



Care and Support Services (1318) National Flexible Framework

PART 1 – INTRODUCTORY PACK (incorporating Information and Instructions to Tenderers) (New Entrants April 2021)

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TENDER:	Care and Support Services (New Entrants April 2021)
FRAMEWORK REFERENCE:	1318
PERIOD:	01 April 2020 – 31 March 2024 (Commencement Date for New Entrants to be confirmed at time of award)

Update Position Statement (New Entrants April 2021)

Since the initial tender exercise in August 2019, a review has been carried out on the original tender documentation.

Some information will be as per the time of writing, and while no significant modification has been made, we would draw your attention to the following documents which include Update Position Statements, where relevant:

- **Part 1 – INTRODUCTORY PACK (incorporating Information and Instructions to Tenderers);**
- **Part 3A – TENDERER RESPONSE TEMPLATE;**
- **Part 2B Continued – SCHEDULE 7 OF THE FLEXIBLE FRAMEWORK TERMS – FINANCIAL INFORMATION;**
- **Part 3B – Part G – Tender Declaration and Certificates;**
- **C&S Webinar 2019 – Slides;**
- **Tender Clarification Q&A.**

Tender documents with amendments/updates can be identified by the addition of “(New Entrants April 2021)” to their title (shown in the blue box at the start of each document) and updates will be shown within a red box (like this one) as and when necessary.

In order to reduce clarifications both during and post tender:

- Four (4) additional documents have been included to offer guidance to Tenderers in completing their submission;
- Three (3) new questions have been included within Schedule 3A - Tenderer Response Template.

Please note: references to the Scotland Excel “Director” should now be read as references to its “Chief Executive” following a change to the post title.

TENDER:	Care and Support Services (New Entrants April 2021)
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Preamble to Flexible Framework	

Background to the Care and Support Services Flexible Framework

Scotland Excel has been funded by the Scottish Government to enable collaborative procurement opportunities in the delivery of Care at Home and Supported Living Services. We have worked closely with a range of partners to develop this Flexible Framework in recognition that opportunities exist to collaboratively develop a best practice approach to purchasing Care and Support that focuses on choice and control, quality and embeds Fair Work Practices within sustainable Service provision. We are grateful for the support, engagement and consultation of partner Councils, the Scottish Government, COSLA, the Care Inspectorate, Scottish Care, CCPS and other organisations in the development of this Flexible Framework.

A fundamental concern, in development of this Flexible Framework, has been to ensure we not only encompass, but actively promote, key aspirations within the Health and Social Care Standards and those emerging from the wider adult social care reform programme. We believe that a ‘Flexible’ Framework approach maximises a partnership approach, essential in encouraging innovation and quality care. To this end we have tried to embody, as far as possible, the views and contributions of the wide range of collaborators. We are, however, mindful that this is the first attempt to deliver a National Flexible Framework and whilst we endeavoured to include the range of opinions and thoughts it was not possible to capture all. We are clear though that this is the first step in an iterative process which will change, evolve and inform future versions.

Throughout the Flexible Framework documentation, Scotland Excel uses the term Council or Purchaser as the contracting party, however, the reference to the Council recognises that the Integration Authority directs the Local Authority, under the banner of the Health and Social Care Partnership to deliver on their intentions as part of their Strategic Plan.

We want to actively encourage Providers of all sizes to participate in opportunities that this Care and Support Flexible Framework will offer. We wish to work in partnership with Providers and people who use Services to operate an outcome focussed approach to the purchase and provision of Care and Support Services. To this end, to ensure continuity, and promote choice, of Service, we have significantly simplified the application process and throughout the four (4) year Duration of the Flexible Framework it will be possible for Providers to make changes to their Services (including adding new Services) and the arrangement will be periodically reopened to facilitate inclusion of new Providers.

About Us

Scotland Excel is the Centre of Procurement Expertise for the local government sector in Scotland. Established in 2008, we are the leading non-profit shared service funded by and comprising of Scotland’s thirty-two (32) Local Authorities. Scotland Excel is formed by agreement among Councils throughout Scotland and is maintained through a Joint Committee under Section 57 of the Local Government (Scotland) Act 1973.

At Scotland Excel we are leaders of change. Over the past eleven (11) years, we have helped to raise the profile of procurement and commissioning in Local Authorities by championing its

potential to support policy priorities, ensure sustainable delivery of services that communities and individuals depend upon. Collaborative procurement increases efficiency and can realise a host of social, economic and environmental benefits. For over a decade, Scotland Excel has dedicated a select team of local government officers with specialist knowledge of social care and procurement to undertake a series of projects at the request of Scottish Councils in line with Scottish Government objectives.

The social care team currently manages agreements relating to children's care, technology enabled care, provision of care homes for older people, community meals and care homes for adults with learning disabilities. The team actively engages with regulators and other key staff within Councils. We will bring this expertise to work in collaboration to deliver an outcome focussed approach to the purchase of care over the four years that this Flexible Framework will be in place.

We facilitate the development and sharing of best procurement practice and take an active role in ensuring that the needs of our sector are understood within the wider landscape of procurement reform.

For further information about Scotland Excel, Providers are referred to our website www.scotland-excel.org.uk.

[End of Preamble to Flexible Framework]

TENDER:	Care and Support Services (New Entrants April 2021)
FRAMEWORK REFERENCE:	1318
PERIOD:	01 April 2020 – 31 March 2024 (Commencement Date for New Entrants to be confirmed at time of award)

Information and Instructions to Tenderers

PLEASE NOTE: Except where the context otherwise provides, terms used in this document with an initial capital letter are to be interpreted in accordance with the Flexible Framework Agreement, Schedule 6 – Identified and Defined Terms.

1. Introduction

- 1.1 The above Tender will establish a Flexible Framework which shall be open to all thirty-two (32) Councils in Scotland and such other bodies as are set out in the relevant Contract Notice. Organisations entitled to access the Flexible Framework, together with any successors in statutory function and bodies established by Councils to carry out their functions in respect of the Services delivered can be found in the Contract Notice.
- 1.2 As members of Scotland Excel, all Councils in Scotland have the right to use the Flexible Framework, as noted above. It is currently anticipated that **NUMBER REMOVED** Councils may use the Flexible Framework, from the Commencement Date or during the maximum four (4) year lifetime of the Flexible Framework, and that this number may increase over the period of the Flexible Framework. The **NUMBER REMOVED** Councils who have confirmed a possible intention to participate in the Flexible Framework can be viewed at Appendix 1 (Participating Councils) of this document.

Update Position Statement (New Entrants April 2021)

Further to Clause 1.2 above, Orkney Islands Council have confirmed their intention to participate. Therefore it is now anticipated that the number Councils who may use the framework is twenty-three (23).

- 1.3 The information in this section 1 and in Appendix 1 (Participating Councils) is provided for information only and does not constitute a commitment to award any work under the Flexible Framework. Similarly, nothing in the Flexible Framework will preclude Councils from developing or awarding their own contracts for the same or similar Services.
- 1.4 Additionally, it should be noted that Councils have their own current arrangements for Services and whilst Appendix 1 (Participating Councils) provides anticipated uptake of this Flexible Framework by Councils, this may be subject to change throughout the Duration. This will be a Council decision and linked to the relevant Council policies and procedures including, for example, relative to the care assessment and review process.

2. Public Contracts Scotland

- 2.1 This Tender process is being undertaken on the Public Contracts Scotland (PCS) electronic portal: www.publiccontractsscotland.gov.uk, (“the PCS System”). All

documents are available for access on this website. The Invitation to Tender (ITT) should be read in full by Tenderers and responses must be submitted electronically through the PCS System by the closing date and time stated for submissions within the Contract Notice. For guidance on how to submit a response please access the user guidance document available at:

[www.publiccontractsscotland.gov.uk/userguides - Supplier User Guide \(Postbox\)](http://www.publiccontractsscotland.gov.uk/userguides - Supplier User Guide (Postbox))

2.2 Tender Queries – Questions and Answers

In order to ensure a transparent process, all questions, in relation to the tender documents, must be posted anonymously through the question and answer facility on the PCS System. Scotland Excel will issue responses to submitted questions to all organisations who have expressed their interest in the Tender opportunity on the PCS System at a minimum period of once a week up until the deadline for tender submissions.

Update Position Statement (New Entrants April 2021)

An additional document has been included within the tender pack “Tender Clarification Q&A”, containing previously asked clarification questions, and their respective responses [anonymised].

Queries must be submitted no later than **PREVIOUS DATE REMOVED** in order to allow sufficient time for Scotland Excel to respond and for Tenderers to consider any Scotland Excel response in their submission.

Update Position Statement (New Entrants April 2021)

Queries must be submitted no later than **12 noon 10 November 2020** in order to allow sufficient time for Scotland Excel to respond and for Tenderers to consider any Scotland Excel response in their submission.

All relevant documentation has been updated to reflect this.

2.3 European Single Procurement Document (ESPD) Scotland

Scotland Excel elects to use the ESPD (Scotland) in this exercise in respect of exclusion grounds and selection criteria for this Flexible Framework, as a matter of best practice. For guidance on completion of the ESPD (Scotland) please access user guidance documents available on the PCS website:

www.publiccontractsscotland.gov.uk/userguides/ESPD Module in PCS - Supplier Guide

2.4 This Flexible Framework is intended to maximise choice and flexibility for Councils to achieve the best Outcomes for Supported People and is likely to involve a significant number of participating Providers. Tenderers will therefore be required to submit the ESPD (Scotland) together with any associated supporting documents, at the time of Tender submission in accordance with Regulation 60(8) of the Public Contracts (Scotland) Regulations 2015, as this is considered necessary in order to ensure the proper conduct of the procedure. Tenderers should refer to the Tenderer Response Template (Part 3A of the ITT) for the full checklist of documents required when submitting a response.

3. Structure of the Tender

3.1 The Tender is split into three parts:

Tender Part	Document
Part 1 – Introductory Pack	Preamble to Flexible Framework Information and Instructions to Tenderers
Part 2A – Flexible Framework Terms	Flexible Framework Terms
Part 2B – Schedules to the Flexible Framework	Schedule 1 – Service Specification Schedule 2 – New Entrants to the Flexible Framework Guidance Note Schedule 3 – Calling Off from the Flexible Framework Guidance Note Schedule 4 – Individual Support Terms Schedule 5 – Individual Support Agreement Schedule 6 – Identified and Defined Terms Schedule 7 – Financial Information
Part 3 – Tenderer Response Pack	Part 3A – Tenderer Response Template Part 3B – Tender Declarations/Certificates/Letter of Authority

Update Position Statement (New Entrants April 2021)

Whilst no significant modification has been made to the tender documents, and the tender remains in three (3) parts (for completion) there are now four (4) additional documents within the tender pack.

Three (3) give further guidance to Providers, and one (1) [denoted *] which did form part of the original tender (within Part 3B) but is now a separate document, as required.

These are noted in red, below.

Tender Part	Document
NEW Guidance	Introduction to Reopening (Letter of Introduction outlining key changes)
NEW Guidance	Tender Webinar Slides October 2019
NEW Guidance	Tender Clarification Q&A (Questions and responses received during Webinar and original tender exercise)
Part 1 – Introductory Pack	Preamble to Flexible Framework Information and Instructions to Tenderers
Part 2A – Flexible Framework Terms	Flexible Framework Terms
Part 2B – Schedules 1-6 of the Flexible Framework Terms	Schedule 1 – Service Specification Schedule 2 – New Entrants to the Flexible Framework Guidance Note Schedule 3 – Calling Off from the Flexible Framework Guidance Note Schedule 4 – Individual Support Terms Schedule 5 – Individual Support Agreement Schedule 6 – Identified and Defined Terms Schedule 7 – Financial Information
Part 2B – Schedule 7 Guidance	Schedule 7 - Financial Information Sample, Clarification and Guidance
Part 3 – Tenderer Response Pack NEW	Part 3A – Tenderer Response Template Part 3B – Part G - Tender Declaration and Certificates Part 3B – Part H - Letter of Authority*

- 3.2 As stated in paragraph 2.4, above, a checklist has been provided within the Tenderer Response Template (Part 3A of the ITT) identifying all information and supporting documents that Tenderers must submit to ensure a complete response which can be evaluated by Scotland Excel.

- 3.3 Where an incomplete response is submitted this may be rejected by Scotland Excel as being non-compliant and unable to be evaluated further. In particular, all Tender responses need to include a completed Schedule 7 – Financial Information for each Service, in order to be evaluated. In the absence of that, Scotland Excel may not be able to evaluate the offer further and it may be excluded. If excluded, Tenderers may re-submit future Tender responses to provide the Service in accordance with the New Entrant procedures set out in Schedule 2 – (New Entrants to the Flexible Framework Guidance Note).**

4. Scope of Services

- 4.1 The Services which are the subject of the proposed Flexible Framework encompass Care at Home and Supported Living Services but will be known herein as “Care and Support Services” or the “Service/s”.
- 4.2 Providers will support those in receipt of Services (“Supported People”) to achieve the best possible quality of life, in terms of their personal aspirations, choices and abilities, that enables them to live independently and safely within their own home for as long as practicable. Services will be flexible and adaptable to changes in Supported People’s assessed need or personal choice. Supported People and/or their Representatives should be fully involved in developing and shaping their Support Plans throughout the period when they receive Services.
- 4.3 The Flexible Framework will enable Councils (“the Purchasers”) to enter into Individual Service Agreements (ISAs) from time to time with the Provider which will set out the Services to be provided to Supported People.
- 4.4 The Flexible Framework has been advertised to allow for a total estimated spend as detailed in section 6 (below). This reflects the potential purchases that may be made by all Scottish Councils for the maximum duration possible as well as providing for contingencies. Providers should be aware, however, that the needs and Outcomes of a Supported Person will determine whether an ISA is entered into. Consequently, a Provider’s participation on the Flexible Framework, in and of itself, does not guarantee any level of Service provision or any future awards of ISAs to the Provider.

5. Period of the Flexible Framework

- 5.1 The Duration of the Flexible Framework will be for a maximum period of up to four (4) years from the Commencement Date.

Update Position Statement (New Entrants April 2021)

New Entrants joining during the Period of the Flexible Framework will receive notification in their award letter/schedule of the period applying to their award.

- 5.2 The Flexible Framework will allow participating Providers to add new Services, Geographical Areas or Care Groups. It will also allow for admissions by New Entrants. Tenderers should refer to Schedule 2 (New Entrants to the Flexible Framework Guidance Note) for additional information on the New Entrant process.
- 5.3 Tenderers should note that to ensure continuity of Service, ISAs made under the Flexible Framework may extend beyond the End Date of the Flexible Framework in accordance with the Flexible Framework Terms.

6. Total Estimated Spend

- 6.1 The total estimated spend has been advertised as five hundred and sixty (560,000,000) million pounds for the maximum Duration of the Flexible Framework. This reflects the potential purchases that may be made by all Scottish Councils for all Services of this type, for the maximum Duration possible, as well as providing for contingencies.
- 6.2 Whilst the Provider may receive a proportion of the value of the total estimated spend based on the demand for Services, as noted in earlier paragraph 4.4, a Provider's participation on the Flexible Framework, in and of itself, does not guarantee any level of Service provision or any future awards of ISAs to the Provider.

7. Tender Process Timescales

- 7.1 The procedure for the establishment of the Flexible Framework and any subsequent submission of New Entrants is set out as part of the published Contract Notice. The following indicative timescales are provided in order to outline the process that Scotland Excel expects to follow:

Activity	Target Completion Date
Release of Contract Notice/ITT on PCS	[PREVIOUS DATE REMOVED]
Provider Information Webinars	[PREVIOUS DATE REMOVED]
Deadline for Tender queries on the PCS question and answer facility	[PREVIOUS DATE REMOVED]
Deadline for Tender submissions	[PREVIOUS DATE REMOVED]
Evaluation of Tender responses	[PREVIOUS DATE REMOVED]
Tender clarifications and Provider meetings where necessary	
Tender outcome report submitted to the Scotland Excel Executive Sub Committee	[PREVIOUS DATE REMOVED]
Notice of the decision of the Executive Sub Committee	
15 Day Period to elapse (voluntary standstill)	
Formally advise Flexible Framework award	
Commencement Date of Flexible Framework	

Update Position Statement (New Entrants April 2021)

Revised timetable for the October 2020 reopening procedure is set out, below.

Please note this also includes an amendment to the process for approval, agreed at Executive Sub Committee on 28 February 2020:

Activity	Target Completion Date
Release of Contract Notice/ITT on PCS	02 October 2020
Tender Information Sessions	12 & 13 October 2020 (Copies of all previous webinar slides and Q&A within ITT)
Deadline for Tender queries on the PCS question and answer facility	12 noon on 10 November 2020
Deadline for Tender submissions	12 noon on 17 November 2020
Evaluation of Tender responses	November 2020 – February 2021
Tender clarifications and Provider meetings where necessary	

Activity	Target Completion Date
Tender outcome report submitted to the Chief Executive of Scotland Excel	January / February 2021
Tender outcome approval by the Chief Executive of Scotland Excel	
Minimum of ten (10) Day Period to elapse (voluntary standstill)	
Formally advise Flexible Framework award	
Commencement of Participation on Flexible Framework for New Entrants	01 April 2021
Scotland Excel advise Executive Sub Committee of updates in Annual Procurement Report	June 2021

7.2 These timescales may be subject to change. Tenderers will be notified of any change to the timescales identified.

8. Compliant Tender Response/Late Offers

8.1 As stated in paragraph 2.4 and 3.2, above, a checklist has been provided within the Tenderer Response Template (Part 3A of the ITT) identifying all information and supporting documents that Tenderers must submit to ensure a complete response which can be evaluated by Scotland Excel.

8.2 Where an incomplete response is submitted this may be rejected by Scotland Excel as being non-compliant and unable to be evaluated further. In particular, all Tender responses need to include a completed Schedule 7 – Financial Information for each Service, in order to be evaluated. In the absence of that, Scotland Excel may not be able to evaluate the offer further and it may be excluded. If excluded, Tenderers may submit future Tender responses to provide the Service in accordance with the New Entrant procedures set out in Schedule 2 – (New Entrants to the Flexible Framework Guidance Note).

8.3 Tenders submitted after the closing date and time as specified further in this Tender are late offers and WILL NOT be considered by Scotland Excel.

9. Tender Validity

9.1 Tender responses must remain open for acceptance for a period of one hundred and eighty (180) days.

10. Acknowledgement of Receipt

10.1 Acknowledgement of receipt by the PCS System after the closing date and time is by automated message which should not be taken to infer that the Tender is accepted by Scotland Excel as being either submitted on time or compliant.

11. Tender Evaluation

11.1 Tenderers may submit one offer comprising multiple Services in response to this ITT. All Services will be evaluated and awarded on a 'stand alone' basis.

11.2 Where Tenderers submit an offer comprised of multiple Services and are satisfied that the information submitted in respect of one Tender question would apply in the same way to more than one of its Services, it need not re-submit the information concerned for every such Service but should record this clearly in the Tenderer Response Template found in Part 3A of the ITT.

- 11.3 A key aim of this Flexible Framework is to maximise the range and choice of Providers delivering Care and Support Services.
- 11.4 The methodology that will be used to evaluate Tender submissions can be viewed at Appendix 2 (Tender Evaluation Methodology) of this document.

12. Entries on the Tender

- 12.1 All responses and submissions required in the Tender Documents must be provided at the point in the Tender Documents set aside for them, in the English language and in any format stipulated within the Tender Documents.

13. Data Protection

- 13.1 The information provided is being collected by Scotland Excel (the "data controller" for the purposes of the Data Protection Law) on behalf of its members in Scottish local government and other participating bodies for our own use. If your Tender submission is successful, our members will use the information to adopt your organisation onto their eProcurement systems and Scotland Excel will use it for planning and contact purposes. The information will be held securely and will be treated as confidential although it may be shared with other public-sector organisations when required to prevent or detect crime, to protect public funds or to improve our service to you.

14. Changes to Information

- 14.1 If at any time after the Tenderer has submitted a completed Tender to Scotland Excel, the information submitted by the Tenderer changes, the Tenderer shall advise Scotland Excel of such changes immediately.
- 14.2 Scotland Excel shall not be responsible for any failure to intimate or delay in intimation arising out of or in consequence of the Tenderer omitting to advise Scotland Excel of a change under this condition.

15. Post ITT Process – Clarification and Negotiations

- 15.1 The Tenderer must not supply any unsolicited information to Scotland Excel after the closing date and time for receipt of the Tender response.
- 15.2 Scotland Excel may request clarification on any part of the Tenderer's response. The Tenderer should note that any clarification of information provided in the completed Tender will either be made via a written communication or be sought at a negotiation meeting.
- 15.3 Where required, Scotland Excel may share information supplied by the Tenderer with such bodies as required to verify the authenticity of the information supplied. Without limitation, this includes the Care Inspectorate and any other relevant Law enforcement or Regulatory Body. Submission of a completed Tender by an authorised signatory of the Tenderer will be construed as giving permission to carry out these checks and no further permission will be sought by Scotland Excel before carrying out any checks.
- 15.4 Subject to Law and Guidance, Scotland Excel reserves the right to enter into negotiations on any element following submission, to accept submissions without further negotiation, to award in part or in whole, or not to make any awards.
- 15.5 Additionally, subject to Law, Scotland Excel reserves the right to adjust the advertised terms governing the Flexible Framework for technical or legal reasons by way of clarification so long as such adjustments do not materially alter the overall nature of

the advertised contract or the financial value of the Tender response submission or breach the principles of transparency and equal treatment of economic operators.

16. Concluding the Process

- 16.1 Once the above process is complete, Scotland Excel will submit a report to its Executive Sub Committee with a recommendation as to whether or not to award a Flexible Framework for the Services and will confirm the outcome to Tenderers.

Update Position Statement (New Entrants April 2021)

Suitable New Entrants may be admitted to the Flexible Framework upon the exercise of a delegation to the Chief Executive, approved by the Executive Sub Committee of Scotland Excel on 28 February 2020.

New Entrants will be detailed within the relevant Scotland Excel Contract Register entry for the Flexible Framework, once admitted.

17. Standstill Period

- 17.1 Notification of the recommendation decision will be issued on behalf of Scotland Excel to Tenderers in accordance with Law. This notification will include:
- The award criteria and the weightings that applied to these;
 - The score the Tenderer obtained against the award criteria; and
 - In the case of an unsuccessful Tenderer, a summary of the reasons why the Tenderer was unsuccessful.
- 17.2 Where successful, a Tenderer will be contacted after the expiry of **PREVIOUS TIMESCALE REMOVED** following issue of the above notice to formally conclude the Flexible Framework by way of letter of award, provided that there has been no challenge in law of the decision. For example, in the form of an order from a court of competent jurisdiction that either the decision should be set aside, or its implementation suspended pending a full hearing of the matter.

Update Position Statement (New Entrants April 2021)

A voluntary standstill period will be applied to New Entrants by Scotland Excel. This will follow the procedures set out within paragraphs 17.1 and 17.2

18. Award of the Flexible Framework

- 18.1 In the event that the Tenderer is successful, it is intended that the Flexible Framework Terms contained in this ITT (and applicable documents found on the PCS System) will apply and participation in the Flexible Framework will commence on the Commencement Date contained in the letter of award issued to the Tenderer.

19. Public Information

- 19.1 No term of the Flexible Framework, whether express or implied, shall preclude Scotland Excel or the Purchaser from making public, if required under the Freedom of Information (Scotland) Act 2002 (referred to as the "2002 Act") or the Environmental Information (Scotland) Regulations 2004 (referred to as "the EIRS") or both, any information held relating to the Flexible Framework.

- 19.2 In exercising its obligations under the 2002 Act and the EIRS, Scotland Excel or the Purchaser, as the case may be, shall have due regard to the commercial interests of the Provider but without prejudice to its duty to discharge its obligations under the 2002 Act or the EIRS. The interpretation of the 2002 Act or the EIRS by Scotland Excel or the Purchaser, as the case may be, and any exemptions therein will be final and conclusive subject only to any decision or binding ruling on the matter made by the courts. The Provider will facilitate compliance by Scotland Excel or the Purchaser, as the case may be, with its obligations under the 2002 Act and the EIRS and comply with any requests from Scotland Excel or the Purchaser, as the case may be, for that purpose.

20. Failure to Comply with Requirements

- 20.1 Where Scotland Excel is satisfied that the Provider as a Tenderer has failed to comply with one or more requirements or any obligations contained within the ITT, Scotland Excel shall be entitled at any time at its discretion to terminate the Provider's participation in the Flexible Framework.

21. Service Information

- 21.1 In order to ensure that Councils and Supported People requiring the Service are able to consider the Services available, Scotland Excel intends to develop a 'Service Directory' that will include the details of the Providers able to deliver Services within each Council area.
- 21.2 Scotland Excel will work with Providers who are awarded to the Flexible Framework to obtain the information required for the Service Directory to assist with the process of accessing and using the Flexible Framework. Some Councils have indicated a preference to split their Council area into specified geographical zones to assist with the ready identification of Providers which are able to provide the Service within any given Council location. Scotland Excel intends to issue a survey to appointed Providers for completion, upon award of the Flexible Framework for this purpose.

22. Sustainability of Services

- 22.1 As part of the ongoing Flexible Framework management, Scotland Excel may request information from Providers to help inform the sustainability of Care and Support Services.

Appendix 1 of Information and Instructions to Tenderers – Participating Councils

This is Appendix 1 containing information provided in accordance with paragraphs 1.1 – 1.4 of the foregoing Information and Instructions to Tenderers and it should not be interpreted as providing any reasonable expectation of business or any indication of future awards that may be made under the Flexible Framework:

Scotland Excel Member	Participating Members
Aberdeen City Council	
Aberdeenshire Council	
Angus Council	✓
Argyll and Bute Council	✓
City of Edinburgh Council	✓
Clackmannanshire Council	✓
Comhairle nan Eilean Siar	✓
Dumfries and Galloway Council	✓
Dundee City Council	✓
East Ayrshire Council	✓
East Dunbartonshire Council	✓
East Lothian Council	
East Renfrewshire Council	✓
Falkirk Council	✓
Fife Council	
Glasgow City Council	
Highland Council	
Inverclyde Council	✓
Midlothian Council	✓
Moray Council	✓
North Ayrshire Council	✓
North Lanarkshire Council	
Orkney Islands Council	✓
Perth and Kinross Council	✓
Renfrewshire Council	✓
Scottish Borders Council	✓
Shetland Islands Council	
South Ayrshire Council	✓
South Lanarkshire Council	
Stirling Council	✓
West Dunbartonshire Council	✓
West Lothian Council	✓

Tenderers may refer to the Public Contracts Scotland or Council own website to access Council contract registers for information relating to current spend for Services.

Tenderers may also refer to the following website for information on Council Strategic Plans:

<https://ihub.scot/improvement-programmes/strategic-planning/integrated-joint-board-strategic-plans/>

Appendix 2 of Information and Instructions to Tenderers – Tender Evaluation Methodology

1. Introduction

- 1.1 Tenderers may submit one offer comprising multiple Services in response to this ITT. All Services will be evaluated and awarded on a 'stand alone' basis.
- 1.2 Where Tenderers submit an offer comprised of multiple Services and are satisfied that the information submitted in respect of one Tender question would apply in the same way to more than one of its Services, it need not re-submit the information concerned for every such Service but should record this clearly in the Tenderer Response Template (Part 3A of the ITT).
- 1.3 A key aim of this Flexible Framework is to maximise the range and choice of Providers delivering Care and Support Services.
- 1.4 Scotland Excel will apply the following methodology to evaluate Tender responses for the Flexible Framework for Care and Support Services. This scoring methodology will confirm the most economically advantageous Tender responses received and will form the basis on which this Flexible Framework will be awarded.
- 1.5 There will be three stages to the tender evaluation process. This will include a qualification, technical and commercial evaluation.
- 1.6 This Flexible Framework will be awarded based on the most economically advantageous offer(s). The evaluation award criteria and weightings that will apply to this tender evaluation process to award participation on the Flexible Framework are as follows:
 - Technical – weighted at 90%; and
 - Commercial – weighted at 10%.
- 1.7 Scotland Excel reserves the right to negotiate on any element following submission, to accept submissions without further negotiation, to award in part or in whole, or not to make any awards.

2. Responses

- 2.1 **A checklist has been provided within the Tenderer Response Template (Part 3A of the ITT) identifying all information and supporting documents that Tenderers must submit to ensure a complete response which can be evaluated by Scotland Excel.**
- 2.2 **Where an incomplete response is submitted this may be rejected by Scotland Excel as being non-compliant and unable to be evaluated further. In particular, all Tender responses need to include a completed Schedule 7 – Financial Information for each Service, in order to be evaluated. In the absence of that, Scotland Excel may not be able to evaluate the offer further and it may be excluded. If excluded, Tenderers may submit future Tender responses to provide the Service in accordance with the New Entrant procedures set out in Schedule 2 – (New Entrants to the Flexible Framework Guidance Note).**
- 2.3 Any Tender which does not meet the minimum requirements set out in the Contract Notice will be deemed non-compliant and will not be considered any further in the evaluation process.

- 2.4 Where a written response includes a stipulated word limit, any text beyond this word limit will not be read and will not be evaluated.
- 2.5 Responses must not include references to URLs, appendices, attachments, embedded files or any other form of attachment of supplement, unless specifically requested, since these will be disregarded and will not be evaluated as part of the Tenderer's offer.
- 2.6 Marketing material e.g. leaflets, posters, photographs, will not be considered and will not be evaluated.

3. Qualification

The qualification section of the Tender evaluation process is the point at which information must be submitted which confirms or demonstrates the Tenderer's ability to meet the minimum requirements at selection stage. Only those offers where the Tenderer meets the minimum selection criteria will be eligible for award.

Scotland Excel will use the information that Tenderers provide to determine which Tenderers are capable, in terms of the stated criteria, to meet the minimum requirements for participation in the Flexible Framework.

3.1 ESPD Scotland

The tables below provide an overview of the minimum requirements as outlined in the ESPD (Scotland) and Contract Notice. This section should be read by Tenderers when completing their ESPD (Scotland) response.

Part 2 – Bidder Information	
Criteria	A: Information About the Tenderer B: Information About Representatives of the Tenderer C: Information About Reliance on the Capacities of Other Entities D: Information Concerning Sub-Contractors on Whose Capacity the Tenderer Does Not Rely
Minimum Requirements	The information required in Part 2 of the ESPD (Scotland) is for information only and therefore will not be assessed, however Scotland Excel may choose not to select Tenderers that cannot provide basic company information. The Tenderer must ensure that they submit appropriate ESPDs completed by other members of the group, if they are tendering as part of a group, others on whose capacity they rely, and known Sub-contractors on whose capacity they do not rely.

Part 3 – Exclusion Grounds	
Criteria	A: Grounds Relating to Criminal Convictions B: Grounds Relating to the Payment of Taxes or Social Security Contributions C: Blacklisting D: Information Concerning Environmental, Social and Labour law, Grounds Relating to Insolvency, Professional Misconduct or Conflicts of Interests.

Part 3 – Exclusion Grounds	
Minimum Requirements	<p>This section sets out the grounds on which a Tenderer, Sub-contractors and/or consortium members may be excluded from the process.</p> <p>Tenderers must not be subject to any of the mandatory exclusion grounds.</p> <p>Tenderers should not be subject to any of the discretionary exclusion grounds.</p> <p>Requirements for Tenderers in this section also apply to other members of the group, if they are tendering as part of a group, others on whose capacity they rely, and known Sub-contractors on whose capacity they do not rely.</p>
Assessment	<p>Tenderers will be assessed as a FAIL and will be excluded from the process if they detail that they are in any of the situations referred to in Regulation 58 (1)-(4) or (8) of the Public Contracts (Scotland) Regulations 2015 (subject to Regulation 58(13)).</p> <p>Scotland Excel will require the Tenderer to replace any Sub-contractor, or participant in a group of organisations, who declares that they meet (or Scotland Excel determines by any other means that they meet) any of the compulsory grounds for exclusion in the ESPD (Scotland).</p> <p>Scotland Excel may require the Tenderer to replace any Sub-contractor, or participant in a group of organisations, who declares that they meet (or where Scotland Excel determines by any other means that they meet) any of the discretionary grounds for exclusion in the ESPD (Scotland).</p> <p>Should any entity meet any of the mandatory or discretionary grounds for exclusion, they may provide evidence that they have subsequently taken measures to improve (self-cleansing) despite the ground for exclusion.</p> <p>Tenderers should note that it is for Scotland Excel to decide whether self-cleansing is appropriate in the particular circumstances and whether sufficient evidence has been provided, by taking into account the particular circumstances of the offence or misconduct.</p> <p>Should Scotland Excel consider the evidence provided as above to be insufficient, the Tenderer will be excluded from the process.</p> <p>In addition, any Tenderer unable to provide a positive response to Question 3D.15.1-4 (Misrepresentation) will be excluded from the process.</p>

Part 4 – Selection Criteria	
Criteria	A: Suitability
Question Ref	4A.2
Minimum Requirements	<p>Tenderers are asked to confirm that they are registered with the Care Inspectorate (the independent regulator of care in Scotland), in accordance with Clause 9 (Care Inspectorate Registration and Grades) of the Flexible Framework Terms.</p> <p>It is a material condition of this Flexible Framework that throughout its Duration, the Provider will hold and maintain the necessary Registration with the Care Inspectorate for the delivery of Services. The Provider will be required to have</p>

Part 4 – Selection Criteria	
	<p>attained and maintain a grade of three (3) or above for all quality themes.</p> <p>NB Services will <u>not</u> be selected to participate in the Flexible Framework where:</p> <ul style="list-style-type: none"> - They have not obtained a grading of (three) 3 or above for all quality themes at the most recent Care Inspectorate inspection; or; - They have not yet received a first inspection by the Care Inspectorate; or; - They have not yet completed the Registration process with the Care Inspectorate. <p>In the above circumstances, once the requirements are met, Tenderers are welcome to apply to have Services included as part of the Flexible Framework at a later date using the New Entrant process set out in the procurement documents and new Services may be considered for admission by appointed Providers in accordance with the terms of the Flexible Framework.</p>
Assessment	Tenderers may be assessed as a FAIL and be excluded from the Tender evaluation process if they fail to provide a response to this question or if they do not meet the minimum requirements identified.

Part 4 – Selection Criteria	
Criteria	B: Economic and Financial Standing
Question Ref	4B.5
Minimum Requirements	The Tenderer confirms they already have or can commit to obtain, prior to the Commencement Date of the Flexible Framework (and maintain for the Duration of the Flexible Framework and any ISA awarded under it) the levels of insurance cover indicated in the Contract Notice.
Assessment	<p>Tenderers must self-declare as part of the ESPD (Scotland), that they will have the requested insurance cover as detailed in the ESPD (Scotland) and Contract Notice or commit to obtain the insurance prior to the commencement of the Flexible Framework. Tenderers will be required to provide evidence of this cover in the form of the following:</p> <p>A letter from their company’s insurance broker confirming the insurances the insurance broker has arranged on behalf of their company. This is normally referred to as a “to whom it may concern “ letter and includes summary details of the insurance cover held including:</p> <ul style="list-style-type: none"> • the name of the insurer or underwriter; • the policy number; • the date cover begins and ends; • the extent of the cover, including indemnity limits; • excess levels; and • any special conditions or warranties applicable. <p>The letter must be provided in electronic format and submitted as part of the Tenderer’ response.</p> <p>If Tenderers do not currently hold this level of cover, they may in the ESPD (Scotland) state that in the event of being</p>

Part 4 – Selection Criteria	
	<p>successful in the Call Off process for an ISA, the required insurance cover will be in place. Evidence of the required insurance cover will be a condition of entering into an ISA under the Flexible Framework. It is condition of the IST that these minimum indemnity levels be held for the duration of the ISA and updated evidence will be required on the insurance renewal date.</p> <p>Tenderers unable to commit to obtain the levels of insurance detailed above will be assessed as a FAIL and be excluded from the tender evaluation process.</p> <p>Tenderers will be required to submit the ESPD (Scotland) together with any associated supporting documents, upfront, at the time of tender submission in accordance with Regulation 60(8) of the Public Contracts (Scotland) Regulations 2015, as this is considered necessary in order to ensure the proper conduct of the procedure. Tenderers should refer to the Tenderer Response Template (Part 3A of the ITT) for the full checklist of documents required when submitting a response.</p>
Question Ref	4B.6
Minimum Requirements	<p>The Tenderer confirms that a search against Equifax Protect or other credit reference agencies will not return a "Warning" or "caution" returnable code or any neutral code, unless the Tenderer confirms that it can provide any other document which Scotland Excel considers appropriate to prove to Scotland Excel (acting within its permitted discretion under the applicable public procurement rules) that the Tenderer does/would not represent an unmanageable risk should it be appointed onto the proposed Flexible Framework.</p>
Assessment	<p>Tenderers who do return a 'Warning' or 'Caution' code, or who cannot provide any alternative or provide any acceptable additional explanation or supporting information may be assessed as a FAIL and will be excluded from the process. It is at the sole discretion of Scotland Excel as to whether to accept any alternative information as a suitable alternative.</p>

3.2 Tender Declarations/Certificates/Letter of Authority/ESPD (Scotland) Supporting Information

In addition to the minimum requirements outlined in the ESPD (Scotland) and Contract Notice, Tenderers must submit completed and signed tender declaration/certificates as part of their Tender response, and a Letter of Authority, where necessary:

- No Collusion;
- Equalities Declaration;
- Tender Declaration;
- Human Trafficking and Exploitation Declaration; and
- Letter of Authority.

These are located in Part 3B of the ITT.

Tenderers will be required to submit the ESPD (Scotland) together with any associated supporting documents, upfront, at the time of Tender submission in accordance with Regulation 60(8) of the Public Contracts (Scotland) Regulations 2015, as this is considered

necessary in order to ensure the proper conduct of the procedure. Tenderers should refer to the Tenderer Response Template (located in Part 3A of the ITT) for the full checklist of documents required when submitting a response.

4. Technical Criteria

The technical section of the tender evaluation process includes the elements identified in the table below. There will be one scored question and four non-scored questions.

Responses to these questions will be made available to Councils to assist with selection from the Flexible Framework and used for future baseline monitoring of the Flexible Framework.

Technical	
1. Requirement See Part B of the Tenderer Response Template	<p>Care Inspectorate Grades (90% available scoring)</p> <p>On receipt of Tender responses, Scotland Excel will undertake the technical assessment of Tender responses by allocating a score based on the Tenderer's Care Inspectorate Grade for the quality theme 'Care and Support' for that Service. The grade used for this assessment will be the Service current grade recorded in the Care Inspectorate Datastore as at the date of the Tenderer's tender submission. The Tenderer must check the Care Inspectorate Datastore and state the current grade for each Service in its Tender Response Submission. * All Services submitted will be scored separately for this criterion.</p>
Assessment	<p>Scores will be allocated as follows:</p> <p>Grade 3 = 22.5 Grade 4 = 45 Grade 5 = 67.5 Grade 6 = 90</p> <p>Scoring will be allocated after assessment of responses, with an overall score out of 90 marks awarded for this section.</p>
2. Requirement See Part C.1 of the Tenderer Response Template	<p>Response to method statement on Fair Work Practices</p>
Assessment	<p>This question is not scored and is for information only. Information submitted by Tenderers may be used by Councils at point of Call Off from the Flexible Framework.</p>
3. Requirement See Part C.2 of the Tenderer Response Template	<p>Response to method statement on Sustainability, Community and Social Benefits</p>
Assessment	<p>This question is not scored and is for information only. Information submitted by Tenderers may be used by Councils at point of Call Off from the Flexible Framework.</p>
4. Requirement See Part D of the Tenderer Response Template	<p>Payment of the Real Living Wage</p> <p>This question is not scored and is for information only. Tenderers will be asked to select one of the statements that reflect its organisation's position with regards to its ability to pay the Real Living Wage, before being asked to provide any further information relative to their response.</p>

Technical	
Assessment	This question is not scored. The response in this section will be used as a baseline for framework management throughout the Duration of the Flexible Framework.
5. Requirement See Part E of the Tender Response Template	Acceptance of Scotland Excel Flexible Framework Terms including all Schedules This section seeks the Tenderer's acceptance of the Flexible Framework Agreement terms and conditions including the various Schedules.
Assessment	This element of the Tenderer's response will not be scored. However, if the Tenderer does not accept the terms and conditions and does not propose any justifiable alternatives, or agreement cannot be reached, the Tenderer will be asked to confirm, either its agreement to the terms and conditions, or its withdrawal from the process. This section is not scored however the completion of this section is mandatory. Failure to complete this section, or to complete this section to Scotland Excel's satisfaction may lead to the exclusion of the Tenderer's submission.

** Please note, Scotland Excel will verify the Care Inspectorate grades stated in the Tender submission within four (4) calendar weeks of the tender submission deadline and may revert to the Tenderer to clarify any discrepancies.*

Responses to the technical section should be completed using the Tenderer Response Template (Part 3A of the ITT).

5. Commercial

The commercial section requires Tenderers to complete Schedule 7 – Financial Information for each Service. The table below outlines how commercial responses will be evaluated.

Commercial (10% available scoring)	
1. Requirement	Completion of Schedule 7 – Financial Information for each Service.
Assessment	Tenderers who submit a full and detailed response in accordance with the instructions given to Schedule 7 – Financial Information will receive 10 marks.

In compliance with clause 69 of the Public Procurement Regulation 2015, this process will include Scotland Excel seeking clarification on any irregular tender submissions.

6. Final Scores

Tenderers will receive a separate final score per Service. Final scores will be based on the score achieved for the Care Inspectorate grade for the care and support quality theme and a completed Schedule 7 – Financial Information.

Scotland Excel reserves the right to negotiate on any element following submission, to accept submissions without further negotiation, to award in part or in whole, or not to make any awards. Any clarification or negotiations if required will likely take place in **PREVIOUS DATE REMOVED**.

Update Position Statement (New Entrants April 2021)

Any clarification or negotiations if required will likely take place in November 2020 - February 2021.

7. Calling Off under the Flexible Framework – Award of Services

All information submitted by the Tenderer will be made available to Councils to help inform local Call Offs from the Flexible Framework.

Awards of ISAs will be made on the basis of the best price quality ratio reflecting current Care Inspectorate grades (quality) and tendered rates (price) that best meet the Supported Person's needs and Outcomes assessed by the Council as further explained in Schedule 3 – Calling Off from the Flexible Framework Guidance Note.