

Clarifications (Complex Resi Framework)

Number	Query	Response
1	<p>Good Morning, What is the benchmark range for the pricing rates? We are unable to find this in the tender documents Thank you</p>	<p>For pricing rates the Pricing Matrix is to be completed in reflection on costs you deliver or would see when delivering under a complex setting. The benchmark rate is not visible to you on completion of this because it requires the specific details of your home to be able to calculate, and it will be communicated if necessary post-bid.</p>
2	<p>Our Company and services are based in wales, although we do have out of county services users from Essex.</p> <p>With this tender, will we meet the criteria with our CIW registration?</p> <p>The tender states that it is for adults does this mean 18 - 65 or 65+ or both, as the services we deliver are for 18-65.</p> <p>Thank you</p>	<p>Providers from outside of Essex are welcome to tender to added onto the framework, but Service delivery and settings MUST be in the county of Essex or neighbouring districts. Age criteria requirement is both.</p>
3	<p>We would just like to seek clarification on the following points:</p> <p>We have been unable to locate the Data Protection Compliance Questionnaire. Would you be able to advise where we can locate this?</p> <p>Can we check what word limit is to be applied to the Social Value Supporting Statement?</p> <p>Is there a minimum turnover requirement?</p> <p>Thank You</p>	<p>The document has been uploaded (06.07.2022) please message if you are unable to access.</p> <p>The word count should not be more than 1000 words, as stated within the bidders guidance document.</p> <p>There is no minimum turnover requirement, providers will be subject to the financial self cert form as covered in the ssq.</p>

4	<p>Hi - please can you clarify that this is a residential framework for the provision of support to adults with complex LD and autism? Please can you confirm that this would not be a relevant framework for an individual requiring a care home placement, who has a dual diagnosis of PD and mild/moderate LD? Many thanks</p>	<p>“The residential framework is intended for adults who have a learning disability and complex needs, and it could be that the adult has a dual diagnosis such as autism, PD, mental health needs etc.”</p>
5	<p>Within the SSQ there are 3 questions which require the completion of attached documents and uploading, however these are not accessible on the portal, and they are not part of the tender response documentation. Please can you provide the following: Data Protection Compliance Questionnaire Financial Self Assessment Sub-contract List</p>	<p>Data Protection Compliance Questionnaire – As mentioned above has now been uploaded Financial Self Assessment – This document can be found in the procurement documents zip folder Sub-contract List – There is no document as this question is to be completed in open text via the question</p>
6	<p>Please could you advise whether this framework will reopen at a later date, or is it a one time only opportunity? I cannot locate anything in the supplied documentation to indicate either way. Resource limitations across the summer period are such that we need to consider a later application, if this is possible.</p>	<p>As per our FAQ via our provider hub Link below. The framework can be re-opened up to two times per calendar year. Please note however this does not bind ECC to opening it twice per calendar year, and a decision can be taken not to open it at all where it is deemed the best course of action (https://www.essexproviderhub.org/adults-with-disabilities-hub/learning-disability-residential/complex-residential-framework/)</p>
7	<p>We note that if you receive a Requires Improvement/Inadequate score from the CQC, you will be in suspension from the contract. Does this apply to services that are already listed as RI/I? Are we able to put forward services that are RI for the bid or only ones that are Good/Outstanding?</p>	<p>The terms and conditions of the framework is for providers to be Good/Outstanding . Any provider with a home that is currently Requires Improvement will have that provision suspended. It will not result in the provider being unsuccessful with this tender and will not impact on placements at other homes which may be Good/Outstanding.</p>

8	<p>SSQ Section 8.9 Information Handling and Security - the Data Protection Compliance Questionnaire has not been attached can you please provide?Part B- Section 2 ITT Quality has 4 placeholders, one for each question, but you have provided one document that enables the answering of all questions. Should we be submitting the whole ITT Bidder Response Pack document on each placeholder or do you require us to complete the answers as a separate word document rather than completing the document you provided?Can you confirm that the following documents should be uploaded at question 2.38 of the SSQ as they do not appear to have placeholders:Home FormForm of Tender DeclarationFOI Form</p>	<p>All above documents can be uploaded within the SSQ question and/or as a folder stating required documents for tender. As highlighted in responses on 6th July this document has been uploaded onto proactis. The bidder response pack is a word document where by bidders can complete all the questions in one document.</p>
9	<p>Please confirm that the contract term is 16.01.2023 to 15.01.2027 plus a potential 2-year extension?</p>	<p>Yes that is correct this framework is 4years (dates shown above) with a potential 2 year extension</p>
10	<p>Please confirm if this framework affects existing business, or is this for new business only? If the latter, will existing business continue on the current T&Cs?</p>	<p>Where a provider brings forward a home to the framework for ECC to make placements at, any existing residents at that home will automatically be transitioned on to the terms and conditions of the framework contract. However, this will only impact the contract for the placement and will not result in any changes in costs for existing packages. Homes that are not brought forward to the framework will not</p>
11	<p>Within the SSQ, bidders are asked to complete a Data Protection Compliance Questionnaire – Self assessment, but we cannot see where this is located. Please can this be uploaded?</p>	<p>Yes this has been uploaded, please let us know if you are not able to see the document</p>
12	<p>Please would you clarify this bullet point in the PQQ Buyer guidance page 19: “Bidders can propose “Other initiatives” that they wish to offer. If they are relevant to one of the Outcomes listed in the Essex TOMs but there is no specific relevant Measure or Proxy Value for the activity.” Can you confirm that bidders should only select Other Initiatives from the Priority Measures tab of the ECC TOMs Social Value Calculator and use the proxy values shown?</p>	<p>Yes, bidders should only use the Initiatives highlighted within the ECC TOMs Social Value Calculator and use the proxy values shown</p>

13	The ECC TOMs Social Value Calculator provided has values entered into the 'units offered' column. Please can you confirm bidders should overwrite these values with their own units offered?	Yes, that is correct the units offered should be overwritten by bidders the current figures are there as an example
14	Please can you advise what bidders should include in the Help Text and Comments fields of the ECC TOMs Social Value Calculator – should this be a brief version of the information provided in the supporting statement?	The help text/comments section are to be used if you wish to add further detail/context to the information you have stated within the SV Calculator section.
15	As this is a Framework with no guarantee of placements, please can you advise how bidders should calculate their social value offer? Normally we would calculate commitments such as training or apprenticeships based on the size of the staff team needed to deliver the contract in question, but this is difficult to apply for potential individual placements in residential homes with different staffing structures, offering support for people with different complexity of need?	Bidders should look at the commitments set in the TOMS Calculator and state what they to be achievable and measurable over the life of contract, as this will be included within outcome requirements at future contract meetings. This should be based on the proposed number of homes and placements expected to be delivered through the contract.
16	<p>We note the requirement to include details of all homes to be included in the framework. Please could you clarify:</p> <p>a) Can providers apply for the framework if they do not have any homes in Essex yet?</p> <p>b) Can providers request for homes outside of Essex to be added to the framework?</p>	<p>Yes, As you are bidding as a provider you do not need to have residential homes in Essex in order to secure a place on the framework. Obviously this would mean you are unable to receive referrals until such point as a home is brought forwards to the framework but it would not preclude you from developing new services or responding to mini-competitions brought under the framework.</p> <p>No, This framework is not designed to include for out of county provision and any such placements would be made only when our framework has been exhausted and specific exception criteria has been met.</p>
17	Can you please confirm whether this will be a closed framework or will reopen at a future date to allow for new provisions and providers to be added? Many thanks	As per our FAQ via our provider hub Link below. The framework can be re-opened up to two times per calendar year. Please note however this does not bind ECC to opening it twice per calendar year, and a decision can be taken not to open it at all where it is deemed the best course of action (https://www.essexproviderhub.org/adults-with-disabilities-hub/learning-disability-residential/complex-residential-framework/)

18	<p>If there is a possibility that a provider will require a Parent Company guarantee would this make it necessary for the provider to complete a separate version of the SQQ on behalf of their parent company (as per Question 1), even if the bid is not being completed on behalf of the parent company? If yes, please can you advise where we can find the Word version of the SQQ as we have searched all attached documents, including within the question itself and have been unable to locate it. Thank you in advance for your help</p>	<p>The need for a parent company guarantee will be dictated by the score achieved on the Financial Self Certification Form and will be requested post-tender if it is to be required. We do not require the SSQ to be completed by the parent company at this stage unless they are being relied upon to provide a substantial element of the services directly.</p>
19	<p>We are looking to develop a Complex Residential Care offer in the Essex area within the next 12 months but currently are only registered with CQC for the Regulated Activity of Personal Care. We currently sit on the ECC Supported Living Framework for both standard and complex provision. Can you advise if we can submit an application for this framework based on the understanding that we will be looking to apply to CQC to add the Regulated Activity of Accommodation for persons who require nursing or personal care in the future.</p>	<p>Yes, providers who do not have CQC registration and/or a setting within the county are still allowed to bid for the framework. Successful bidders will be on the framework but will not receive referrals until they have finalised their registration and or property development.</p>
20	<p>Will providers who do not currently have empty properties in Essex be able to join the framework so that once they have available properties they will be considered for placements? If the above is so, how will the pricing scoring be undertaken as providers will have no property to price based on? Can commissioner confirm what the benchmark pricing value is? Where it states the service is for residential services, does this mean solely registered services or will supported living properties be suitable also? Will commissioners consider placing in out of borough properties if suitable?</p>	<p>Yes, bidders who currently do not have property within the county of Essex can bid for the framework. As highlighted in Number 1 there is no benchmark figures. The Pricing Matrix is to be completed in reflection on costs you deliver or would see when delivering under a complex setting. This framework is solely for Complex Residential services and will not be accepting supported living properties. As highlighted in Number 16 this framework is for placements to be made solely within the county of Essex.</p>
21	<p>This question states there is an attachment regarding grounds for exclusion - but there is no attachment. Please advise.</p>	<p>This is covered within the bidders guidance document under section 2 and section 3</p>

<p>22</p>	<p>Please can you confirm when on boarding services, should these be in county only? Do you consider services located in Southend on Sea as in county?</p>	<p>Services can be brought forward to the framework where they are in neighbouring districts to the Essex Administrative Area, and this will include Southend on Sea.</p> <p>The full list of neighbouring districts is:</p> <ul style="list-style-type: none"> Suffolk - Babergh District Suffolk – West Suffolk District Hertfordshire - East Herts District Unitary - Southend-on-Sea Borough Unitary - Thurrock Borough Greater London - Havering Borough Greater London - Redbridge Borough Cambridgeshire - South Cambridgeshire District <p>It should be noted that it is not ECC policy to make placements out of county unless there is a need to do so.</p>
<p>23</p>	<p>Apologies if this has been covered already or if I have missed something in the tender documentation but would the council please be able to clarify their definition of 'complex'. Also, in a presentation delivered at the market engagement event for this opportunity there was reference to case studies of adults that would fit the criteria. Could these case studies be shared again please?</p>	<p>The service specification contains details of what the Council considers to be complex needs.</p> <p>Within the ITT tender questions there is a case study of an adult that is deemed to fit the criteria for complex needs, and this can be used as a comparator.</p>
<p>24</p>	<p>I can see that the deadline for submission is 12th August 2022 for a contract start date of 16th January 2023. Please can you confirm:1. The length of the contract term, including details of any potential extensions2. If it is the Council's intention to reopen the Framework to new Providers or to allow Providers to submit a bid at a later date?</p>	<p>1. Please see Clarification No. 92. Please see Clarification No. 6</p>

25	<p>As a provider with residential care services within Essex, would we still get referrals if we were not on the framework?</p>	<p>The intention is that the framework will be the only route through which the Council will make placements into residential services in the long term. The framework is solely for providers and homes that are able to deliver services to adults with complex needs and this aligns with the strategic direction of the Council in respect of maximising independence for adults wherever possible.</p> <p>If services are not for adults with complex needs and are not on the framework the expectation is that new referrals would be minimal to these homes.</p>
26	<p>Can you confirm if you intend this framework to replace any of the existing frameworks currently in place, or whether it is supplementary to these? It states that this framework will open at your discretion up to 3 times a year - do you plan to have regular reopening which we can utilise if we choose not to apply at this time or will re-openings only occur when you identify changes in your capacity requirements? We have one service that is currently rated RI, but all others are rated good. An improvement plan is in place and progressed and we are awaiting re-inspection of the service by CQC. Can we still include this service in our application, for it to be accepted but suspended until the relevant CQC inspection has taken place, or do we need wait and ask for it to be added at a later point, once the inspection has taken place? If we must make this application for the final home at a later date - is this by completing a full tender at a future opening date or are we able to ask for inclusion separately if already awarded a place on this framework?</p>	<p>This is a new framework and will not be replacing any existing frameworks. Please see clarification number 6 regarding re opening of the framework. Please see clarification number 7 regarding re CQC.</p>
27	<p>This question states there is an attachment but there is no attachment - please advise what needs to be attached to this question.</p>	<p>Please could you clarify if this in relation to queries asked in numbers 3, 5 and or 21. If it is not please specify which number on the SSQ it is</p>
28	<p>We have three different providers of residential services within Essex within our company structure - are we able to apply as one entity (which doesn't have its own CQC</p>	<p>The expectation is that we enter contract with an entity that is registered with the CQC, as per clause 7.1.6 of the terms and conditions of contract.</p>

	registration) or do we need to make separate applications for each CQC registered entity, please? Thanks	
29	Please can you confirm whether providers should complete the Social Value spreadsheet for one year or for the whole length of the contract?	The spreadsheet commitments should be for the life When completing the spreadsheet, the Social Value commitments should be for the life of the contract (4years)of the contract (4years)
30	Please can you advise how delivery of social value commitments will be monitored?	Commitments will be monitored via annual KPI record along with being an agenda item in strategic and contract management meetings
31	one question states 'As per Note 8 under Notes for Completion' - please advise where this is located?	Please state which numbered question this is stating within the SSQ, so we can ensure we respond to the correct question
32	This question is mandatory but is N/A - please advise how i answer this to move forward in the submission.	Please state N/A as your answer
33	<p>Within the Evaluation Questions there is currently nowhere for Providers to upload their responses to Questions 5 or 6 from the ITT Bidder Response document. Please can you confirm:</p> <p>Will the system will be updated to add these questions in or Should Providers upload their responses to these questions as additional attachments under 'Response Documentation' section on ProContract</p> <p>Have these questions been excluded from the submission</p>	The questions have been placed within a bidder response pack to assist providers completing all questions via one document and not having to use the platform when completing. Once the questions have been answered bidders can upload the bidder response pack via the response documentation section.
34	Does the question below relate only to communications/requests coming from the Information Commissioner's Office (ICO)? (We obviously have numerous requests from Service Users wishing to view their own information – Data Subject Right Requests).The clause: You will notify ECC immediately of any Data Subject Right Request, complaint or Information Breach, communication from the ICO or other related request relating to the Authority Data. You will provide ECC with full assistance as required in relation to any of the above requests.	Yes, as a data controller yourself you will have a variety of requests. This question is in relation communication from the ICO or other related request relating to the Authority Data, including complaints and/or Information Breaches

35	<p>In responses to previous Clarification Questions you have confirmed that referrals and placements will only be made to services within the County of Essex. Please can you confirm whether Providers who have service both within and outside of Essex should include their out of area services in their bid? I ask because the 'Home Details' document that you have provided for us to complete includes 'Out of County' under the District column.</p>	<p>Please see Clarification No. 22</p>
36	<p>Please can you confirm which District we should be listing for services in Rainham and Leigh-on-Sea within the Home Details form.</p>	<p>Please see Clarification No. 22</p>
37	<p>Please can you confirm exactly which of the tabs within the Pricing Matrix Providers are supposed to complete as part of their submission. There appear to be section that would only be relevant when completing a proposal following a referral.</p> <p>For example, the Instructions state that the 'Package Details' tab "...requires the provider to complete the package details including the name of the adult and basic information on date completed, and support need. These boxes are all free-text. However, this information would only be available should a referral be made. We would not provide service user details of existing service users due to GDPR.</p>	<p>Bidders are required to complete the whole document, as you will see from the last tab as it will provide a full package cost. The request in terms of completion is to have all costs that reflect a complex package. The only text would be provider/and or home name, we have not stated and would not expect bidders to include any personal information so columns relating to specific cases can be left blank.</p>
38	<p>In reference to another providers question (no 31). We also face the same difficulty as in all of our CQC registered services are wholly owned subsidiaries, with individual CQC entity registrations. We operate them one name, one bank account and one management structure, with all process the same, the portal only allows one portal account per email address so we can only apply once. Even if there was a way to apply multiple times all our method statements and case study scenario response would be replicated in their entirety.</p>	<p>Bidders are not required to provide a separate bid per each residential home you are proposing to bring forwards. The intention is that you bid as the overarching provider, who is registered with CQC, but each home you operate under this provider name is brought forwards to the framework.</p> <p>If each home is operated by a separate legal entity in its own right we would expect a bid per legal entity we would be entering contract with.</p>

	Therefore can we not just apply as one entity with several different CQC registration?	
39	When uploading the financial certification i get the attached error message - do you know why this wont be accepted? This form is the one attached to the tender and we have completed the questions within this - the document has not been altered in any other way.	If you look at the file size that is showing in your image, the document is too large. Please save in a zip folder as this will bring the size down for it to be uploaded
41	Hello, could you please advise if this tender reopens at later time? Thank you	Please see Clarification No. 9 & 20
42	Could you please let us know if there is a separate framework for supported living provision?	Yes is separate to the supported living framework
43	NT10 asks for number of apprenticeships on the contract but recoded in number of weeks so if we have someone on a 12 month apprenticeship with us do we record this as 52 weeks?	Yes, please state in weeks
44	Could we please clarify over what period of time the Social Value TOMs should be calculated over? Should this be over 1 year or 4 years? For example the service will aim to provide 3 apprenticeships over 1 year vs 12 apprenticeships over 4 years.	Please cover the life of the contract/framework 4 years for the number of homes you are bringing to the framework.
45	Can the council please confirm that there will be a mechanism for annual uplifts?	Uplifts will be at the discretion of the Council and will be based on an annual assessment of inflationary pressures within the market. There are no contractual mechanisms for guaranteed uplifts included.
46	Can the council please confirm the mechanism for the 30% price evaluation?	This is detailed within the Bidder Guidance document which details how each home will be assessed in respect of the proposed cost.
47	What is the commissioners perspective on accommodating and commissioning packages that include provider staffing	Package costs will be evaluated in line with the national benchmarking tool Care Cubed. At present Essex does not require providers to pay their staff at Real Living Wage.

	costs that support providers to pay staff the real living wage as set and adjusted by the Living Wage Foundation?	
48	How would paying staff the real living wage be recognised in relation to social value and the 'TOMS'?	The key areas for social value will be scored in relation to the ECC TOMS highlighted within the Social Value Calculator
49	Please can the Council clarify when uplifts to fees will be permitted (increases to NMW/NLW, inflation, changes in law)?	Please see the response to question 45.
50	Where there is a requirement for the provider is to provide all equipment – please can the Council clarify if this includes specialist equipment? If so, please can the Council provide further details?	We are assuming that this refers to equipment facilitating the delivery of care. Where there is a need for specialist equipment of the type not normally required for the delivery of care services this would be funded by the adult or the Council.
51	Please could you confirm whether care homes that are situated outside of Essex County Council can be considered to join the framework from neighbouring counties, such as Southend-on-Sea or Hertfordshire.	Please see the response to question 22.
52	Hi, the following online question appears to be incomplete. Please could you confirm what the Product Liability Insurance amount should be so providers can respond accordingly Thank you 8.1D Product Liability Insurance	There is no requirement for providers to hold product liability insurance as a part of this tender process. The only insurances required are Employer's Liability and Public Liability to the levels that are detailed within Schedule 4 of the contract.

53

Hi, please could you clarify whether the red sections below in the SSQ Introduction statement be completed by the Provider or by yourselves?

Providers are asked to confirm that they have read and understood the information in the section but we can see how we amend the sections in red.

Please advise

Thank you

This Supplier Selection Questionnaire (SSQ) in relation to [Insert Project Reference and Project Title] has been issued by the Authority in connection with a competitive procurement conducted under the Public Contract Regulations 2015.

Should a bidder have any questions or clarifications regarding the SSQ they must raise them via the messaging facility on the supplier portal. Any questions or clarifications raised, and the response to the same, will be shared with all bidders unless they are marked as commercially confidential and the Authority agrees this to be the case. The last date for questions to be asked is [xxxxxxxxxxxx]. Questions asked after this date will be responded to at the discretion of the Authority.

The deadline for SSQ responses to this requirement is [time] hours on [date]. It is the Authority's policy to reject any late submissions.

There is no requirement for providers to complete anything within the introduction section. Where there are incomplete sections please refer back to the Bidder Guidance document for the definitive position on this, particularly in respect of dates for submission and clarification questions.

54

Please can you advise whether bidders can use graphics and if so if they are included in the word count to responses

Graphics may be used by bidders as part of their response. It will however count towards the total word count so this should be borne in mind when completing a response.

55	Can you clarify the ITT Submission Deadline please ? The bidder guidance says 12th August at 12.00pm whilst the portal says 12th August 11.30pm ?	Thank you for bringing this to our attention. This has now been changed to the correct time and date of 12th August at 12:00pm.
56	Please can you advise whether bidders can use graphics and if so if they are included in the word count to responses	See clarification number 54
57	Can you clarify the ITT Submission Deadline please ? The bidder guidance says 12th August at 12.00pm whilst the portal says 12th August 11.30pm ?	See clarification number 55
58	With regards to the Complex Residential Framework do the care home locations have to be within the Essex area? Specifically we want to know whether we can register, our Hoddesdon CQC registered LD care home.	See clarification number 22
59	There are two questions that are missing on the response portal, compared to the questions in the bidder response pack (2 safeguarding method statements are not available to upload on the portal.)	Please use the attached/upload section on the platform
60	In the bid pack, there is a homes form to be completed. However, there is no where for this to be uploaded on the portal. Can you please advise?	Before submitting the platform has a upload/attachment section where you can upload the bidder response pack along with any other supporting documents. Please follow the link to access the platforms FAQ which has supportive videos https://supplierhelp.due-north.com/
61	For, say, number of apprentices, should we put down the figure per home, for all homes in Essex or the organisation as a whole, please?	Please for the Organisation as a whole
62	The TOMs excel spreadsheet calculator included on the procontract portal seems to lack access to all themes and outcomes.	The TOMS that are shown within the excel spreadsheet are the only ones in relation to this tender

63	<p>Absences, i.e. Schedule 3, Section 4.2.2 and Service Specification, Section 18.6 both of which indicate that as a Provider we would be expected to offer a discounted rate (20% of the total cost and 1:1 fees) for any absence; and Hospital admissions, i.e. Schedule 3, Section 38.11 and Service Specification, Section 18.9 both of which indicate that as a Provider we may be expected to accommodate a change in rates and/or potential termination of placement</p> <p>Can you confirm if there is room for negotiation on these terms?</p>	<p>The conditions around a discounted rate are also within existing contracts under which placements are made. These conditions reflect that whilst in hospital for an extended period the provider would not be incurring costs for elements including within the cost for the adult that is absent - i.e. the provision of food, consumables, social activities etc. 1:1 hours being removed reflects that the adult's absence makes this unnecessary.</p>
64	<p>Schedule 3, Section 4.2.2 refers to “absences for any reason in excess of 21 days” whilst Service Specification, Section 18.6 refers to “ongoing Unplanned Absence of adult lasting longer than 21 days”</p> <p>Can you confirm if the proposed terms cover just Unplanned Absences lasting longer than 21 days?</p>	<p>This clause intends to cover unplanned absences.</p>
65	<p>Schedule 3, Section 38.11 refers to “If the hospital stay is over 6 weeks a care review may be undertaken and changes to the shared hours made”, however the Service Specification, Section 18.9 refers to “In the event of a hospital admission for an Adult lasting longer than 21 days, the Council may suspend the Service but may choose not to terminate the Adult’s placement”</p> <p>Can you clarify this?</p>	<p>Both of these things are true independent of each other, but would both be discussed and agreed with the provider at the appropriate time. Suspension of a placement cannot mean no further payment to the provider whilst the bed is also blocked.</p>

66	<p>With regards to the Pricing Matrix, we are experiencing the below difficulties, which is causing the total cost to differ to what we wish to offer, would it be acceptable if we manually amend the below formulas?</p> <p>Staff Cost Tab – For each cost model we assume an average NI cost for consistency, based on actuals across the business taking into consideration employees who work full time and part time. Therefore, our NI calculation differs to those in the pricing matrix and causing the overall cost to be incorrect.</p> <p>Package Details Tab - Within our model we have deputy managers providing on and off rota duties, however the formulas within the sheet do not allow for these to be split and doesn't show a true reflection of the staff structure or costs apportioned within our services.</p>	<p>These formulas can be amended to ensure fees are correct in your submission. We do however reserve the right to clarify fees based on the process outlined within the bidder guidance documents.</p>
67	<p>With regards to the Complex Residential Framework do the care home locations have to be within the Essex area? Specifically we want to know whether we can register, our Hoddesdon CQC registered LD care home.</p>	<p>Please refer to the response to question 22.</p>
68	<p>A bidder response pack has been provided with all questions and spaces for answers, however, the portal has separate sections for document uploads. Could you please clarify if the bidder response pack should be broken down into questions by providers and uploaded separately or if the whole completed response pack should be attached in the response documentation section?</p>	<p>The whole ITT Bidder Response Pack should be uploaded as a single document.</p>
69	<p>Please could you confirm if the pricing matrix needs to be completed per home (we have five in the area), or whether we should submit a consolidated price?</p>	<p>Yes, each home you are proposing to bring forwards to the framework should have a pricing matrix representing the specific costs for that service.</p>
70	<p>Within the SSQs - Section 8.3 Licencing & Registration Question 4 of 4 has a word count of 1000 words. Can we please seek clarification of what you would expect to be covered in a 1000 word answer?</p>	<p>This is available where bidders feel they need to give some further context to their response but is not mandatory and will not be scored by the Council.</p>

71	<p>Within the Pricing Schedule providers are asked to confirm whether the properties put forward are 'Rented' or 'Mortgaged' - if a Provider fully owns the property with no outstanding mortgage can you please confirm if they should select 'Mortgaged' or if an additional option needs to be added to the drop down list?</p>	<p>In this instance you can select either option. For wholly owned properties the assumption is that a return on capital would be assumed so this can be represented in the pricing breakdown.</p>
72	<p>A date is required in the SQs for the contract example end dates in order for the section to be completed. Could we please clarify what providers should enter as the date with ongoing contract examples?</p>	<p>Ongoing contracts can be listed as N/A or otherwise any date in the future. The end date will not affect the validity of the reference.</p>
73	<p>Could we please clarify if it is necessary to attach a Parent Company Guarantee?</p>	<p>It is not necessary to attach a Parent Company Guarantee at this stage.</p>
74	<p>We are confused by your answer in clarification 61 that we can count all apprenticeships in the organisation, as the actual Measure states this should be on the contract i.e. solely the Essex Complex contract. Can you please confirm which is correct?</p>	<p>You should count any organisation apprenticeships involved with the Essex Complex contract - this could be direct service level or indirect head office based. The measure states (No. of apprenticeships on the contract that have either been completed during the year, or that will be supported by the organisation to completion in the following years - Level 2,3, or 4+). This is to allow any organisations to include apprentices who are involved but not directly delivering the service or who potentially work on multiple contracts but including the Essex Complex Residential Framework.</p>
75	<p>This is with reference to question 6.2 which asks us the below about sub-contractors</p> <p>We do not use subcontractors and it doesn't give us an option to enlist that we do not use them.</p> <p>Could you please clarify how we can answer this question?</p>	<p>There is a text function whereby you can state N/A or we do not sub contract</p>

<p>76</p>	<p>Thank you for clarifying that providers who do not currently have services in Essex are eligible to apply to join the framework. We understand in this case we are asked to provide pricing based on our experience elsewhere and expectation as to what we would deliver in Essex.</p> <p>Please could you clarify if we will be able to submit actual pricing for our Essex service/s once they have been developed? Pricing will obviously depend on various factors like location, size, etc which are as yet unknown. Or will we be able to submit actual pricing when taking part in mini-competitions? Or will we be held to the pricing we submit now based solely on assumptions?</p>	<p>The framework is built to allow providers to develop new services throughout the term, and when doing this a pricing matrix can be submitted for the specific service which is then subject to the same checks and process for approval. Further detail on this can be found within the contract documents.</p>
<p>77</p>	<p>We are trying to upload the Complex Residential Framework and when we tried to attach the Financial Assessment/Viability Report, the system won't let us upload it. As a result, it shows the framework is incomplete.</p>	<p>Where documents are showing they can not be uploaded could be from the file size or the file type. Please create a zip folder as this will allow the document to be compressed and meet the upload required document size and will override issues around the file type.</p>
<p>78</p>	<p>This is with reference to the ECC TOMs Social Value Calculator excel sheet.</p> <p>On line 35 the units column doesn't mention a Unit of measurement, it only says 'text'</p> <p>Could you please confirm what is the unit of measurement for this measure - Initiatives undertaken to support the reduction of single use plastics</p>	<p>Bidders should only be completing the ECC Toms section, the priority measures sheet is for example and context on how the measures work.</p>
<p>79</p>	<p>Following on from our questions regarding bidders without current services in Essex, please can you confirm that we will not be required to complete the Home Form? We understand this is for information only and not to be evaluated in any case.</p>	<p>You do not need to complete the Home Form unless you are proposing to bring specific homes forwards to the framework at the outset. This is not evaluated and scored at this stage, but with no homes on the framework you will of course receive no referrals.</p>

80	Thank you for the latest answers. We have a question about uploading the documentation - questions 1-6 in the bidder's pack, do you want these splitting for questions 1-4, then where would we upload 5 and 6, please? Or all in each of the four available places? Or 5 and 6 as additional attachments via the main page on the portal? And the FOI and Form of Tender, should they be in additional documents for upload? Or where?	Please use the bidder response pack to record all answers and upload that document with the relevant documentation that needs to be uploaded.
81	We are a new provider in Essex and will need to clarify if this framework is to provide support for people with complex needs in the residential setting or in their own home.	This framework is for complex residential services only, services delivered in an adult's own home will be commissioned through our Live at Home Framework.
82	1. Given the expectation that the Council and Provider are expected to work in partnership, please explain why Clause 8.2 of the General Provisions requires the Provider to at all times comply with any decision of the Council's Authorised Representative. Please explain in more detail the scope of the decisions with which the Provider is required to comply	This is a standard clause in Council contracts, and refers to the duties of the Authorised Representative which are laid out within the body of the contract. The role of the Authorised Representative is similar to that of a contract administrator in that they are the point of contact for issues arising under the contract, and make functional decisions relating to the application of terms.
83	Please explain the rationale under Clause 9.3 of the General Provisions under which the default position is that prices for Services shall remain fixed. Why has no mechanism been included to consider that prices should increase to cover cost inflation?	No automatic mechanism is included in the contract but prices and market pressures are reviewed annually by the Council to assess the need for increased fees.
84	Please explain why Clause 9.6 of the General Provisions have been drafted such that the Provider is not guaranteed to receive payment within 30 days of delivering a valid invoice to the Council.	This clause is in line with others in the section and confirms the Council will make payment to providers for the delivery of the services within 30 days. The distinction is being made between the Council performing the act of making payment to the money arriving in the Provider's account. Each Provider may have differing banking arrangements that could delay the arrival of a payment and the Council cannot take responsibility for this nor account for it in our payment periods.
85	With regard to Clause 13 of the General Provisions, please explain why the Council believes it should be entitled to own all intellectual property created by the Provider in relation to the performance of the services.	This clause states that IPR will be vested in the Council for specific material prepared as a direct result of action under the contract such as KPI responses. This clearly does not cover anything that the Provider already owns or uses or develops for use across their business and multiple contracts.

86	<p>Please explain why the Council believes it would be appropriate to consider the Provider as a Data Processor rather than being a joint Data Controller with the Council. What data will the Provider be expected to process on behalf of the Council.</p>	<p>This decision was taken by our Information Governance team and the view is that information is used by the Provider only to deliver the services. The wording in the remaining section of Clause 13 gives the flexibility for the Provider to be named as a Joint Controller as appropriate through the life of the contract.</p>
87	<p>Please explain the rationale for suspension events to be put in place in circumstances where the Provider “appears to be likely” to be in breach or “appears likely” to fail to achieve the Performance Standards.</p> <p>How will such “appearances” be measured and determined and what evidence will be required? What level of materiality will be applied? What process will there be for the Provider to challenge a suspension event?</p>	<p>This would be used where intelligence is provided that a breach of contract or failure to achieve performance standards is likely to occur. In these circumstances there would have to be an evidence base to enact a suspension and this would be on a case-by-case basis with providers and homes.</p>
88	<p>It is reasonable that the Provider should also have the right to terminate a Call-Off Contract at short notice in circumstances where the Provider is of the reasonable opinion that an Adult’s placement is no longer appropriate. Please confirm that suitable provision for this will be incorporated into Clause 39.7.</p>	<p>In these circumstances it is expected that the Provider would advise the Council of the placement no longer being appropriate which then triggers the review and assessment of that adult. The clause is drafted in this way to protect the adult's placement by ensuring a social care assessment is made before notice is served.</p>
89	<p>The drafting of Clause 41 of the General Provisions is inappropriate insofar as it assumes that, upon the expiry of the Agreement, the Services will be transferred to another provider. Given that the Services are to be provided in the Provider’s own residential care facilities it is very unlikely that this will be the case.</p> <p>Please redraft the whole of this clause to reflect the fact that when the Agreement expires it is most likely that service users will remain in their residential care placement and that the Council and Provider will need to establish new terms and conditions.</p>	<p>It is agreed that it is unlikely to be effected given the structure of residential care services. This is however standard drafting and there are circumstances where it could be required so it is included within the terms; it has no effect on providers or homes unless there is an agreement with them that services should transfer.</p>
90	<p>Please explain in detail how the terms of Schedule 3, Clause 4.3 is intended to work. For example do the alternative arrangements relate only to existing service users who are relocated from the service or do they also relate to service users who were scheduled to be admitted? What additional costs do the Council expect to incur and what steps would it take to mitigate such costs?</p>	<p>This is intended to reflect costs to the Council for finding alternative placements for people the Provider is contracted to deliver care to. This could be identification of temporary placements or a provider to support the existing provider and home. Costs are likely to be related to use of Council resources to source alternatives and additional cost charged to us by replacement providers in respect of the urgency of the requirements.</p>

91	<p>Part 2, Schedule 7 describes a process where the Council can request a change in the service. Paragraph 2 describes how the Provider must return a signed Change Control Note; however it is not clear as to who shall be responsible for writing such a Change Control Note. Please confirm whether this will be the Council or the Provider. If it is the Council that is to write the Change Control Notice, Clause 2.2 requires the Provider to sign and return it within seven days. Please explain what the Provider should do if they do not agree with the contents of the Change Control Note</p>	<p>A change control note can be issued by either party to the contract and the authorship will be subject to discussion based on who raises the change. The process is laid out in Schedule 7 and includes discussion and engagement with the provider. Changes to contract are always subject to the agreement of both parties.</p>
92	<p>With regards to the case study, are we able to attach and reference appendices?</p>	<p>Any attachments/appendices will be added into the word count. If the case study uses all of the word count limit, then the highlighted appendices/attachments will not be included due to the word count limit being fully used.</p>
93	<p>We note the response in line 79 of the clarifications spreadsheet issue 7 saying providers should only use the ECC TOMs and that the 'Priority Measures' tab was for information only. However in our previous clarification at line 12, we asked to check if the PQQ Bidder Guidance p19 where it says "Bidders can propose "Other Initiatives" they wish to offer" meant we could select Other Initiatives from the Priority Measures tab. For clarity please can you confirm whether you require bidders to only propose social value against ECC TOMs 9, 10, and 19, or if you are inviting bidders to also include elements from the Priority Measures tab where we feel we can offer these?</p>	<p>We are asking bidders to submit responses for the social value priority measures 9,10 and 19 only. (Which are in the ECC TOMS Tab)</p>
94	<p>In the even that the property is bought and paid for in full (not currently rented or under mortgage), what is to be entered into the pricing matrix and where- as accommodation within the property is provided as part of the provision</p>	<p>In this circumstance you would be able to include an amount for the return on capital if applicable, but if nothing is intended to be paid for this element it can be left blank.</p>
94	<p>With regards to the subject field, will Clinical Negligence/Medical Malpractice insurance suffice?</p>	<p>Apologies this is not needed due to other insurance questions cover per contract requirements as stated within the contract schedule. (this is not a pass/fail question, but please answer the question to ensure you meet the pass criteria for the question)</p>