

**APPLICATION TO JOIN THE FLEXIBLE CONTRACTING  
ARRANGEMENTS FOR THE PROVISION OF CARE HOMES WITH AND  
WITHOUT NURSING SERVICES AND CARE AND SUPPORT  
(SUPPORTED LIVING)**

**CONTRACT REFERENCE NUMBER: P0996**

**LIGHT TOUCH REGIME**

**DOCUMENT 001 – INSTRUCTIONS FOR POTENTIAL SUPPLIERS**

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**CareMatch Portal User Guide Link below:**

[User Guide for providers using Care Match Portal | Birmingham City Council](#)

## **1 Introduction**

- 1.1 The Council wishes to establish Flexible Contracting Arrangements for the provision of care homes with and without nursing services and care and support (supported living) under the “light touch” arrangements set out in chapter 3 section 7 of the Public Contracts Regulations 2015 (PCR 2015) and the Public Procurement (Amendments, Repeals and Revocations) Regulations 2016. The application enables Birmingham City Council (the Council) to receive sufficient information from suppliers interested in providing the required services and to allow: a) both the assessment of their capacity and suitability, and b) enable the Council to evaluate the application submitted to find suitable Organisations who meet the Selection Criteria to appointment on to the Flexible Contracting Arrangements. Only suppliers that successfully enter into the Flexible Contracting Arrangements will receive an invitation to bid for individual packages of care via a “Call Off Contract”.
- 1.2 This agreement will allow for the Local Authority to work with the Integrated Commissioning Board (ICB), NHS Birmingham and Solihull ICB, in order to extend these arrangements to ICB funded patients on the basis that the ICB would introduce additional due diligence and competency arrangements which would need to be satisfied before Providers could receive referrals from the ICB.
- 1.3 For clarification, the definition of “potential supplier,” “supplier,” “tenderer,” “you,” or “your” means the body completing the submission i.e. the legal entity seeking to participate in the procurement process, and responsible for the information provided; ultimately the legal entity with which the Council will contract. The ‘Potential Supplier’ is intended to cover any economic operator as defined by the PCR 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (‘VCSE’); Special Purpose Vehicle (‘SPV’); or other form of entity.
- 1.4 The Flexible Contracting Arrangements (FCA) is based on the principles of a dynamic purchasing system which is an electronic system established by the Council to purchase individual packages of care by inviting tenders from suppliers admitted to the FCA. Suppliers can apply to join at any time during the lifespan of the FCA as long as the suppliers meet the qualifying criteria. An initial opening and closing of the FCA must take place; the system will then remain open for its duration allowing potential suppliers to apply or re-apply.
- 1.5 An overview of the service requirements is set out below together with information on the procurement lots.

### **Care Homes (with and without nursing)**

Care Homes (with and without nursing) is residential care provided for those citizens who are over 18 and unable to live independently in their own home. Residential care is usually separated into two categories:

Homes registered with the Care Quality Commission (CQC) to provide personal care - these homes are able to provide personal care services similar to those provided by home support but are delivered in a permanent care home setting. These are referred to as Care Homes (without nursing) and the regulation and commissioning is of both the care and support and accommodation.

Homes registered with the CQC to provide nursing care - these homes are able to provide personal care services but also have registered nurses to provide care for medical conditions or disabilities. Some nursing homes may also specialise in providing care for certain disabilities or conditions such as dementia. These are referred to as Care Homes (with nursing) and the

regulation and commissioning is of both the care and support and accommodation.

### **Supported Living**

Any references within this report and associated documentation to 'supported living' relate to the Care Quality Commission's definition which means "schemes that provide personal care to people as part of the support that they need to live in their own homes. The personal care is provided under separate contractual arrangements to those for the person's housing. The accommodation is often shared but can be single household. Supported living providers that do not provide the regulated activity 'personal care' are not required by law to register with CQC".

Provision of Care and Support (Supported Living) will be delivered in accordance with health and social care policy to all young people with disabilities and adults. This includes those with complex health needs, the presentation of behaviours that challenge services, mobility needs and physical disabilities; sensory impairment (including acquired brain injury); cognitive impairment; dementia, learning disabilities and/or autism; and mental health needs.

The Commissioners will expect the service to provide:

- care and support that enables the citizen to do as much as possible for themselves
- a personalised and responsive service (with all staff delivering care being aware of citizens' personal preferences & agreed outcomes)
- care and support that encourages autonomy and independence
- a range of stimulation to meet the citizens needs and wishes within their own community
- activities that are meaningful for citizens
- equality of opportunity
- choice and the fulfilment of personal ambitions
- protection, dignity and respect
- relationship maintenance and opportunities to develop new relationships
- the meeting of religious, cultural and spiritual needs and wishes
- prevention of hospital admission and / or facilitation of safe discharge
- housing tenure secured
- support with ownership of possessions
- to be involved with decision making over where and whom citizens live with

The procurement process and contract will be divided into 3 lots:

- Lot 1 - Care Homes with and without Nursing Over 65yrs
- Lot 2 - Care Homes with and without Nursing Under 65yrs
- Lot 3 - Supported Living 18yrs and over

- 1.6 The Flexible Contracting Arrangements will be for a period of 5 years, with the option to extend for up to two years. The duration of the call off contracts will be based on the individual requirements and will be managed in accordance with the terms of the Flexible Contracting Arrangements.

## 2 Operation of the Flexible Contracting Arrangements (FCA)

The Flexible Contracting Arrangements (FCA) will operate in a two-stage process:

### **Stage 1**

- 2.1 Organisations wishing to join the FCA shall complete a Standard Selection Questionnaire (SQ) that is standard for all suppliers. The SQ submissions are evaluated on a pass / fail basis to establish the organisation's general capability to undertake the work required. The evaluation assesses aspects of the organisation's financial and technical ability and, based on this evaluation, is either accepted onto the FCA or rejected. In the event of rejection, the supplier shall be provided with feedback and may reapply at any stage during the validity period of the FCA unless termination was due to a breach or performance issues.
- 2.2 At this stage, all organisations who meet the selection criteria as stated in the SQ will be admitted to the FCA. There will be no limit on the number of Organisations that may join the FCA. New organisations can also apply to join the FCA at any point during its lifetime. Organisations that have been excluded or rejected at any time may re-submit their updated details during the lifetime of the FCA unless termination was due to a breach or performance issues.
- 2.3 The FCA will be open to new potential suppliers to enter throughout the duration. This enables suppliers who miss the initial advertising of the opportunity, or who may not initially meet the selection criteria, to apply or reapply at any time.
- 2.4 Suppliers have the opportunity to re-apply to enter the FCA as set out at 1.4.
- 2.5 The publication of the SQ in no way commits the Council to award any contract pursuant to any procurement process.
- 2.6 The Council reserves the right to, subject to PCR 2015 Public Procurement (Amendments, Repeals and Revocations) Regulations 2016: a) Cancel, postpone or suspend the selection and evaluation process at any stage. The Council may at its own absolute discretion extend the closing date and time specified for the receipt of SQ applications
- 2.7 Please ensure that all questions are completed in full and in the format requested. Failure to do so will result in your submission being disqualified during the 1<sup>st</sup> round\*. If the question does not apply to you, please state clearly 'N/A'.

\*Note you can reapply at any time after the initial closing and re-opening of the FCA. This one-off process allows the award of the FCA so it can become operational.

### **Stage 2**

- 2.8 Following the initial award, suppliers who have successfully been awarded in the relevant care category will be invited to bid for individual service packages of care as set out in Schedule 8 of the Flexible Contracting Arrangements.

### 3 Use of e-tendering

- 3.1 The SQ for the FCA is being issued using the Council's e-tendering portal on CareMatch Portal <https://www.carematchportal.com> and the remainder of the procurement process will be managed using Care Match portal. All tenders must be submitted via the CareMatch Portal.
- 3.2 Use of the e-tendering portal is free for Tenderers throughout the whole procurement process. The system is secure and access to tenders will only be made available to those employees of the Council and/or their authorised advisors.

#### Technical Support

- 3.3 If you cannot log into your CareMatch Portal account;  
 If something is preventing you from starting a registration;  
 If something is preventing you from returning to a partially completed registration;  
 If you have any other problem accessing or navigating the CareMatch Portal;

Please email: [marketintelligence@birmingham.gov.uk](mailto:marketintelligence@birmingham.gov.uk)

In your email requesting technical help, please include the email address you are using to log into CareMatch Portal and, if applicable, the Registration number of the application you are having problems with; this will be on the Registrations.

### 4 **Supplier Selection Questionnaire (SQ) Process**

- 4.1 Potential Suppliers are to note that call off orders (packages of care) will be placed on a competition basis as and when needed to meet individual care and support needs. The Council makes no guarantee as to the number or value of any such orders.

### 5 Programme Timetable

EVENT	TARGET DATE
<b>Stage 1 - Applications to Join the Flexible Contracting Arrangements (FCA)</b>	
FCA open for Potential Providers to request to participate (1 <sup>st</sup> Round)	3 January 2023
Clarification Period	4 - 31 January 2023
<b>Deadline for receipt of initial Selection Questionnaire Stage</b>	<b>Noon 6 February 2023</b>
Anticipated Evaluation of initial SQs	7 February – 8 March 2023
Anticipated Re-opening of the FCA for new applications (2 <sup>nd</sup> Round)	3 April 2023
<b>Stage 2: Call Off Contract (individual packages of care)</b>	<b>After FCA Re-opening</b>
<b>Closure of the FCA</b>	
Anticipated Closing date of the FCA	April 2028
Option to extend for a further 2 years subject to performance	April 2030

## **6 Potential Changes to SQ Process during the FCA**

- 6.1 The publication of this SQ in no way commits the Council to award any contract pursuant to any procurement process.

The Council reserves the right to, subject to PCR 2015 Public Procurement (Amendments, Repeals and Revocations) Regulations 2016:

- a) Cancel, postpone or suspend the selection and evaluation process at any stage;

- 6.2 The Council may at its own absolute discretion extend the closing date and time specified for the receipt of SQ applications.

## **7 Debrief Process**

Following evaluation of the SQs received, feedback will be provided to unsuccessful applicants advising why the Potential Supplier has been unsuccessful. The feedback will include details of why the submission was rejected\*. Potential Suppliers can use this information in any reapplication.

\*NOTE: it is the intention to provide this feedback at the time of issuing the unsuccessful letter however if this will cause an unacceptable delay in the re-opening of the FCA for Call Off Contracts then the unsuccessful letter will be issued and a follow-up letter explaining the reasons for rejection will be issued as soon as possible after.

## **8 Communications**

- 8.1 All communications, including but not limited to clarifications and the submission of SQs, to the Council are to be made in writing using the Council's e-tendering portal CareMatch.

- 8.2 No verbal queries or clarifications will be accepted. In the event of any misunderstandings reliance on verbal communications will not be permissible.

- 8.3 If a Potential Supplier is in doubt as to the interpretation of any part of the SQ; or if they consider that any of its requirements are ambiguous or conflict with any other requirements, they should contact the Council via the Council's Tender portal CareMatch <https://www.carematchportal.com> using the question function and we will endeavour to answer enquiries prior to SQs being submitted. The answer may be circulated to other Potential Suppliers, where appropriate. **This clarification phase is available between 4 - 31 January 2023.**

## **9 Submission Overview**

### **Notes for Completion**

- 9.1 "Authority" means Birmingham City Council that is seeking to invite suitable suppliers to participate in this procurement process.

- 9.2 This SQ has been designed to assess the suitability of a Supplier to deliver the Authority's contract requirements. If you are successful at this stage of the procurement process, you will be selected onto the Flexible Contracting Arrangements (FCA).

## **10 Verification of Information Provided**

Whilst reserving the right to request information at any time throughout the procurement process, the Authority may enable the Supplier to self-certify that there are no mandatory/discretionary grounds for exclusion. When requesting evidence that the supplier can meet the specified requirements the authority may only obtain such evidence after the final tender evaluation decision i.e., from the successful Supplier only.

## **11 Sub-Contracting Arrangements**

- 11.1 The Provider shall ensure that appropriate arrangements are in place to ensure continuity of the Service if its Employees are unavailable due to emergency or any planned or unplanned absences.
- 11.2 Where the Provider is unable to provide the Service, the Provider may discharge its obligations under this Arrangement in accordance with clause 20 of the Contract.
- 11.3 In the case of extreme emergency the Provider may appoint a Sub-Contractor without obtaining prior permission from the Council in accordance with clause 20 of the Contract.

## **12 NOT APPLICABLE**

## **13 Offer Documentation and SQ Submission**

- 13.1 The electronic SQ Web Form must be fully completed by the Potential Supplier. Unless specifically requested, no extraneous information e.g. sales literature, standard terms of trading etc. should be submitted with the SQ response.
- 13.2 The Potential Supplier must ensure all information is accurate at the time of application. Where previous applications have been made via the CareMatch Portal elements of the application may be prepopulated; this must be reviewed and updated to ensure accuracy before the application is submitted.
- 13.3 Where more than one SQ is submitted by the same Potential Supplier for the same Care Quality Commission location, the Council shall disregard all SQs submitted other than the latest version.
- 13.4 All documents requiring a signature must be signed:-  
  
Under the Electronic Communications Act 2000 a typed name can count as a signature if the person who typed it intended it to be treated as a signature.
- 13.5 The electronic SQ Web Form must be fully completed and signed by the Potential Supplier; missing information will result in a non-compliant submission and therefore will take no further part in this stage of the procurement. Bidders may re-apply to join onto the FCA when it has reopened. The SQ Web Form must be submitted in accordance with the instructions for applying and by the date and time stated in Section 5.
- 13.6 The deadline for receipt of applications by the Council is not later than **noon on 6 February 2023**. Any SQ submission received after the specified deadline will not be considered under any circumstances. Please note, the system will reopen after the initial setting up period. The anticipated reopening is 3 April 2023.

- 13.7 The fully completed SQ Web Form must be submitted through the CareMatch Portal by the deadline stipulated in Section 5. For the avoidance of doubt the CareMatch server time (shown on the submission page) shall apply to the delivery of SQ Web Form Submission.

#### **14 Electronic Tendering**

- 14.1 The Council accepts no liability for any losses suffered by the Potential Supplier as a result of computer viruses. It is the Potential Supplier's responsibility to ensure that files delivered to the Council are free from viruses and the Council may reject a SQ which is submitted in a file or files which are, or the Council reasonably suspects are infected with a virus and may also delete such file or files.
- 14.2 It is the Potential Supplier's responsibility to ensure that files delivered to the Council are complete and fully accessible by the Council and are not corrupted. The Council accepts no liability for corrupted files or data and may reject an SQ submission which consists of or contains corrupted or inaccessible files.
- 14.3 If and to the extent that the delivery of an SQ submission to the Council is prevented or delayed as a result of problems with the Council's server, the Authorised Recipient or their nominated officer will ensure the integrity of the Tenderer selection process and in his or her sole discretion may allow applications to be re-submitted.
- 14.4 Documents submitted in electronic format must be compatible with Microsoft Office 2010.
- 14.5 All applications **must** be submitted by Potential Supplier's via the Carematch system <https://www.carematchportal.com>
- 14.6 Potential Supplier's **MUST** ensure plenty of time is allowed for uploading the submission prior to the deadline for SQ submissions.

## 15 Evaluation of the SQ

- 15.1 The evaluation of SQs for this Contract will consider written information provided by the Potential Supplier. All relevant evidence submitted will be evaluated against the selection criteria.
- 15.2 Subject to PCR 2015, the Council may, at its sole discretion, select Potential Suppliers to be invited to present and demonstrate details of their responses, to allow clarification of particular points. This will provide the Council with an opportunity of adjusting the initial scoring where it deems appropriate.
- 15.3 SQ Evaluation Methodology

**Pass / Fail Questions** – Organisations that fail **ANY** of the ‘pass/fail’ questions will be excluded from the procurement process at this stage.

Note: any incomplete sections will automatically be rejected; you will be able to reapply when the FCA reopens

The key criteria on which the Potential Supplier’s submission will be evaluated are:-

Criteria		Evaluation
Step 2	Owner Details	Pass / Fail
Step 3	Owner Application – includes insurance certificates which must be uploaded	Pass / Fail
Step 4	Provider Contracts	Pass / Fail
Step 5	Provider Details	Pass / Fail
Step 6	Provider Application – note some documents need to be uploaded	Pass / Fail

## 16 No CQC or Quality Rating

Potential Suppliers who meet all other entry criteria but who do not have a current CQC or quality rating will be subject to a baseline quality assessment in line with the Council’s current quality assurance framework.

**Step 1:** For potential suppliers within the Birmingham Council Tax boundary, a full monitoring visit will be undertaken, a toolkit completed, and a score given.

For potential suppliers outside of the Birmingham Council Tax Boundary, the process below will apply:

1. Out of City potential suppliers of Supported Living and Residential and Nursing Homes shall be subject to the following quality assurance process:
  - a. There will not routinely be a quality assurance visit of the Service; instead the outcome of the most recent CQC inspection to determine the overall quality rating of the potential supplier will be used.
  - b. Evidence from the CQC, the host Local Authority, or host ICB may be used to determine the potential suppliers overall quality rating.
  - c. The potential supplier is required to complete the PQAS.
  - d. Feedback from practitioners visiting the individuals placed with the service may be used; this could be social workers, clinicians and families.

- e. For potential suppliers operating in Wales, Scotland and Northern Ireland who are not regulated by the CQC, the potential supplier will be required to complete a PQAS before joining the FCA.

**Step 2:** Commissioners will assess the evidence from Step 1 and confirm an overall rating for the potential supplier.

1. Priority will be given to Care Homes and then Supported Living as this is where capacity is most needed.
2. Priority will be given to potential suppliers without a rating that are already supporting Birmingham funded citizens
3. If the potential supplier is rated “Inadequate” during this assessment process then this process will not be repeated; an improvement plan will be issued. A re-application should only be made when a rating above “Inadequate” by the CQC is achieved; for potential suppliers in Wales, Scotland and Northern Ireland a new PQAS would need to be submitted.

NOTE: If a required rating is achieved then there will be no requirement to reapply as the original application will be retained pending the outcome of the assessment.

Potential Suppliers that have been previously decommissioned by the Council due to failure to meet the contractual terms of the previous FCA can apply to this FCA. Note, suppliers who are terminated from this FCA for breaches or performance issues will not be able to reapply.

## **17 Acceptance onto the FCA**

- 17.1 The following timescales apply to the ongoing operation of the FCA; the initial set up of the FCA will follow the timescales set out at 5.
- 17.2 Suppliers that pass all the selection criteria will be added to the FCA and will be advised in writing. Suppliers will not be ranked in any order in the FCA, however individual packages of care awarded under the FCA will be subject to quality ranking in accordance with Schedule 8 of the FCA.
- 17.3 Suppliers that have not been successful will be advised in writing together with the reasons for the rejection and the offer for further feedback.

## **18 FCA Validity Period**

- 18.1 The FCA will remain open for 5 years with the option to extend for 2 years; this will be specified in the Find a Tender Contract Notice.
- 18.2 Suppliers accepted to the FCA can be removed as a result of their actions or failure to comply with the required minimum standards as specified. There is the option available to be re-admitted to the FCA in the event of circumstances changing unless terminated due to breaches or performance issues.

## **19 Award of Call-Off Contracts (Packages of Care)**

- 19.1 The Flexible Contracting Arrangements includes the Terms and Conditions for subsequent call-off contracts. There is no obligation to procure any care package(s) under this Flexible Contracting Arrangements. The Flexible Contracting Arrangements in itself is therefore not a

contract; contracts are only formed when care packages are called off under the Flexible Contracting Arrangements.

- 19.2 Once the Flexible Contracting Arrangements is established, Call Off Contracts will be undertaken for each specific scheme. The arrangements for these call offs are set out in Schedule 8 of the FCA.
- 19.3 Individual Agreements under the Flexible Contracting Arrangements will be advertised via a micro tendering process.
- 19.4 Contracts for a value of above £200k will require an associated Social Value Action Plan.
- 19.5 All contracted providers with a CQC registered office within the Birmingham Council Tax Boundary will be required to pay the Birmingham Care Wage for under 25's. The Birmingham Care Wage for under 25's is equivalent to the National Living Wage.
- 19.6 Fees: The Fee Structure, in Schedule 14 of the FCA, sets out details of fees payable from 3 April 2023. If there is a delay in awarding the FCA then the intention will be to backdate the 2023/2024 fee rates for providers awarded a 2023 FCA/FA, to 3 April 2023. Note the fees contained in Schedule 14 represent the anticipated fee rates at the point of the launch of the tender. Once the Council's budget setting process has concluded, and the fee rates are approved, the confirmed the fee rates will be published on the Council's website at: [Invoice, payment and fees | Birmingham City Council](#)

## **20 Contract Award**

Contracts for individual service packages will be awarded in accordance with Schedule 8 of the Contract.

## **21 Contract Documents**

Successful Suppliers will be issued with details of each Individual Agreement and Support Plan (package of care) through the Micro-tendering System and in accordance with the Contract.

## **22 Submission Guidance**

- 22.1 The table included in Checklist has been prepared in order to further support suppliers in submitting whole and compliant submissions. Please use this checklist to ensure that all relevant information has been completed.
- 22.2 Prior to the commencement of evaluations, the Council will complete an initial due diligence check to ensure that all submissions have been returned in accordance with the Checklist. Missing information will result in a non-compliant submission and therefore will take no further part in this part of the process. Bidders may re-apply to join onto the FCA.