Probation Dynamic Framework

FAQs

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**Document Overview**

This document has been created to support potential and/or current providers in understanding the Dynamic Framework in more detail, it is an evolving document and we will continue to update it. The document is broken into section so you can easily see questions in relation to your query. The first section of the document is a glossary of terms to help you understand the key terms used throughout the Dynamic Framework.

**Note: Please ensure that you read this FAQ document before submitting any queries that are not explained, in detail, within this document. This document is provided as an aid to the DF documentation and process, but does not take precedent over these documents. As such, the Authority refers back to the procurement documentation in order to provide clarity and consistency, ensuring no contradictory information is provided.**

**DISCLAIMER:**

The information contained in this document is correct as at the date of issue. The Authority reserves the right to update the Probation Dynamic Framework FAQs from time to time. Potential Bidders are responsible for ensuring that they are referring to the most recent version. This can be found in the Probation Dynamic Framework PQQ event on the esourcing system, Jaggaer (formerly Bravo).

#

# Glossary

Prior to reading the FAQs please read the glossary of terms.

|  |  |
| --- | --- |
| **Term** | **Definition** |
| **Dynamic framework** | The framework is being established by Her Majesty’s Prison and Probation Service (HMPPS) to provide a route to purchase rehab & resettlement services. Suppliers will need to demonstrate expertise in the relevant service areas and state which geographical areas they are interested in to qualify onto the framework. They can qualify at any time but must be in advance of any call-offs. Only those qualified for the relevant services and geographical locations will be invited to bid for any call-offs. HMPPS can commission through the framework, but so can other commissioners e.g. PCCs, either alone or jointly with HMPPS or other commissioners.  |
| **Service categories** | 14 categories of needs / services and cohorts. These can overlap i.e. a service could be commissioned either by need (e.g. ETE) or cohort (e.g. women).  |
| **Call-off competition** | A specific request for services through the framework. Commissioning Authority sets out specific services required, contract length, performance measures etc, then invites all pre-qualified suppliers to bid. |
| **Call-off contract** | Winning Bidder in call-off competition receives call-off contract.  |
| **Day one call-offs** | Call-off contracts for standard services to meet core needs which must be in place for when the Unified Model goes live.  |
| **Day two / future call-offs** | Further call-offs for either specialist needs beyond the core services or different formulations of services to meet core needs; more locally tailored; could be commissioned by HMPPS, other commissioners or co-commissioned.  |
| **Grant** | In certain circumstances, e.g. where services are not essential to statutory responsibilities, a grant can be used instead of a contract to fund an organisation or service. Grants could be given through either the dynamic framework or alternative procurement routes.  |
| **Commissioning** | One public body funding and procuring services for its service-users from a third-party service provider. |
| **Co-commissioning** | Two or more public bodies jointly funding and procuring services for their shared service-users from a third-party service provider. |
| **Alternative procurement routes** | Any route to procurement other than the HMPPS dynamic framework, e.g. frameworks or open competitions managed by other commissioners. |
| **Sentence delivery services****(rehab & resettlement)** | Services required to fulfil sentence i.e. enforceable RAR or licence activitiesto improve wellbeing, wraparound to access ETE etc. Note: there is some overlap between this and outcome-related services, e.g. day one call-offs include elements of both. |
| **Outcome-related services****(rehab & resettlement)** | Service to ensure rehab outcomes are achieved e.g. accommodation secured (including, but not limited to, direct provision of outcome e.g. room or tenancy deposit). Note: there is some overlap between this and sentence delivery services, e.g. day one call-offs include elements of both. |
| **Regional outcomes and innovation fund (ROIF)** | HMPPS fund which regional probation directors will be able to access to commission outcome-related services. |

**Dynamic Framework Structure**

1. **What is the Dynamic Framework?**

The Dynamic Framework (DF) is a hybrid of a framework agreement and a dynamic purchasing system (DPS). The dynamic framework is the over-arching umbrella of probation services that we envisage regional probation directors and other authorities commission in the future.

As the DF is dynamic, Bidders can apply to join the DF at any time throughout the term of the DF by qualifying against the Selection Criteria contained within the Selection Questionnaire (SQ).

All Bidders who successfully meet the Selection Criteria outlined in the SQ will be appointed to the DF. As part of the selection questionnaire process you will be asked to advise which service categories you can deliver and in which regions. Once Bidders are admitted to the DF, they may then be invited to bid for applicable Service Categories and Geographical Locations through Call-Off Competitions.

Once appointed onto the Dynamic framework there is no guarantee of the type of work that may be commissioned through the framework, the actual commissioning of services is done at call-off stage. Think of this as two stage process:

* Initially you are assessed to see if you can deliver probation services under the 14 services categories
* Once you have passed the assessment you will then be invited to bid/tender for work as and when these services require commissioning.
1. **What is a Call-Off Competition?**

A call-off is the actual bidding/tendering process for the required services, a call-off competition could be carried out for any of the 14 services categories. The call-off competitions will define the needs of the authority and providers will be asked to provide responses to a set of questions and costs relevant to delivering the services. This will vary across each call-off competition but all call-off competitions will relate to the 14 Service Categories identified in this document, and are based on Service User needs, cohorts and restorative justice.

Call-Off Competitions can be for any of the following categories/cohorts:

1. A single category;
2. Multi Call-Off categories (such as Personal Wellbeing which are 4 individual categories in 1 competition);
3. Cohorts (which are for identified groups of Service Users, such as Women, and contain all 14

Once a call-off contract is awarded to a provider this will be equate to a call-off contract under to Dynamic Framework.

1. **Is there any minimum or maximum number of suppliers the Authority may appoint for each Category?**

There is no maximum number of suppliers that can be qualified to the Dynamic Framework.

1. **What happens if my bid to join the Framework is unsuccessful? Will my organisation have another opportunity to join?**

Yes, suppliers will receive feedback on unsuccessful bids. After an unsuccessful bid, suppliers will have two more attempts to bid for a place on the Dynamic Framework. If the organisation is unsuccessful after the third bid, there will be a six-month period before they can bid to be on the Framework again. (please see FAQ **When should I submit my SQ Response?**

1. **How long will the Dynamic Framework run for?**

The DF Agreement will run for 7 years with the option to extend at yearly internals for the subsequent 3 years. The DF agreement could potentially be in place for 10years, including any extensions. All information in relation to the framework length is published in the contract notice.

Bidders may submit to qualify onto the Framework at any time during this timeframe.

1. **How long will the subsequent Call-Off Contracts run for?**

There is no maximum or minimum contract length for any call-off contracts that are commissioned through the Dynamic Framework, each call off length will vary depending on the individual requirements of the Call-Off Contracts.

1. **Who can use the Probation Dynamic Framework?**

All public bodies can utilise the framework including prison governor’s, local authorities, police forces, regional probation services.

The initial requirements commissioning through the framework will be for Day One services to ensure there is continuity for service users after June 2021, once these are in place there will be a wider focus on supporting the delivery of probation services on a wider scope, these are the Day Two services.

1. **Who will manage the resulting contracts procured by the Authority through the Dynamic Framework?**

The new HMPPS regional authority teams will manage the contracts.

**Service Categories**

1. **What are the Service Categories?**

There are 14 Service Categories that aim to deliver probation services:

* Accommodation
* Education, Training and Employment
* Finance, Benefits and Debt
* Dependency and Recovery
* Family and Significant Others
* Lifestyle and Associates
* Emotional Wellbeing
* Social Inclusion
* Women
* Young Adults (18-25 years old)
* Black, Asian, Minority Ethnic (BAME)
* Restorative Justice
* Cognitive and Behavioural Change
* Service User Involvement

A service category is the title and definition for the types of services that can be commissioned through the Dynamic Framework. A commissioning body can procure any services/requirement that delivers aims and objectives under these 14 service category areas for probation.

1. **How many services categories and geographical regions can I bid for?**

Providers must bid for a minimum of one service category.

Providers can must indicate which geographical location they are able to deliver in.

Potential Providers may qualify for a range of Service Categories and also select a range of Geographical Locations in England and Wales that the Potential Provider is able to deliver Services within or would be able to deliver in should they be appointed to the DF and awarded a Call-Off Contract.

When running a Call-Off Competition, the Authority or Participating Body will select both Service Categories and Geographical Locations and invite bidders to the call-off competition.

1. **What is a Multi-Service Category Call-Off Competition?**

Each Call-Off Competition may comprise of one or more Service Categories to be provided in one or more Geographical Locations. Where a Call-Off Competition has one or more Service Categories **combined**, in one or more Geographical Locations, this is known as a "Multi-Service Category Call-Off Competition”.

If the call-off competition does not include a cohort service category then providers that are qualified into one or more of the services categories will be invited to the competition.

If the call-off competition includes a cohort service category then all Providers who are qualified into the relevant cohort service category and one or more of the other services service categories will be invited to the call-off competition in the relevant geographical area.

Further details may be found in paragraph 1.11 in ITP A.

1. **What is a cohort?**

A cohort is a group of people with shared characteristics, in the DF we have defined the offender cohorts as service categories.

A cohort service category will also require a service category that is not a cohort to be commissioned alongside it, for example we are looking we could look to commission a Accommodation Services for the Women’s cohort.

1. **What are Day 1 Services?**

The Authority will procure probation services that we require to be operational from day one (1), known as Day 1 Services. The Authority intends to procure interventions for Day one (1) through a series of Call-Off Competitions that will either be:

1. A Call-Off Competition with a single Service Category (run across a variety of Geographic Locations); or
2. a Call-Off Competition which combines two or more Service Categories (run across a variety of Geographical Locations).

Day 1 services must be live for June 2021 to provide continuity of service from CRC’s, these are services we must have in place as a minimum.

Indicative Day 1 Services that the Authority currently intends to operate a Call-Off Competition prior to April 2021 are set out in the table below:

|  |
| --- |
| **Day 1 – Service Category** |
| Accommodation (DF.01) |
| Education Training & Employment (DF.02) |
| Finance Benefit & Debt (DF.03) |
| Dependency & Recovery (DF.04) |
| Family & Significant Others (DF.05) |
| Lifestyle & Associates (DF.06) |
| Emotional Wellbeing (DF.07) |
| Social Inclusion (DF.08) |
| Young Adults (DF.10) (**Wales only**) Call-Off Competitions for this Cohort will comprise of the following four (4) Service Categories: Family & Significant Others (DF.05) Lifestyle & Associates (DF.06), Emotional Wellbeing (DF.07), and Social Inclusion (DF.08) |
| Women's services (DF.09) Call-Off Competitions for this Cohort covering Service Categories DF0.1 to 0.8 |

The Authority reserves the right to amend the above list. Please refer to para 7 in ITP A for further guidance on this.

Indicative values and volumes for all Day 1 Service Categories can be found on the Authority’s esourcing system (Jaggaer), within the Attachments section.

1. **What are Day 2 Services?**

Day 2 services are requirements needed after the initial Day 1 services, so in effect all other requirements of the Regional Probation Directors. It is also possible that other public-sector organisations such as local authorities, police forces etc. may commission Day 2 services.

1. **Do suppliers need to qualify onto numerous service categories if they would like to bid for multi-service categories?**

When we publish a multi-service call-off competition the bidders do not need to be qualified into all of the service categories to be invited to the competition however by the tender response submission date, the Bidder(s) / consortium must be qualified into all of the relevant service categories.

1. **Some of the Indicative Contract Values are shown as zero (i.e. Accommodation and ETE). Could the Authority please expand on this?**

Some Day one services such as ETE and Accommodation will now be procured on a regional basis, rather than PCC; the indicative values for these categories are therefore shown against the region rather than PCC. They can be found towards the bottom of the ‘values’ tabs. Further information about procuring at a regional level can be found in the ‘Revised DF scope’ slides on the esourcing system, Jaggaer.

1. **For Day 1 Call-Offs, how is Personal Wellbeing been procured?**

Day One services will provide an holistic approach to the 4 wellbeing categories, instead of commissioning these services independently we will be commissioning them as an over-arching Personal Wellbeing service.

The Personal Wellbeing Call-off competition will be multi-category and comprise of:

- Family and Significant Others

- Lifestyle and Associations

- Emotional Wellbeing

- Social Inclusion

As such, the Call-Off contracts will be the sum total of the four service categories within each geographical location.

1. **If a Bidder is qualified in a Service Category(ies), but not the cohort categories, would they be included in the Call-Off Competition on the condition that they collaborate with an organisation qualified in the cohort category? Or would they not be included in the competition at all, unless qualified for both.**

For the Day 1 Cohort Service Category competitions, we will be inviting Bidders to the competition who are qualified in both the relevant Cohort Service Category and one or more of the Service Category(ies).

Bidders do not need to be qualified into all of the Service Categories to be invited to the competition, however by the tender response submission date, the Bidder(s) / consortium must be qualified into all of the Service Categories in addition to the Cohort Service Category.

1. **How should the Bidder submit case studies where they intend to provide services, for example at the low complexity level, but also rely on a specialist Key Subcontractor to provide services at medium and high complexity levels?**

Bidders need to provide a case study which reflects outcomes they have achieved, these can be outcomes achieved to any complexity of Service User at the SQ stage. At the call off competition stage, Bidders will be tested on how their service provision will meet the needs of low, medium and high complexity Service Users.

1. **What does the Authority expect in relation to information required for Case Studies?**

Services described in case studies should demonstrate an intervention leading to one or more of the outcomes as described in the relevant service category description in Schedule 2.1 of the Framework Agreement.

Bidders need to provide a case study which reflects outcomes they have achieved, these can be outcomes achieved to any complexity of Service User at the SQ stage. At the call off competition stage, bidders will be tested on how their service provision will meet the needs of low, medium and high complexity Service Users.

Your SQ response should be in relation to services that you have delivered or are delivering rather than your proposed future delivery, which will be tested as part of the Call-Off Competitions.

1. **If we have case studies that have a variety of different needs, e.g. Accommodation, dependency, cognitive deficits, can we use the same case study to evidence different categories, albeit that the focus will shift to the relevant outcomes for that category?**

It is acceptable to use the same contract or grant example for multiple categories. Neither case study should however use elements from different contracts or grants to form a single case study.

The case studies should also evidence the delivery of separate outcomes as stated in Schedule 2.1 part B of the framework agreement.

1. **How are the Service Categories split between both men and women?**

Women (and men) are in scope for the Framework Cohort Service Categories.

Bidders will be informed of the Service Users in scope for each Call-Off Contract upon release of the Invitation to Tender.

There is a difference between how the service categories are wrote for the over-arching Dynamic framework and for the call-off competitions we are developing to commission Day 1 Services. Initially for Day 1 services we are commissioning:

ETE - men's only

Accommodation - men's only

Wellbeing - men's only

Women's Only - Women's Services - this is for women -only and will include interventions which address ETE, Accommodation and Personal Well-Being in an environment suitable for female service users and delivered by providers with experience of meeting the specific needs of female Service Users.

Young Adults in Wales - Men's only

In the future Day 2 services (any services after the above), may be commissioned with both male and female cohorts or just one.

1. **If we are applying for the women's lot only, do we have to also register for any other lots.**

You are required to apply for the Women’s only cohort service category and the relevant service category you deliver such as ETE.

1. **Will you be announcing the names of organisations who were successful in getting on the framework for each provision, to enable suitable collaborations to be formed?**

Yes, by accepting the Declaration on the Selection Questionnaire, Bidders understand that if successfully appointed to the Framework Agreement, the lead Provider's and Key Sub-contractor's name, contact details and the Service Category/Service Categories they have qualified for will be made available to other Providers during the term of the Framework Agreement.

You can also contact the team once you are awarded onto the Dynamic Framework if you would like further information on other providers.

1. **Is there a confirmed age for the Young Adults category? Will the category include under-18s?**

The age range for the Young Adults category will be 18-25. Young Adults is defined as individuals over the age of 18 so will not include under-18s; however, we will be looking at the transition from youth offending services to adult services.

## **Call-Off Competitions & Contracts**

1. **We are aware that the Call-Off Contracts are the next stage within this procurement, however is the Authority able to provide a high level overview of this?**

Providers who have been appointed to the Framework Agreement shall be entitled to participate in Call-Off Competitions to be awarded Call-Off Contracts.

If the Authority or any Participating Body decides to source Services through this Framework Agreement then it shall, through a Call-Off Competition, award a Call-Off Contract (in accordance with the procedure in this Schedule 5 (Call-Off Procedure) and in accordance with the Call-Off Procedure Guidance.)

The Authority or a Participating Body shall announce the intention to operate a Call-Off Competition through the eSourcing System.

The Supplier shall be eligible to participate in any Call-Off Competition operated by the Authority or any Participating Body which covers one (1) or more of the Service Categories that the Supplier has qualified for, and within the Geographical Locations the Supplier has indicated it is able to deliver in, or would be able to deliver in.

Prior to launching a Call-Off Competition, the Authority or Participating Body shall determine which of the Procurement Routes is appropriate for the Call-Off Competition based on the complexity of the requirements, (i.e. a 1,2, or 4 stage procurement route), and Bidder responses shall be evaluated and subsequent contract(s) awarded in line with the procurement route identified and as outlined in the Authority documentation.

**For full details on the process, please refer to Schedule 5 (Call-Off Procedure) of the Framework Agreement.**

1. **At what stage in the process will we understand contract values for Day One Services and future Day Two services?**

Finalised contract values will be published with each call-off competitions, for Day One call-off competitions we have provided indicative figures and these can be found on the Jaggaer system under Probation Dynamic Framework 205.

The total contract value is the whole contract length and includes all extension opportunities.

1. **When will we know when a call-off competition is going to be published?**

We are going to be publishing a pipeline document on a monthly basis, this will detail when providers need to be onboarded onto the Dynamic Framework and when we are aiming to publish the call-off competition documents.

1. **When will we understand the requirements for each call-off competition?**

Where possible we aim to publish as much detail as possible in relation to any call-off competitions in advance, this will not always be possible and you may only find out the requirements once the call-off competition is published.

For Day 1 services we aim to publish the specifications 30days prior to the call-off competition been published for bidders.

1. **What information will the call-off competition include?**

The call-off information will include:

* ITT document that will detail the bidding process
* Specification of the service
* Pricing information
* Call-off contracts and order forms

The specification and call-off contract will detail the specific aspects relevant for the service.

This is an example high-level overview and there is detail behind this including any relevant staff transfers, volumes, contract values, management information etc.

1. **What information will we need to complete at the call-off competition stage?**

At call-off stage you will be required to complete the Invitation to Tender Document (ITT), an example of this can be found on the e-sourcing platform.

The main focus of the ITT will be where we ask you questions in relation to how you will deliver the services and how you will price the service.

This is a high-level overview and may change for each call-off competition.

## **Geographical Locations**

1. **Can you provide more general detail around the Geographical location levels?**

A Bidder will be required to select Geographical Locations at the levels of Probation Region, Police Force Areas, Nomenclature of Territorial Units for Statistics (NUTS) 3 or Local Administrative Units (LAU) 1, These are set out in detail in Schedule 2.1 (Services Description) Part C of the Framework Agreement.

As a minimum, Potential Providers, in completing their SQ Response, must select at least one (1) LAU1 area in order to submit an SQ return to request to qualify.

Geographical Locations selected by Potential Providers during qualification are not evaluated, and are for information only. They will be used to determine which Potential Providers/Providers to invite to Call-Off Competitions in accordance with paragraph 1.11, in ITP A

It will be the commissioning bodies decision to determine the geographical location level at which they commission at.

1. **Please can you clarify how the different lots will be procured with regard to the different regions?**

In order to qualify onto the DF, Bidders must be able to deliver services at Local Authority (LAU1) level as a minimum. This is because the Authority and other Commissioning bodies may wish to procure services at this level in future. When completing the SQ, Bidders should indicate where they can deliver services currently AND where they would be interested in delivering services in future.

For Day 1, Education, Training and Employment services will be procured at a regional level, as will Accommodation services. The Authority will be inviting Bidders who have indicated in their SQ response that they can or would be interested in delivering services at the Probation Region level to these regional competitions.

In order to bid for a call-off competition, Bidders must ensure that they can deliver across the whole region. This can be done by collaborating with other Bidders for the call-off competition - the Authority does not have a preference on whether bids are from individual entities or collaborations.

1. **What does NUT stand for?**

Nomenclature of Territorial Units for Statistics (NUTS). NUTS was established by Eurostat in order to provide a single uniform breakdown of territorial units for the production of regional statistics for the European Union.

1. **Will Bidders be tested on their ability to deliver services in specific areas at qualification stage?**

No, at qualification stage Bidders will be required to select which Probation Region, Police Force areas, NUTS areas and Local Authorities (LAU1) they can deliver services in.

1. **Which region does the Young Adults Day 1 services related to?**

The Young Adult cohort service category is being commissioned in **Wales for Day 1 only**. We envision that Young Adult services will be commissioned in other regions throughout the life of the Dynamic Framework and note there is considerable interest in these services. We would therefore encourage Bidders in this area to qualify onto the Dynamic Framework.

**e-sourcing system (Jaggaer)**

1. **How do I register my organisation to bid to join the Dynamic Framework once it has launched?**

The Authority will be using Bravo Solutions portal which is accessible at the following link: <https://ministryofjusticecommercial.bravosolution.co.uk/web/login>

1. **How do I access documents relating to the Dynamic Framework?**

There are various documents which have been drafted for this procurement, and which are located on the esourcing system, Jaggaer:

1. All documents relating to the procurement can be found in PQQ 205, under the tab ‘Details 🡪 Attachments’ in a folder labelled ‘Procurement Documents’. The most up to date document versions are at the top of the folder.

The current list of documents includes ‘Invitation to Participate Part A (ITP A): Overview of the Probation Services DF Procurement’; ‘DF Framework Agreement’; ‘ITP C Sourcing Portal Guidance’ amongst others which Bidders need to read and understand;

1. In order to access the Data Room Bidders will need to submit an NDA & (if applicable for your company) an Ethical Walls agreement, which can be found in the section listed in point b.) above. When completing these documents, Bidders must ensure that your organisation details are entered in correctly, and all required annexes are completed.
2. **What is the purpose of the Probation Dynamic Framework Data Room?**

The Probation Dynamic Framework Data Room is located on the esourcing system, Jaggaer, and contains documents supplied by the Authority in order to assist Bidders in creating their bid responses for a call-off competition (e.g. pensions and workforce data). Information within this room is updated as and when applicable for all the relevant call-off competitions.

To locate this please use the filesharing icon tab on the left-hand side, and then the Directories options.

*Please note that the information in the Data Room has been prepared to assist bidders in responding to the Invitation to Tender. Bidders acknowledge that neither the Authority nor the Ministry of Justice (nor any of their respective directors, officers, employees, agents or professional advisers):*

*• make any representation or warranty, express or implied, as to the accuracy, completeness or currency of the Information or any oral or other communication in connection with the Information; and*

*• shall have any liability whatsoever to any person resulting from the use or reliance by any person of any of the Information or any oral or other communication in connection therewith (provided that this does not exclude or limit liability for fraud).*

1. **In the Ethical Walls Agreement please explain what would constitute the type of restricted information staff of a counterparty/affiliate would have access to that would render them ‘conflicted personnel’?**

Restricted Information is clearly defined in the definitions clause 1.1. For the avoidance of doubt, ‘Contract’ means ‘CRC Contract’ as also defined in clause 1.1

The Ethical Walls Agreement is designed for the specific scenario where an incumbent or their subcontractor are in a position, due to their role in the delivery of the current services, that they have access to restricted information or their personnel are conflicted.

Restricted Information – means information that is not available to Other Bidders and which has the potential to confer an unfair advantage (An example of restricted information would be sensitive information gleaned from the subcontractor attending authority governance forums with the CRC)

Conflicted Personnel - individuals who have or have had access to Restricted Information or whose involvement in the bidding process might give rise to a Conflict of Interests (i.e. holding a position that might confer an unfair advantage in the bidding process).

In the case of a potential Bidder who is currently acting as a subcontractor to a CRC they would only need to sign an Ethical Walls Agreement where they play a significant enough role in the supply chain of the CRC that they fall into these definitions. Simply delivering the services to a CRC without meeting the definitions above (see clause 1.1. of the agreement for the detailed definitions) does not require an Ethical Walls Agreement to be submitted.

Please note that we would suggest that bidders seek legal advice and this is our guidance only on the matter.

1. **What if I have technical issues with the esourcing system whilst trying to submit my SQ response?**

For **technical queries only**, specifically in relation to the esourcing system, please contact the e-sourcing helpdesk below:

Central Support Team

Phone: 0845 0100 132

Email: esourcing@justice.gsi.gov.uk

1. **What if I have any queries relating to the procurement documents, or the procurement process itself?**

Should a Bidder have any query about any aspect of the Ongoing SQ or individual Call-Off Competition procurement process, or documentation and/or require any further information or assistance, they should contact the Authority or relevant Participating Body through the eSourcing System. **Clarifications should be clearly marked with the: subject of the clarification; document name the clarification refers to (if applicable); and the document reference/paragraph (if applicable).**

(further information on this can be found in para 9, in ITP A)

**Selection Questionnaire**

1. **What information do I need to submit in my SQ?**

Bidders should read and understand all the documents listed within the “Attachments tab” on the esourcing system, Jaggaer, (and as outlined under the specific esourcing section within this FAQ) before submitting an SQ response.

A step by step guide of the documents is provided within the attachments, we would suggest following the guidance in this document, ‘Provider Key Steps Guide’.

Please note that all information is available to download and read offline but you are required to complete the selection questionnaire directly on the e-sourcing Jaggaer platform.

1. **When should I submit my SQ Response?**

This is dependent on what categories you wish to deliver in the future and bid for in the call-off competitions.

Bidders are encouraged to submit their SQ responses at the earliest opportunity to enable the Authority to evaluate SQ responses and to allow time to resolve any issues with qualification.

To be invited to a competition, the SQ response deadline is 30 days in advance of the call-off competition that they are interested in bidding for. Providers that have submitted their SQ 30days before the call-off competition is published will be invited to bid for the call-off competition, we can’t guarantee that the authority will have time and resource to onboard providers that fail the SQ during those 30days.

We encourage suppliers to qualify for all Service Categories that they are interested in bidding for in a single SQ response however providers can add additional service categories at any point during the lifetime of the DF.

A pipeline of all future call-off competitions and timescales for Day One call-off competitions can be found on the e-sourcing platform Jaggaer under the attachments section, please not that authorities may not also plan ahead and provider information for this pipeline but we will ty to plan ahead as much as possible.

1. **When is the deadline for the Probation Services Dynamic Framework (PQQ 205)?**

Bidders may submit a response to qualify for the Probation Services Dynamic Framework (PQQ205) at any time throughout the life of the framework.

If a Bidder wishes to qualify in time to bid for Day 1 services we have provided indicative timescales for each for the Day One Services call-off competitions and these can be found in the pipeline document in the attachments section of the e-sourcing platform. This is an as is position, and will change throughout the duration of the Dynamic Framework. Please ensure you review the most relevant pipeline document.

The call-off competitions for Day One Services will be published on:

* Education, Training and Employment competition start - Monday 7th September 2020
* Accommodation competition start - Monday 28th September 2020
* Personal Wellbeing (including Young Adult Personal Wellbeing in Wales) competition start - Monday 19th October 2020
* Women’s competition start - Monday 9th November 2020

All providers that wish to be invited to bid for any of the above call-off competitions should have completed the Standard Questionnaire (SQ) 30 days prior to the competition start. The deadline for SQ submissions for the ETE competition is now 7th August 2020. Where a deadline for the SQ response falls on a non-working day, we reserve the right to amend this deadline to the last working day.

Where possible we strongly advise providers to complete the SQ section of the process as early as possible to ensure they are successfully onboarded onto the Dynamic Framework in time for the relevant call-off competitions.

1. **Is there a deadline for asking questions in relation to the selection questionnaire?**

The is no closing date for clarifications questions on the dynamic framework.

Within each call-off competition, the procurement documents will set out when the clarification process will open and close.

1. **Can we re-apply to the Framework for other service categories in future?**

Yes you can, the SQ is to evaluate Bidders against one or more services categories, the SQ is not specific to a single service category. Providers are encouraged to qualify onto the Dynamic Framework for all service categories that they wish to potentially deliver in the future via the Dynamic Framework. However, if you only have resource at this stage to complete the case study's etc. then it is possible for you to then resubmit the SQ for the remaining categories.

1. **If my organisation expands into new service areas, can I qualify for additional service categories at a later date?**

Yes you can qualify for additional service categories at a later date. In order to qualify, you will only need to submit a response to the additional service categories.

1. **As we do not have to submit our applications for categories at the same time, how do we apply for categories at different times on the esourcing system?**

Bidders should select ‘yes’ to the categories they wish to qualify into in their initial bid. This field can be changed in future when a Bidder wishes to bid for additional Service Categories. We refer you to paragraph 5.6 of ITP A for confirmation that Bidders can apply for additional service categories at a later date without submitting a full new SQ response:

“Where a Provider wishes to apply for an additional Service Category/Categories after having already qualified onto the Framework Agreement, the Provider will not be required to submit a new full SQ response. Providers will only be required to submit an updated SQ response for the new Service Category/Categories which they wish to apply for.”

1. **If we have registered as one company on the e-sourcing portal Jaggaer, but then decide we want to apply as an individual organisation that is part of the bigger company, what do we need to do?**

If the Bidder organisation is a different legal entity, the Authority requires the re-registering on the e-sourcing portal. Suppliers may also change their details on the system to ensure consistency.

The bidding organisation needs to be the organisation that would be delivering the services or sub-contracting out the services.

**Selection Questionnaire – Question & Case Study Submissions**

1. **Is there a form/template for the case study responses?**

The template for the case study questions is accessible by clicking on the Attachment icon next to the question number. There will be a paper clip symbol, which when you click on will download the applicable attachment containing the template. All Bidders must submit their case study examples using this template, if you do not you may be asked to re-submit.

1. **Can the Authority confirm the word/page limits for case studies?**

 Word counts for **Cohort-specific Service Category** case studies (09 Women; 10 Young Adults (18-25 year olds); and 11 Black, Asian, Minority Ethnic) are maximum one side of A4, Arial 11 per case study.

Word counts for **all other Service Category** case studies are maximum 250 words per case study. This is reiterated in the guidance documents and on the response form within the esourcing system, Jaggaer.

1. **Please can the Authority confirm if the two case studies required to be provided for each service category have to be from two separate contracts or grants?**

The case studies may come from the same contract as long as they evidence the delivery of separate outcomes as stated in Schedule 2.1 (which is the Services Description) part B of the framework agreement.

1. **What type of Case Study is the Authority expecting to see? (i.e. of the service user or the service?)**

Services described in case studies should demonstrate an intervention leading to one or more of the outcomes, as described in the relevant service category description in Schedule 2.1 of the Framework Agreement. They should detail that the service has delivered successful and constructive outcomes for Service Users.

Please refer to the scoring matrix in ITP B Non-Cohort Category Evaluation Matrix – Case Studies, which outlines how case studies will be evaluated.

1. **Where can the FVRA template be found?**

The FVRA template can be found alongside question 1.13.6 in the SQ in the eSourcing system (Jaggaer) where an attachment symbol (a paperclip) can be seen.

1. **Can the Authority please confirm the naming convention for all attachments?**

All attachments should be submitted in line with the instructions in para 9 of ITP part B which states:

“Please ensure that all questions are completed in full, and in the format requested. If the question is optional (as indicated on eSourcing System and does not apply to you, please state ‘N/A’. Should you need to provide additional information in response to the questions, please submit a clearly identified annex in the general attachments area using the following naming convention Potential Provider name - SQ question number – Supporting Information - Unique Reference Number (Potential Providers should create their own Unique Reference Number).”

1. **The attachment / paperclip icons next to the question numbers don't seem to work (these are static images, not "buttons" which you can click)?**

Please ensure that you are clicking on the icon in the question itself, rather than the question heading.

For example, if you wish to bid for Accommodation and can provide two case studies you should select ‘Yes’ for Q1.31.2. To then access the templates you should click the attachment icon at 1.32.1 or 1.32.2 for the Accommodation case study template rather than at 1.32.

In the event that this still doesn’t work, please refer to copies of the templates sent in the broadcast message on the 30/06/2020 in the esourcing system (Jaggaer).

Please note that cohorts (09 Women; 10 Young Adults (18 – 25 year olds); and 11 Black, Asian Minority Ethnic) have a different template to other categories.

1. **Please can you confirm whether there is any requirement for Bidders to hold any specific Environmental Management standards, certification or accreditation.**

Section 4 of Schedule 2.3 of the Framework Agreement for information on Environmental Standards states:

“The Supplier warrants that it has either obtained ISO 14001 (Environmental Management Systems Requirements for Guidance and Use) (or equivalent) certification for its environmental management and shall comply with and maintain certification requirements

throughout any Call-Off Term or shall follow a sound environmental management policy, ensuring that any Goods and the Services are procured, produced, packaged, delivered, and are capable of being used and ultimately disposed of in ways appropriate to such standard.”

Please refer to section 4 of Schedule 2.3 for further information required in order to meet full requirements.

1. **Please can the Authority confirm where additional supporting information should be uploaded on the portal?**

If you are required to upload more than **one** document, Bidders are permitted to upload zip files containing documents to the question. All naming conventions must follow instructions set out in para 9 of ITP B (as referenced within this FAQ).

## **Key Sub-contractors**

1. **What is a Key Subcontractor?**

A sub-contractor should be identified as a Key Sub-contractor in the SQ response where it is being relied upon to pass selection for a specific Service Category onto the Dynamic Framework (see definition in Annex A of ITP A). Where a Key Subcontractor is relied upon they must be the entity that delivers the services under any ensuing Call-Off.

The Bidder can name other Key Subcontractors in the Call-Off tender response who would fall under the definition in the Framework Agreement who were not identified at SQ stage because they were not relied upon to pass onto a Service Category. See the full definition of Key-Subcontractor in Schedule 1 of the Framework Terms, together with Annex A of ITPA”

Please see paragraphs 4-8 of ITP B SQ Guidance for information on Key Sub-contractors.

1. **Can I apply to the Dynamic Framework if I expect to bid for Call-offs primarily as a Key Sub-contractor?**

Any Entity may seek to qualify onto the Dynamic Framework in its own right, even if it expects it is likely to bid for call-offs as a Key Sub-contractor with a Lead Entity.

An advantage of qualifying, even if you expect you are only likely to bid for call-offs as a Key Sub-contractor with a Lead Entity, is that you will be notified of Call-offs in the Categories / Geographical Locations you have selected, and other organisations will be able to see that you are qualified and may be interested in collaborating on Call-offs.

Bidders will be asked to confirm whether they would wish to be a Key Sub-contractor in a future call off competition and to provide details, although this will be for information-purposes only and will not be binding.

1. **Will all Key Sub-contractors be tested at SQ?**

Key Sub-contractors will only be tested if a Lead Bidder relies upon them for qualification onto the Dynamic Framework. Where a Lead Bidder relies on a Key Sub-contractor to qualify onto a specific Service Category, it will only be the Key Sub-contractor’s experience in this Service Category that is tested. Where a Lead Bidder is relying on a Key Sub-contractor, the Key Sub-contractor’s Economic and Financial Standing will also be tested. Lead Bidders must indicate where they are relying on Key Sub-contractors when completing the Selection Questionnaire. As well as completing relevant Service Category questions and Economic and Financial Standing questions, Key Sub-contractors will also have to complete a self-declaration for Parts 1 and 2.

A Key Sub-contractor relied on by a Lead Bidder may also still qualify onto the Dynamic Framework in its own right.

Where you are not relying on a Key Sub-contractor to qualify, but simply intend to sub-contract part of your service (e.g. to a more specialist or local organisation), you do not need to include them in your qualification.

1. **Do Bidders need to indicate where they are relying on a Key Sub-contractor to qualify into a specific Service Category?**

Yes, Bidders must indicate when completing the SQ where they are relying on a Key Sub-contractor to qualify into a Service Category. There is a specific question within the SQ on “Reliance of Key Subcontractors” within the SQ that Bidders will need to provide information for, if you are going to rely on Key Subcontractors.

1. **What do I do if I change my Key Sub-contractors that I have relied upon to qualify onto the Dynamic Framework?**

If, post-qualification onto the Dynamic Framework, a Key Sub-contractor that you are relying on to meet the requirements at SQ stage withdraws, you **must** inform the Authority that the circumstances of your qualification have changed. It is likely that the qualification for the Service Category / Categories which you relied on that Key Sub-contractor for would no longer be valid unless a similarly qualified replacement sub-contractor could be found. The Lead Entity would not be allowed to provide any services or bid for any new Call-Offs without a valid qualification.

1. **Potential** **conflict of interest between subcontractors and Key Subcontractors in call off competitions**

A valid conflict of interest may arise where a Key Subcontractor is part of two entities bidding for the same call off competition (para 5.16 of ITP A). The Authority reserves its right to request clarity on how conflicts are managed where this is the case and will make a decision at the time based on available information at that time. It is not the intention to restrict fair and open

competition. This assurance may include requesting confirmation that ethical walls agreements have been put in place.

1. **If you work for more than one organisation that wants to complete the SQ and get on the framework, can individuals be involved in submissions for more than one organisation, understanding that any conflicts of interest at call-off stage will need to be declared/managed once on the framework?**

An individual may work for more than one Bidder involved in seeking admission to the Framework or bidding at Call-Off. How and on what terms this may happens is for the organisations to decide, always without prejudice to the Authority’s obligation to ensure transparency, fairness, non-discrimination and equal treatment in relation to its procurement process pursuant to the Public Contracts Regulations 2015.

Once admitted to the Framework, clauses 40.5 to 40.7 will apply. Clause 40.5 stipulates that

‘The Supplier shall take appropriate steps to ensure that neither the Supplier nor any Supplier Personnel is placed in a position where, in the reasonable opinion of the Authority or any Customer, there is or may be an actual conflict, or a potential conflict, between the pecuniary or personal interests of the Supplier and the duties owed to the Authority under the Framework Agreement or any Customer under a Call-Off Contract. The Supplier will notify the Authority or Customer (as appropriate) immediately giving full particulars of any such conflict of interest which may arise’.

Prospective providers are also referred to Clauses 5.16, 5.17 and 11.20 of the Invitation to Participate (Part A) and Clauses 7.4, 7.6 and Appendix 5 of the draft Call-Off Invitation To Tender contained in the procurement documentation.

1. **We wish to apply to go onto the delivery framework as a Key Subcontractor, should we complete the SQ at this stage as Key Subcontractor status, but with no lead partner agreed as yet?**

The Bidder may qualify onto the framework and select at Q2.1(a) (v) of the SQ, confirming that they wish to be a Key subcontractor, providing more information about the service they are able to provide at Q2.1 (a) (vi).

**Collaboration: Consortia & Sub-contracting**

1. **How is collaboration facilitated through the DF at Framework Qualification?**

Bidders are able to apply to the Framework as an individual entity, a consortium, or as a Lead Entity relying on a Sub-contractor.

Within the Dynamic Framework there are two permissible options to collaborate. They are:

* **Lead Entity** with Key Sub Contractor (s) – this is not a formal consortium but organisations should bear in mind that they can collaborate as a lead entity with a supply chain rather

than entering into a formal Special Purpose Vehicle; this model can be used either at qualification or for individual Call-offs.

* **Consortium** – coming together to qualify and then ultimately entering into the Framework as a single lead entity created for this purpose, a Special Purpose Vehicle(SPV). Consortia do not need to assume any specific legal form to fill in the SQ. However, if successful at SQ stage, consortia must form a single legal entity, an SPV, in order to sign the DF framework agreement and participate in Call-Off Competitions.
1. **Does the Authority have a preference as to whether organisations qualify and/or bid as a consortium or an individual entity?**

No. The Dynamic Framework aims to invite participation from a diverse range of organisations in the provision of specialist services at a local level. Collaborative bids are welcome, however, there is no requirement to do so. Bids from individual organisations are equally welcome.

1. **Is there any guidance on forming consortia available?**

The Authority has published guidance in the Attachments section of the Selection Questionnaire 205 (titled ‘DF Consortia 1.0’).

1. **When would my consortium need to be in place?**

Consortia do not need to assume any specific legal form to fill in the SQ. However, if successful at SQ stage, Consortia must form a single legal entity, i.e. a Special Purpose Vehicle (SPV) in order to join the DF and participate in Call-Off Competitions. The SPV must be legally constituted before signing the Framework Agreement.

1. **What sort of consortium should we set up?**

The Authority cannot advise on this. As every relationship is unique it is for the parties involved to determine what structure to adopt based on your objectives and mutual aims.

1. **What is a Special Purpose Vehicle (SPV)?**

Consortium members must establish a Special Purpose Vehicle (SPV) to join the Framework. Under the SPV model, the consortium members form a new legal entity to join the Framework.

Examples of SPVs are:

* Company limited by shares
* Company limited by guarantee
* Limited liability partnership
* Charitable incorporated organisation (CIO)
* Community Interest Company (CIC)
1. **What happens if I qualify onto the DF in one Service Category, but want to collaborate with another pre-qualified provider to bid for a Multi Service Category Competition?**

The Lead Entity could find another organisation qualified onto the category that they are not qualified for and they could agree to work together in a supply chain model, with either party bidding for the Call-Off as a lead and the other sub-contracting. There would be no need to qualify onto the other category, provided that they could find a qualified organisation to form a supply chain bid with.

1. **What happens if my organisation, as a Lead Entity, relies on a Key Sub-contractor to qualify onto a Service Category and once qualified, the Key Sub-contractor withdraws? Can I still apply for Call-Off Competitions in that Service Category?**

As the Lead Entity could not have qualified in its own right and had relied on the sub-contractor‘s experience to qualify, the Lead Entity must notify the Authority that the circumstances of its qualification have changed. It is likely that the qualification would no longer be valid unless a similarly qualified replacement sub-contractor could be found. The Lead Entity would not be allowed to provide any services or bid for any new Call-Offs without a valid qualification.

1. **What happens if my organisation qualifies for a Service Category in its own right, but wishes to use a specialist sub-contractor to deliver more specific aspects and at Call-Off this specialist is down as a sub-contractor, but withdraws after we win a contract?**

As the Lead Entity was already qualified in its own right and had not relied on the sub-contractor’s experience to qualify, there is no material change so there is no need to re-qualify. There would be a requirement to notify the Authority of the termination (or any material change to) the sub-contract, but it would in principle be permissible for the lead entity to take over the full service since it had qualified in that category, provided it could demonstrate how it would deliver any specialist services which the sub-contractor had been providing. It could also add new sub-contractors, either from those already qualified on the framework or additional ones, with the Authority‘s permission.

1. **If you are part of a collaboration are you still able to apply to deliver as a sole provider within the framework or is it either or?**

As noted in ITP Part A paragraph 5.16 and 5.17 - It is anticipated that for the duration of the Framework Agreement, a number of different Call-Off Competitions shall be run. With the exception of Key Sub-contractors, Providers can only tender once in each Call-Off Competition (i.e. either as a single entity or as part of an SPV). Key Sub-contractors may participate in (i.e. be "connected" with) more than one response by Providers for the same Call-Off Competition, however this must be declared to the Authority or Participating Body in writing as part of the Conflict of Interest declaration set out in the Call-Off ITT.

Where a Key Sub-contractor is connected to more than one Call-Off ITT response, the Authority or Participating Body will reserve the right to make further enquiries in order to ensure that this does not cause actual, potential or perceived conflict of interest, capacity problems, a negative effect on economic and financial standing requirements of the SQ, and/or restrictions or distortions in competition.

1. **Please can you confirm whether it is permitted to bid to be on the framework as a sole provider for some categories, and also be included in another Bidder's application as a subcontractor for other categories?**

Yes. It is permitted for Bidders to attempt to qualify as an individual entity for some categories whilst also being named as a sub-contractor for a Lead that is bidding for different service categories.

## **Economic and Financial Standing**

1. **Will an organisation’s economic and financial standing be tested at qualification stage?**

The Authority will test a Bidder’s Economic and Financial Standing at qualification stage, however, the level at which it will be tested will be the Bidder’s choice. There will be three levels of testing and Bidders will select which level they would like to qualify at. The three tiers are as follows:

1. Bidders that wish to bid for a DF contract worth under £100,000, or that wish to bid for multiple contracts with an aggregated total of under £100,000 self-certify that they have sufficient working capital & cashflow to deliver the services under any ensuing call(as) off with an aggregate value of up to £100,000’
2. Bidders that wish to bid for a DF contract worth between £100,000 and £1,000,000 or that wish to bid for multiple DF contracts with an aggregated total of £100,000 to £1,000,000 must provide a credit rating report at SQ.
3. Bidders that wish to bid for a DF contract worth more than £1,000,000, or that wish to bid for multiple contracts with an aggregate total value of over £1,000,000 must submit an FVRA template and two years of audited accounts at SQ stage
4. **Does the FVRA template only need to be completed if we are applying for projects over £1,000,000?**

The FVRA template should be completed if Bidders wish either to bid for a call-off competition with a contract value of over £1m OR if they wish to bid for multiple call-offs with an aggregate value of over £1m.

## Please see para 6.3 to 6.7 in ITP part A for details of financial thresholds.

1. **If a Provider indicates that they would want to be considered for call-off opportunities for contracts over £1m, are they eligible to respond to call-offs that are below £1m as well?**

The Authority can confirm that this is correct.

1. **If we are unsure which value of contracts we plan to bid for, should we select them all? Or do we just select the highest one and only provide the required documents for the over £1m amount?**

No. Bidders should only select one threshold. It is the Bidder’s decision as to which threshold they bid at. If a Bidder qualifies at the highest threshold, they will still be able to bid for call-offs with an aggregate value of under £1m.

1. **Is there a minimum turnover or years of existence required to qualify onto the framework.**

There is not a minimum turnover required to qualify onto the framework. There are requirements to demonstrate financial standing which will differ depending on the call-off contract/s that bidders are seeking to tender for.

There is further information available in the market warming material.

The SQ market warming material details what bidders will need to demonstrate in relation to the SQ and what information needs to be provided if the qualifying entity is newly formed.

1. **Will Key Sub-contractors have their Economic and Financial Standing tested at SQ?**

Where a Lead Entity is relying on Key Sub-contractors to meet the Economic and Financial Standing thresholds to qualify onto the DF, Key Sub-contractors will have their Economic and Financial Standing tested as appropriate.

1. **How will the Economic and Financial Standing of Consortia (Special Purpose Vehicles) be tested at qualification stage?**

You can fill in the SQ as a lead Bidder on behalf of a Consortium. You would name other entities you wish to rely on as part of the Consortium, and provide the relevant self-certifications as part of a single composite response. If you are bidding on behalf of a group (consortium) you should complete all of the selection questions on behalf of all members of the consortium.

1. **Please could the Authority provide guidance for charities on how to complete the FVRA (e.g. charity statutory accounts do not state Operating Profit).**

The FVRA is a standard template used across government services and should be useable by any organisation. Guidance for completion can be found on gov.uk, following the FVRA link here: <https://www.gov.uk/government/publications/the-outsourcing-playbook> Please refer to the FVRA download document.

The FVRA should be able to be filled by directly copying financial metrics from annual accounts.

1. **In their financial evaluation how will the Authority take account of charitable objectives being different to those of commercial organisations?**

**e.g. Charitable organisations do not seek to maximise shareholder value through profit generation and are therefore unlikely to generate operating surpluses of 10% plus?**

It is understood that charities will have different financial outcomes than commercial organisations, which will be taken into account in the evaluation. Certain thresholds in the Financial Viability Risk Assessment (FVRA) template will display a ‘red’ rating for metrics that are expected for not for profit organisations (eg an operating margin <6% will give a red rating, which may cascade into several other red values where profitability is an element in the calculation). Please provide sufficient commentary in Tab 3.1 against each rating to explain these financials, in relation to the nature of the business and in light of the company strategy. We will assess each application based on the financial figures and accompanying commentary together.

1. **What is your definition of financial distress and what event would trigger this clause?**

Please see Schedule 7.4 (Financial Distress) to the Framework Agreement, as this gives **full details** of provisions and which Call-Off Contracts they apply to.

1. **There seem to be a number of glitches in the FVRA template, and errors within the formulas, please could the Authority advise here?**

The FVRA is a standard template used across UK public sector procurement- Some anomalies lie in particular functions within the template, which will autogenerate a Red rating if certain criteria are present in the company’s financials.

These arise where there are mathematical oddities with supplier entries (i.e. negative values, zero values etc). For example, an “N/A” is generated if there is no data or “0” entered in some cells.

Please check blank cells and negative numbers. If the problem persists, please provide explanation in the commentary sections provided in section 3.1 onwards.

# **Grants**

1. **Will grants be awarded through the Dynamic Framework?**

The Authority recognises that the voluntary sector working in criminal justice includes small and local organisations that are dependent upon grant funding. The Authority retains the right to award grants through the DF, however, there are no current plans to do so and our intention is that all Day 1 competitions will be awarded as contracts.

**Performance Measures**

1. **What performance measures will be included in the DF contracts?**

The Framework Agreement includes two types of service level: one on whether service users are offered an assessment appointment promptly, and one on whether service users assessed as suitable receive an intervention. It also includes two types of quality measure: one on intervention delivery and progress achieved, and one on liaison with supervising NPS practitioners. How performance measures are specified in individual Call off Contracts will depend on the size and complexity of the contract.

1. **How will the Authority measure whether acceptable performance has been achieved?**

Performance will be assessed against target levels set in the Call off Contract. Service levels will set demanding and realistic expectations as to the proportion of service users who are offered an assessment appointment within 10 working days of referral, and the proportion who receive an intervention.

Quality measures apply a rating scale reflecting the extent to which service delivery is assessed to meet acceptable quality standards, which is shown below. The top of the scale is Green, meaning quality standards are fully met or exceeded; the bottom is Red, where quality standards are failed in significant areas. Between these, Amber Green means standards are sufficiently met, and Amber that they are not met in some regards.

|  |  |
| --- | --- |
| **Audit Score** | **Percentage Score** |
| Green | 87% or more |
| Amber/Green | >72% but <87% |
| Amber/Red | 60% - 72% |
| Red | <60% |

1. **How will the Authority assess quality for relevant performance measures**?

Assessment for the quality measures will be based on audits which will look for a level of performance consistent with the requirements set out in the contract and associated instructions and guidance. For these audits, auditors review the electronic records for a randomly selected sample of cases, supplemented with a small number of staff interviews. Consistency is a high priority as audit assessments are judgement based. This is achieved

by recruiting staff with operational and audit experience, who go through an extensive training programme, applying peer, across team and senior review of audit scores, and ensuring that audit criteria are robust, clear and transparent.

1. **What will be the consequences of not achieving a performance target?**

Graduated reductions in performance related payment (or ‘retained amount’) will apply for performance that falls below target levels, up to a ‘no payment’ threshold set at 10% below target for service levels and at the Red threshold for quality measures. This threshold is also the trigger requiring an improvement plan to be submitted. Each performance measure will be assigned a weight, which indicates the total payment associated with that measure, subject to the overall ceiling of 10% on performance related payment set in the Framework Agreement.

1. **What happens if a DF supplier cannot achieve performance for reasons outside their control, e.g. not enough information on referral, service user doesn’t turn up?**

The service level on assessment appointments relates to whether an appointment is offered, which is the responsibility of the Supplier, rather than whether a service user attends. In relation to the service level on interventions received, cases in which the requirement is revoked upon reconviction or breach will count as neutral, i.e. be discounted, reflecting that securing compliance and enforcing the order or licence is the responsibility of the supervising NPS practitioner. Where referral information is incomplete, the expectation is that the Supplier will ask the supervising NPS practitioner for any missing information. Where failure in a particular case brings performance below the level at which a payment reduction is incurred, the Supplier may ask for the reduction to be waived if it believes the failure is due to the Authority, including the NPS, failing to meet its dependency or some other reason outside its control.

**Payment Mechanisms**

1. **What are the payment mechanisms that can be used in Dynamic Framework contracts?**

There will be a suite of pre-defined payment mechanisms in the Framework Agreement that can be selected and priced against for specific Call-offs. The options are:

* Fixed Price – where there is a fixed price to deliver the service; the price could be set by the Authority or bid by the supplier, depending on the evaluation method (see question 8 below).
* Fixed Price with Volume Bands – where the supplier bids a fixed price per volume band.
* Unit Price – where the supplier bids a price per unit.

The options are described in Schedule 7.1 (Payments and Invoicing) of the Framework Agreement. If the Commissioning Body wishes to use an additional payment mechanism in

the future, this shall be clearly set out in the relevant Call-Off Invitation to Tender and resulting Call-Off Contract. An example of this is Guaranteed Maximum Price Target Cost (GMPTC).

1. **Do I need to provide any information on charges as part of joining the Dynamic Framework?**

No, Bidders will not need to provide any information in relation to charges or payment mechanisms as part of the qualification onto the Dynamic Framework. This information will be required during Call-Off competitions.

1. **How do I know what payment mechanism will apply to a particular Call-Off?**

The payment mechanism that has been selected for a particular Call-Off shall be set out in the relevant Call-Off Invitation to Tender and resulting Call-Off Contract.

1. **What are the units that will be used in the payment mechanism?**

There will be different volume units available including: sessions, interventions, hours, days or supplier personnel FTE. The specific unit/s to be used will be fully defined within the relevant Call-Off Invitation to Tender and resulting Call-Off Contract.

1. **Where can I find more information relating to volumes for Dynamic Framework services?**

The Data Room contains more information regarding volumes, please ensure you request access as per the instructions further up in this FAQ and on the esourcing system in the Attachments section.

1. **How will mobilisation costs be handled?**

There will be a range of options for payment of mobilisation costs within the Framework Agreement. They are:

* Payment monthly
* Payment upon the achievement of a Mobilisation Milestone(s)
* Payment monthly, holding back a percentage which is to be paid upon the achievement of a Mobilisation Milestone(s)

The relevant option shall be set out in the relevant Call-Off Invitation to Tender and resulting Call-Off Contract.

1. **Will indexation be applied to Dynamic Framework contracts?**

Indexation will be applied to Call-Off contracts longer than 12 months and shall be calculated using Consumer Price Index (CPI). Details can be found in Schedule 7.1 (Payments and Invoicing) and the relevant Call-Off Invitation to Tender and resulting Call-Off Contract.

1. **How do Bidders need to submit the financial part of their bid?**

In the relevant Call-Off Invitation to Tender, Bidders will be issued a Financial Model that they will need to submit as part of their bid. Bidders will also be given guidance as to how to complete the Financial Model as part of the Call-Off Invitation to Tender.

1. **How will my bid be evaluated?**

There will be different evaluation methodologies within the Dynamic Framework. These are:

* Price per Quality Point – calculated by (Contract Price/Quality score)
* Highest Quality Conforming – where the Authority sets a fixed price and the contract is awarded to the highest quality score
* Lowest Price Conforming – where the Authority sets a minimum quality threshold and the contract is awarded to the lowest price of those bids which meet the quality threshold.

The Commissioning Body may set minimum quality thresholds for any evaluation option for a Call-Off competition. For PQP or Lowest Price Conforming, the Commissioning Body may set a price range threshold (upper limit, lower limit or upper and lower limits) that Bidders must adhere to in the Call-Off competition. The evaluation methodology to be used shall be set out in the relevant Call-Off Invitation to Tender.

1. **What payments will the Commissioning Body make if they issue a Termination for Convenience notice?**

The Commissioning Body will make payments in line with Schedule 7.2 (Payments on Termination). This only applies to termination for convenience of a Call-Off Contract, not termination of the Framework Agreement. The payments relate to redundancy costs, contract breakage costs and compensation. Please see Schedule 7.2 for details of how these shall be calculated.

**Estates**

1. **To what extent is the Estates Guide an aspiration or a set of requirements?**

The Estates guide is an aspiration and it is accepted that the estates guidance may not be achievable in all instances although the Authority and its partners have a requirement to work towards the Design Guide where feasible.

1. **Has the Authority published information of the possible locations where co-location is an option?**

A list of current partnership working locations will be published in the DF data room.

1. **On what basis will DF providers be charged if co-location is agreed?**

A charging mechanism based on a regional pricing mechanism has been developed and will be available in the DF data room.

1. **When will decisions be made on co-location?**

Co-location decisions will be made during Mobilisation.

1. **Will all NPS properties offered for colocation conform to the Estates Guide?**

The Estates guide is guidance which identifies a range of practical building requirements which could be incorporated into office buildings or spaces where offenders report, though cannot be applied rigidly. The spirit of the document should be upheld, though there may be unique practical factors (e.g. physical limitations of a current/preferred building), legal (e.g. leasehold property with landlord stipulations) or operational reasons (e.g. co-location) which may require consideration and pragmatism.

1. **How long would licence agreements for co-location be for and are these flexible?**

The licence would be in place for the length of the contract. In terms of flexibility, if the contract were to end early, the licence would also be terminated.

1. **In relation to ‘Payments on termination’, will leases and licences in relation to premises required for the delivery of the services constitute Third Party Contracts for the purposes of inclusion in the Contract Breakage Costs calculation?**

The Supplier may recover as Breakage Costs in accordance with the contract and subject to any limitations within in. This is in line with the Model Services Contract and reflects best practice.

**What Comes Next?**

* Bidders will be provided with their SQ feedback, and successful Bidders will be added to the Probation DF Framework;
* Reminder that successful Consortia/SPV need to be a legally formed entity prior to signing the framework;
* Reminder that they need to be on the framework at least 30 days prior to the call offs being run;
* Indicative dates for Call-Off Competitions below **(Please note that this is a condensed version for ease of this document of the Probation Services DF Pipeline document. Bidders must read the full version which is located in the attachments section on the eSourcing system (Jaggaer) this version below does not take precedent over the version on the eSourcing system):**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Competition Name and Service Category / Cohort Service Category[[1]](#footnote-1)** | **Deadline for Supplier SQ Response** | **Indicative Call-Off Competition Start Date** | **Indicative Call-Off Competition Tender Response Deadline** | **Indicative Contract Award Date (Mobilisation Start Date)** | **Call-Off Contract Service Commencement Date** |
| Education, Training & Employment02 - Education, Training &  Employment | 7th August 2020 | 7th September 2020 | 2nd October 2020 | 20th November 2020 | 26th June 2021 |
| Accommodation01 - Accommodation | 28th August 2020 | 28th September 2020 | 23rd October 2020 | 11th December 2020 | 26th June 2021 |
| Young Adults Personal Wellbeing[[2]](#footnote-2);05 - Family & Significant Others06 - Lifestyle & Associates07 - Emotional Wellbeing08 - Social Inclusion10 - Young Adults | 18th September 2020 | 19th October 2020 | 13th November 2020 | 8th January 2021 | 26th June 2021 |
| Personal Wellbeing[[3]](#footnote-3);05 - Family & Significant Others06 - Lifestyle & Associates07 - Emotional Wellbeing08 - Social Inclusion | 18th September 2020 | 19th October 2020 | 13th November 2020 | 8th January 2021 | 26th June 2021 |
| Womens[[4]](#footnote-4);01 - Accommodation02 - Education, Training & Employment03 - Finance, Benefits & Debt04 - Dependency & Recovery05 - Family & Significant Others06 - Lifestyle & Associates07 - Emotional Wellbeing08 - Social Inclusion09 - Women | 9th October 2020 | 9th November 2020 | 4th December 2020 | 3rd February 2021 | 26th June 2021 |

1. [↑](#footnote-ref-1)
2. Invitation to the Call Off requires qualification in the following Service Category / Cohort Service Category; 10 - Young Adults Cohort Service Category; and at least one of the Service Categories (05, 06, 07, and 08) [↑](#footnote-ref-2)
3. Invitation to the Call Off requires qualification in the following Service Category / Cohort Service Category; 05 - Family & Significant Others; 06 - Lifestyle & Associates; 07 - Emotional Wellbeing; 08 - Social Inclusion [↑](#footnote-ref-3)
4. Invitation to the Call Off requires qualification in the following Service Category / Cohort Service Category; 09 - Women's Cohort Service Category; and at least one of the Service Categories (01, 02, 03, 04, 05, 06, 07, and 08) [↑](#footnote-ref-4)