

Short breaks procurement guide

Advice for efficient and effective block contracting



About KIDS

KIDS is a national charity working towards a vision in which all disabled children and young people realise their aspirations, and their right to an inclusive community which supports them and their families. KIDS provides a wide range of services in seven English regions. These include Home Learning (Portage), Parent Partnerships, Adventure Playgrounds and Direct Short Breaks. Through its National Development Department KIDS also runs the Playwork Inclusion Project - PIP (funded by the DCSF) and provides training, regional seminars and publications on inclusive play.

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Introduction

This guide provides tips and advice to local authority staff who are involved in the procurement process for short breaks under the government's Aiming High for Disabled Children (AHDC) Programme. It draws on the experience of voluntary sector agencies - members of the Council for Disabled Children (CDC) - who have tendered many times for local authority block contracts, and from a number of local authorities themselves. The aim of the guidance is to assist commissioners in running an efficient and effective procurement process. For detailed questions on procurement, commissioners should seek advice from procurement colleagues as this guide is necessarily at a high level.

The guide is a mixture of advice which is specific to the short breaks programme and other comments that will have broader relevance to procurement processes. It is not a fully comprehensive or definitive legal or practice guide to procurement and does not seek to comment on all elements of the tendering or wider procurement process. This guide has been commissioned by the Department for Children, Schools and Families (DCSF), but responsibility for its content lies with KIDS. KIDS has endeavoured to make the guide up to date and correct, but any reliance you place on the guide is at your own risk. Local authorities will in all cases need to ensure that they comply with best practice and legal obligations when procuring short breaks.

In focusing on block contracting, this guide does not comment on alternative procurement approaches e.g. negotiated tender, spot purchasing etc. In providing advice on procurement, it should also be recognised that the scope of the document does not amount to a commissioning guide. Commissioning entails a cycle of activity encompassing needs assessment, planning, workforce and market development and monitoring. Procurement through block contracting can therefore be understood to represent just one approach to delivering a small part of the overall cycle.

Any procurement process should aim to maximise value for money for the tax payer and in this case for disabled children and their families. This will mean identifying the solution(s) that give the best balance of quality and whole life costs that meet the needs of the disabled children and their families. This is unlikely to equate with the lowest price solution.

The formal guidance for commissioners is the HMG Joint Planning and Commissioning Framework for Children, Young People and Maternity Services.

www.everychildmatters.gov.uk. General advice on procurement can also be found there.

Section 1: The tender documentation

1.1 Creating the specification

The object of the specification is to give those tendering the clearest possible idea of what it is they have to provide. Today there is rightly a strong emphasis on outcomes for a child, young person or family. These are defined as the end result of an intervention. Outcomes, usually based on the five Every Child Matters (ECM) outcomes and possibly supplemented by locally agreed outcomes, need to be achieved by the successful contractor, but in providing short breaks it is not enough just to refer to the outcome of children 'enjoying and achieving' or 'staying safe'. The purpose of the short break is to give the parent/carer a short break whilst also giving the disabled child/young person a short break. Slightly unusually in children's services, this 'output' can be measured relatively easily. It either happens - or it doesn't - and the length of time that it happens is also easily measured. The specification therefore needs to be precise in the number of hours of break that the contractor is expected to deliver, or alternatively to ask for a price per hour, with a guide to likely volume.

In summary the specification must carefully define the short break output while not ignoring the outcomes that follow from the delivery of a successful short break.

Having said that a short break is easily measured, this does not mean that all short breaks will cost the same or give the same benefit to the parent/carer(s) and/or the disabled child/young person. Short breaks broadly fall into 5 basic forms, ranging from the most expensive to the least expensive:

- Residential centre (overnight) – generally regulated by Ofsted as a children's home.
- Residential in a 'carer's' home (overnight) – generally regulated by Ofsted as fostering.
- Engagement in a community activity (including mainstream children's activities), with the support of a short break worker or Personal Assistant (PA).
- Cared for in the child's home, while the parent/carer goes out – generally regulated by the Care Quality Commission (CQC) as domiciliary care.
- Attendance at a specific activity designed for disabled children/young people – usually a setting registered with Ofsted.

Each of these have their pros and cons and this paper does not pass judgements on which of these short breaks is the most appropriate. However, it is important that the local authority has decided which it wants before tendering, otherwise it is likely to receive the cheapest kind of short break which is very unlikely to be either the best or meet what local parents/carers and disabled children/young people actually need.

Having established the volume of short breaks and the type of short breaks required, there are other factors which will need some consideration in the tender documents:

- Flexibility in timing – how much flexibility does the local authority want in terms of times that the short breaks should be available? This must though, be realistic - no provider can engage high volumes of staff to only work on Sundays and residential facilities need to operate with a steady occupancy through the year.

- Flexibility in location – how much flexibility is there in providing the short break outside of the local authority boundary?
- Travel arrangements and costs – will the disabled child be collected from the family's chosen location or will they be brought to a designated location to begin their short break? Who pays for travel costs both in terms of getting to/from the short break as well as during the short break?
- What range of (positive) activities should be available to the disabled child/young person during their short break? If there are associated additional costs with some



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- activities (admission fees etc) who meets the cost of these for the disabled child and for any staff accompanying them?
- Cancellation periods – same notice either side, but what is it?
- Staff ratios – are these to be specified, if so what are they?
- Children/young people who need more than one member of staff – how is this decided and what is the extra cost to the local authority?
- Focus on the five groups highlighted in the short breaks full service offer as set out in the AHDC Short Breaks Implementation Guidance (www.everychildmatters.gov.uk/ahdc) and any specialist knowledge/experience required by the contractor's staff.
- Performance management arrangements.
- Reporting arrangements – what is required in what format (to fit with AHDC/Together for Disabled Children and Children in Need census requirements)?
- Social and environmental issues such as the impact the proposal will have on local employment prospects and the environment.

Finally, are there any circumstances which are peculiar to the local authority? For example, rural authorities will have different issues with regard to travel from those facing urban authorities.

Local authorities should, however, be aware that highly prescriptive requirements are likely to both increase the cost and decrease the room for the supplier to innovate.

1.2 Sustainability and contract period

While 'sustainability' is a word that will appear many times in most tender documents, it has a particular applicability to procuring short breaks. There are two impending developments which will affect such services:

- A legal duty on local authorities to provide short break services for disabled children and their carers will come into effect in April 2011. The duty is at Section 25 of the

Children and Young Persons Act 2008 and will be accompanied by regulations and new statutory guidance, both of which will be in place by April 2011. The regulations and guidance will further specify the legal requirements and government expectations around the provision of short breaks.

- Direct payments and individualised budgets are likely to become more prevalent for disabled children and young people during the period the service is being contracted for.

The consequence of this second development is that local authorities may wish to ask suppliers how their service could be adapted to meet the requirements of families who wish to use, or transfer to, direct payments/individual budgets.

These factors will also influence the number of years that the contract is tendered for. Local authorities may wish to only tender for contracts through to March 2011, as this forms the end point of the current government spending cycle and the authority may wish to retain flexibility in shaping future provision - especially in the light of the likely growth in demand for direct payments. However, there are also strong reasons in favour of a longer term contract:

- The compact and best practice recommends three year tendering.
- Three years will often enable suppliers to give more competitive prices.
- What is the likelihood that the tender will get rolled over for another year anyway?
- The legal duty to provide a short break will mean that services have to continue beyond the life of the AHDC programme and the government has already indicated its commitment to fund the AHDC agenda.

1.3 Provider events

Having an opportunity to consult with suppliers – existing and new, local and national before tenders are issued can be very helpful both to those tendering and to those writing the tender. Provider events can identify for the local authority innovative ideas, risks, the likely capacity in the sector and possible incentives to build into the specification. Care should be taken to avoid skewing these events towards a small group of providers and internal as well as external providers should be invited. Such events should be well publicised, with at least three weeks notice for suppliers to make arrangements to attend. Full notes should be taken and should be made available to all those attending as well as to those who express an interest or send their apologies.

The main problem with such an event is that it inevitably builds at least six weeks delay into the process as it takes this long to organise the event, publicise it and then consider what has arisen as a result of the meeting. Local authorities need to balance the benefits of such an event against the likelihood that it will delay the provision of the service to the disabled children that need it. Of course planning the event earlier in the commissioning cycle as part of an ongoing provider engagement strategy, would be preferable.

What is not helpful is to have such an event during the tender process when it is really too late to alter the documentation.

Finally, such an event (and any follow up) should not be used as a way of 'getting free consultancy'. It is the local authority's responsibility to create the specification and draw up the tender documents and this process should not rely upon an inordinate amount of support from potential suppliers.

1.4 Grouping services into one tender or splitting services into a number of tenders

The large expansion of short break services under AHDC means that it is possible for many local authorities to split the contract sums between more than one supplier. There are many advantages to such an approach:

- Given the large number of short break workers who need to be recruited simultaneously to support this programme, having several suppliers may mitigate a potential recruitment and training bottle neck.
- If a brand new supplier not previously known to the local authority were to win the entire contract this could increase the risk of failure to deliver if there is no other supplier to turn to.
- Competition between several local suppliers is likely to lead to improvements to the service supplied and better value for money.
- Small and/or specialist providers could successfully tender for part of the programme who would not be appropriate to deliver the entire programme.
- A range of providers gives families the ability to choose from a range of options.

On the other hand monitoring the performance of several contractors will cost the local authority more than monitoring just one.

The other issue to consider is the minimum size of a contract which will make it viable for most suppliers. A contract of less than £60,000 is very unlikely to be of sufficient size to be viable for most suppliers.

1.5 Linking with adult services?

If local authorities already have contracts in place with adult services providers, it is tempting to either vary existing contracts, or alternatively tender services for disabled children and adults together.

This is unlikely to be best practice. To do this narrows the market unnecessarily and restricts contestability. There are many suppliers of services for disabled children who do not work with adults. Furthermore, the regulation, inspection and outcome framework for children's services is markedly different to that for adult services. While some suppliers may have expertise in both areas, this is likely to be exceptional. Finally, there is the profile of those recruited by agencies that may be extending from adult services to children's services. Disabled children and young people consistently favour being cared for by younger people. Adult users of short breaks or similar services will not have such a preference and adult services are likely to recruit a different profile of carer (who in turn will have had a very different training experience).

1.6 Linking with other government initiatives

It is worth local authorities considering whether there are any easy links with other initiatives that are taking place within the authority that could add value to the short breaks programme.

This is particularly significant in the AHDC programme's aspiration that as far as possible disabled children should experience 'ordinary lives'. The more short breaks for disabled children that can be integrated into other initiatives that are benefiting non-disabled children and their families, the better. Examples of initiatives that are being successfully joined up include the Play Strategy, Aiming High for Young People and new Extended Services. On the other hand, it will be important that joining up these initiatives does not lead to significant delay in the delivery of the short break services.

1.7 Agreement between the local authority and the PCT

Ideally local authorities would commission a joint short break service, through a pooled budget with PCTs. This is the most integrated approach, but is reliant on good relationships between partners and in particular, the alignment of different procurement policies and procedures. This is though, the preferred option for a mature children's trust and is likely to lead to the most efficient, effective and sustainable delivery of short breaks. Where these arrangements are not in place, co-ordination can be assisted through statutory agencies keeping each other informed so that duplicate services are not procured. A more developed option would be to tender simultaneously so that providers can achieve economies of scale and indicate the savings that could be passed on if they were successful with both tenders. AHDC expects this sort of co-ordination.

PCTs need to consider their role in relation to disabled children receiving short break support. A significant number of disabled children have additional health needs and meeting these will require a joint approach between the local authority, PCT and voluntary sector partners. In particular, PCTs need to specify how they will provide training to short break workers and non-parent carers in relation to children with invasive care and complex health needs. Local authorities should not expect suppliers to either have staff qualified to do this, or leave them to try and negotiate directly with the PCT.

1.8 Clarity about either encouraging consortium or encouraging competition

Tendering is a competitive process, which does not come naturally to either the voluntary sector or children's services. It is important to realise that if this is the first time that you are running a competitive process in this sector in your locality, then it is likely to lead to a



change of culture within the voluntary sector and between the voluntary sector and the local authority. During the process, voluntary organisations are likely to be careful not to share information which would be advantageous to their 'competitors'. Once the process is complete, this will abate somewhat, but voluntary organisations will still have at the back of their mind that a new tendering round is likely sooner or later.

Tenders and the resulting contract also change the relationship between the voluntary sector and the local authority. This often comes to the fore when

something unusual happens. Under a contract the supplier is probably going to put greater emphasis on having the correct paperwork in place before it responds to an unusual request than it would when relationships were less contractual. It is possible for the local authority to say that it encourages consortium bids. The advantages are similar to those achieved by contracting with a number of providers. The disadvantage is that for the suppliers, putting a consortium bid together is much more complex and more time should therefore be allowed for the suppliers to do this. Once awarded, the local authority saves time because it monitors only one contract, but on the other hand, the situation is much more complex to address if a member of the consortium underperforms.

1.9 Creating the tender forms - word-processing skills, size of files etc.

A few local authorities still require the submission of paper documents. This should be avoided if at all possible. It wastes resources and builds in delay as timescales allowing forms to be submitted electronically can be shorter.

Completion on line is very desirable as long as the system is robust and will allow reliable access at all times during the tender process. Very few authorities have such a system.

Completion of word 'doc' forms which can be downloaded and then either uploaded or emailed is the most common system. Guidelines for the creation of these forms are as follows:

- Use 'doc' file extension and not the recently introduced 'docx' extension as most suppliers in the voluntary sector have not upgraded to this software.
- Forms which look great when empty and/or when printed can behave in very unexpected ways once someone tries to insert text. Always try using the form before 'sending it out'.
- Discourage whoever is creating the form from using esoteric bits of Microsoft Word - these will invariably create problems for the person completing the form who is likely to be a practitioner and not a word processing expert.
- Don't use tables if possible, or if you do, keep them really simple. Many third sector organisations are considering using Open Office. This works well but can treat tables differently to Microsoft Office
- Don't use text boxes. As they are filled in they tend to collide with other parts of the document.
- If possible don't use colour or pictures. If you have to, keep it to a minimum. Both colour and pictures increase the file size of the document dramatically. As many suppliers will email these files around their own organisation for different people to work on, large files can start to clog up internal email systems. Finally when it comes to the time to upload or email the documents to the local authority, many large files being uploaded or sent just before the deadline can have a detrimental effect on the local authorities own systems.
- Set the spell checker on the document to UK English rather than USA English.
- Use one font consistently and comply with RNIB guidelines on font size (i.e. minimum point 12 www.rnib.org.uk).
- Don't ask for signatures without specifying what you mean - e.g. a scanned copy of the signature or just the name typed.
- Overall, keep it as simple as possible.

1.10 Clarity and detail of information

There are very few legal definitions of many of the terms being used around the provision of short breaks for disabled children and young people. Indeed even the term short breaks is relatively new to our sector, where 'respite care' was used for many years.

A set of definitions should therefore be provided early on in the documentation so that the local authority and the supplier can be confident they are speaking the same language.

Terms to be defined may include 'children', 'young people', 'short breaks' and (if used) terms such as 'personal assistants', 'befriender', 'sitting service' 'shared care' etc. Other terms that can be used inexactly and will need specification can include 'working day', 'session', and any other time period.

Once these terms are defined ensure that when they are used, it is with the meaning given to them by your definition.

It is easy to assume that the more information you provide to tenderers the better. This is not necessarily the case. Local authorities which provide the important information in an easily digestible and understood format are more likely to receive good tenders from suppliers. Large volumes of densely packed information with important information randomly interspersed with information which has little impact on the service being procured, is not helpful.

However, some details are important. An example of what might be overlooked is: Who determines the staffing ratio that a disabled child or young person requires? If the local authority delegate this to the supplier, then they are almost writing a blank cheque for the supplier to engage whatever staffing levels they think fit. If, on the other hand, this is decided by the local authority, suppliers may be caught between their own risk assessment procedures and their contractual obligations. Detail on how an issue such as this will be resolved is important in enabling suppliers to cost accurately.

1.11 Whether to give an indicative budget – or not

Indicative budgets can be given in two forms; a gross contract sum, or for a clearly specified service, an hourly rate. This paper recommends giving a budget range, which encourages contestability on price while giving suppliers a quick idea of the scale of the contract and the amount of work that the tender therefore merits. It is also the case that some contracts will be too large for some suppliers, and likewise some will be too small. An indicative budget allows the supplier to make that judgement quickly. The only time when this should be avoided is in the unlikely event that the specification is extremely detailed and the contract is to be awarded solely on price.



1.12 Volume of information required. Deciding on a word limit for tender information

Just as a local authority supplying excessive volumes of information is not helpful to the supplier, suppliers supplying huge volumes of information to the local authority makes evaluating tenders much more tedious for the local authority. This is particularly problematic if the supplier starts to believe that they will score higher 'the more boxes they tick'. This can lead to an inclination to throw everything in - in the hope that one way or another all the 'boxes will be ticked.' Very few local authorities currently use word limits (although the DCSF often does with their tenders). This paper recommends setting word limits (which can be section by section) as it will make the tenders easier to read and evaluate and will also encourage self discipline in suppliers.

Local authorities should also clarify whether they welcome pictures and diagrams within the tender documentation, or whether they should be purely text documents. The answer to this question might depend upon who is going to review the documentation. If parents and/or disabled young people are going to review the documentation, then allowing suppliers to liven up and illustrate their submissions with non-text material is probably helpful.

Questions around financial information should be considered carefully. Asking for a detailed budget breakdown may seem a reasonable approach, but why is it necessary? If the local authority is making a grant then it is essential, but if this is a competitive tender what relevance does the detailed budget have to choosing a supplier? In fact it can lead to problems later on if the local authority is expecting a service and the supplier can clearly demonstrate that it was not included in the budget submitted.

1.13 Proportionality of tendering with regard to size of contract

It is perhaps helpful to compare the awarding of a contract with the procedure used to employ a new member of staff. If the value of the contract being tendered is say £300,000 per year, then to have a tender form to complete that is 10 times longer than a normal job application is appropriate. However, if the contract value is only £60,000 a year, then to have a tender application form that is much more than double a normal job application form is disproportionate. Systems that require both local authorities and suppliers to spend a disproportionate amount of their time and resources on tender processes don't ultimately benefit disabled children. Where local authority standing orders do not permit such flexibility, commissioners should consider revisions to the orders, so that the length of the tender information required is commensurate with the price and risk of the service being tendered.

1.14 Review tender requirements such as health & safety, insurance etc. in line with size of tender

Standard local authority tender documents have rarely been developed with services for disabled children in mind, and often with only commercial suppliers in mind. They are therefore unlikely to be in a format which is ideal for short break services and can deter innovation. It is important to establish early on what can and can't be changed within the local authority's standing orders. Areas which cause particular issues for short break services include:

- Health & safety – completing forms which are designed to ensure that industrial accidents don't occur are unlikely to meet the need for a local authority to be confident

that disabled children are safe in the care of the supplier, and that the supplier's staff are safe while caring for such children.

- Insurance – very high insurance cover levels both add cost to the supplier (and therefore the contract) and can also put some contracts beyond the ability of smaller voluntary organisations to even tender for.

1.15 Appropriate registration requirements (CQC and/or Ofsted)

The registration of short break services is complicated. A rough and ready guide is given in 1.1 (above), but there are other options, for example registered childminders can provide short break services under their individual childminding registrations.

The local authority therefore has to be clear about whether it is going to specify how the tendered service should be registered, and whether it is doing this because this is a legal requirement, or because it is encouraging good practice. One possibility is to put this question squarely in the lap of the suppliers and evaluate their answers.

If the local authority has decided that it is going to require the service to be registered with either Ofsted or CQC then this should be clearly stated in the documentation. It should also be noted that while Ofsted registration is not expensive, CQC is different with domiciliary care registration costing £497 (2008-09). Anecdotal experience is that currently (2009) Ofsted registrations are being processed promptly. CQC registration is a much more lengthy process which is likely to be delayed further by the absorption of CSCI into the new Care Quality Commission in April 2009.

Therefore, if the local authority believes the tendered service needs to be registered with CQC they should allow for a considerable delay, unless the successful tenderer already has a registration that can be utilised. If such delay is not acceptable, then it should be made clear in the tender advertisements that a relevant CQC registration is essential – to save everyone's time.

1.16 Tender stages and the use of Pre-Qualification Questionnaires (PQQ)

In theory having a two stage tender process should save everybody work. In practice, if the local authority's PQQ is very lengthy (and most seem to be) then not much work is saved by having a very long PQQ followed by a very short second stage, especially if the supplier finds that to answer some questions in the second stage they have to repeat information already supplied in the first stage. This paper therefore recommends running the two together and not building in additional delay by having two stages.

Section 2: Finding and encouraging suppliers

2.1 Methods of advertising – including use of 'key words'

Various routes can be used to advertise the tender opportunity:

- Local networks
- Local press
- Sector press – in particular Community Care, Children and Young People Now, the Wednesday Guardian

- Organisations with email bulletins – Council for Disabled Children/Every Disabled Child Matters; KIDS; Together for Disabled Children etc.
- Tender alert services – these will normally pick up the tenders from the notification systems which local authorities have to use to comply with European Union legislation
- The official government website: www.supply2.gov.uk

The DCSF is also planning to launch a website dedicated to short breaks procurement in which commissioners can place tender opportunities and also gain information on potential providers of short break services. In launching the website the DCSF is seeking to build additional visibility in the short breaks market place, increase contestability, while enabling commissioners to secure well fitting short break services. Further information will be available

on: www.commissioningsupport.org.uk and:
www.everychildmatters.gov.uk/ahdc



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Because information is increasingly found by people carrying out 'searches', the use of 'key words' in the title of the tender opportunity is important in enabling suppliers to find your tender. Using words like 'short breaks for disabled children' is likely to be found by many more suppliers than a title such as 'care and support services'.

Local authorities should be aware that some of these advertising methods can be virtually instant and be ready to respond to enquiries. For example, sector press often put information on their websites before the magazine goes to print.

2.2 Timescales (to be confirmed at the beginning) and taking account of holiday periods

A brisk but reasonable timetable should be worked out at an early stage for the entire process from beginning to end. This should include everything that needs to be done for the process to work smoothly; and some of the most time-consuming tasks may not be obvious. For example, if parents and/or disabled children and young people are to be involved in the selection process, then time for training and good notice for them to be able to take time off work, time off college, or organise child care will be essential.

Once the timetable is set, it should not be changed unless absolutely unavoidable (such as a snow storm on interview day!). Changing previously circulated timetables undermines confidence in the local authority and causes considerable difficulties if a supplier is preparing more than one tender during the same period. It also puts the local authority in a weak position if later on down the contract the supplier does not keep to their deadlines. Although the timetable should be brisk, thought should be given to the impact of school holiday periods. Many people involved in this process will have annual leave during such periods, and if not they will be probably be very busy delivering services to families with disabled children during school holidays. Commissioners should also just check what else is being tendered by colleagues in related services. It doesn't help the reputation of the local authority (or the suppliers) if there is a sudden glut of tender opportunities for providers of services to disabled children which appear un-coordinated and unplanned. This is especially

true if they use different tender methods, different outcomes, different minimum requirements etc.

Finally, the timetable should not stop at the day the decision is made, but should extend right up to the issuing of the signed contract and the start of service. It should also include an evaluation of the process which can include providers.

2.3 Suitable response times for tenderer and local authority

As a general guide, it is not uncommon for a key employee to take two weeks continuous leave, so the time allowed for documents to be written and read should always be more than two weeks. A three week period for most processes is a good compromise between speed and being confident that the employees necessary to undertake the tasks on both sides will be available. As mentioned in section 1.8, consortium bids will usually need a longer time period.

2.4 Selection and scoring criteria

Evaluation criteria and weightings should be disclosed to bidders at the outset and it is essential that you design your tender questions with these criteria in mind. Advertising your criteria should also help reduce excessive and unnecessary information being supplied by the tenderer. Designing a set of questions first and then setting the selection and scoring criteria afterwards will leave the tenderer confused. It will also mean that you have probably asked questions where the information supplied will not be used – which is a waste of everyone's time.

Hopefully, the local authority will have engaged key stakeholders in developing the tender, including disabled children and their families. The evaluation criteria will naturally flow from this engagement. Some generic criteria that local authorities may wish to include are:

- Previous experience of similar services
- Previous experience of similar value contracts
- Financial stability
- Understanding and management of risks
- Contingency arrangements
- Level of support required from the local authority
- Inspection reports
- References
- Whole life cost
- Plus criteria that are specific to the tender

2.5 Weighting of scoring criteria, including weighting of local knowledge which may unfairly benefit existing providers

Having twenty evaluation criteria and giving them all equal weight is unlikely to reveal the best supplier. Some criteria will be much more important to the local authority than others and therefore a straightforward weighting system should be used, perhaps allocating percentages to the different criteria or to different groups of criteria. Particular thought needs to be given to the value placed on 'local knowledge'. While such knowledge may help a supplier get a service mobilised quickly, non-local suppliers may be able to compensate for this weakness and should be asked about their proposals.

Finally, an opportunity should be given for each supplier to indicate what they might bring to the contract which would be special if not unique to them. Some value should be placed on this in the scoring criteria as good suppliers should be able to come up with something that has not occurred to the commissioners.

2.6 The final check – do it yourself!

If at all possible try and complete your final tender form yourself or get a colleague to attempt it. This is the real check that:

- You have created what you wanted
- You have supplied the information necessary for it to be completed accurately
- The answers you get will tell you what you need to know

Section 3: Choosing a supplier

3.1 The use of interviews and presentations

Most local authorities seem to be using 'clarification meetings'. They have the strong advantage of enabling any clarifications required in the documentation submitted to be discussed in person. For the successful supplier it can also be a good start to the positive working relationship which must develop if the service is to succeed.

If interviews/presentations are to be used, they need to be programmed in at the beginning and everybody should know the dates in advance. However, successful suppliers will still need a reasonable time to prepare for such presentations – two weeks would be sensible.

As with any job application process, it is not a good use of anyone's time to invite suppliers to interviews whose original submission is not of sufficient standard for them to be awarded the contract. Similarly, inviting more than five suppliers to interviews (if only one can be successful) is almost certainly not a good use of the panel's time. Both local authorities and suppliers need to be clear about what is happening at such interviews, and the extent to which the interview will affect the scoring of the tender. Additional award criteria should not be introduced that was not specified in the original tender documentation.

- Are the questions being asked covering the same areas that were in the original tender documentation (and the answers supplied by the provider in their tender)?

Or:

- Are the questions being asked seeking new information which was not in the original tender?

Care needs to be taken over the value ascribed to the quality of the presentation. If the successful supplier will have to make presentations as part of the contract – then this is important. If the contract does not ever require the supplier to make any presentations then skills in this area are not important.

3.2 The involvement of parents/disabled children and young people in selection procedures

Given the aspirations of AHDC to empower parents this is a very important area. Many separate resources are available:

www.kids.org.uk/files/102619/FileName/TRANSITIONS%28KIDS%29.pdf

www.togetherfdc.org/Topics/ParentalParticipation.aspx

www.kids.org.uk/information/100428/100623/100836/briefings

What follows can only be a summary of the issues:

- At what stage do you involve parents/disabled children and young people in the procurement process? Most will only be interested when it comes to meeting suppliers, although it is possible to recruit parents or young people who have skills in this area who would be willing and motivated to be involved in reviewing written tenders. Generally, parents, children and young people should be involved at decision points, e.g. in specifying the service and at the point of deciding on the award of a contract.
- Involving parents/disabled children and young people will give the local authority the opportunity to check that the supplier is capable of building rapport with these client groups. This will be essential to the success of the contract.
- Whether to have two panels or one panel. There are advantages and disadvantages to both. However, if you have two panels, ways of resolving disagreements between the panels must be established at the beginning.
- Everyone involved (including the supplier) needs to know who is making the decisions. Whilst parents and disabled children will lose out if the wrong supplier is chosen, it will be the local authority as a legal entity, and its staff, who will carry the responsibility. That responsibility cannot be assigned to the parents and/or the children. If there is a difference of opinion between parents/disabled young people and local authority staff, it should be clear at the start of the process how this will be resolved.
- The involvement of disabled children and young people with significant communication difficulties and/or learning difficulties needs particular care.

3.3 Use of references – accepting standard letters?

With the high volume of AHDC contracts likely to be tendered in 2009, this becomes a real problem. It begins as a problem for suppliers who have to find people willing to do unpaid work – i.e. write a reference. It then becomes a problem for local authority staff who will start to get inundated with requests for references. If there are 150 AHDC contracts tendered, and each contract attracts submissions from five suppliers who in turn will be required to supply three references, that will be 2,250 references generated by this process alone.

It is important to explore what your local authority's procurement policy will allow. Here are some options:

- Accept open 'to whom it may concern' references on letterhead.
- Don't require more than two references (most job applications only require two).
- Only take up references once a preferred supplier has been chosen – i.e. the final stage of the process is the reference (again as per modern recruitment practice).
- Accept a recent (i.e. within 12 months) Ofsted or CSCI inspection report as equivalent to a reference.
- Accept references from parties other than local authorities. For example, central government, funding bodies such as Big Lottery, Futurebuilders, partner organisations such as other voluntary organisations etc.

Section 4: After selecting a supplier

4.1 Giving feedback

No matter how well the tendering process is conducted it will have taken up a lot of time and energy from all involved. Hopefully, the winning contractor(s) and the local authority will have their reward in overseeing the provision of an effective service. For unsuccessful suppliers brief feedback should be provided as a matter of course and the date when this can be expected should be included in the overall tender timetable.

4.2 Mobilisation timescales – including allowing time for consultation if TUPE is involved

Once the tender has been awarded there is a temptation to relax and feel the job has been done. Of course the award of the tender is only the start of the process.

It is very disappointing to all involved if a brisk and successful tendering process is followed by a long period when nobody does very much.

If possible therefore, the tendering timetable should include within it the continuing process and dates for mobilisation, including dates for meetings between the supplier and the local authority, any important local events that the local authority would want the supplier to be at etc. Finally, a date when the service is expected to commence.

If it has not been possible to set all this out when the original timetable was drawn up, then an early meeting with the successful supplier must be held to establish this timetable. However, at this point it is now a negotiation rather than part of the specification.

If TUPE is involved these timescales must allow for what can easily become a protracted process. At least two full months must be allowed from when it has been agreed by all concerned that TUPE exists to the successful transfer of staff. The legislation is complex and the local authority must be ready to play its part in ensuring the winning contractor has all the information necessary to carry out its legal obligations.

4.3 Getting signed contracts to the successful tenderer

The issuing of signed contracts to the supplier and the date for their return should also be in the timescales agreed at the start of the process. In particular, local authorities should not expect suppliers to enter into contracts of employment with new staff to undertake the work before they have received a contract from the local authority.

4.4 Payment in advance (compact compliant)

Finally, the supplier must be confident of being paid promptly. The payment terms recommended in the National Compact, Funding and Procurement Guide republished by the Home Office in 2005 state: *'Government undertakes that payments to voluntary and community organisations can and should (where appropriate and necessary) be made in advance of expenditure, rather than in arrears in order to achieve better value for money'*. (This does not apply to commercial suppliers)

4.5 Contract management

This is an entire subject in its own right, but it is important to note that however good the procurement process, a successful delivery of services to disabled children and their families will also depend upon good contract management. The person identified by the local authority to manage the contract should be intimately involved in the procurement process and should also benefit from appropriate training. For the successful provider it should be made clear as to when their primary relationship is handed over from 'procurement' to 'contract management'.

4.6 Access to further training and information for commissioners

The Commissioning Support programme was launched in October 2008 to work with children's trusts to enable them to achieve better outcomes for children and young people through improved strategic commissioning. The programme will run until April 2011. There is a named regional lead for each government region who can be contacted directly. All this information is on: www.commissioningsupport.org.uk



© KIDS Publication - Inclusion By Design

KIDS Resources

KIDS Publications - The PIP Guidelines Series

- **Inclusion by Design - a guide to creating accessible play and childcare environments** (2008)
This publication is aimed at all those who want to ensure that the design of their playspace is accessible, welcoming and inclusive.
- **Pick & Mix - a selection of inclusive games and activities** (2008)
This popular KIDS publication includes a wealth of practical ideas, games and activities to help promote inclusion in any play, holiday or childcare setting.
- **It doesn't just happen - inclusive management for inclusive play and childcare** (2006)
This publication is aimed primarily at senior managers of play settings, but is also relevant for face to face workers as well as others in the voluntary sector.

PIP Publications and a range of briefings can be ordered or downloaded from:

www.kids.org.uk/publications

Other resources

- **KIDS DVD: Kids just gotta have fun!** (2008)
Featuring KIDS Hayward inclusive Adventure Playground.
- **National Inclusive Play (NIP) Network e-bulletin**
A FREE bi-monthly e-bulletin containing news and events on inclusive play. Send your email to: pip@kids.org.uk to subscribe.
- **Transitions**
A FREE termly newsletter aimed at young disabled people.

Useful websites

- **KIDS Direct Short Breaks:** www.directshortbreaks.org.uk
- **Aiming High for Disabled Children:** www.everychildmatters.gov.uk/socialcare/ahdc
- **Together for Disabled Children:** www.togetherfdc.org
- **Council for Disabled Children:** www.ncb.org.uk/cdc
- **Every Disabled Child Matters:** www.edcm.org.uk

KIDS Short Breaks National Helpline: 0845 453 1000

Email: enquiries@directshortbreaks.org.uk

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