

Frequently Asked Questions Expression of Interest (EOI) Application Form

What is the Community Right to Challenge and who can submit an EOI?

The [Localism Act](#) became law in November 2011 and includes a new 'Community Right to Challenge' that allows "Relevant Bodies", such as:

- voluntary and community bodies;
- charities;
- parish councils; and,
- groups of 2 or more local authority staff

to submit an Expression of Interest (EOI) in running a service that Cambridge City Council ("the Council") currently provides. If your EOI is accepted an open procurement exercise for the service in question will be triggered during which your organisation (and any other that wishes to compete in the procurement exercise) will be required to provide information. The information provided by potential providers during the procurement exercise will be the basis on which the Council awards the contract. The Council is required to consider and respond to an EOI in accordance with [Statutory Guidance](#), which you are advised to look at.

Why do I need to complete a form?

The purpose of the EOI form is to assist you in submitting an EOI. We recommend that you use this form to submit your EOI as it will ensure sufficient information is provided to allow the Council to evaluate your proposal. You may attach or include any supporting documents as well.

This is not the only way, however, that you can express your views on how services are run in Cambridge. If you have any ideas for improvements to service delivery or want to get involved in any other way you can contact us at anytime <mailto:enquiries@cambridge.gov.uk>.

Any information you provide will remain confidential and will not be disclosed to any other party except where required either for official audit purposes or it is deemed subject to the Freedom of Information Act 2000.

The Freedom of Information Act 2000 (FOIA) applies to Cambridge City Council and therefore information provided by you may have to be disclosed by us in

response to a request, unless we decide that one of the statutory exemptions applies.

Why do we ask for supporting information?

The Council is only allowed to base its decision on whether to accept, accept with modification or reject your EOI based on the information requested in the form. The information requested in the form is derived from the [Statutory Guidance](#) and the regulations relating to the Localism Act. If you choose to provide other information, beyond what is asked for, we will not be able to take it into account when making our decision to accept or reject your EOI.

However, you may choose to send us supporting documents to provide evidence of the information we have asked for. For example, you may wish to send us a copy of your organisation's articles of association or registration with Companies House to provide evidence that you meet the definition of a Relevant Body. If you would like to provide supporting material, please make reference to it when you complete the relevant part of the form.

Who can submit an EOI?

Section 81 of the Localism Act (2011) specifies the kind of organisations/bodies who are eligible to use the Community Right to Challenge. These are known as Relevant Bodies. Information about Relevant Bodies and definitions of different types of Relevant Bodies are provided in the [Statutory Guidance](#).

In the Statutory Guidance a voluntary body means a body, other than a public or local authority, the activities of which are not carried on for profit. However, the making of a surplus does not in itself preclude a body from applying, so long as that surplus is used for the purpose of those activities or invested in the community. This therefore includes organisations such as industrial and provident societies (co-operatives and community benefit companies) and community interest companies.

A community body means a body, other than a public or local authority, that carries out activities primarily for the benefit of the community. Two or more employees of the Council are also eligible to use the right and will be expected to form an employee-led structure to take on running services under the right. Employees using the Right are not expected to have finalised all of their arrangements before submitting an expression of interest but will probably need to form a separate legal entity in order to bid in a procurement exercise (so that management and contractual relationships are clear).

You are asked in the EOI to prove that your organisation meets the definition of a Relevant Body. This could include your Charity Number, articles of association, registration with Companies House or registration with the Financial Services Authority, etc.

The Statutory Guidance states that organisations that provide contracts for local authorities will be incorporated, with limited liability. However, it is not

essential for the Relevant Body to be incorporated at the time the EOI is submitted. If your EOI is accepted the Government suggests that the time between acceptance and the start of the procurement exercise will allow time to arrange incorporation.

Similarly, EOIs submitted by groups of Cambridge City Council staff are not required to have formal arrangements in place for forming an employee-led structure to run the service at the time the EOI is submitted, but must have these in place by the time any procurement exercise begins.

As explained in the Statutory Guidance, Relevant Bodies are allowed to submit an EOI in partnership with one or more other organisations, which are not required to meet the definition of a Relevant Body. If you are submitting the expression of interest as a consortium, you are required to provide information about all members of the consortium or partnership.

You may be proposing to use sub-contractors to provide or assist in providing the service that the expression of interest relates to. It is not necessary for any sub-contractors you propose to use to meet the definition of a Relevant Body.

Relevant bodies may submit an EOI in partnership with other relevant bodies and non-relevant bodies. Incorporated joint ventures (the joint venture is a body in its own right) will need to meet the definition of a relevant body to submit an EOI. In the case of a contractual joint venture (co-operative arrangements between two parties that keep their separate identities), one or more bodies must meet the definition of a relevant body. There is no requirement for a relevant body to have a local connection.

What Council services does the Right to Challenge apply to?

The Council will consider a request to run or help run any 'Relevant Service' that it currently delivers (or is delivered by another party on its behalf) alone or in partnership with other relevant authorities. A Relevant Service is a service provided by or on behalf of the Council in the exercise of any of its functions, other than a service of a kind specified in regulations made by the Secretary of State.

The community right to challenge applies to all relevant services provided by or on behalf of the Council in the exercise of its functions in relation to England, except services which are excluded from the right in secondary legislation. It does not provide for delegation of the functions and the responsibility for the function itself remains with the relevant authority. Please refer to the [Statutory Guidance](#) for more information about this.

You are asked in the EOI to include information to help us understand the service you are interested in running, including the geographical area it will cover.

To find out more about which services the Right to Challenge can apply to, see the 'Relevant Services' section of the [Statutory Guidance](#).

What will happen to your EOI once it is submitted?

Once we have received your EOI we will carry out an initial compliance check to ensure you have completed all the sections of the form. If the EOI does not satisfy the initial compliance check **you will be asked to provide the missing information**. If you do not provide the missing information, your EOI will be rejected. If the Council considers that your EOI is frivolous or vexatious you will be informed at this point that it has been rejected on these grounds.

Providing you have completed the form fully, your EOI will be sent directly to the relevant service manager within the Council for an assessment of the information you have provided. We will then let you know within 30 days of the closure of the submission window, when a decision will be taken to either accept or reject your EOI.

We presently envisage that the Council's Executive Councillors will be taking decisions about EOIs at the Council's Scrutiny Committees in January or February 2014, to align with the Council's decision-making plans, budgets and procurement processes. The service manager may get in contact with you before the decision is taken, if any clarifications or modifications could be made to improve your EOI.

How will your EOI be assessed?

The service manager will assess the EOI against a number of criteria, based on those set out in the [Statutory Guidance](#) and regulations. You are advised, therefore, to ensure that your EOI addresses these criteria directly and in sufficient detail. This form has been designed specifically to enable you to do this.

Grounds for rejection of an EOI include:

- The EOI does not comply with the requirements of the Localism Act.
- We consider that the EOI is frivolous or vexatious.
- The EOI contains inadequate or incorrect information.
- The expression of interest does not, in our opinion, sufficiently demonstrate how it will improve the service and how any proposed changes could better meet the needs of users and benefit the wider community.
- We consider that you or one of your consortium members or sub-contractors is not suitable to provide or assist in providing this service.
- We have taken a decision not to continue providing that service.
- The EOI relates to a service that is currently the subject of a procurement exercise.
- We are already in negotiations with a third party for provision of the service.
- We have already published our intention to consider the provision of the service by a proposed body of two or more employees.

- We consider that acceptance of the EOI is likely to lead to contravention of an enactment or other rule of law or a breach of a statutory duty, such as to provide best value.

The service manager will provide recommendations that will be considered by the relevant Scrutiny Committee of the Council and a decision about whether to accept the EOI and trigger a procurement exercise for the service or otherwise will be taken by the Council's Executive member with responsibility for the service, taking into account the views of the Scrutiny Committee.

Why are we interested in wider “wellbeing” benefits?

You are asked to provide information about how your proposal for the service will meet the needs of service users. In addition the Council is required by the Localism Act 2011 to consider the promotion of or improvements to the social, economic or environmental wellbeing of the authority's area. These same factors will be taken into account in carrying out any subsequent procurement exercises. This obligation is also reflected in the Public Services (Social Value Act) 2012 which comes into force in January 2013.

You should demonstrate how your provision of the service will promote or improve the social, economic or environmental wellbeing of the area.

Why does your capability to provide the service matter?

The Statutory Guidance does not specify the type of information needed in an EOI to prove that your organisation is capable and is financially robust enough at present to deliver a contract on behalf of the Council. We will need, however, to be confident that by the time a procurement exercise starts you will be in a position to take part, in order to accept your EOI.

It is suggested that you show how you will get to this point, if you aren't already there, identifying the experience and staff expertise you presently have and how this can be developed; how you will meet any specific requirements for the service, and: how you will become incorporated (if relevant) with all necessary insurances in place, such as public liability insurance. These examples are given for advice only - the information that each organisation wishes to provide may vary.

When can EOI's be submitted?

In order to align with the Council's decision-making plans, budgets and procurement processes the Council will only accept EOIs during a two-month window between June and July every year, with the first opportunity commencing from 1 June 2013. It is expected that a decision will be taken by the Council about whether to accept or reject a valid EOI in January or February 2014.

Who to contact for help

Should you have any questions about completing the form, or experience any problems, please email right-to-challenge@cambridge.gov.uk