

Barnet Competitive Dialogue Protocol

May 2011.

This Protocol sets out a range of proposals for how Barnet UNISON can be consulted and engaged in the Competitive Dialogue procurement process in the London Borough of Barnet.

The Protocol is divided into two parts:

- Engagement in Competitive Dialogue process
- Draft terms and conditions

Engagement in Competitive Dialogue process within the existing protocol for procurement

The Protocol should seek to establish a positive working relationship and cover the following issues:

Preparation of Invitation to Competitive Dialogue

The opportunity to comment on all drafts in relation to the Invitation to Competitive Dialogue and submission of comments. This would focus on:

- The Evaluation criteria/weighting for evaluation of proposals.
- Quality of service and operational standards and performance requirements.
- Employment policies (see below) including equalities and diversity requirements.
- The scope and boundaries of variant proposals.
- Proposals to ensure implementation of equalities duties, sustainable development and community benefits.
- Commissioning plans for monitoring and reporting on the contract.
- Risk register(s)

Competitive Dialogue process

- Provide an opportunity for Barnet UNISON to comment on all aspects of the procurement process at key milestones.
- An opportunity to comment on the evaluation criteria for the assessment of Pre-Qualification Questionnaire (PQQ) and Barnet UNISON and/or its independent adviser to have the opportunity to submit observations on employment and equalities matters in the PQQ submissions.
- Notification of the shortlisted bidders.
- Discussion of the secondment employment model in the event this is proposed in the Competitive Dialogue process.

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- Barnet UNISON will select their representatives for site visits and meetings with contractors.
 - Allow a Barnet UNISON-nominated independent observer to observe the evaluation moderation process (for example, Metro Reinvigoration Project, Tyne & Wear Integrated Transport Authority, 2009)
 - Allow full discussions between Barnet UNISON and the Council's preferred bidder.
 - Barnet UNISON to be involved in alternative proposals for any service that is excluded from the scope of the contract during the Competitive Dialogue process.
 - Barnet UNISON to be invited to make a written submission and/or interview in Gateway Reviews.

Draft terms and conditions

The following terms and conditions should be included in the Invitation to Competitive Dialogue and the draft contract.

1. Secondment is the preferred employment model with TUPE plus (see Briefing No. 3 for a full description) the second preference.
2. Access to the Local Government Pension Scheme for transfer and new staff is a condition of contract.
3. Staff should be accommodated either within the North London Business Park, or offices within an accessible location elsewhere in the borough.
4. The service and staff return in-house in the event of early termination or conclusion of the contract.
5. The contractor be required to submit an acceptable Staff and Trade Union engagement plan that sets out how they and service users will be engaged in the transformation process, changes to working methods and the design, planning and delivery of services throughout the lifetime of the contract.
6. The contract should exclude compensation clauses that require the Council to financially compensate the contractor in the event of termination of the contract, other than the actual capital/revenue costs incurred.
7. Regular reviews, and where performance does not meet requirement, renegotiation of the contract.
8. The contract should include penalties on external providers for failing to deliver performance targets and/or conditions of the contract, such as investment.

References

Barnet UNISON (2009) Briefing No 3, Employment Charter, (updated October 2009).

Barnet UNISON (2009) Draft Corporate Procurement Strategy for the London Borough of Barnet.

Barnet UNISON (2008) Future Shape of the Council: The Flaws in Barnet's Commissioning and Procurement Policy, December.

PricewaterhouseCoopers (2008) A Lessons Learned Review of Previous Service Outsourcings by London Borough of Barnet, October.



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