisation has previous relevant experience in providing similar services.

* 1. **Do you have a proven track record and extensive knowledge and experience of providing Mediation services to Local Authorities or other large organisations?**

[ ]  Yes

[ ]  No

If yes please provide detailed evidence of your organisation’s relevant experience, including details of previous clients and projects (maximum 500 words). If no, please explain how you think that skills you have acquired may be transferrable to this work. Please note that if you cannot evidence a proven track record and extensive knowledge of providing Mediation services your application will fail.

**Answer below** (maximum 500 words)

We need to be satisfied that your organisation has appropriate professional qualifications e.g. Mediators and staff in supervisory, or management positions should be trained and accredited and recognised as meeting the standards approved by the College of Mediators and Civil Mediation Council.

* 1. **Does your organisation ensure that individuals employed to deliver Mediation services as defined in the specification of requirements hold relevant and current professional qualifications?**

[ ]  Yes

[ ]  No

If yes, please provide details of the qualifications and memberships of professional bodies held by individuals who would be working on the contract (maximum 500 words). Please note that if you cannot evidence that individuals employed to deliver Mediation services services as defined in the specification of requirements hold relevant and current professional qualifications your application will fail.

**Answer below** (maximum 500 words)

## **References**

Applicants must have experience of providing the services they are applying to provide. Therefore, we require details of two people that can provide references or two completed certificates of performance from organisations for whom you have provided services of a similar scope to the requirements within this procurement in the last 3 years. Certificates of performance must be attached to your submission and be fully referenced. If applying as a consortium, we require each member to supply details of two referees or certificates of performance. Voluntary, Community and Social Enterprises may include samples of grant funded work. **Failure to provide two eligible referees may result in disqualification**

|  |  |  |
| --- | --- | --- |
| **Reference information** | **Referee 1** | **Referee 2** |
| Customer Organisation: |  |  |
| Customer contact name: |  |  |
| e-mail: |  |  |
| phone number: |  |  |
| Date contract awarded: |  |  |
| Contract reference and brief description: |  |  |
| Total contract value in GBP(£): |  |  |
| Contract length in years: |  |  |

Scored as a pass/fail. If you are unable to provide satisfactory referees or certificates of performance we will not take your application further.

## Economic and financial standing

The information provided will be used to assess your Organisation’s financial standing.

**Our minimum standards for economic and financial standing are that:**

* Applicants comply with regulatory requirements relating to the filing of statutory accounts
* Applicants’ statutory accounts (if any) have received a ‘clean’ audit opinion or, where the audit opinion is qualified, suitable, appropriate and timely action has been taken to deal with the issues raised;
* The financial aspects of Applicants’ organisations (including but not limited to the payment of creditors) are properly managed;
* Applicants’ organisations are financially sustainable, including adequate liquidity, profitability, balance sheet strength and cash flow.
* Applicants provide information on their annual accounts showing the ratios, for example, between assets and liabilities.

**Checks and review:**

1. We will first check that your statutory accounts (where you are required to file them) have been filed on time. If they are overdue, we will seek an explanation from you and, if no acceptable explanation is forthcoming, we will not take your application further.
2. We will make checks with a credit rating agency and, if there are any adverse reports (such as High Court writs, County Court Judgements, or qualifications to your auditor’s report) we will seek an explanation from you. If no acceptable explanation is forthcoming, we will not take your application further.
3. Subject to (1) and (2) above we will review the information provided and publicly available information and will consider whether there are “warning signals” which, taken together, indicate significant cause for concern about your financial stability. These may include:
4. falling cash levels
5. falling profit margins
6. increasing overdraft with static turnover
7. major reductions in staffing
8. increasing employment with static turnover
9. increasing debtor and creditor days
10. larger increases in creditors than debtors
11. deteriorating liquidity
12. over-reliance on short term debt
13. high gearing
14. unsatisfactory results of ratio analysis
15. increasing pension liabilities
16. heavy write-offs of foreign or subsidiary holdings
17. late filing of accounts
18. qualified accounts
19. profit warnings
20. County Court Judgements (CCJs)
21. poor credit ratings
22. unusual accounting policies
23. changing auditors and bankers
24. debt rating downgrades/alerts
25. concerns raised by investment bank prospect reports
26. adverse press reports.

We may seek further information or explanation from you about any such matter.

**Information required:**

The following financial information is required to be provided and an assessment will be undertaken to produce a summary profile of your organisation's financial condition and that of its ultimate parent (if applicable).

If you have changed your legal identity during the last two years, please provide accounts for both old and new identities.

A qualitative assessment will be used to identify the level of risk presented by your organisation the results of which will be categorised either as a Low Risk, Medium Risk or High Risk.

The Council may seek further information from any Applicant about their economic and financial standing during the evaluation.

The Council may also ask any Applicant whether it is willing to offer a financial guarantee (such as a parent company guarantee or ultimate holding company guarantee) and/or a performance bond and/or any similar instrument and may take into account the comfort offered by these instruments in its assessment of whether financial risk is ‘high’.

**In order to meet minimum standards your organisation must be categorised as either a 'low' or 'medium' risk. Applicants categorised as a 'high' risk will be eliminated and their application will not be taken further.**

1. Please provide a copy of the audited accounts at i for the most recent two years. If this is not available please provide one or more of ii, iii or iv to demonstrate your economic/ financial standing. Please indicate which items you have attached to your bid by ticking “yes” or “no” in the relevant box.
2. A copy of the audited accounts for the most recent two years.

[ ]  Yes

[ ]  No

1. A statement of the turnover, profit and loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation.

[ ]  Yes

[ ]  No

1. A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position.

[ ]  Yes

[ ]  No

1. Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).

[ ]  Yes

[ ]  No

1. Have you complied with regulatory requirements relating to the filing of statutory accounts, including filing accounts on time?

[ ]  Yes

[ ]  No

**If you have answered “no”, please provide an explanation below**

1. Where the Council has specified a minimum level of economic and financial standing and/or a minimum financial threshold within the evaluation criteria for this **tender,** please self-certify by answering ‘Yes’ or ‘No’ that you meet the requirements set out here.

[ ]  Yes

[ ]  No

**If you have answered “no”, please provide an explanation below**

1. Where the audited accounts (if any) provided do not cover the most recent full financial year (or part financial year if you have been trading for less than one financial year), please provide a statement of your turnover, profit & loss and cash flow for that financial year (or part year if full year not applicable) and an end period Balance Sheet, or a draft set of accounts.
2. Where a Consortium or Association is proposed, the information is requested for each member company.

**Evaluation**

For each candidate we will prepare an analysis stating a summary score, from 1 to 3, as follows

1 – High risk Unacceptable financial risk

2 – Medium risk Some concerns but acceptable

3 – Low risk No material concerns

and a summary justification for the score given, reflecting reasoned professional judgment, where an Applicant receives a score of 1.

Parent Companies will not be reviewed unless a company fails its initial assessment.

We will eliminate Applicants who score 1.

## Modern Slavery Act

If you have an annual turnover of at least £36 million and are a relevant commercial organisation as defined in the Modern Slavery Act 2015, please confirm that you have published a statement and that you meet the requirements of Section 54 and any guidance issued under Section 54 of the Modern Slavery Act 2015.

[ ]  Yes

[ ]  No

[ ]  N/A – our turnover is less than £36 million and we are not a relevant commercial organisation as defined in the Modern Slavery Act 2015.

If you cannot answer yes to this question where you have an annual turnover of at least £36 million and are a relevant commercial organisation as defined in the Modern Slavery Act 2015, your tender will be rejected.

## Health and Safety

The Council needs to be confident that Applicants have a good track record of managing Health and Safety both for their own organisation and the public, and organisations should be able to demonstrate they have previous experience in undertaking the type of work involved safely. In order to demonstrate this please answer the following questions.

**We have identified risks for this contract due to it being for mediation services.**

The Council reserves the right to seek further information from any Applicant to support the statements provided below, including but not limited to requesting copies of relevant policies and procedures, method statements and copies of risk assessments for this type of work, and verifying that any stated sub-contractors meet the same standard.

**The criteria at the end of this Form C will be used to evaluate the responses to each of the questions in this section. If you do not pass this part of the evaluation, your** tender will be rejected.

* Please limit each response to a maximum of 500 words.
* **The responses to these questions will be evaluated by Norfolk County Council's Health and Safety team.**

**Behaviour management**What do you do to manage difficult and dangerous behaviour positively so that individual safety and dignity is maintained?

We are looking for information that shows your approach to the understanding and management of challenging behaviour. The use of restrictive physical intervention techniques must be used as a last resort, only when all other strategies have been considered, using minimum force to ensure safe outcomes.

**Answer below**

1. Please provide details of health and safety responsibilities and organisation arrangements relating to your business.

We are looking for information that confirms that essential safety management arrangements are in place. Your response should include:

* Who has senior management responsibility
* Who provides you with competent health and safety advice
* What health and safety training you provide, relevant to your business
* How health and safety is monitored and reviewed
* How you select and monitor sub-contractors for your business. If you do not sub-contract, please state Not Applicable.

**Answer below**

1. If your work involves activity where registration or licensing with a statutory body is required, please provide details of e.g. the date of the last inspection by CQC and the outcome; or details of how your employees meet competency requirements for gas and electrical safety or licensed asbestos work.

Where there are no relevant regulatory bodies for your work, please state Not Applicable.

**Answer below**

1. In relation to your business, please give details of any pending or completed prosecutions and prohibition or improvement notices served by the HSE, EHO or Fire Service and actions taken as a result, over the past three years.

A number of significant incidents will not automatically preclude an organisation from the process, unless the evidence provided about the actions taken is unsatisfactory, or there are enforcement actions for the same type of deficiency.

**Answer below**

1. In relation to your business, please provide the following information for the last three years:
* The number of incidents reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)
* A summary of incident details, investigation findings and actions identified to prevent recurrence.

Confirmation that all actions have been implemented

**Answer below**

## Corporate Carbon Reduction Plan

Please confirm that your organisation is publicly committed to achieving Net Zero by 2050 and provide a copy of your **corporate** Carbon Reduction Plan (CRP). The CRP should align with the requirements set out in [Procurement Policy Note 06/21](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Fprocurement-policy-note-0621-taking-account-of-carbon-reduction-plans-in-the-procurement-of-major-government-contracts&data=05%7C01%7Cche.metcalf%40norfolk.gov.uk%7Cf464bb30f4124ee74a1908db8c45cdac%7C1419177e57e04f0faff0fd61b549d10e%7C0%7C0%7C638258003645197552%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=kfFJj5o7u4zXA3J66h%2BaDQPj%2BPke1Uyb0BhZovOpaj8%3D&reserved=0) (PPN 06/21).

[ ]  Yes

[ ]  No

**If you are unable to answer ‘yes’ to this question we may not take your application further.**

**The Carbon Reduction Plan will be scored against the criteria at the end of this Form C. If you fail this part of the evaluation, your tender is likely to be rejected.**

## Compliance with equality legislation

For organisations working outside of the UK please refer to equivalent legislation for the country or countries in which you are located.

1. In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)?

[ ]  Yes

[ ]  No

1. In the last three years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination?

[ ]  Yes

[ ]  No

If you have answered “yes” to either or the questions above, please provide a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.

If the investigation upheld the complaint against your organisation, please use the written response to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.

You may be excluded if you are unable to demonstrate to the Council’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring.

**If your answer to questions 1 or 2 is “Yes”, explain below**

1. If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations?

[ ]  Yes

[ ]  No

[ ]  N/A

**If your answer to this question is “No”, explain below.**

**Responses to questions 1 and 2 will be scored against the criteria at the end of this Form C where a written response has been provided to support a “yes” to either of these questions. If you fail this part of the evaluation, your** tender is likely to be rejected.

|  |  |
| --- | --- |
| Descriptor FOR THE ALLOCATION OF PASS/FAIL scores | Mark awarded |
| The application shows one or more of the following features appropriate to the question:* Applicant has not provided a response
* Applicant provides a response of such a poor standard as to provide no confidence that the Applicant could meet the requirements
* Applicant provides no evidence that their experience and/or expertise is relevant to this contract
* The Applicant has demonstrated poor industry practice in their response
* The Applicant does not hold the required qualification(s), registration(s) or licence(s) in order to perform the contract and will not do so by contract commencement
* Supporting documents (where requested) are of insufficient quality, depth or relevance to provide any confidence that the Applicant could meet the requirement.
 | Fail |
| The application shows, relevant to the appropriate question, that:* The Applicant has the required experience and/or expertise to provide the service and provides some confidence that they would be able to perform the contract
* The Applicant has demonstrated that they have the capability to perform the contract
* The Applicant has demonstrated that they hold the required qualification(s), registration(s) or licence(s) in order to perform the contract or that they will do so by contract commencement
* The Applicant has demonstrated good industry practice in their response
* The supporting documents (where requested) are of good quality, relevant and of sufficient depth and demonstrate that the Applicant could meet the requirement.
 | Pass |

Form D: Willingness and ability to comply with contractual requirements

* Applicants are to reproduce this Form D, retaining the question text and question numbering, and upload it as part of their submission. Applicants are to answer all questions.
* Applicants must edit the header of this section to insert their name at the top of every page of the forms so that it is clear to evaluators whose bid is whose.
* **Please do not append any documents unless specifically requested below.**

D1. Conditions of contract

The following questions are marked as pass/fail, where “yes” is a pass, and “no” is a fail

.

**D1.1 Terms and conditions**

We are willing to enter into the contract in accordance with the specified terms and conditions, without modification.

[ ]  Yes

[ ]  No

.

**D1.2 Data Protection**

We understand the requirements of the Data Protection Act (DPA) 2018 and guarantee our ability to comply with the applicable regulations and legislation.

[ ]  Yes

[ ]  No

**D1.3 Data Centres**

Norfolk County Council as data controller must ensure that any personal data provided by it to you as processor is handled and stored in such a way that it is protected according to UK GDPR standards. That applies even where your data centre is outside of the United Kingdom or European Union. Should your data centre be located in a third country, please confirm what country this is and, where necessary, what measures you propose to guarantee an equivalent level of protection.

Where will you store and handle personal data pertaining to the contract?

UK: [ ]  Yes [ ]  No

European Union: [ ]  Yes [ ]  No

If somewhere outside the EU or UK, where are your data centres located:

If you have selected a country outside the UK or European Union, please confirm what country this is and, where necessary, what measures you propose to guarantee an equivalent level of protection.

**Please answer below:**

Norfolk County Council in recognition of its responsibilities as data controller is unable to process your application if no response to this question is received, or if the response, in its opinion, is unclear or unable to establish how an equivalent level of protection is to be provided. You should consider taking legal advice on this issue if you are unsure of how to respond.

Form F: Quality

* Applicants are to reproduce this Form F retaining the questions and numbering and return it as part of their tender submission. Applicants must answer all questions.
* Applicants must edit the header of this section to insert their name at the top of every page of the forms so that it is clear to evaluators whose bid is whose.
* Applicants’ responses must be clearly legible and in at least 11-point type, on a line spacing of at least 1.2 times the type size.
* The answer to each question must be self-contained. Responses such as ‘see answer to question x’ are not acceptable.
* You should not assume that the evaluators have any prior knowledge of your organisation, its capabilities or the solutions your organisation offers and you should ensure your responses to each question presume the evaluators know nothing of your organisation, and where relevant your subcontractors, consortium members or partners if you are heavily reliant on a third party in a bid.
* **Please do not append any documents unless specifically requested below.**
* Ensure that your answers are succinct and do not drift over the word count guide unnecessarily. If the word count is causing you significant issues with answering a question thoroughly, please raise this as a clarification. Please note that if you grossly breach the word count guide anything over that guide is likely to be disregarded.
* Please ensure all answers are fully referenced to the relevant question.
* The scoring matrix provided in Evaluation Data (Section 8) is to assist evaluators in establishing areas of the proposals that concern them, and those areas that they think are good, and feedback will be provided to all Applicants.

### AI and Machine Learning (not scored)

Are AI or machine learning technologies used as part of the products or services you intend to provide?

[ ]  Yes

[ ]  No

If “Yes”, please describe how AI technologies are integrated into your service offerings below, and ensure that they are fully described in your responses to the weighted questions.

### F1.1 Service Delivery Plan (35%)

Please provide an overview of your service, which outlines how you will achieve the aims and outcomes of the specification. Your response needs to be structured so that it includes the following:

Part a) Mobilisation (15%)

* Detail the key activities you will take to ensure the staff are in place, this could include, recruitment, FTE resource, a structure chart, qualifications and experience you will require, training delivered.
* Include in your response a mobilisation plan / Gantt with key milestones, a structure chart.

Part b) Delivery (20%)

* How your staffing model will operate in practice
* How you will be flexible in managing variable demand coming into the service, including your policy and management around cancellations
* How you will be responsive to the needs of the service users accessing MIAS & MDR
* How you will define and record outcomes of mediation. What approaches will you use?
* How you will ensure that parents, carers, children and young people and professionals feel listened to

How you will monitor, measure & report in a timely way, the outcomes, outputs and KPIs set out in the specification / Performance Schedule

**Answer below** (A guide of 2500 words)

### F1.2 Management of the Service (35%)

Please detail the processes your organisation has in place to deliver high performing and exceptional quality services.

Your response needs to be structured so that it includes the following:

Part a) Management of Staff & Operations (20%)

•Detail on the roles which hold the critical points of failure and business continuity plans during absence

•Process for supervision, performance management, development and recruitment/ retention of staff.

•Details of any key training staff undertake as part of your core training and development programme and any additional training staff will undertake in relation to this contract.

Part b) Management of Performance (15%)

• The measures you will use to ensure data is accurate and on time

• How you will identify performance issues.

• The steps you will take to escalate any issues.

**Answer below** (A guide of 2500 words)

Form G: Pricing schedule

* Applicants’ responses shall be clearly legible and in at least 11-point type, on a line spacing of at least 1.2 times the type size.
* Applicants must edit the header of this section to insert their name at the top of every page of the forms so that it is clear to evaluators whose bid is whose.
* **Please do** not **append any documents unless specifically requested below.**
* All prices tendered must exclude VAT.

##  Price schedule

* Please provide your cost breakdowns showing how you have calculated each referral unit price, using the information provided in the specification under section 2 ‘Statement of Requirements’ for consideration, ensuring that these costs are fully inclusive of all preparation activity. You must not caveat your bid or add any additional information.
* Providers may also find information provided in the Needs Assessment, Schedule 1, appendix 2 relevant in determining their unit costs.
* Please provide a separate spreadsheet with your cost breakdowns for each aspect of the service, this won’t be evaluated.

|  |  |
| --- | --- |
| **Descriptor**  | **Referral Unit price**  |
| MIAS (8%) | £ |
| Mediation (15%) | £ |
| Disagreement Resolution (2%) | £ |
| Late Cancellation / resolved pre – meeting (5%)  | £ |

##  Prices for information only – not scored

* 1. Please provide a separate spreadsheet with your core cost breakdowns for each aspect of the service above, showing your calculations to support the price you have submitted.
	2. Please provide any costs which are additional, for example services that could be spot purchased. Please note that there is no guarantee that we will purchase the items quoted for below.

|  |  |  |
| --- | --- | --- |
| Descriptor  | Additional service Description | Cost |
| MIAS, Mediation, Disagreement Resolution |  |  |
|  |  |
|  |  |

Form Z: Applicant's declaration

* Please read the declaration carefully before signing it. If we award you a contract, this declaration will form part of that contract and you will be legally bound by it.
* Applicants may either print this Form Z on plain white A4 paper, sign and date it with a pen, scan and then upload it as the final part of their submission, or use an electronic signature.
* Applicants are to edit the header of this section to insert their organisation’s name at the top of every page of the forms.

## Z.1 Checklist

Check each issue below and tick each box.

|  |  |
| --- | --- |
| We confirm that:  | Tick |
| We are registered on the Government’s Central Digital Platform, Find a Tender Service  | [ ]  |
| Any subcontractors we are relying on are registered on the Government’s Central Digital Platform, Find a Tender Service  | [ ]  |
| We do not appear on the Government’s debarment list | [ ]  |
| Any subcontractors we are relying on do not appear on the Government’s debarment list | [ ]  |

|  |  |
| --- | --- |
| We have completed the following forms: | Tick |
| * Form A (as the cover sheet to our submission)
 | [ ]  |

|  |  |
| --- | --- |
| * Form B
 | [ ]   |
| * Form C including references or certificates of performance, plus supporting financial information
 | [ ]   |
| * Form D
 | [ ]   |
| * Form F
 | [ ]   |
| * Form G including the cost breakdown
 | [ ]   |
| * This Form Z, either printed then signed with a pen, then scanned and uploaded as a .pdf, or added electronically
 | [ ]   |

|  |  |
| --- | --- |
| We have: | Tick |
| Amended the header on each form to insert our organisation’s name. | [ ]   |
| Included all required documents and information, without omission. | [ ]   |
| Made arrangements for the tender to be uploaded and submitted on time, with adequate contingency for ICT failures, power outages etc. | [ ]   |

|  |  |
| --- | --- |
| We have not: | Tick |
| Used a smaller typeface or line spacing than that permitted. | [ ]   |
| Annexed any document not specifically requested. | [ ]   |

## Z.2. Declarations

**AI, Large Language Models and Machine Learning Software declarations**

AI tools can be used to improve the efficiency of the bid writing process, however they may also introduce an increased risk of misleading statements. Have you used AI or machine learning tools, including large language models, to assist in any part of your tender submission? This may include using these tools to support the drafting of responses to Award and/or Minimum Standards questions.

[ ]  Yes

[ ]  No

Please detail any instances where AI or machine learning tools, including large language models, have been used to generate written content or support your bid submission, below:

Where AI tools have been used to support the generation of Tender responses, please confirm that they have been checked and verified for accuracy:

[ ]  Yes

[ ]  No

**Important Legal Notice declaration**

We agree to the conditions specified in the ‘Important Legal Notice’ at section 9 of the Invitation to Tender.

We warrant, represent and undertake to the Council that:

1. neither we nor any employee or third party acting on our behalf has offered, promised or given any bribe or inducement or made any improper threat or colluded (or offered or agreed to collude) with any other person in connection with this procurement exercise
2. we have complied in all respects with this Invitation to Tender
3. all information, representations and other matters of fact contained in our tender are true, complete and accurate in all respects
4. we have made our own investigations and research and have satisfied ourselves in respect of all matters (whether actual or contingent) relating to the tender and have not submitted this tender response and will not have entered into the contract in reliance upon any information, representation or assumption (whether made orally, in writing or otherwise) which may have been made by or on behalf of the Council
5. we have satisfied ourselves as to the correctness and sufficiency of the information we have inserted in the tender
6. we have full power and authority to enter into the contract and provide the services
7. we are of sound financial standing and will have sufficient premises, working capital, skilled staff, and other resources available to us to provide the services in accordance with the contract
8. we have obtained or are able to obtain all necessary consents, licences and permissions to enable us to provide the services.

We hereby offer to provide the services in accordance with the contract attached as the annexure to this Invitation to Tender which includes for the avoidance of doubt any documents specified in the contract as forming part of the contract including (but not limited to) the prices and operational proposals set out in this tender, the terms and conditions of contract, the Specification attached as a Schedule to the terms and conditions, and any written clarifications issued or received by the Council prior to the written acceptance of the Council of this tender. We agree that the Council’s acceptance of this Tender shall form a binding contract between us on the above terms.

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Tendering Organisation |  | Signature of authorised officer |  |
| Date |  | Position of authorised officer |  |
|  |  | Name of authorised officer |  |
| Name of Tendering Organisation |  | Signature of authorised officer |  |
| Date |  | Position of authorised officer |  |
|  |  | Name of authorised officer |  |

This block will be signed on behalf of Norfolk County Council in the event that your tender is accepted.

We, Norfolk County Council, hereby accept your offer and a binding contract now exists between us and you on the above terms for Integrated Mediation and Disagreement Resolution For Young People and Parents and Carers of Children with Special Educational Needs and/or Disabilities.

|  |  |
| --- | --- |
| Name of authorised officer |  |
| Position |  |
| Signature |  |
| Name of authorised officer |  |
| Position |  |
| Signature |  |
| Date |  |