

1 Consideration of the expression of interest

- 1.1 This appendix provides an analysis of the expression of interest received on 30 January 2015 against each individual requirement and ground for rejection as set out in the legislation.
- 1.2 There are a number of requirements and rejection criteria considered and the expression of interest is clearly accepted on most of these. Those criteria which are less clearly accepted are noted in 3.1.3 and 3.1.10 below.

2 Requirements of the expression of interest

- 2.1 The requirements for assessment of the expression of interest are considered below with recommendations:
- 2.1.1 The expression of interest must be **in writing**: the expression was in writing.
- 2.1.2 The expression of interest must be from a **'Relevant Body'**: the organisation is a Community Interest Company and a Community Interest Company is a Relevant Body.
- 2.1.3 The expression of interest must be in relation to a **'relevant service'**: the expression of interest relates to the 'interpreting and translation service in its entirety', this service is a relevant service'.

3 Rejection criteria

- 3.1 The 'rejection criteria' are considered below and the conclusions are drawn from consideration of the criteria.
- 3.1.1 The expression of interest does **not comply** with any of the requirements specified in the Act or in regulations.
- There are no grounds for rejection under this criterion.
- 3.1.2 The relevant body provides information in the expression of interest which in the opinion of the relevant authority, is in a **material particular inadequate or inaccurate**.
- There are no grounds for rejection under this criterion.
- 3.1.3 The relevant authority considers, based on the information in the expression of interest, that the relevant body or, where applicable (a) any member of the consortium of which it is a part, or (b) any sub-contractor referred to in the expression of interest is **not suitable** to provide or assist in providing the relevant service. The judgement of suitability must be based on the requirements for information to be included in an expression of interest. The information required in an expression of interest is listed below:
1. Where the relevant body proposes to deliver the relevant service as part of a consortium or to use a sub-contractor for delivery of any part of the relevant service, the information in paragraphs 2 and 3 must be given in

respect of each member of the consortium and each sub-contractor as appropriate.

2. Information about the **financial resources** of the relevant body submitting the expression of interest.
3. Evidence that demonstrates that by the time of any procurement exercise the relevant body submitting the expression of interest will be **capable** of providing or assisting in providing the relevant service.
 - It is considered that there are no grounds for rejection under this criterion in relation to the applying organisation.
 - Consideration of the turnover of the business appears adequate in relation to the size of the LCC service.
 - The organisation currently provides a service for other public bodies in the region and there is no indication that the company is not capable.
 - It is considered there may be **limited grounds for seeking further evidence or possible rejection** under criteria 2 and 3 in relation to information provided on sub-contractors.
 - The freelance interpreters may be termed 'sub-contractors'. The expression of interest states that the organisation has a bank of 200 + self-employed interpreters who are quality assured (DBS checked, language assessed or qualified with a relevant interpreting qualification, reference checked and insured). The expression of interest states that the bank is now able to cover over 100 different languages and dialects over a Yorkshire wide geographical area.
 - The financial resources of the subcontractors have not been provided in the expression of interest. The details of the qualifications of the sub-contractors are similarly not provided.
 - On these aspects, information could be sought from the organisation; the expression of interest could be rejected; or a modification could be requested.
 - However it should be noted that in a procurement situation, the vetting of up to 200 freelance interpreters would not generally occur, particularly their financial standing (which would have little relevance to the exercise). Therefore, it is recommended that this would not prevent the expression of interest proceeding.
4. Information about the relevant service sufficient to identify it and the **geographical area** to which the expression of interest relates.

- It is confirmed that there is nothing in the applying organisation's objectives to prevent them from trading in Leeds. There are no grounds for rejection under this criterion.

5. Information about the **outcomes to be achieved** by the relevant body or, where appropriate, the consortium of which it is a part, in providing or assisting in the provision of the relevant service, in particular:

(a) How the provision or assistance will promote or improve the social, economic or environmental well-being of the relevant authority's area; and

(b) How it will meet the needs of the users of the relevant service.

- There are no grounds for rejection under this criterion
- There is nothing in the legislation to prevent an organisation out of the Leeds area submitting an expression of interest. The well-being proposals included in the expression of interest address how the provision or assistance will promote or improve the social, economic or environmental well-being of the Leeds area.
- The organisation has restrictions upon fulfilling some of the 'well-being' commitments that they have made in relation to use of surplus. This should be addressed by the organisation during the procurement process.

6. Where the relevant body consists of employees of the relevant authority, details of **how that relevant body proposes to engage other employees** of the relevant authority who are affected by the expression of interest.

- This criterion is not applicable to this expression of interest.

3.1.4 The expression of interest relates to a relevant service where a decision, evidenced in writing, has been taken by the relevant authority to **stop providing that service**.

- There are no grounds for rejection under this criterion

3.1.5 The expression of interest relates to a relevant service - (a) provided, in whole or in part, by or on behalf of the relevant authority to persons who are also in receipt of a service **provided or arranged by an NHS body** which is integrated with the relevant service; and (b) the continued integration of such services is, in the opinion of the relevant authority, critical to the well-being of those persons.

- There are no grounds for rejection under this criterion. The service is not directly integrated with NHS bodies.

3.1.6 The relevant service is already the **subject of a procurement exercise**.

- There are no grounds for rejection under this criterion.

- Consideration has been given to whether the interpreters are already outsourced. The interpreters work on a freelance basis and their registration has a qualification and reference requirement and with no guarantee of work. The service is not subject to a procurement exercise.
- 3.1.7 The relevant authority and a third party have **entered into negotiations** for provision of the service, which negotiations are at least in part conducted in writing.
- There are no grounds for rejection under this criterion
- 3.1.8 The relevant authority has published its intention to consider the provision of the relevant service by a body that **2 or more specified employees** of that authority propose to establish.
- There are no grounds for rejection under this criterion.
- 3.1.9 The relevant authority considers that the expression of interest is **frivolous or vexatious**.
- There are no grounds for rejection under this criterion
- 3.1.10 The relevant authority considers that acceptance of the expression of interest is likely to lead to **contravention of an enactment or other rule of law or a breach of statutory duty**.
- The statutory duty of Best Value may be included in this consideration. It is considered there may be limited grounds for seeking further evidence or possible rejection with regard to Best Value.
 - Indications are that the costs of undertaking any resulting procurement could be taken into account in assessing Best Value but these are not expected to be material in relation to a service of this size.
 - The service currently recovers costs from externally-provided interpreting services to organisations such as the NHS and other organisations.
 - However, the appropriate time to test these matters would be through a procurement exercise.