
Overview

This standard covers the process of managing the tendering process up to the point of making recommendations to award a contract. It involves planning a selection process, inviting and evaluating tenders before seeking agreement for and awarding a contract.

This NOS is relevant to an individual undertaking commissioning, procurement and contracting in relation to care services.

Performance criteria

Plan the selection process

You must be able to:

- P1 clarify the aims of the selection process
- P2 establish relevant **criteria** for the selection of potential contractors in accordance with the values, policy and legal requirements of your **organisation** and those of **commissioning partners** where relevant
- P3 evaluate potential contractors who may be capable of meeting the criteria against the selection criteria to establish a shortlist
- P4 consider the capacity issues faced by micro, small or voluntary providers when determining timescales and tender requirements
- P5 ensure that support is available where needed to assist organisations to submit tenders
- P6 select the type of contract most likely to achieve the priority **outcomes** identified with **individuals, key people** and communities
- P7 analyse contracts and their supporting documentation to identify potential **risks**
- P8 ensure that all contracting documentation fulfils contractual and commercial requirements
- P9 act upon specialist advice when required
- P10 distribute contractual documentation to **stakeholders**, commissioning partners and people with an interest or involvement in the tender

Evaluate tenders to supply specified services

You must be able to:

- P11 select a tendering process appropriate to the size and level of risk of the contract in accordance with organisational values, policy and legal requirements
- P12 invite tenders from selected contractors where a formal tendering process is to be used
- P13 agree criteria for assessing offers with individuals, key people and other commissioning partners that include quality and value for money
- P14 evaluate offers accurately against the agreed criteria
- P15 communicate any opportunities for improving offers promptly to potential providers
- P16 record any negotiations with contractors in accordance with legal and

organisational requirements

P17 evaluate the results of negotiation against established criteria

Seek agreement for your recommendations to award a contract

You must be able to

P18 evaluate the extent to which the agreed contract is capable of delivering the required outcomes

P19 ensure that the agreed contract is acceptable to individuals, key people, communities and contractors where it has been agreed that outcomes cannot be fully met

P20 make a justified and reasoned recommendation of a contractor for selection to decision makers

P21 record the contract decision

P22 ensure that contractors and people with an interest or involvement in the tender are informed of the contract decision

P23 seek formal agreement to contracts from relevant people

Knowledge and understanding

Specific to this NOS

You need to know and understand:

- K1 the issues faced by voluntary and small providers in meeting the requirements of the tendering process
- K2 how and when quotations, bids, and tenders should be used
- K3 why it is important to follow supplier selection processes
- K4 how to analyse sources of information on potential contractors
- K5 how to assess the types of criteria that could be used for selecting contractors
- K6 how to assess contracting risks
- K7 the factors that make different types of contract suitable to different specifications
- K8 how to identify and agree selection criteria
- K9 how to use opportunities for improving offers
- K10 how to develop a negotiating brief and plan
- K11 how to manage contractual issues
- K12 how to evaluate the outcomes and requirements that a contract can achieve
- K13 the process for gaining formal agreement for contracts in your area of work

Rights

You need to know and understand:

- K14 legal and work setting requirements for equality, diversity, discrimination and rights
- K15 legal and work setting requirements for complaints and whistle blowing
- K16 your role and the roles of others in promoting **co-productive** commissioning
- K17 the role of service providers and partner agencies in promoting the rights, choices, wellbeing and active participation of **individuals, key people** and communities
- K18 how to address conflicts and dilemmas about rights and discrimination
- K19 your duty to report any acts or omissions poor or discriminatory

practice, resources or operational difficulties that could infringe the rights of individuals, key people and communities

Safeguarding

You need to know and understand:

- K20 legislation, national policy, frameworks, local systems and multi-disciplinary procedures relating to the safeguarding and protection of children, young people and adults
- K21 the responsibility that everyone has to raise concerns about possible harm or abuse, poor or discriminatory practices
- K22 indicators of potential harm or abuse
- K23 how and when to escalate any concerns about harm or abuse, including whistleblowing
- K24 how to support others who have expressed concern about harm or abuse
- K25 what to do if you have reported concerns but no action is taken to address them

Sustainability

You need to know and understand:

- K26 how to evaluate the benefits of working in a **politically, economically, sociologically, technologically, legally and environmentally** sustainable way
- K27 how to promote your **organisation's** political, economic, sociological, technological, legal and environmental responsibilities
- K28 how to evaluate the sustainability of commissioned services
- K29 how to develop sustainable new ideas in your area of responsibility

Partnership working

You need to know and understand:

- K30 how **collaborative and integrated working** can be used to maximise resources
- K31 how to promote co-productive commissioning
- K32 how to work with individuals, key people and communities through co-productive commissioning, procurement and contracting
- K33 how to support the interests of individuals and other stakeholders

- K34 how to engage with social care and procurement professionals during commissioning, procurement and contracting activities
- K35 how to analyse the **priorities, interests** and contributions of **stakeholders** and their impact on partnership working
- K36 how to analyse the drivers and constraints that impact on businesses and third sector organisations
- K37 the **business processes** and **operational realities** of service providers
- K38 how to influence the work of the partnership to meet agreed **outcomes**
- K39 how to use and develop integrated policies, procedures, guidance and protocols with others involved in partnerships
- K40 the statutory and financial constraints for **agreeing budgets** to support partnership working
- K41 how to evaluate effective partnership working

Risk management

You need to know and understand:

- K42 how to analyse the risks involved in commissioning, procurement and contracting for your area of responsibility
- K43 methods of managing and mitigating the risks involved in commissioning, procurement and contracting for your area of responsibility
- K44 how to develop practice that facilitates positive risk-taking

Your practice

You need to know and understand:

- K45 European, UK and country specific legislation, statutory codes, standards, regulations, frameworks and guidance relevant to commissioning, procurement and contracting relevant to your area of responsibility
- K46 European, UK and country specific legislation, statutory codes, standards, frameworks and guidance relevant to service providers and partner agencies
- K47 how to access accurate interpretations of legal and regulatory

requirements

- K48 how to use analysis from lessons learned from government reports, research and inquiries into serious failures of health or social care practice and from successful interventions
- K49 how your role fits within your organisation and where you can go to for support
- K50 how to identify priorities and contribute to priority setting
- K51 how to evaluate the impact of commissioning, procurement and contracting activities on individuals, key people and communities
- K52 how to evaluate different methods and approaches of measuring the achievement of outcomes
- K53 how to evaluate the importance of preventative and community based provision
- K54 how to manage agreed transformations for service provision
- K55 techniques for problem solving and innovative thinking
- K56 how to manage budgets and resources
- K57 how to identify and manage ethical conflicts and dilemmas in your work
- K58 your own background, experiences and beliefs that may have an impact on your practice
- K59 how to use **evidence based practice** to justify your actions and decisions
- K60 how to contribute to the development of systems, practices, policies and procedures

Theory for practice

You need to know and understand:

- K61 how to evaluate the impact of **social, medical and business models** on the achievement of outcomes
- K62 how to evaluate the impact of organisational structure and culture upon how flexibly and innovatively resources can be used
- K63 how to evaluate theories and approaches to management relevant to your area of responsibility

Personal and professional development

You need to know
and understand:

- K64 how to promote reflective, person centred, evidence based practice
- K65 your role in sharing and developing knowledge and practice with others, including individuals, key people and communities
- K66 how to manage time and workload
- K67 how to provide constructive feedback
- K68 how to identify and access opportunities for professional development
- K69 how to develop professional knowledge and practice through reflective supervision and appraisal

Communication

You need to know
and understand:

- K70 how to use communication as a foundation for co-productive commissioning
- K71 how to manage and promote effective communication with **colleagues**, individuals and other stakeholders

Handling information

You need to know
and understand:

- K72 legal requirements, policies, procedures and protocols for the security and confidentiality of information, taking account of commercial sensitivity and procurement practice
- K73 legal and work setting requirements for recording information and producing reports within timescales
- K74 how to identify, collect, analyse, measure and assess data
- K75 methods of making data, information and analysis accessible for individuals, key people and other stakeholders including decision makers
- K76 how and where electronic communications can and should be used

Health and Safety

You need to know
and understand:

- K77 legal and work setting requirements for health, safety and security in the work environment

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Additional information**Scope / range related to performance criteria:**

The details in this field are explanatory statements of scope and/or examples of possible contexts in which the NOS may apply; they are not to be regarded as range statements required for achievement of the NOS.

Where an individual finds it difficult or impossible to express their own preferences and make decisions about their life, achievement of this standard may require the involvement of advocates or others who are able to represent the views and best interests of the individual.

Where there are language differences within the work setting, achievement of this standard may require the involvement of interpreters or translation services.

Criteria are factors that can be used to measure and make a judgement about whether or not an outcome has been achieved, how much progress has been made or how well something has been done.

An **organisation** is the agency, company or local authority for whom you work, volunteer, own or run; if you receive direct payments or fund your own services, it means you and the people who work for you.

Commissioning partners are individuals or representatives of groups and organisations who are involved in making commissioning decisions for your organisation. They can include individuals, key people and other stakeholders as well as organisations with whom you undertake joint commissioning activities or who deliver services.

Outcomes are the desired result of the activity for individuals, key people and communities. They move the focus from the processes, transactions and performance management to the differences that provision can actually make to people's lives. It underpins citizen centred commissioning by placing individuals in a central role in evaluating the effectiveness of commissioning.

The **individual** is the adult, child or young person receiving a service.

Key people are those who are important to an individual and who can make a difference to his or her well-being. Key people may include family, friends, carers and others with whom the individual has a supportive relationship.

Risks can be influenced by a wide range of factors and include risks to people, property and organisations through reputation or ability to fulfil their roles and responsibilities.

Stakeholders are individuals and other people who have an interest in or are in some way affected by your work. They include service providers from the statutory, third or business sectors; regulators; colleagues and other professionals whose work contributes to the individual's well-being and who enable you to carry out your role; commissioning partners or those who commission services from the same provider, whether or not they are joint arrangements.

Relevant people can include individuals, key people, decision makers and other stakeholders and will vary depending on the issues and circumstances. Who the relevant people are can depend upon circumstances.

**Scope / range
related to
knowledge and
understanding:**

The details in this field are explanatory statements of scope and/or examples of possible contexts in which the NOS may apply; they are not to be regarded as range statement required for achievement of the NOS.

All knowledge statements must be applied in the context of this standard.

The process of **co-production** involves developing relationships to collaborate with individuals, local people, community groups and organisations. It involves using and developing people's skills and abilities throughout all commissioning, procurement and contracting activities, including designing and delivering services. It places individuals, key people and communities at the centre of decision making and control, taking account of the roles that people want to take.

The **individual** is the adult, child or young person receiving a service.

Key people are those who are important to an individual and who can make a difference to his or her well-being. Key people may include family, friends, carers and others with whom the individual has a supportive relationship.

The **political, economic, sociological, technological, legal and environmental** model (also known as the PESTLE model) is used to analyse the influences that an organisation has on its environment, both now and in the future. It is used to inform decisions and enable the organisation to respond to change.

An **organisation** is used to mean the organisation for which you work or volunteer, or which you own or run. For people funding their own services or using other self directed support, it means you and the people who may work for you.

Collaborative and integrated working describes a range of ways in which two or more organisations can work together, for example health and social services working together or regional collaboratives. They can be formal or

informal, temporary or permanent and may include the agreement of budgets.

The **priorities and interests** of stakeholders encompass the outcomes sought and are influenced by different philosophies, principles, priorities and codes of practice and are affected by their differences in size, structure, governance and capacity. They may change over time in response to national and local factors.

Stakeholders are individuals and other people who have an interest in or are in some way affected by your work. They include service providers from the statutory, third or business sectors; regulators; colleagues and other professionals whose work contributes to the individual's well-being and who enable you to carry out your role; commissioning partners or those who commission services from the same provider, whether or not they are joint arrangements.

Business processes describe the systems and tasks that organisations undertake to be able to provide the required service.

The **operational realities** of service providers are the factors that impact on how they are able to run their services, in particular where there is competition for funding and customers.

Outcomes are the desired result of the activity for individuals, key people and communities. They move the focus from the processes, transactions and performance management to the differences that provision can actually make to people's lives. It underpins citizen centred commissioning by placing individuals in a central role in evaluating the effectiveness of commissioning.

Agreeing budgets involves combining or pooling budgets within or between organisations, for example using local authority and continuing healthcare funding, for joint commissioning or regional/collaborative purchasing.

Evidence based practice uses systems, processes and 'practice wisdom' that has been proved to be effective in supporting the achievement of positive

outcomes. Evidence may have been drawn from a variety of sources: research, both formal and informal, and the views and opinions of individuals, key people and other stakeholders involved in the delivery of care services.

The **social model** describes disability as a series of barriers located in society and not an individual, for example attitudes towards people in need or physical barriers. The **medical model** described illness or disability as an inherent part of the individual, and as such would attempt to treat or cure the person.

Business models refers to an organisation's need to function as a business within financial constraints and in some cases to make profit, for example social enterprises and private businesses.

Colleagues are people who you work with in your own or other organisations, including your team, managers, service providers, other teams, other departments and other organisations.

Values:

Adherence to codes of practice or conduct where applicable to your role and the principles and values that underpin your work setting, including the rights of children, young people and adults. These include the rights:

To be treated as an individual

To be treated equally and not be discriminated against

To be respected

To have privacy

To be treated in a dignified way

To be protected from danger and harm

To be supported and cared for in a way that meets their needs, takes account of their choices and also protects them

To communicate using their preferred methods of communication and language

To access information about themselves

All aspects of commissioning, procurement and contracting should seek to build on these underpinning values and should:

Respect the inherent worth and dignity of all people

Respect the human rights of children, young people and adults

Respect people's right to take positive risks

Be transparent

Be accountable

Be proportional

Be consistent

Be targeted

Be impartial

Enable providers

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