Further Competition - Invitation to Tender (ITT)

Reopening of competition as per Public Contract Regulations 2015

For the Provision of

Clinical and Healthcare Staffing

Under the NHS Workforce Alliance Framework Reference RM6161

[Lot X if applicable]

OJEU ref: 2019/S 157-388075

Advertised on 13/08/2019

[This information section to be removed prior to publishing:

1. Yellow text included within square brackets [ ] is to be completed by the Trust
2. Pink text provides guidance
3. This template is for guidance purposes only and should be tailored to suit your specific requirements
4. All highlighting, square brackets and pink guidance text must be removed prior to publication

ITT FOR: Provision of [Insert details of service/product] on behalf of [Insert name of Contracting Authority (Trust/Customer)] “The Contracting Authority”

Our ITT Ref: [Insert Ref Number]

Period of Contract: [DD/MM/YYY] – [DD/MM/YYYY] with the option to extend for [Insert period of extension]

WA FRAMEWORK Clinical and Healthcare Staffing Framework Agreement (OJEU Ref: 2019/S 157-388075

ITT RETURN DATE: [DD/MM/YYYY] at [Insert Time]N

The Contracting Authority invites tenders for the above, in accordance with the enclosed Tender Documents and Schedules. The tender shall be subject to the Conditions of Contract specified.

The following documents are enclosed [review/amend as appropriate and advise if documents are to be completed within the e-tendering portal or uploaded into the portal]

|  |  |  |
| --- | --- | --- |
| This ITT document |  |  |
| Schedule 1 | Specification | For completion via the electronic tendering portal |
| Schedule 2 | Pricing Schedule(s) | For completion via the electronic tendering portal |
| Schedule 3 | Conditions of Tender |  |
| Appendix A | Form of Tender | For completion and signature and return via the electronic tendering portal |

Offers are requested for the supply of the above.

Bidders are required to complete all relevant Documents provided and upload within the [Insert name of electronic tendering portal] “The e-tendering portal”.

[https://.......insert as appropriate]

Should you have any questions please raise a correspondence via the electronic tendering portal.

Yours Faithfully

The Contracting Authority

FURTHER COMPETITION INVITATION TO TENDER (ITT)

1. Introduction to the Procurement

1.1 Please find below further competition details for the provision of [Insert project reference] and relates to the award of a Contract to a sole supplier.

1.2 This further competition is being conducted under the terms and conditions of theNHS Workforce Alliance Clinical and Healthcare Staffing framework reference RM6161– Lot(s) if applicable] and its corresponding terms and conditions and OJEU reference 2019/S 157-388075.

1.3 Questions relating to this procurement should be addressed via the messaging system within the e-tendering portal utilised by The Contracting Authority within the timescales indicated in this ITT.

1.4 Please ensure, unless otherwise stated, that you respond by the date indicated, within the relevant section of the e-tendering portal – only respond with attachments where specifically requested. [If a question requires a response by another means please indicate here.]

2. Introduction to the Trust/Customer

[Insert introduction to the Trust/Customer]

[2.1 i.e. FT or Non-FT status, nature of services provided, financial performance, monitor rating, size in terms of turnover, number of employees, geographical location in scope, demographics, number of patients, any specialist services provided].

[2.2 Include a link to the Trust website, annual reports or other such documentation that are in the public domain, CQC registration, NHSI/E ratings to inform potential providers about your Trust].

2.3 Further information on the Trust can be obtained from [http://www.XXXX.nhs.uk/](http://www.sheffieldchildrens.nhs.uk/)

3. Basis of Exercise

3.1 The intention of this Invitation to Tender (ITT) is to enable The Contracting Authority to identify the Most Economically Advantageous Tender for [insert project title]. This document is designed to include all relevant details and information to enable your considered response to be submitted via the e-tendering portal no later than [insert time} on [DD/MM/YYYY].

4. TUPE

[Bidders should have been notified via the documentation issued for the associated framework agreement that TUPE **may** apply at commencement to the services commissioned under this framework. If TUPE applies to the further competition to be conducted, bidders will need to be notified of this and the relevant details provided as part of the further competition documentation. It will be the responsibility of the Bidder and the Contracting Authority to undertake all necessary due diligence in this regard].

[TUPE does not apply

If TUPE does NOT apply insert the following as 4.1 and delete the remaining points in this section].

4.1 Whilst it is envisaged that TUPE does not apply in relation to this contract, Tenderers are advised to form their own view on whether TUPE applies, obtaining their own legal advice as necessary.

[TUPE does apply

If TUPE does apply delete the above section and insert the following points as 4.1 to 4.3

4.1  Bidders attention is drawn to the staff transfer provisions set out in the NHS Terms and Conditions of Contract for supply of Services including pension provision.

4.2  An indicative list of affected employees (together with relevant employment details) who are likely to transfer to the successful Bidder on the Commencement Date (as defined in the contract) has been supplied with the ITT [Insert name of Document].

4.3 Bidders' pricing models must include the costs associated with the TUPE transfer of these employees. [If the costs associated with a TUPE transfer (including pension’s costs) are subsequently found to be lower than envisaged, the Bidder shall make a corresponding reduction in the contract price.] [delete if not applicable].

5. Invitation to Tender

5.1 The Contracting Authority invites competitively tendered offers in accordance with the attached Tender Documents.

5.2 The Contracting Authority does not bind itself to accept the lowest or any offer and reserves the right to accept an offer either in whole or in part, each item being for this purpose treated as offered separately.

5.3 Bidders are advised to read this Invitation to Tender and all supporting documentation very carefully to ensure they are familiar with the nature and extent of the obligations to be accepted by them if their Tender is successful.

5.4  The Contracting Authority will not be liable for any bid costs, expenditure, work or effort incurred by a Bidder in proceeding with or participating in this procurement, including if the procurement process is terminated or amended by the Contracting Authority.

5.5 Should a Bidder be in any doubt as to the interpretation of any or all parts of the ITT document, questions can be raised using the e-tendering portal.

5.6 Tender submissions including the Price Schedule are to be made using the e-tendering portal. It is the sole responsibility of the Bidder to ensure their offer is received in due time and at the stated point of receipt.

5.7 Tenders received after the due date cannot be accepted.

5.8 The closing date for the return of Tenders is [insert DD/MM/YYYY] at [insert time] and Tenders must be submitted to the Trust via the e-tendering portal.

6. Specification of Services Required

6.1 The primary objective of this procurement is to [insert outline description of project].

6.2 The Trust requires the provision of [insert project title], to the specification and scope as outlined in the NHS Workforce Alliance Clinical and Healthcare Staffing Framework attached at Appendix B for reference. [Delete if this is not included].

[6.3 Identify and add additional specific requirements or Trust specific operational requirements that you need/expect to be delivered - separate appendix may be supplied. (Please remember to reference in the schedule of documents supplied on page 2). This may include (but not be limited to):

Specific KPI’s

Contract Management

Added value services

Add indicative volumes / Demand]

7. Duration

7.1 The agreement is to be for a [insert number – maximum 3yrs ] year period, effective from [insert DD/MM/YYYY], with the option to extend for a further [insert number - maximum 1yr] of years.

[NB: The duration of call-off arrangements under the framework may extend beyond the end of the framework itself, although this should still be in line with the EU procurement regulations].

### 8. Procurement Timetable

### 8.1 The Trusts current procurement timetable is anticipated to be as follows:

|  |  |
| --- | --- |
| Date | Activity |
| [insert date] | Issue of Formal ITT Documents |
| [insert date] at [insert time] | Deadline for receipt of Clarification Questions |
| [insert date] | Deadline for Response to Clarification Questions |
| [insert date] at [insert time] | Deadline for receipt of Submissions |
| [insert date] to [insert date] | Evaluation of Bids |
| [insert date] | Organisations notified of outcome |
| [insert date] | Voluntary Standstill period ends (10 days, suggest to include but not a mandatory requirement) |
| [insert date] | Contract Award/Service commences |

[A reasonable and proportionate time limit for return of tenders must be set which takes into account the complexity of the call-off and the time needed for different suppliers to submit their tenders.]

8.2 The Trust may, at its own absolute discretion extend the closing dates and times specified above without request. Any extension granted will apply to all Bidders.

9. Process

9.1 It is intended to award the contract on the basis of the Most Economically Advantageous Tender (MEAT).

### 9.2 The evaluation of the Most Economically Advantageous Tender (MEAT) is determined by the criteria, and weightings, shown below.

9.3 Applicants who fail to complete the required tender documentation in full, or to provide any of the documents requested, may have their applications rejected and may not be considered further.

9.4 The Contracting Authority is not bound to accept the lowest, or any, offer.

10. Further Competition Award Criteria

10.1 The following Evaluation Criteria and weightings shall apply [Insert Lot Number (s) if applicable]. Insert appropriate weighting. (e.g 60% price, 40% quality)

|  |  |
| --- | --- |
| Criteria | Weighting |
| 1. Quality/Technical | [insert weighting %] |
| 1. Commercial/Price | [insert weighting %] |

|  |  |
| --- | --- |
| **Criteria** | Relative weighting percentage  [**Guidance:** where weighting is not possible for objective reasons, list the criteria in decreasing order of importance, amend the column heading to read 'Rank order of importance where 1 = most important, 2 = second most important etc.'. The figure 1 must be in the top row, running down to the least important in the bottom row.] |
| [Quality]  [Which consists of the following criteria:   * [Added Value / Innovation] * [Social Value] * [Approach To Delivery Of The Services] * [Implementation]   [Use Of Supply Chain / Partners] | [0/100] |
| [Cost effectiveness] | [0/100] |
| [Technical merit] | [0/100] |
| [Technical assistance] | [0/100] |
| [After sales service] | [0/100] |
| [Aesthetic and functional characteristics] | [0/100] |
| [Running costs] | [0/100] |
| [Environmental characteristics] | [0/100] |
| [Delivery date and delivery period] | [0/100] |
| [Period of completion] | [0/100] |
| [Price] | [0/100] |

[The Contracting Authority should refer to the Award Criteria for further competitions as stated in the framework agreement in question i.e. min/max %]

The full weighted award criteria for each sub criteria are detailed below: [amend as appropriate].

The scoring methodology for the quality evaluation to be applied to each question is detailed below.

Unless otherwise indicated within the Questionnaire, the scoring methodology being applied is as follows:

[The scoring methodology detailed below can be amended if required].

|  |  |  |
| --- | --- | --- |
| Score label | Score | Definition of Score |
| Unacceptable | 0 | The proposal completely fails to meet the required standard or does not provide an answer |
| Weak | 1 | The proposal significantly fails to meet the standards required, contains significant shortcomings or is inconsistent with other aspects of the Tender |
| Satisfactory | 2 | The proposal meets the required standard in most material respects, but is lacking or inconsistent in others |
| Good | 3 | The proposal meets the required standard in all material respects |
| Excellent | 4 | The proposal meets the required standard in all material respects and exceeds some or all of the major requirements |

Example score: A scored question achieving a score of 3 with a weighting of 5 will be awarded 15 marks. [amend as necessary].

### 11. Price Evaluation (based on Supplier’s commission fee)

11.1 The maximum mark available for price will be [insert weighting].

Tender prices will be scored on a comparative basis, with the lowest compliant Tender receiving 100% of the available marks [percentage %] following weighting.  All other Tenders will be compared against that lowest Tender using the formula: [Guidance: amend as required]

* (A / B) x100
* A = price of lowest compliant Tender
* B = price of the Tender being scored

Any Tender which exceeds the Trusts’ available budget shall be treated as non-compliant and rejected. The available budget not to be exceeded is £ [insert]. [amend or remove if no budget set].

[If it appears that any Tender may be abnormally low then the Trust may ask the Bidder to explain its price or costs. If following the Bidder's explanations the Trust is not satisfied with the Bidder's account for the low level of price or cost in the Tender, the Trust may treat the Tender as non-compliant and reject it].

11.2 Bidders are required to complete the price schedule – Schedule 2. The price schedule should be uploaded in the e-tendering portal where indicated.

11.3 Costs will be evaluated using the Price Schedule provided. All prices to be quoted in GBP and to be exclusive of V.A.T. [amend as appropriate].

[11.4 If required Insert further guidance that will help potential providers understand what they are pricing for i.e. fixed price for a set piece of work, an hourly rate, day rate etc.]

## 12. Administrative arrangements

12.1 Full and correctly structured responses must be submitted, using the e-tendering portal, by the deadline for receipt of Tender Submissions.

12.2 Quality requirements and administrative details proposed must be adhered to. Compliance will form part of the evaluation / selection process.

12.3 The evaluation will be based on the criteria outlined in this ITT.

12.4 Bidders should note that whilst all attempts have been taken to ensure accurate and correct technical and functional terminology are used in the preparation of this document, there is an absolute obligation on the Bidder to query any ambiguity, whether actual or potential, in the use of technical or functional terms used in this document.

12.5 The Trust undertakes that in the event of discovering and agreeing any such ambiguity to circulate clarification to all Bidders.

12.6 Whilst all reasonable endeavours have been made to accurately describe the requirements, Bidders should form their own conclusions about the methods and resources needed to meet them.

### 12.7 It is intended that specified personnel may be contacted should Bidders require any further clarification or information about this document.

### 12.8 All contacts will be treated formally and any information given that is relevant to other Bidders will be passed to them.

### 12.9 Requests for clarification or further information must be made through the e-tendering portal.

Schedule 1 – Specification

1. Embedded below is a copy of the Specification requirements for the further competition. Bidders must respond to these questions within the e-tendering portal.

[Insert Schedule 1]

[Alternatively, the questions may be inserted in a table format below. Authorities should not re-evaluate areas already evaluated such as technical ability or financial standing].

[If using Lots please use a separate table of questions for each Lot].

[Amend or delete the Table as appropriate]

|  |
| --- |
| Specification for [Insert details of Service] |
|  |
| Question 1: |
|  |
| Question 2: |
|  |
| Question 3: |
|  |
| Question 4: |
|  |
| Question 5: |
|  |

Schedule 2 – Price Schedule

1. Please complete and upload Schedule 2 - Price Schedule via the e-tendering portal.
2. All prices shall be in GBP and exclusive of VAT.

[Insert Schedule 2 or refer to attached schedule]

CONDITIONS OF TENDER

1. Conditions of Contract

Terms & Conditions are governed by Framework Ts & Cs

1. Prices
   1. Prices must be as stated in the Price Schedule and must remain open for acceptance until 90 days from the closing date for the receipt of Tenders. Prices must be quoted in GBP, and excluding VAT.
   2. Prices must be firm (i.e. not subject to increase) for the duration of the contract subject only to the variation provisions contained in the framework documents.
   3. Terms & Conditions are governed by Framework Ts & Cs
2. Tender Documentation and Submission

3.1 Tenders must be for the supply of the whole of the services upon the Terms and Conditions of the Framework [Lot(s) if applicable]. Tenders for part or parts only of the services or for different standards or frequencies of services or made subject to alternative terms or conditions may be rejected.

Tenders must comprise: [delete if not applicable and amend if further documents need to be submitted] and be uploaded via the electronic tendering portal [insert name of electronic tendering portal].

* + 1. Schedule 1 – Specification
    2. Schedule 2 - Price Schedule
    3. Appendix A - Form of Tender
  1. The Tender must be completed in full. Any Tender may be rejected which:
     1. contains gaps, omissions or obvious errors; or
     2. contains amendments which have not been initialled by the authorised signatory; or
     3. is received after the closing time.

1. Contract Monitoring

The Trust is committed to helping improve the efficiency of contracted suppliers through sharing information on performance measurement. The criteria for measuring performance shall be agreed with the supplier and formally documented. It is possible that measurement criteria will develop during the term of the contract - this will also be documented following agreement with the supplier.

1. Canvassing

Any Bidder who directly or indirectly canvasses, concerning the award of the contract is likely to be disqualified.

Appendix A - FORM OF TENDER

DECLARATIONS BY THE BIDDER (TO BE SIGNED AND RETURNED BY THE BIDDER)

FORM OF TENDER, NON-COLLUSION, CONFLICTS OF INTEREST AND ANTI-CANVASSING

DECLARATIONS

TO: [*PROVIDE [INSERT NAME OF CONTRACTING AUTHORITY]*]

PROPOSAL TO [*PROVIDE [INSERT NAME OF SERVICES]*] [Guidance: complete using the same terminology as on the front cover]

REFERENCE NUMBER: [*Insert reference number of OJEU contract notice used as a call for competition*]

Form of Tender

We have examined the Invitation to Tender ("ITT") dated [*insert date of ITT*] and all accompanying annexes, schedules and documents. This Tender is made subject to the terms of the ITT, including but not limited to the instructions to Bidders.

We declare that to the best of our knowledge the answers submitted are correct.

We tender against the requirements, and offer to enter into an Agreement with the Contracting Authority comprising the following:

the NHS Terms and Conditions and any supplementary Terms and Conditions provided with the ITT

our response to the Specification Schedule 1 of the ITT

our response to the Price Schedule 2 of the ITT.

[Guidance: the above MUST list all documents that will form part of the resulting contract using the same document terminology]

Accordingly, this Tender is a contractual offer capable of acceptance by the Contracting Authority. If the Contracting Authority accepts this Tender, we will execute any agreement that the Contracting Authority produces to record in one place the offer and acceptance.

We undertake to keep the Tender open for acceptance by the Contracting Authority for a period of ninety (90) days - [*consider whether period is appropriate*] from the deadline for receipt of Tenders.

We understand that you are not bound to accept the lowest priced, or any, Tender.

Non-collusive tendering

In recognition of the principle that the essence of tendering is that the Contracting Authority, shall receive bona fide competitive Tenders from all those tendering, we certify that this Tender is a bona fide Tender that is intended to be competitive.

We have not fixed or adjusted the amount of this Tender under, or in accordance with, any agreement or arrangement with any other person.

We have not done, and we undertake that, we will not do at any time before the hour specified for the return of the Tender any of the following acts:

communicate to a person other than the Contracting Authority the amount or approximate amount of the proposed Tender (except where the disclosure, in confidence, of the approximate amount of the Tender was essential to obtain insurance premium quotations required for the preparation of the Tender);

agree with any person that they shall refrain from tendering or as to the amount of any Tender to be submitted; and

offer to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other Tender any act or thing of the sort described above.

Conflicts of interest

We acknowledge that we are responsible for ensuring that no conflicts of interest exist between us (and our advisers) and the Contracting Authority.

So far as any possible conflict of interest has arisen, we have notified the Contracting Authority promptly in writing of that potential conflict of interest and have taken any steps agreed with the Contracting Authority to avoid the conflict.

We acknowledge that if we fail to comply with this requirement, we may be disqualified from the procurement at the discretion of the Contracting Authority.

Anti-canvassing confirmation

We have not canvassed or solicited any member, officer or employee of the Contracting Authority, in connection with the proposed contract award and to the best of our knowledge and belief nor has any person employed by us or acting on our behalf done any such act.

We further undertake that we will not in the future canvass or solicit any member, officer or employee of the Contracting Authority, in connection with the proposed Agreement and that no person employed by us or acting on our behalf will do any such act.

Name of person duly authorised to sign tenders:

Date: .............................................................................

Name: .............................................................................

in the capacity of: ................................................................

duly authorised to sign tenders for and on behalf of:

............................................................................................

By completing this Form of Tender and submitting your Tender you have agreed that the statements in this Form of Tender are correct and that you have complied, and will continue to comply, with the Contracting Authority's policies on non-collusion, conflicts of interest and anti-canvassing.