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## **Invitation to tender for the provision of** **Urgent Community Response South Devon Roaming Night Service to Torbay and South Devon NHS Foundation Trust**

## Atamis Ref. No. : **C232015**

## Reference Number: **TSDFT320**

## Deadline for Tenders to be received: **: 12pm 11th January 2024**

## **SECTION A – INSTRUCTIONS AND INFORMATION**

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1. INTRODUCTION AND BACKGROUND
   1. Torbay and South Devon NHS Foundation Trust (the "**Authority**") is issuing this invitation to tender ("**ITT**") in connection with the competitive procurement of a Roaming Night Service for Urgent Community Response South Devon Roaming Night Service. The tender process will be carried out under the rules for the Light Touch Regime under the EU regulations.
   2. This ITT Section A contains further information about the procurement process.
   3. Bidders must complete the Eligibility Questions (as referred to in section 3 of this Section A of the ITT) and the questions contained in Section B of the ITT. Each Bidder's response ("**Tender**") should be detailed enough to allow the Authority to make an informed award decision.
   4. All Tenders must be returned no later than the deadline for receipt of Tenders specified on the front cover of this ITT.

# Contents of the ITT

* 1. This ITT document consists of:

|  |  |
| --- | --- |
| **Section A – Instructions and information** | |
| 1 | Introduction and background |
| 2 | Tender timetable |
| 3 | Instructions to Bidders |
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# Introduction to the procurement

* 1. The Authority is an integrated care organisation providing acute health care services, community health services and adult social care from a range of establishments in the south Devon area. Our purpose is to provide safe, high-quality healthcare and social care at the right time and in the right place to support the people of Torbay and South Devon to live their lives to the full. More information about the Trust can be found at:

**<https://www.torbayandsouthdevon.nhs.uk/about-us/>**

* 1. The Authority has a requirement for the provision of a service to Urgent Community Response South Devon Roaming Night Service
  2. The contract(s) is for an initial **1 years** scheduled to begin on the **1st April 2024** with the option to extend by **up to** 1 years to be agreed annually.
  3. Full details of the Authority's requirements are set out in the Specification in Annex B2 of Section B.

# Purpose and scope of this ITT

* 1. This ITT:
     1. invites Bidders to submit their Tenders in accordance with the instructions set out in the remainder of this ITT;
     2. sets out the overall timetable and process for the procurement;
     3. provides Bidders with sufficient information to enable them to submit a compliant Tender;
     4. sets out the award criteria and Tender evaluation model that will be used to evaluate the Tenders; and
     5. explains the administrative arrangements for the receipt of Tenders.

# Questions about this ITT

* 1. You may submit, by no later than **11th January 2024**, any queries that you have relating to this ITT. The Authority is using the Atamis e-tendering portal to conduct the procurement process ("**The e-Tendering Portal**"). The e-Tendering Portal can be accessed <https://health-family.force.com/s/Welcome>. Please therefore submit such queries via the e-Tendering Portal.
  2. Any specific queries should clearly reference the appropriate paragraph in the ITT documentation and, to the extent possible, should be aggregated rather than sent individually. The Authority may decline to answer queries received after the above deadline.
  3. Answers to the questions received by the Authority will be circulated to all Bidders via the e-Tendering Portal. Answers will not reveal the identity of the individual Bidder that asked a particular question. The Authority may decide not to disclose answers, or parts of answers, which would reveal confidential or commercially sensitive information in relation to a particular Bidder.

1. TENDER TIMETABLE

# Key dates

* 1. The procurement will follow a clear, structured and transparent process to ensure a fair and level playing field so that all Bidders are treated equally.
  2. The key dates for this procurement are currently anticipated to be as follows:

|  |  |
| --- | --- |
| **Event** | **Date** |
| ITT issued | 14/12/2023 |
| Deadline for the receipt of clarification questions | 24/12/2023 |
| Target date for responses to clarification questions | 28/12/2023 |
| Deadline for receipt of Tenders | 11/01/2024 |
| Evaluation of Tenders | 12/01/2024 |
| Preferred Bidder appointed – standstill begins (10 days) | 13/01/2024 |
| Contract Awarded | 24/01/2024 |
| Contract work starts | 01/04/2024 |

## 

* 1. Whilst the Authority does not intend to depart from the timetable, it reserves the right to do so at any stage.

# Deadline for receipt of Tenders

* 1. Bidders must submit their Tenders in the manner prescribed in section 3 below no later than the date and time specified on the front cover of this ITT.
  2. Any Tender received after the deadline or by any method other than the method prescribed in section 3 below may not be considered. The Authority may at its discretion extend the deadline and in such circumstances the Authority will notify all Bidders of any change.

**Clarification Meetings**

* 1. Following the assessment of the Tender, the Authority may invite Bidders to a clarification meeting. If required this will take place between receipt of Tenders and announcement of successful Tender. It is anticipated that Bidders will be provided with at least two (2) business days’ notice if a meeting is required. The Authority typically only require meetings with what it considers are the best three Bidders. In exceptional circumstances, all Bidders will be requested to attend a meeting
  2. Bidders must ensure that key personnel attend. Those key personnel directly involved in performing the contract will be expected to attend.
  3. The purpose of the meeting is to gain a greater understanding of proposals and will take the form of short presentation by the Bidder followed by a question and answer session. Topics for discussion will be issued no later than two (2) days before the presentation.
  4. Bidders can either accept or decline a request for such a meeting. However, it is in the interests of the Bidder to attend and provide additional confidence in its proposals to the Authority.
  5. Although not scored on a separate basis, the session will be used to confirm the technical / quality score assessments of the Tender evaluation. As such, scores achieved during the written Tender evaluation may be adjusted (up or down) and the consolidated score of a Bidder amended.

**Eligibility evidence**

* 1. Bidders are required to provide information about their eligibility for this procurement and some of that information will be self-certified as accurate. During the standstill period, the Authority will require the successful Bidder to provide the following:
     1. proof as required in the Public Contracts Regulations 2015, Regulation 60(4) or (5), that none of the mandatory or discretionary grounds of exclusion referred to in the Eligibility Questions;
     2. proof as required in the Public Contracts Regulations 2015, Regulation 60(6) that you have the minimum level of economic and financial standing;
     3. copies of the required insurance as set out in the Eligibility Questions;
     4. a copy of your Health and Safety Policy;

**Contract award**

* 1. Contract award is subject to the formal approval process of the Authority. Until all necessary approvals are obtained and the standstill period completed, no contract(s) will be entered into.
  2. Once the Authority has reached a decision in respect of a contract award, it will notify all Bidders of that decision and provide for a standstill period in accordance with the Public Contracts Regulations 2015 before entering into any contract(s).

1. INSTRUCTIONS TO BIDDERS

**Eligibility Questions and Responses**

* 1. The Eligibility Questions is a self-declaration, made by you (the potential supplier), that you do not meet any of the grounds for exclusion[[1]](#footnote-1). If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self-cleaning).
  2. A completed declaration of Part 1 and Part 2 of the Eligibility Questions provides a formal statement that the organisation making the declaration has not breached any of the exclusion grounds. Consequently we require all the organisations that you will rely on to meet the selection criteria to provide a completed Part 1 and Part 2 of the Eligibility Questions. For example these could be parent companies, affiliates, associates, or essential sub-contractors, if they are relied upon to meet the selection criteria. This means that where you are joining in a group of organisations, including joint ventures and partnerships, each organisation in that group must complete one of these self-declarations. Sub-contractors that you rely on to meet the selection criteria must also complete a self-declaration (although sub-contractors that are not relied upon do not need to complete the self-declaration).

Supplier Selection Questions: Part 3

* 1. This procurement document provides instructions on the selection questions you need to respond to and how to submit those responses. If you are bidding on behalf of a group (consortium) or you intend to use sub-contractors, you should complete all of the selection questions on behalf of the consortium and/or any sub-contractors.
  2. If the relevant documentary evidence referred to in the Eligibility Questions is not provided upon request and without delay the Authority reserves the right to amend the contract award decision and award to the next compliant bidder.

Consequences of misrepresentation

* 1. If you seriously misrepresent any factual information in filling in the Eligibility Questions, and so induce an authority to enter into a contract, there may be significant consequences. You may be excluded from the procurement procedure, and from bidding for other contracts for three years. If a contract has been entered into you may be sued for damages and the contract may be rescinded. If fraud, or fraudulent intent, can be proved, you or your responsible officers may be prosecuted and convicted of the offence of fraud by false representation, and you must be excluded from further procurements for five years.

Notes for completing the Eligibility Questions

* 1. “You” / “Your” refers to the potential supplier completing this standard Selection Questionnaire i.e. the legal entity responsible for the information provided. The term “potential supplier” is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 (referred to as the “regulations”) and could be a registered company; the lead contact for a group of economic operators; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
  2. Please ensure that all questions are completed in full, and in the format requested. If the question does not apply to you, please state ‘N/A’. Should you need to provide additional information in response to the questions, please submit a clearly identified annex.
  3. The Authority recognises that arrangements set out in section 1.2 of the Eligibility Questions, in relation to a group of economic operators (for example, a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the authority immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 of the Eligibility Questions is submitted for any new organisation relied on to meet the selection criteria. The authority will make a revised assessment of the submission based on the updated information.
  4. For Part 1 and Part 2 of the Eligibility Questions every organisation that is being relied on to meet the selection must complete and submit the self-declaration.
  5. For answers to Part 3 of the Eligibility Questions -If you are bidding on behalf of a group, for example, a consortium, or you intend to use sub-contractors, you should complete all of the questions on behalf of the consortium and/ or any sub-contractors, providing one composite response and declaration
  6. The Authority confirms that it will keep confidential and will not disclose to any third parties any information obtained from a named customer contact, other than to the Cabinet Office and/or contracting authorities defined by the regulations, or pursuant to an order of the court or demand made by any competent authority or body where the authority is under a legal or regulatory obligation to make such a disclosure

**Formalities for submission of Eligibility Questions**

* 1. The Eligibility Questions are structured in three separate parts:
     1. Part 1: Basic information about the Bidder, including contact details, details of parent companies and group bidding;
     2. Part 2: Self-declaration regarding whether or not any of the mandatory or discretionary exclusion grounds apply; and
     3. Part 3: Self-declaration regarding whether or not you meet the selection criteria in respect of your financial standing and technical capacity.
  2. Complete Annex B1 and submit along with your tender by the deadline date of submission.

**General Formalities for submission of Tenders** **(including the Eligibility Questions)**

* 1. Bidders must complete and submit the Annexes to Section B of the ITT. The Annexes must be submitted using the e-Tendering Portal. Bidders should ensure that they allow plenty of time to upload the Annexes, particularly where there are large documents. If Bidders have any problems with the e-Tendering Portal, they should contact the helpdesk on 0800 995 6035. The helpline is open Monday to Friday between 10am and 4pm excluding public and bank holidays. As noted above, any Tender responses received after the deadline may not be considered.
  2. The maximum file size for uploading documents is 20GB. You should split your Tender into small enough file sizes to upload. Note: the Authority does not guarantee that you will be able to upload files up to the maximum size, particularly at busy times. For this reason it is recommended that Bidders should ensure files are well below the maximum stated and allow plenty of time to upload, so they have enough time to resolve any technical difficulties before the deadline.
  3. Bidders must adhere to the following standard requirements when submitting their Tenders:
     1. The Tender must be in English.
     2. Electronic copies of the Tender shall be in either Microsoft Office or PDF formats.
  4. Where a word count limit is specified, the Authority reserves the right not to consider any part of a response exceeding the word limit. Words included within diagrams or other graphic representations will count towards the word limit. Use of Bullet Points is therefore encouraged.
  5. The Tender must be clear, concise and complete. The Authority reserves the right to mark Bidders down or exclude them from the procurement if their Tenders are ambiguous or lack clarity. Bidders should submit only such information as is necessary to respond effectively to this ITT. Unless specifically requested, do not include extraneous presentation materials.
  6. Tenders will be evaluated on the basis of information submitted by the deadline. Where information or documentation submitted appears to be incomplete or erroneous or specific documents are missing, the Authority reserves the right to request the Bidder to submit, supplement, clarify or complete the information or documentation.
  7. The Tender must be signed by a duly authorised representative of the Bidder.

# Terms and conditions

* 1. The contract will include the NHS Terms and Conditions set out in Annex A1. It is vital that the Bidder reviews these carefully, and takes account of all information such as TUPE, key performance indicators and insurance requirements and that the Tender fully takes account of these. By submitting a Tender, Bidders are agreeing to be bound by the terms of this ITT and the NHS Terms and Conditions without further negotiation or amendment.

# Consortia and subcontractors

* 1. If the Bidder is a consortium or will rely on sub-contractors to deliver the contract, it must explain in its Tender precisely which entities will be the supplier.
  2. For the purposes of this ITT, the following terms apply:
     1. *Consortium arrangement -* Groups of companies come together specifically for the purpose of bidding for appointment as the supplier and envisage that they will establish a special purpose vehicle as the prime contracting party with the Authority.
     2. *Subcontracting arrangement -* Groups of companies come together specifically for the purpose of bidding for appointment as the supplier, but envisage that one of their number will be the supplier, the remaining members of that group will be subcontractors to the supplier.
  3. If the Bidder intends to sub-contract any material parts of the contract, it must explain which parts will be sub-contracted, who the sub-contractor is, confirm the sub-contractor has agreed terms of supply and what contractual commitment it has from the sub-contractor to deliver.

# Warnings and disclaimers

* 1. While the information contained in this ITT is believed to be correct at the time of issue, neither the Authority, its advisors, nor any other awarding authorities will accept any liability for its accuracy, adequacy or completeness, nor will any express or implied warranty be given. This exclusion extends to liability in relation to any statement, opinion or conclusion contained in or any omission from, this ITT (including its annexes) and in respect of any other written or oral communication transmitted (or otherwise made available) to any Bidder. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of the Authority.
  2. If a Bidder proposes to enter into a contract with the Authority, it must rely on its own enquiries and on the terms and conditions set out in the contract(s) (as and when finally executed), subject to the limitations and restrictions specified in it.
  3. Neither the issue of this ITT, nor any of the information presented in it, should be regarded as a commitment or representation on the part of the Authority (or any other person) to enter into a contractual arrangement.

# Freedom of Information Act 2000 and Environmental Information Regulations 2004

* 1. As a public body, the Authority is subject to, and must comply with, the Freedom of Information Act 2000 ("**FOIA**") and the Environmental Information Regulations 2004 ("**EIR**"). The Authority may therefore be required to disclose information submitted by the Bidder.
  2. In respect of any information submitted by a Bidder that it considers to be confidential or commercially sensitive the Bidder should:
     1. clearly identify such information as confidential or commercially sensitive;
     2. explain its reasons why disclosure of such information would be likely to prejudice or would cause actual prejudice to its commercial interests; and
     3. provide a reasoned estimate of the period of time during which the Bidder believes that such information will remain commercially sensitive.
  3. This information must be listed in Annex B5 to Section B of this ITT, with a statement of which exemptions are relevant under FOIA and/or the EIR.
  4. Where a Bidder identifies information as commercially sensitive, the Authority will take those views into account. Bidders should note, however, that, even where information is identified as commercially sensitive, the Authority may be required to disclose such information in accordance with FOIA or the EIR. Accordingly, the Authority cannot guarantee that it will withhold information marked ‘confidential’, 'commercially sensitive' or otherwise exempt.

# Publicity

* 1. No publicity regarding the award of any contract will be permitted unless and until the Authority has given express written consent to the relevant communication. For example, no statements may be made to the media regarding the nature of any Tender, its contents or any proposals relating to it without the prior written consent of the Authority.

# Bidder conduct and conflicts of interest

* 1. Any attempt by Bidders or their advisors to influence the contract award process in any way may result in the Bidder being disqualified. Specifically, Bidders shall not directly or indirectly at any time:
     1. devise or amend the content of their Tender in accordance with any agreement or arrangement with any other person, other than in good faith with a person who is a proposed partner, supplier, consortium member or provider of finance;
     2. enter into any agreement or arrangement with any other person as to the form or content of any other Tender, or offer to pay any sum of money or valuable consideration to any person to effect changes to the form or content of any other Tender;
     3. enter into any agreement or arrangement with any other person that has the effect of prohibiting or excluding that person from submitting a Tender;
     4. canvass the Authority or any employees or agents of the Authority in relation to this procurement; and/or
     5. attempt to obtain information from any of the employees or agents of the Authority or their advisors concerning another Bidder or Tender (except for debrief information requests made through the e-Tendering Portal).
  2. Bidders are responsible for ensuring that no conflicts of interest exist between the Bidder and its advisers, and the Authority and its advisors. Bidders should notify the Authority promptly of any possible conflict and the proposed steps that the Bidder believes can be taken to avoid the conflict. Any Bidder who fails to comply with these requirements may be excluded from the procurement at the discretion of the Authority.

# Authority's rights

* 1. Subject to its obligations to act in a transparent, proportionate and non-discriminatory manner, the Authority reserves the right to:
     1. waive or change the requirements of this ITT from time to time;
     2. seek clarification or documents in respect of a Bidder's submission;
     3. disqualify any Bidder that does not submit a compliant Tender in accordance with the instructions in this ITT;
     4. disqualify any Bidder that is guilty of serious misrepresentation in relation to its Tender or the Tender process;
     5. withdraw this ITT at any time, or re-invite Tenders on the same or any alternative basis;
     6. choose not to award any contract as a result of the current procurement process; and
     7. make whatever changes it sees fit to the timetable, structure or content of the procurement process.

# Bid costs

* 1. The Authority will not be liable for any bid costs, expenditure, work or effort incurred by a Bidder in proceeding with or participating in this procurement, including if the procurement process is terminated or amended by the Authority.

# Language

* 1. Tenders, all documents and all correspondence relating to the Tender must be written in English.

# Transparency

* 1. In accordance with the Public Contracts Regulations 2015 and the Government’s policy on transparency, Bidders should be aware that the Authority intends to make the ITT and details of any subsequent contract publicly available, by publication on the Government's Contracts Finder portal.

# Governing Law and Jurisdiction

* 1. This ITT and any dispute concerning it (including non-contractual disputes or claims) shall be governed by English law and subject to the jurisdiction of the English Courts.

1. TENDER EVALUATION METHODOLOGY AND CRITERIA

# Overview

* 1. This section of the ITT sets out the criteria that the Authority will use to evaluate Tenders.
  2. Bidders are required to submit a Tender strictly in accordance with the requirements set out in this ITT, to ensure the Authority has the correct information to make the evaluation. If a Tender is equivocal or unclear, the Authority may deduct marks when scoring it, or it may treat the Tender as non-compliant and reject it.
  3. The Authority will award the contract to the Tender that scores the highest marks, applying the methodology below. Scoring will be carried out as follows:
     1. The Bidder must pass all Eligibility Questions.
     2. The Authority will then mark Annex B3 (Tender Response Document) ("**Scored Questions**") for all Bidders that pass all the Eligibility Questions.
  4. The Authority will mark Eligibility Questions as described in paragraphs 4.5 to 4.7 below. It will mark the Scored Questions as described in paragraphs 4.8 to 4.14

# Criteria – Eligibility Questions

* 1. The Authority will score Eligibility Questions on the following basis:

|  |  |  |
| --- | --- | --- |
| Eligibility Questions | Selection criteria | Self-Certify |
| Part 1 Section 1: Potential supplier information | For information only | N/A |
| Part 2 Section 2: Grounds for mandatory exclusion | Pass or Fail | Yes |
| Part 2 Section 3: Grounds for discretionary exclusion | Pass or Fail | Yes |
| Part 3 Section 4 and 5: Economic and Financial Standing | Pass or Fail | Yes |
| Part 3 Section 6: Technical and Professional Ability | Pass or Fail  Bidders must be able to demonstrate they have recent relevant experience to deliver the depth and breadth of the of the contract either directly or through the management and vetting of its supply chain. | Yes |
| Part 3 Section 7: Modern Slavery Act 2015: Requirements under the Modern Slavery Act 2015. | Pass or Fail  If you are a relevant organisation you must demonstrate you meet the code. | Yes |

* 1. To score a "pass", the Tender must:
     1. for all questions where self-certification is required (as detailed above), include a self-certification and the successful Bidder will be asked to provide supporting evidence during the standstill period; and
     2. for questions where self-certification is not required (as detailed above), adequately address all key points and include adequate supporting evidence / examples / information. It must give a reasonable degree of confidence that the Bidder has the capability, resource and experience to properly perform the contract.
  2. Where a Bidder scores a "fail" for any question, the Authority will treat the Tender as non-compliant and it will not award a mark for the Scored Questions.

# Criteria – Scored Questions

|  |  |
| --- | --- |
| **Evaluation criteria** | **Weighting** |
| Technical & Quality | 50% |
| Social Value | 10% |
| Financials & Value for Money | 40% |
| **Total** | 100% |

* 1. If it appears to the Authority that any Tender may be abnormally low then the Authority may ask the Bidder to explain its price or costs. If following the Bidder's explanations, the Authority is not satisfied with the Bidder's account for the low level of price or cost in the Tender, the Authority may treat the Tender as non-compliant and reject it.

# Criteria – Scored Questions: technical and quality evaluation

* 1. The technical evaluation will be scored in accordance with the table below:

|  |  |  |
| --- | --- | --- |
| **Grade label** | **Grade** | **Definition of Grade** |
| Unacceptable | 0 | The proposal completely fails to meet the required standard or does not provide an answer |
| Weak | 1 | The proposal significantly fails to meet the standards required, contains significant shortcomings or is inconsistent with other aspects of the Tender |
| Satisfactory | 2 | The proposal meets the required standard in most material respects, but is lacking or inconsistent in others |
| Good | 3 | The proposal meets the required standard in all material respects |
| Excellent | 4 | The proposal meets the required standard in all material respects and exceeds some or all of the major requirements |

1. STAFF

# Transferring employees

* 1. Bidders' attention is drawn to the staff transfer provisions set out in the NHS Terms and Conditions in Annex A1.
  2. An indicative list of the employees (together with relevant employment details) who are likely to transfer to the successful Bidder on the Commencement Date (as defined in the contract) will be released on the receipt of a completed and signed Confidentiality Agreement. Please see Annex A2 of this Section A of the ITT.
  3. Bidders’ pricing models must include the costs associated with the TUPE transfer of these employees

# Pension requirements

* 1. Bidders' attention is drawn to the pension’s provisions set out in the NHS Terms and Conditions in Annex A1.

**ANNEX A1  
NHS TERMS AND CONDITIONS**

The Authority intends to enter into a contract with the successful Bidder on the NHS Terms and Conditions for the Supply of Goods and Services (Contract Version)

This Annex A1 contains the NHS Terms and Conditions, duly completed by the Authority so far as possible, including all relevant schedules, except schedule 5 (Specification and Tender Response Document) and schedule 6 (Commercial Schedule).

The Specification is set out in Annex B2 of Section B of this ITT.

**Annex A2**

**Confidentiality Agreement form**

The details of transferring employees will be released on completion of the below confidentiality agreement:

**Not Applicable - No TUPE obligations.**

1. For the list of exclusion please see

   <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf> [↑](#footnote-ref-1)