Residential and Nursing Spot Contract

Residential and Nursing Spot Contract Application Document

Documentation for Providers

Provision of Residential and Nursing Care to Essex County Council under a Spot Contract

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| Organisation Name: |  |

**Please note: if Essex County Council has terminated a contract with You in the last 12 months, due to poor performance, it is likely Your application will be rejected.**

# SECTION A – Supplier Information

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| **Notes for Completion**   * “Authority” means the public sector contracting Authority, or anyone acting on behalf of the contracting Authority, that is seeking to invite suitable suppliers to participate in this application process. * “You”/ “Your” / “Applicant” / “Applicants” / “Organisation” or “Supplier” means the body completing these questions i.e. the legal entity seeking responsible for the information provided. The ‘Supplier’ is intended to cover any economic operator as defined by the Public Contract Regulations 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity. * This Section A has been designed to assess the suitability of a Supplier to deliver the Authority’s contract requirement(s). * Please ensure that all questions are completed in full, and in the format requested. Failure to do so may result in Your submission being disqualified. If the question does not apply to You, please state clearly ‘N/A’.   **Verification of Information Provided**   * Whilst reserving the right to request information at any time throughout the application process, the Authority may enable the Supplier to self-certify that there are no mandatory/ discretionary grounds for excluding their Organisation. When requesting evidence that the Supplier can meet the specified requirements (such as the questions relating to Technical and Professional Ability) the Authority may only obtain such evidence after the final application evaluation decision. |

# Overall Supplier Details

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| 1.1 | Full name of the Supplier completing this application |  |

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| 1.2 | Registered company address |  |

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| 1.3 | Registered company number |  |

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| 1.4 | Registered charity number |  |

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| 1.5 | Registered VAT number |  |

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| 1.6 | Name of immediate parent company |  |

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| 1.7 | Name of Ultimate parent company |  |

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| 1.8 | Please select Your trading status from the choices provided |  |
| 1.8.1 | If other, please specify; |  |

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| **Please complete this section if You have selected Other partnership as Your trading status:**  “Partnerships whether formed in accordance with the Partnership act 1890 or by way of partnership agreement are not distinct legal entities and as a result **ALL** partners are required to be signatories to the contract. | | |
| 1.8.2 | Please provide Names and addresses for all partners for the purposes of contract preparation: |  |

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| 1.9 | Please advise if any of the classifications below apply to Your organisation | |
| 1.9.1 | Voluntary, Community and Social Enterprise |  |
| 1.9.2 | Small or Medium Enterprise |  |
| 1.9.3 | Sheltered Workshop |  |
| 1.9.4 | Public Service Mutual |  |

# Enquiries Contact Details

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| 2.1 | Please provide contact details for enquiries about this application | |
| 2.1.1 | Name: |  |
| 2.1.2 | Postal Address: |  |
| 2.1.3 | Country: |  |
| 2.1.4 | Phone: |  |
| 2.1.5 | Mobile: |  |
| 2.1.6 | Email: |  |

# SECTION B – Home’s Details

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| Applicants are asked to submit information relating to the Home from which the Services will be delivered. Unless applying as a separate distinct legal organisation, the Authority shall issue one Spot Contract that covers all Homes. In order to hold one Spot Contract per Home, each Home MUST BE a separate distinct legal entity, either a registered company or an LLP. The Authority will not issue more than one Spot Contract to the same organisation for Homes that are not separate and distinct legal entities. |

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| 3.1 Home information | |
| Home Name |  |
| CQC Location ID |  |
| Registered Home Manager |  |
| Home Address |  |
| Home Post Code |  |
| Home Telephone Number |  |
| Home Email Address |  |
| What CQC regulated Activity is your home registered for? |  |
| Is your home registered for Dementia care? |  |

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| Where a Home has not been inspected by CQC then the Authority will assume the Home has achieved a good rating. |

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| Providers must select from the drop down list for each area the CQC score awarded for that area.  Where the home has not been inspected, please select N/A.  Providers must achieve “Good” or “Outstanding” in all areas for each registered office.  Where providers have not achieved this standard on their CQC inspection then ECC must be satisfied via an agreed action plan, owned by a senior member of staff which must be implemented by the Service Provider in a reasonable timescale. The action plan must be attached in one word or pdf document with Your application. | | | |
| 3.4 | CQC overall rating |  |

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| 3.4.1 | Please confirm Your CQC score for ‘Safe’ |  |
| 3.4.2 | Please confirm Your CQC score for ‘Effective’ |  |
| 3.4.3 | Please confirm Your CQC score for ‘Caring’ |  |
| 3.4.4 | Please confirm Your CQC score for ‘Responsive’ |  |
| 3.4.5 | Please confirm Your CQC score for ‘Well-led’ |  |

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| 3.4.6 | Please confirm the date of Your last inspection |  |
| 3.4.7 | Please confirm You have attached Your action plan (if applicable) |  |

# SECTION C – Organisation Policies and Procedures

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| This section contains Technical Questions scored on a Pass/Fail basis that the Authority considers relevant to this requirement.  **Evaluation Criteria for this Section:**  The Evaluation Criteria is provided with each individual question in this section. |

# 4. Compliance with Equality Legislation

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| For organisations working outside of the UK please refer to equivalent legislation in the country that You are located.  **Scoring Methodology:**  Where suppliers have answered 'Yes' to any question, they must provide a written statement that shows the actions taken to rectify the situation and prevent this from happening again.  The answers will be included in the overall view of an organisation's risk when the Authority determines which suppliers shall be prioritised for contract and quality management. |

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| 4.1 | In the last three years, has any finding of unlawful discrimination been made against Your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)? |  |
| 4.1.1 | "If Yes, Please provide a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.  If the investigation upheld the complaint against Your organisation, please explain what action (if any) You have taken to prevent unlawful discrimination from reoccurring.  You may be excluded if You are unable to demonstrate to the Authority’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring." | |
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| 4.2 | In the last three years, has Your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds or alleged unlawful discrimination? |  |
| 4.2.1 | "If Yes, Please provide a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.  If the investigation upheld the complaint against Your organisation, please explain what action (if any) You have taken to prevent unlawful discrimination from reoccurring.  You may be excluded if You are unable to demonstrate to the Authority’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring." | |
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| 4.3 | If You use sub-contractors, do You have processes in place to check whether any of the above circumstances apply to these other organisations? |  |

# 5. Health and Safety

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| The scoring methodology for this section is detailed with each sub question |

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| 5.1 | "Please self-certify that Your organisation has a Health and Safety Policy that complies with current legislative requirements and CQC requirements.  *Scoring Methodology:*  *The Authority will exclude those Applicants who cannot answer 'Yes' to this question."* |  |

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| 5.2 | Has Your organisation or any of its Directors, Executive Officers or Registered Managers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive in the last three years?  *Scoring Methodology:*  *The Authority may exclude Applicants that have been in receipt of enforcement/remedial action orders unless the Applicant can demonstrate to the Authority’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.* |  |
| 5.2.1 | If Yes, please provide details of any enforcement/remedial orders served and give details of any remedial action or changes to procedures You have made as a result. | |
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| 5.3 | If You use sub-contractors, do You have processes in place to check whether any of the above circumstances apply to those organisations?  *Scoring Methodology:*  *The Authority will exclude those Applicants who cannot answer 'Yes' to this question.* |  |

# 6. Safeguarding

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| This requirement has been identified as having Safeguarding implications, and includes the following mandatory Safeguarding requirements as part of the specification. Please note that the Authority (the Authority) reserves the right to check all responses given can be validated. |

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| 6.1 | | Safeguarding Responsibility  Please confirm that You have a named manager within Your organisation, who has a demonstrable knowledge of safeguarding policy and who is responsible for safeguarding at the highest level?  The following (additional criteria) are applicable to that named manager:   * The responsibility is included in the named manager's job description; * The named manager can show they have undertaken and maintain relevant training from a recognised body, and experience to fulfil the role; * The organisation can demonstrate that it supports this person in the role via training or other means; * There is regular senior management discussion relating to safeguarding which has positively impacted upon organisational development and service delivery. These discussions are recorded and evidence can be shown that actions are logged and carried out in a timely way; * Where applicable, elected representatives/board members are regularly made aware of safeguarding issues and risks affecting the organisation and that they demonstrate a commitment to safeguarding and can hold the organisation to account regarding safeguarding responsibilities.   *Scoring Methodology:*  *Yes - Pass*  *No - Fail* |  |
| 6.1.1 | Please provide the name and contact details of the named safeguarding manager.  *Scoring Criteria:*  *For Information Only* | |  |

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| 6.2 | Safeguarding Policy  Please confirm You have a current safeguarding policy. The policy must confirm that You have the following in place as a minimum standard:   * a strategic and/or corporate plan that references safeguarding vulnerable adults/children; * adequately apportioned resources to meet safeguarding responsibilities; * clear lines of accountability for staff through the Organisation to named safeguarding person/s; * systems are in place to embed safeguarding across all commissioned/contracted services; * The Organisation has a safeguarding adults/child policy and procedure in place that provides clear guidance on how to recognise and respond to abuse and is easily accessible and regularly updated; * Details of when to report to social care/police and timelines involved; * Guidance for staff who work with young people or vulnerable adults with a disability (where applicable); * Policies for transporting young people or vulnerable adults where required; * Specifically for care of young people (residential/fostering), guidance for staff/carers regarding the management of the risk of sexual exploitation, young people missing from care, and how to manage bullying behaviour including social networking sites; * E-safety policies and procedures are in place for adults/young people/children and staff; * There is a complaints policy and procedure in place; * ’Whistle Blowing’’ procedures for staff to raise safeguarding concerns against colleagues or managers are clearly understood and correctly followed where required; * There is a procedure in place for managing abuse of vulnerable adults/child protection allegations made against staff. Including situations where the actions of an individual in their personal life may indicate that their behaviour could be a risk of harm to children they work with e.g. perpetrators of domestic violence, neglect or abuse of their own children; * For those aged 16 and over the Organisation can demonstrate that consideration of the Mental Capacity Act (MCA) is an integral part of relevant decision making and safeguarding processes; * For those aged 18 and over the Organisation can demonstrate that consideration of Deprivation of Liberty Safeguards (DoLS) is an integral part of relevant decision making and the safeguarding process.   *Scoring Methodology:*  *Yes - Pass*  *No - Fail* |  |

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| 6.3 | Safeguarding Policy Review  Please confirm the date Your safeguarding policy was last reviewed and provide evidence to show that it has been checked by an appropriately trained individual in line with local and national developments. These individuals may include Independent Safeguarding Consultants and Health and Care Professions Council (HCPC) registered Social Workers, although they are not exclusive. |
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| 6.4 | Safe Recruitment Policy  Please confirm You have a current safe recruitment policy which includes:   * Evidence that the policy is up to date and covers how to recruit safely for staff who have contact with children/vulnerable adults and which follows the Authority/LSCB/LSAB recruitment standards; * Human Resources and recruiting staff follow safe recruitment practices that demonstrate appropriate checks are carried out before staff are employed and induction and appraisal systems are in place; * Policies on when Disclosure and Barring Service checks are necessary; * Adherence to the Disclosure and Barring Service Referral process; * Requirement for job applications and interviews to be completed and recorded; * Face to face interviews; * Verification of identity and qualifications, which can be evidenced by audit activity; * Professional and character references are obtained; * Previous employment history is checked; * Any anomalies or discrepancies are taken up; * Induction and supervision procedures are in place; * The Organisation has procedures to manage and record positive disclosures on DBS (CRB) checks; * The Organisation has procedures in place stating when cases should be referred to the DBS; * The Organisation audits/quality assures its recruitment practice; * The Organisation can demonstrate that agencies commissioned to provide services have safer recruitment in place. Safer recruitment standards are embedded in those contracts, and adherence to these standards is checked as part of the contract management process.   *Scoring Methodology:*  *Yes - Pass*  *No - Fail* |  |
| 6.5 | Safeguarding training, learning and staff support  Please confirm You have a safeguarding training programme in place and that training is accessed by all those who have a role in recruiting staff who will have contact with children/families/vulnerable adults. In addition, please confirm that training is systematically evaluated and reviewed and impact outcomes used to improve future training programmes.  Your policy should include:   * Safeguarding is mandatory and covered effectively within inductions for all staff who will have contact with children/families/vulnerable adults. It should cover familiarisation with safeguarding responsibilities and how to recognise and respond to possible abuse or neglect; * The induction includes the awareness of the complaints and ‘’whistle blowing’’ procedures; * Training includes temporary/agency staff; * All members of staff who have contact with children/families/vulnerable adults have completed their safeguarding induction within the appropriate timescale; * There is effective supervision and support for staff engaged in safeguarding children/families/vulnerable adults work; * Safeguarding learning and development opportunities are provided to all staff at a level appropriate to their role; * The Organisation ensures that all safeguarding training is suitably quality assured; * Learning from Serious Case Reviews (SCRs), Domestic Homicide Reviews (DHRs) and other safeguarding reviews and audits are disseminated and acted upon effectively; * The Organisation responds to and learns from national and local developments and guidance relating to safeguarding children/vulnerable adults.   *Scoring Methodology:*  *Yes - Pass*  *No - Fail* |  |

# 7. Other Policies and Procedures

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| Please review this section and self-certify if You have these policies or accreditations and that You will keep them up to date.  *Scoring Methodology:*  *Applicants will pass where they are able to self-certify that they have the relevant policies. This does not include questions marked ‘for information only’.* |

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| 7.1 | Risk Management Strategy/Policy | |
| 7.1.1 | Does Your Organisation have a risk management strategy/policy? |  |
| 7.1.2 | Does Your risk management approach follow a recognised standard such as BS31100 or equivalent? *For information only* |  |

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| 7.2 | Business Continuity | |
| 7.2.1 | Please confirm that Your Organisation has a business continuity plan covering how the business will continue in a variety of possible situations e.g. fire, flood, major IT failure, flu pandemic, bad weather. |  |
| 7.2.2 | Does Your Organisation use a recognised business continuity management approach which follows BS25999 or equivalent? *For information only* |  |

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| 7.3 | Quality Assurance | |
| 7.3.1 | Does Your Organisation implement a Quality Assurance Policy? |  |
| 7.3.2 | Does Your Organisation implement any quality assurance processes or procedures to ensure that quality is properly managed, including meeting Your legal requirements? |  |
| 7.3.3 | Do You hold any quality assurance certification or recognised accreditation, such as BS/EN/ISO9000 or equivalent (it this applies)? *For information only* |  |

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| 7.4 | Aims and Objectives | |
| 7.4.1 | Please confirm that Your Organisation has a policy on Aims and Objectives relation to the service provision. |  |

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| 7.5 | Disciplinary and Grievance | |
| 7.5.1 | Please confirm Your Organisation has a policy on disciplinary and grievance procedures. |  |

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| 7.6 | Compliments and Complaints | |
| 7.6.1 | Please confirm Your Organisation has a compliments and complaints policy directly relating to the service provision. |  |
| 7.6.2 | Please confirm Your compliments and complaints policy is provided in a number of accessible formats. |  |

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| 7.7 | Medication | |
| 7.7.1 | Please confirm Your Organisation has a policy covering the administration of medication. |  |

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| 7.8 | Infection Control | |
| 7.8.1 | Please confirm that Your Organisation has a policy for infection control. |  |

# SECTION D - E-Procurement

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| The questions in this section represent the minimum E-procurement requirements and Your application may be rejected if You are unable to comply. It is only in exceptional circumstances that an Applicant may be granted an exception if they are unable to meet these basic minimum requirements  If You are unable to answer ‘Yes’ to these questions, please contact us for further advice before submitting Your response.  *Evaluation Criteria:*  *The questions in this section will be evaluated on a Pass/Fail basis.* |

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| 8.1 | Electronic Ordering | |
| 8.1.1 | As part of the contract, the successful Applicant will be required to receive referrals by all mechanisms, this includes:   * the Authority’s Social Care Case Management System Mosaic; and/or * Secured email address provided by the Service Provider if the Authority’s Social Care Case Management System Mosaic is not available at that time. All referrals made via email will be sent via Egress which You will be required to register with; and/or * Telephone (a telephone referral will always be followed up in writing via the Authority's Social Care Case Management System Mosaic)   Please confirm that Your Organisation can accept referrals in the forms listed above." |  |

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| 8.2 | Electronic Payment | |
| 8.2.1 | Please confirm that You will and are able to comply with the condition to use the Extranet system upon notification of the requirement to do so by The Authority. |  |
| 8.2.2 | Please complete the Residential Care Provider Contact Details form and post to:  Procurement Team (Residential services)  E1 Zone 2  County Hall  Chelmsford  CM1 1QH | [Residential Care Provider Contact Details form](https://www.livingwellessex.org/media/539506/contact-details-form.docx) |

# SECTION E - Minimum Quality Standards (Organisation level)

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| This section contains the Minimum Quality Standards Questions scored on a Pass/Fail basis that the Authority considers relevant to this requirement.  Providers need to be able to self-certify that they meet all of the minimum criteria.  Where providers have not been able to answer Yes to any of the questions, then please provide a statement outlining and identifying the issues and the actions being taken to address these. Statements should not contain more than 500 words. |

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| 9.1 | Please confirm 100% of all professional staff do have the relevant qualifications and be registered with the appropriate bodies. |  |
| 9.1.1 | If No, please provide further details | |
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| 9.2 | Please confirm 100% of all staff have prior to commencing employment:   * satisfied all necessary recruitment checks; * an occupational health check (where appropriate);   uniforms which comply with relevant health and safety requirements. |  |
| 9.2.1 | If No, please provide further details | |
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| 9.3 | Please confirm100% of all staff receive induction training that covers as a minimum:   * a written induction pack including copies or summaries all policies listed in this Agreement; * a verbal induction that will include all of the Providers’ general procedures including (this list not exhaustive):   1. Code of Conduct;   2. Confidentiality, Information Sharing and Data Protection;   3. Philosophy of Care;   4. Missing person procedure;   5. Anti-discriminatory practice; and   6. All Health and Safety responsibilities. |  |
| 9.3.1 | If No, please provide further details | |
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| 9.4 | Please confirm 100% of all staff undergo an enhanced DBS check prior to delivering services to individuals. |  |
| 9.4.1 | If No, please provide further details | |
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| 9.5 | Please confirm that You have a policy and/or procedure that is applied to all Staff that stipulates the training that all Staff must undertake at the start of their engagement with the Service which is required to comply with the Care Certificate and the Care Act 2014 and to ensure Staff are able to deliver a host of Health and Social Care tasks as outlined in the Service Specification  8.8.1 |  |
| 9.5.1 | If No, please provide further details | |
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| 9.6 | 100% of all staff:   * Have an understanding of person centred care and deliver services in a person centred way. * Using the ethos of reablement and rehabilitation that supports Individuals to maximise their independence and wellbeing. * Have been trained in Adult Safeguarding Procedures. * Respect Individuals and their property, and who keep information confidential. |  |
| 9.6.1 | If No, please provide further details | |
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| 9.7 | Training   * 100% of training is recorded in the employee record. * Sufficiently trained Staff to deliver other activities which include:   1. Medication Awareness;   2. Food hygiene;   3. People with Behaviour that Challenges;   4. End of Life Care;   5. Manual Handling. * Staff are adequately trained, skilled and supported in order to tailor the care and support service to meet an Individual’s needs and outcomes 100% of the time. * Staff have appropriate training to ensure they can use any assistive technology in place correctly. |  |
| 9.3.1 | If No, please provide further details | |
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| 9.8 | Please confirm that You have arrangements in place for the handling and consideration of complaints about any matter connected with its provision of services commissioned by the Authority. These arrangements must comply with statutory regulations and the Service Provider must ensure that the complainant is fully advised of their right to request that the Local Government Ombudsman review the handling of their complaint, if they remain dissatisfied. The response to the complainant and details of the investigation must be made available to the Authority on request, for the purposes of supporting resolution and for quality assurance purposes. |  |
| 9.8.1 | If No, please provide further details | |
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# SECTION F – Exclusion Grounds

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| Please answer the following questions in full. Note that every organisation that is being relied on to meet the selection must complete and submit the self-declaration. |

# 10. Grounds for Mandatory Exclusion

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| **Evaluation criteria for this section:**  You will be excluded from the application process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if You have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where this is disproportionate e.g. only minor amounts involved).  **Self-Cleaning**  Any supplier that answers ‘Yes’ to questions in this section should provide sufficient evidence, in a separate response, that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively “self-cleans” the situation referred to in that question. The Supplier has to demonstrate it has taken such remedial action, to the satisfaction of the Authority in each case.  If such evidence is considered by the Authority (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the application process. In order for the evidence referred to above to be sufficient, the Supplier shall, as a minimum, demonstrate that it has:   * paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct; * clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and * taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.   The measures taken by the Supplier shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Authority to be insufficient, the Supplier shall be given a statement of the reasons for that decision.  *Scoring Methodology for this section:*  *Pass or Fail (where ‘No’ or with satisfactory self-cleaning = Pass and ‘Yes’ with no satisfactory self-cleaning = Fail)* |

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| 10.1 | **Regulations 57(1) and (2)**  The detailed grounds for mandatory exclusion of an organisation are set out on this [web page](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.  Please indicate if, within the past five years You, Your Organisation or any other person who has powers of representation, decision or control in the Organisation been convicted anywhere in the world of any of the offences within the summary below and listed on the [web page](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf). | |
| 10.1.1 | Participation in a criminal organisation |  |
| 10.1.2 | Corruption |  |
| 10.1.3 | Fraud |  |
| 10.1.4 | Terrorist offences or offences linked to terrorist activities |  |
| 10.1.5 | Money laundering or terrorist financing |  |
| 10.1.6 | Child labour and other forms of trafficking in human beings |  |

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| 10.1.7 | If You have answered Yes to any of the questions above, please provide further details.  Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction,  Identity of who has been convicted  If the relevant documentation is available electronically please provide the web address, issuing Authority, precise reference of the documents. | |
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| 10.1.8 | If You have answered Yes to any of the points above have measures been taken to demonstrate the reliability of the Organisation despite the existence of a relevant ground for exclusion? (Self-Cleaning) |  |

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| 10.2 | **Regulation 57(3)**  Has it been established, for Your Organisation by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which the Organisation is established (if outside the UK), that the Organisation is in breach of obligations related to the payment of tax or social security contributions? |  |
| 10.2.1 | If You have answered Yes to question 10.2, please provide further details. Please also confirm You have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest and/or fines. | |
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| **Please Note:** The Authority reserves the right to use its discretion to exclude a potential supplier where it can demonstrate by any appropriate means that the potential supplier is in breach of its obligations relating to the non-payment of taxes or social security contributions. |

# 11. Grounds for Discretionary Exclusion

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| **Evaluation criteria for this section:**  The Authority may exclude any Supplier who answers ‘Yes’ in any of the following situations set out in this section.  **Conflicts of Interest**  In accordance with question 11.1.7, the Authority may exclude the Supplier if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly, indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence on the context of this application process. Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the Supplier to inform the Authority, detailing the conflict in a separate response. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the Authority should not represent a conflict of interest for the Supplier.  **Self-Cleaning**  Any Supplier that answers ‘Yes’ to questions in this section should provide sufficient evidence, in a separate attachment, that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively “self-cleans” the situation referred to in the question. The supplier has to demonstrate it has taken such remedial action, to the satisfaction of the Authority in each case. If such evidence is considered by the Authority (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the application process.  In order for the evidence referred to above to be sufficient, the Supplier shall, as a minimum, demonstrate that it has:   * paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct; * clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and * taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.   The measures taken by the Supplier shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Authority to be insufficient, the Supplier shall be given a statement of the reasons for that decision.  *Scoring Methodology for this section:*  *Pass or Fail (where ‘No’ or with satisfactory self-cleaning = Pass and ‘Yes’ with no satisfactory self-cleaning = Fail)* |

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| 11.1 | **Regulations 57(8)**  The detailed grounds for discretionary exclusion of an organisation are set out on this [web page](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.  Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to You, Your Organisation or any other person who has powers of representation, decision or control in the Organisation. | |
| 11.1.1 | Breach of environmental obligations? |  |
| 11.1.2 | Breach of social obligations? |  |
| 11.1.3 | Breach of labour law obligations? |  |
| 11.1.4 | Bankrupt or is the subject of insolvency or winding-up proceedings, where the Organisation’s assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State? |  |
| 11.1.5 | Guilty of grave professional misconduct? |  |
| 11.1.6 | Entered into agreements with other economic operators aimed at distorting competition? |  |
| 11.1.7 | Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure? |  |
| 11.1.8 | Been involved in the preparation of this application process? |  |
| 11.1.9 | Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions? |  |
| 11.1.10 | Please answer the following statements | |
| 11.1.10.1 | The Organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria |  |
| 11.1.10.2 | The Organisation has withheld such information |  |
| 11.1.10.3 | The Organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015 |  |
| 11.1.10.4 | The Organisation has influenced the decision-making process of the contracting Authority to obtain confidential information that may confer upon the Organisation undue advantages in the procurement procedure, or has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award |  |
| 11.1.11 | If You have answered Yes to any of the above, explain what measures been taken to demonstrate the reliability of the Organisation despite the existence of a relevant ground for exclusion? (Self-Cleaning) | |
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# SECTION G – Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015[[1]](#footnote-1)

# 12. Modern Slavery Act

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| 12.1 | Are You a relevant commercial Organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")?  Further details concerning the Modern Slavery Act can be found on [https://www.gov.uk/government/uploadTransparency\_in\_Supply\_Chains\_etc\_\_A\_practical\_guide\_\_final\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/471996/Transparency_in_Supply_Chains_etc__A_practical_guide__final_.pdf) |  |
| 12.2 | If You have answered Yes to question 12.1 are You compliant with the annual reporting requirements contained within Section 54 of the Act 2015?  If You have answered ‘No’ please provide an explanation  **Evaluation criteria for this question:**  ‘Yes’ with a URL = Pass  ‘No’ with an explanation that sufficiently demonstrates why the Applicant isn’t compliant with Section 54 of the Act 2015 = Pass  ‘No’ without an explanation that sufficiently demonstrates why the Applicant isn’t compliant with Section 54 of the Act 2015 = Fail | Please provide the relevant url: |

# SECTION H – Additional Questions

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| Please answer the following questions in full. Note that every organisation that is being relied on to meet the selection must complete and submit the self-declaration. |

# 13. Insurance

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| **Evaluation criteria for this section:**  If You cannot answer ‘Yes’ or ‘Commit to obtain, prior to the commencement of the contract’, Your response will not be accepted.  **Scoring Methodology for this section:**  Pass/Fail, where ‘Yes’ or ‘Commit to obtain prior to the commencement of the contract’ = Pass and ‘No’ = Fail. |

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| 13.1 | Please self-certify whether You already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:  Employer’s (Compulsory) Liability Insurance\* = £10 million in respect of any one claim  Public Liability Insurance = £10 million in respect of any one claim  Medical malpractice = £250,000 (Residential with Nursing only)  \*It is a legal requirement that all companies hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders. |  |

# 14. Information Handling and Security

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| 14.1 | Please provide Your Information Commission Office (ICO) Reference number and date of renewal.  Further information can be found here:  <https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>  If You are an Applicant outside of the UK please state any independent Authority’s reference which is responsible for upholding information rights in the public interest and state the name of the independent Authority.  If You are unable to state any reference please state the reason within the response text box provided for this question.  Please note that this is for information only. |  |
| 14.1.2 | To ensure that the Authority’s information is handled securely please complete the attached Information Risk Questionnaire – Self assessment.  **Scoring Methodology:**  This is a Pass / Fail question.  (Where the Applicant can self-certify they comply with all requirements in the questionnaire = Pass; The Authority reserves the right to reject any application where the Applicant cannot self certify that they comply with all the requirements in this questionnaire). | [Information Risk Questionnaire – Self Assessment](https://www.livingwellessex.org/media/537948/information-risk-questionnaire-self-assessment.docx) |

# SECTION I – Additional Questions

# 15. Signed Letter

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| 15.1 | Please attach a scanned copy of an original letter, signed by a Director or owner within Your Organisation on company headed paper showing:   * Company Address * Company Name * Registered Address * Company Registration Number (if applicable) * Bank name / address, account name, account sort code, account number and invoicing address |  |

# 16. Confirmation of Bank Details

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| 16.1 | If You are operating a high street bank account, please post a copy of a Void cheque (if You still are in use of chequebooks or, if not, then a paying in slip or recent bank statement less than six months old).  Where You are operating an online business bank account, please provide a printed bank statement, in PDF form, less than six months old.  Postal address:  Procurement Team (Residential services)  E1 Zone 2  County Hall  Chelmsford  CM1 1QH  This is to confirm the bank details listed in the letter (as detailed in Section I 15.1 above). |  |

# 17. Terms and Conditions

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| 17.1 | Please confirm You accept the [Terms and Conditions](https://www.livingwellessex.org/media/539509/residential-spot-contract-doc.pdf) of the OP Residential Care Spot Placement Contract 2017 |  |

1. [Procurement Policy Note 9/16 Modern Slavery Act 2015](https://www.gov.uk/government/collections/procurement-policy-notes) [↑](#footnote-ref-1)