

## For more detailed suggestions on what commissioners can do...

### On tapping into ULO expertise...

- Commission training from local organisations for commissioners themselves, to help them work effectively with ULOs
- Employ or engage commissioning experts from the voluntary sector or local small and medium sized enterprises (SMEs) to provide specialist advice and feedback on relevant strategies to commissioners.

### On funding and contracts...

- Ensure that local contracting procedures do not discriminate unfairly against small and/or new ULOs
- offer contracts which give potential ULO providers flexibility over service delivery
- offer three- or five-year funding arrangements, rather than year-on-year, to support service improvement and provider stability
- use grant-making powers to provide timely and proportionate support to ULOs
- use the agreed principles of the Local Compact to inform commissioning arrangements
- take account of Article 19 of the Procurement Directive 2004/18/EC which allow you to reserve contracts for ULOs.

The Article 19 regulations form a part of European legislation that allows organisations to reserve public contracts for supported businesses. The procurement of **any** goods and/or services can be reserved. A supported business is one that employs disabled people as over 50 per cent of its workforce. This means it is ok to invite only supported businesses to bid for the work. For contracts under £144k you simply invite the supported business to bid or offer them the chance to match your best price. For larger contracts simply tick the 'reserve under Article 19' box in the EU advert. Treasury

guidance suggests you should have at least one contract with a supported business. Further information on Article 19 regulations is available through the Office of Government Commerce's (OGC) Guide to Supported Factories & Businesses:

[http://www.ogc.gov.uk/documents/Supported\\_Factories\\_Businesses.pdf](http://www.ogc.gov.uk/documents/Supported_Factories_Businesses.pdf)

Procurement Directive 2004/18/EC itself is available here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0018:EN:HTML>

All commissioning-based work should follow the principles of the Compact.

### **On tender processes...**

- Ensure third sector organisations are given adequate time to respond to tenders.
- consider using a restricted or selective tender list or 'single source' approach to target organisations controlled by users (particularly in cases of extending existing arrangements)
- ensure ULOs are specifically made aware of potential services particularly noted under the ULO design criteria, that is, information and advice, advocacy and peer support and support in using direct payments
- ensure organisations who have not bid for contracts before are made aware of new opportunities
- ensure procurement portals are accessible
- ensure tender documents are accessible and proportionate to the contract in question
- embed the following specification criteria within procurement processes for services, (particularly those relating to direct payments/personal budget support service):

#### *Tenderers must:*

- *work to the social model of disability and the principles of independent living*
- *provide peer-to-peer support*
- *ensure the support provided accommodates the diversity of the community*
- *ensure the support provided is equally accessible and inclusive of all.*

- ensure that the value for money components of the specification take account of the added value often contributed by local organisations representing potentially eligible users. This should particularly be the case in tender marking schemes (where such components of ‘added value’ typically form only five per cent of judging criteria)
- recognise framework arrangements so that large and smaller organisations can submit joint tenders. Larger organisations may be able to bring economies of scale to the contract while smaller organisations may be better placed to provide specialist services
- observe good practice during the application process through ensuring:
  - each tender pack contains an evaluation and a complaints form
  - that tender packs are available in a range of accessible formats
  - guidance documents are provided that cover equal opportunities, partnership working and how to complete the application form
  - all materials relating to a specific tender process are in one place and easy to access
  - monitoring systems are in place to record the number of smaller organisations bidding for and securing contracts.

### **Want to find out more?**

The ideas in this section are based on principles or approaches contained in or recommended by the following documents:

- *Putting people first* and associated Local Authority Circulars
- The joint protocol between the National Centre for Independent Living and ADASS for the provision of ULOs (<http://tinyurl.com/ULOprotocol>)
- The Department of Health’s *Working with user-led organisations* document ([http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_096859](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_096859))

- The Compact, particularly the Funding & Procurement Compact Code of Good Practice  
([http://www.thecompact.org.uk/shared\\_asp\\_files/GFSR.asp?NodeID=100322](http://www.thecompact.org.uk/shared_asp_files/GFSR.asp?NodeID=100322))
- World Class Commissioning  
([http://www.dh.gov.uk/en/Managingyourorganisation/Commissioning/Worldclasscommissioning/DH\\_083204](http://www.dh.gov.uk/en/Managingyourorganisation/Commissioning/Worldclasscommissioning/DH_083204) )
- Article 19  
[http://www.afse.org.uk/business/index.php?option=com\\_content&view=article&id=62:article-19&catid=34:general](http://www.afse.org.uk/business/index.php?option=com_content&view=article&id=62:article-19&catid=34:general)