

## Trades Services Framework Agreement 2019

### Questions raised at Supplier Briefing Events 28<sup>th</sup> August – 9<sup>th</sup> September 2019

<b>Question Raised</b>	<b>Response</b>
1) What insurance levels are needed?	<p>Both the Contract Notice (advertised in Public Contracts Scotland) and the Qualification section of Public Contracts Scotland Tender state:</p> <p>Contractors must have Public Liability Insurance of £5,000,000 GBP and Employers Liability insurance (where applicable) of £5,000,000 GBP for each and every claim.</p> <p>Section 1.69 Part 4B Economic and Financial Standing is not a mandatory section for completion in PCS Tender. Therefore, it is not mandatory for you to answer questions 1.69.1 – 1.69.6 this was a drafting error and should have been deleted prior to publication.</p> <p>To assist we have saved a copy of the published Contract Notice to the attachment area for this procurement project within Public Contracts Scotland Tender.</p>
2) Can the Council please provide an example of what sort of response is needed to 1.72 Part 4C Technicians and Technical Bodies questions 1.72.2 to 1.72.5?	<p>A response to this query was provided in the Responses to Questions and Areas of Clarification – Form 02 22/7/19.</p> <p>This section is not a mandatory question. Please note there is no procurement requirement listed at 1.72.1.</p> <p>If the tenderer has something in which they can add here, they are able to do so. However, it is not mandatory for you to respond to this question.</p>
3) Who will be evaluating the tender submissions?	<p>Officers of the Council with technical expertise to evaluate responses to the questions. The Commercial Schedule of Rates – pricing will be evaluated by an officer from the Commercial &amp; Procurement Shared Services and pricing is not shared with technical evaluators until the technical evaluation is completed and reviewed. An officer from the Commercial &amp; Procurement Shared Services will review the evaluators scoring to ensure consistency in approach.</p>
4) Is the tender opportunity available to all local suppliers? Is it available to others down south?	<p>Yes, the tender opportunity is available to all in the marketplace – local and non-local.</p> <p>The potential value of the overall framework agreement (across the whole period and any extension option), means that the Council must comply with the Public Contracts Regulations (Scotland) 2015 – which means the opportunity is advertised via Public Contracts Scotland and the Official Journal of the European Union and is open to any supplier to tender for a place on the framework agreement.</p>

	<p>When pricing rates within the Schedule of Rates – suppliers with a distance further from the 8 Highland geographical areas and considering the response times for completing works orders, suppliers further away from Highland will need to factor this into their pricing. Suppliers outwith the Highlands potentially can choose to use more locally based suppliers as sub-contractors, which can also provide opportunities for local businesses.</p> <p>90% of the evaluation for a place on the framework is based upon Price.</p>
5) Bigger companies may choose to set up a local branch of their business.	This is an opportunity open to the marketplace. Local suppliers can also consider using sub-contractors and/or consortia bids to cover more Lots and/or geographical areas.
6) Main contractors take longer to pay invoices to sub-contractors.	One of the conditions of contract is for main contractors to pay their sub-contractors within the same timescales as the Council pays main contractors. Within 30 days of a satisfactory invoice. Where a satisfactory invoice has not been paid within 30 days, the sub-contractor can make the Council aware of this.
7) Larger companies may choose to offer low pricing to get on the framework.	Please refer to question and response number 29 of the published Questions raised at Supplier Briefing Events 24 <sup>th</sup> June – 1 <sup>st</sup> July 2019 as this has been covered there.
8) If we get a place on the framework are we restricted to only doing work via the framework – can we still do work for other Council Services?	<p>The framework agreement will be available for all Council Services to use and the new framework will be communicated to all Services. Where the Council has access to other Council or public sector contract/framework agreements in place the Council reserves the right to use those instead if they represent value for money.</p> <p>Having a place on the framework agreement does not restrict suppliers to only being offered work via the framework.</p>
9) How will the Council monitor the efficiency of the new framework?	The Contract document contains several Key Performance Indicators (KPIs) which will be monitored on a quarterly basis. We will also have data available on the performance/cost of the in-house team as a comparison.
10) Why was the tender submission deadline extended?	<p>To enable full communication with as many suppliers as possible and to enable offering more supplier briefing events - providing more time for tenders and the provision of the same information to all suppliers.</p> <p>Suppliers should also ensure they keep their Public Contracts Scotland registration for automatic email notifications activated and live – enabling email notifications in interested types of goods/services/works and geographical areas of Scotland to reach suppliers. This includes checking that the registered email addresses are still appropriate and accessible – i.e. not staff that have left an organisation.</p>
11) Are 6 suppliers per Trade enough?	There are 16 Trade Lots and 8 geographical areas, we are seeking a maximum of 6 suppliers for each Trade Lot in each geographical area to cover domestic properties and a maximum of 6 suppliers

	<p>for each Trade lot in each geographical area to cover non-domestic properties.</p> <p>Please also refer to question and answer number 27 of the published Questions raised at Supplier Briefing Events 24<sup>th</sup> June – 1<sup>st</sup> July 2019 as this was also covered there.</p>
12) How many suppliers per Trade and Area will go on to the framework?	<p>The Council is seeking a maximum of 6 suppliers for non-domestic properties in each of the 16 Trades Lots and each geographical area, and a maximum of 6 for domestic properties.</p> <p>As an example: Lot 6 – Plumbing in the Nairn area – 6 suppliers for non-domestic properties and 6 for domestic suppliers. Maximum of 12 in total for Plumbing in Nairn.</p>
13) If we are unsuccessful in becoming a main contractor on the framework, and are interested in sub-contractor opportunities but the main contractor has lower rates than us – what happens then?	<p>Pricing rates between main contractors and sub-contractors is a commercial discussion and decision between those suppliers. This is not something the Council would be involved in.</p>
14) If we are successful and offered reactive work by the Council but are at capacity or have another reason to decline a job – are we penalised for not accepting work?	<p>If you've been offered reactive or planned work and haven't accepted, it and need to decline – no you are not penalised for this.</p> <p>If after the contractor has accepted the works order but then decides they are unable to action the work, they can seek prior approval from the Contractor to use sub-contractors. Use of sub-contractors without the prior approval of the Council will not be acceptable.</p> <p>If the contractor is not able to use sub-contractors and has already accepted the works order but then decides they are unable to action the work, the contractor shall be considered to be in Breach of Contract and Conditions 47 Performance &amp; Breach and 48 Deficient Output, 49 Calculating Loss to the Council, 50 Substituted Performance, 51 Rectification Plan and 54 Termination on Default may apply.</p> <p>When offered work contractors must decide if they are able to satisfactorily complete the requirements of the works order within the required timescales – before accepting the works order.</p> <p>Please also refer to question/response 66 of the questions raised at Supplier Briefing Events 24<sup>th</sup> June – 1<sup>st</sup> July 2019 document.</p>
15) What Key Performance Indicators (KPIs) are included within the Contract?	<p>You can find details of the Key Performance Indicators (KPIs) within the Conditions of Contract Final document (located in the Attachment Area of PCS Tender within the Trades Framework) – Section 2, Condition 65 Performance Requirements (pages 59 – 60).</p>

<p>16) What happens if I've got existing work scheduled for the Council – do I still carry out this work?</p>	<p>Yes, if the Council allocates any works orders to you prior to the commencement of the new Framework you need to complete these – even if the completion date for that work follows the Framework start date.</p>
<p>17) Is it permissible to reduce your Framework agreement pricing?</p>	<p>Yes, Framework Agreement pricing is the maximum pricing that can be applied to works orders.</p> <p>Please refer to Section 1, Condition 22 Price Adjustments – Reductions, within the Conditions of Contract Final document (page 14). Contractors may agree lower pricing with the Council during the Framework Agreement Period at any point.</p>
<p>18) Are we able to request price increases for labour costs etc?</p>	<p>The prices quoted in your submitted Schedule of Rates are the maximum that can be charged for an initial period of 12 months from the Commencement Date of the Framework Agreement.</p> <p>Please refer to Section 1, Condition 21 Annual Price Adjustment for details on how annual price adjustment requests can be actioned. Such requests are to be no greater than the level determined by the National Consumer Price Index.</p>
<p>19) When you're taking into our office location base for working out which contractor will be the cheapest to travel to a job – how will you take into account other locations are employees may be based in/lie?</p>	<p>For domestic properties, contractors can show the dates/times they would be available to action Council work – by blocking out private appointment for non-council work/staff absence etc.</p> <p>The potential for multi-squad ability is currently being explored.</p> <p>For non-domestic properties it will be important for successful contractors to provide the Council with relevant information on locations. This will be included within the Contract Induction/Implementation sessions with contractors once the Framework has been awarded.</p>
<p>20) Is there a danger that some tenderers might submit artificially low prices just to secure a place on the framework?</p>	<p>Please refer to question/response 29 within the Questions Raised at Supplier Briefing Events 24<sup>th</sup> June – 1<sup>st</sup> July 2019 document.</p>
<p>21) Who will decide who the Principal Contractor will be?</p>	<p>Please refer to question/response 10 within the Questions Raised at Supplier Briefing Events 24<sup>th</sup> June – 1<sup>st</sup> July 2019 document.</p> <p>Additionally, where planned works are issued via a mini-competition which needs the appointment of a Principal Contractor the Council will advise this within the mini-competition Specification. We will also ask tenderers to advise if they can facilitate this accredited role and what pricing would apply.</p>
<p>22) How will the Council improve the initial scope of works information required to ensure that the job we turn up to do is the job required and we don't experience a loss in profit? What recourse to loss making would contractors have?</p>	<p>The Council will be improving its determination of the scope of works needed and communication of this to contractors. As soon as a contractor has a query on the scope of works they must contact the relevant Council officer to discuss further.</p> <p>Two-way communications on specific cases will be needed and if the initial scope of works needs to be amended, this would be agreed in writing and any variation in price needed agreed. This must be actioned in advance with written confirmation provided by the Council.</p>

	<p>As one of the Contract Key Performance Indicators for both domestic and non-domestic properties is to monitor the number of works orders completed correctly first time. The Council will monitor with contractors any reasons for this not being achieved and both parties seek to make necessary improvements to reduce/remove this happening again.</p> <p>Within the in-house pilot we will also be monitoring the quality of data received from tenants and staff raising job requests and monitoring the ability to get the right trades to a job the first time – for both internal and external work.</p>
<p>23) Is the Council confident that it will be able to recruit to the trades posts being advertised?</p>	<p>We will monitor and review the success of the recruitment as it progresses. Market rate pay conditions is a factor for the Council, however, the Council has additional benefits that are being promoted and may attract applicants – pension and flexible working aspects, for example applicants looking to work part-time hours etc.</p>
<p>24) How will the quality of work undertaken be checked, previously we've had to be brought in it to correct poor work actioned by other Council contractors?</p>	<p>We will be actioning sample inspections on jobs to ensure that the quality and standards are adhered to.</p> <p>The Contract conditions also includes a Key Performance Indicator for domestic and non-domestic properties linked to works orders being completed correctly first time.</p>
<p>25) What if the Council doesn't get 6 suppliers on for each Trade/area and property type?</p>	<p>If insufficient numbers of contractors are appointed to the framework there are a range of options available to the Council; including the use of other public sector frameworks, bringing further work in-house and re-tendering. A decision on the precise approach would be taken should this situation arise.</p>
<p>26) What if some of the top scoring 6 receive a very low technical/quality score, would they still be awarded a place on the framework?</p>	<p>The Council would need to review which question(s) have led to the low scoring and if appropriate consider if any clarification questions are needed for either that tenderer and any others to ensure equal treatment. The Council may also need to consider whether a conditional award on to the framework is necessary – subject to receiving satisfactory evidence/demonstration of the ability to meet the Specification requirements stated in Section 2 of the Conditions of Contract document.</p> <p>Any such instances of this occurring will need to be considered on a case by case, with an underlying principle of equal treatment, and non-discrimination.</p>
<p>27) What if one of the suppliers awarded on to the framework ceases to trade, goes into administration etc – would the Council look to add one of the unsuccessful suppliers on to the framework?</p>	<p>If a novation of the Contract is needed from one contractor to another supplier, the prior written approval of the Council will be required. The new supplier will need to provide evidence that they can meet the requirements of the published Contract Notice, European Single Procurement Document and Technical Questionnaire requirements before any novation can be agreed. No increase in price adjustments to the contracted Schedule of</p>

	<p>Rates (current at the time of novation request) shall be considered.</p> <p>Please refer to Section 1, Condition 38 Novation, Assignment, Transfer and Sub-contracting page 22 of the Conditions of Contract document for further details.</p> <p>Should a company cease trading and there is no proposed alternative company to novate, assign or transfer the company to, then the contractors place on the framework will be removed.</p> <p>Outwith the above, no additional suppliers can be added to the framework agreement.</p>
28) If we use the mobile apps, will you see via GPS or through the scheduling the location of our trades staff when they are working on private (non-council) jobs?	<p>No, through the mobile app and diary we would see only Council jobs you've accepted and are scheduled in your diary.</p> <p>If you've chosen to use the diary to also show the Council available times slots for your staff then it will just show available days/time slots.</p> <p>We will not see where/when your private jobs are taken place.</p>
29) Within the Schedule of Rates, you have stated that our materials mark-up is capped at 15%. I would need a higher mark-up on carpets and flooring.	<p>Yes, the materials mark-up is capped at 15%. You would need to commercially consider your labour related hourly rates and whether you need to incorporate any further aspects into this rate.</p>
30) Within the Contract document you've advised that the Council may choose to instruct that draw-down materials from the Council's own stock for from identified supply networks (such as Scotland Excel) may happen. How does this impact on CIS?	<p>If the Council provides materials for a works order to be completed, then the invoice submitted by the Contractor should state that materials were provided by the Council free of charge.</p> <p>Materials are not liable for Construction Industry Scheme (CIS) deductions. CIS deductions cover labour, travel or machine hires with drivers/operators.</p>
31) If I incur delivery charges from a supplier in relation to ordering materials, can I charge this back to the Council?	<p>Please refer to the Conditions of Contract Final document – Section 3, paragraph 6.2 – you would need to provide a breakdown of costs – including delivery charges into your submitted invoice. Where you've orders materials for more than one job – including both Council and non-Council jobs, then the full cost of the delivery charge should not be charged to the Council – this should be allocated across jobs.</p>
32) What if we can't gain access to a domestic property for a scheduled appointment?	<p>The works order will need to be closed. Any charges incurred by the Contractor would need to be invoiced to the Council. The Council will liaise with the tenant to determine if a further appointment is needed and if so seek to schedule this.</p> <p>The roll-out of the mobile application to contractors for domestic properties and improvements the Council is seeking to make in the scheduling and reminding of appointments should assist in reducing the instances of non-access to domestic properties.</p>
33) Phone numbers for domestic tenants provided to us aren't always correct.	<p>The Lean Review being finalised within the Council on Housing Repairs is identifying a number of improvements we can make in</p>

	systems/processes to help provide more accurate information on phone numbers for tenants.
34) Have any changes been made to the tender/contract documentation since the extension of the tender deadline was made?	No changes have been made.
35) If I submitted my tender into PCS Tender before the Council extended the tender deadline, do I need to do anything further?	Yes, you need to re-submit your tender response, before the extended deadline of 10 <sup>th</sup> October 2019 12 noon.
36) Why did the Council extend the deadline for tender submissions?	The Council extended the tender submission deadline to ensure that communications to as many suppliers as possible was achieved and suppliers had had further opportunities to attend supplier briefing events. Some of the originally held events at the end of June/beg of July 19 were fully booked – the Council decided to schedule further events to support suppliers who were unable to attend previous events – either due to capacity or unavailability.
37) What help is available to us in using PCS Tender or completing our tender submissions? This can be quite challenging for small companies and may favour larger organisations.	<p>Please refer to the signposting information contained within the presentation slides from the Supplier Briefing events. This included signposting to Public Contract Scotland and Public Contracts Scotland Tender User Guides and help desk numbers. There is also a link to the Supplier Journey with further information on the European Single Procurement Document (ESPD).</p> <p>When responding to the ESPD within Public Contracts Scotland Tender – the system will automatically save your responses to the ESPD questions for any future Scottish public sector tender opportunities you're interested in (where the ESPD is being used within PCS T). You have an ability to review and update your responses should any information have changed.</p> <p>Business Gateway Highland (as included in the presentation slides) can offer 1 to 1 sessions to support you. Business Gateway</p> <p>Business Gateway are not able to help you in wording your actual answers to the questions or calculate what pricing to submit within your Schedule of Rates – these are commercial decisions for your company.</p> <p>The Council strongly recommends that if you consider you need support in how to use PCS or PCS Tender or have queries around completing the documentation – contact Business Gateway Highland to request support.</p> <p>Business Gateway Highland have run several workshops and provided 121 support to businesses to assist with the Trades Framework. A further event is scheduled for 25<sup>th</sup> September 2019 in Inverness, further booking information is available via:</p>

	<a href="https://www.bgateway.com/events/public-procurement-14254">https://www.bgateway.com/events/public-procurement-14254</a>
38) What happens if there are insufficient suppliers awarded on to the framework?	Please refer to question/response number 29 in the Questions raised at Supplier Briefing Events 24 <sup>th</sup> June – 1 <sup>st</sup> July 2019 document.