

# Essex Framework for the Development, Delivery and Operation of Independent Living Accommodation for Older People

Framework Overview

July 2016

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Essex County Council

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# 1 Introduction

- 1.1 This document should be read in conjunction with OJEU notice reference 2016/XXXX and other documents published as part of the tender process.
- 1.2 This framework will be available for use by Essex County Council (ECC) and the following Contracting Authorities:
- Basildon Council
  - Braintree District Council
  - Brentwood Borough Council
  - Castle Point Borough Council
  - Chelmsford City Council
  - Colchester Borough Council
  - Epping Forest District Council
  - Harlow Council
  - Maldon District Council
  - Rochford District Council
  - Tendring District Council
  - Uttlesford District Council
  - NHS Property Services Ltd.
  - Basildon and Thurrock University Hospitals NHS Foundation Trust
  - Colchester Hospital University NHS Foundation Trust
  - Mid Essex Hospitals Services NHS Trust
  - North Essex University Partnership NHS Foundation Trust
  - South Essex University Partnership NHS Foundation Trust
  - Southend University Hospital NHS Foundation Trust

# 2 Background

- 2.1 Essex County Council is concerned by the rising costs of social care for older people and the interconnected issue of the limited availability of a range of housing options that can support and enable older people to live independently.
- 2.2 ECC works collaboratively with a range of partners including district, borough and city councils, housing providers, registered care providers and health commissioners, in order to access and facilitate the supply of appropriate accommodation for older people that can most effectively meet both housing and care and support needs.
- 2.3 Analysis<sup>1</sup> has shown that the largest gap in housing provision for the older population in Essex currently is Independent Living accommodation (also known as extra care housing), which is defined within ECC as follows:

*Independent Living is for people over the age of 55 who wish to live independently but have support needs. The attractive, self-contained housing is designed to enable older people to retain their independence in their own home for as long as possible. A number of factors contribute to this including flexible care and support services, the design of the building, the use of*

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<sup>1</sup> ECC Independent Living Position Statement 2016

*assistive technology and the provision of additional services including meals. This means that for many older people Independent Living offers a viable and attractive alternative to residential care.*

- 2.4 ECC has around 5,000 individuals aged 55+ on the social care register who have a care need between 4–16 hours per week. Around 40% of these individuals have been assessed as having been inappropriately placed into residential care due to a shortage of Independent Living accommodation across the county.
- 2.5 To meet the existing shortfall in provision and projected growth in future demand amongst the older population, ECC has set a target of 900 units of Independent Living to be delivered through the use of public sector land. Of that total, just over half are expected to be units that are owned (either outright sale of shared ownership/ equity) with the balance being for affordable rent. ECC is prepared to provide capital subsidy of up to £35,500 (made up of land value and potentially grant funding) for each affordable rent unit.
- 2.6 ECC is now seeking to establish a framework of suitably qualified organisations, or consortia of organisations, to work in partnership with ECC and public sector partners to bring forward Independent Living schemes on land owned and/or made available by public sector organisations.
- 2.7 Whilst it is expected that each scheme will have its own particular features that are specific to the area in which it is being developed, the following will apply in all cases:
- ECC will support individual developments by granting a long leasehold/freehold interest in the public sector land and where development viability requires, contributing to the overall development costs, and by commissioning an appropriate care and support model.
  - ECC will not be seeking to adopt the role of landlord / building owner, nor enter into any block contracts for the provision of care and support. As such, Providers will be expected to raise the overall project finance required for each development and cover any associated financial risks.
  - Whilst ECC has produced an *Independent Living Building Specification* (to be provided at Invitation to Tender stage), it will be the responsibility of the Provider to undertake all work associated with the design of the scheme, to ensure that it complies with all legislative requirements and is fit for its intended use.
  - ECC (or the Contracting Authority) will not accept any ongoing financial liability for the Independent Living scheme once the building is operational, unless the overall scheme includes other buildings/services in which ECC or the Contracting Authority retains an interest.

- ECC will hold nomination rights to all units for a minimum period of 70 years (to be detailed for each scheme at Mini-Competition stage). For private sale and shared ownership units, there will be an exclusivity period of 12 weeks during which time ECC will nominate prospective purchasers with a known social care need.
- A seamless service, encompassing landlord / housing and facilities management functions and 24/7 care and support services will be available to all scheme residents.
- Residents will enter into a direct agreement with the Provider for the 24/7 'Peace of Mind' care and support service as a condition of their tenancy/purchase.
- Residents will be able to choose to purchase their planned care and support from the on-site Provider or another Provider or their choice, either by contracting directly with the chosen Provider using their direct payments or through ECC contracting with the chosen Provider on their behalf.
- All apartments for rent will be deemed to be affordable housing and let at affordable rents. Other forms of tenure such as shared ownership/equity or private sale will be determined on a scheme by scheme basis.

### 3 Framework Objectives

- 3.1 This Framework is being established to facilitate the delivery of Independent Living schemes for older people through a single end-to-end process, including the design and build of the scheme; its ongoing operational management; and the delivery of an appropriate care and support service available to residents. The full extent of the requirements will be set out in the terms of each Mini-Competition, as outlined in this document.
- 3.2 By establishing this Framework, ECC aims to facilitate a substantial growth in the quantity and pace of delivery of Independent Living accommodation across Essex. In doing so ECC hopes to meet the needs and aspirations of its ageing population; achieve revenue savings by reducing avoidable admissions to residential care and hospital; and achieve its corporate outcome: *'People in Essex live independently and exercise control over their lives'*.
- 3.3 Being part of this Framework will give Providers the opportunity to work with ECC as it continues to develop its vision and strategy for Independent Living in Essex. Once the Framework has been established ECC envisages an ongoing dialogue with organisations on the Framework to ensure that Independent Living schemes in Essex continue to realise benefits for both residents and ECC.

## 4 The Framework

### 4.1 Scope of the Framework

- 4.1.1 This Framework will increase the provision of Independent Living schemes for older people over the next seven years (2016–2023) across Essex by establishing a Framework of five suitably qualified organisations (or consortia) which are able to develop, deliver and operate this model of accommodation for older people.
- 4.1.2 This will happen through the release of public sector land – identified and made available by ECC and/or other public sector bodies – for the development of Independent Living schemes. These sites will have generally already been through a pre-application process with the Local Planning Authority (LPA) to ensure the development of an Independent Living scheme in that location is supported in town planning terms.
- 4.1.3 The draft Heads of Terms for the long leasehold/freehold disposal of the site will be provided at Invitation to Tender stage.

### 4.2 Length of the Framework

- 4.2.1 The Framework will run for seven years; after which time it will cease to operate. Schemes still in development and Call-Off Contracts already awarded through the Framework will continue until discharged.
- 4.2.2 ECC reserves the right to end the Framework if the number of Provider organisations/consortia remaining on the Framework falls to 50% of those originally appointed or lower, or if the framework ceases to meet the objectives against which it was established.
- 4.2.3 Please see the Framework Agreement and call-off documentation to be provided at Invitation to Tender stage for further information.

### 4.3 Value of the Framework

- 4.3.1 ECC is unable to give any guarantee as to the number and value of developments to be delivered through the Framework. However, the overall value of the Framework will not exceed £50 million.
- 4.3.2 ECC anticipates that it will use the Framework to deliver approximately 15 Independent Living schemes of approximately 60 units per scheme.
- 4.3.3 ECC has allocated capital investment of c.£15 million to make available under the Framework, where appropriate, to support development of Independent Living schemes. ECC will also encourage and support bids to the Homes and Communities Agency for grant funding to support proposed developments.

## **4.4 Provider Participation and Engagement**

- 4.4.1 Framework Providers will be encouraged (but will not be obliged) to respond to all opportunities arising out of the Framework; however, they will be expected to attend all update and engagement events. These events will provide information on upcoming opportunities and will assist Providers in deciding which opportunities to bid for. The procurement timetable at the Mini-Competition stage will be sufficient for Providers to assess whether they wish to respond. Further information on the Mini-Competition Process is set out in section 6.2 below.
- 4.4.2 Regular engagement events will establish ongoing dialogue and sharing of good practice between Providers and ECC to ensure the benefits of the Independent Living programme continue to be realised throughout the duration of the Framework and beyond.

## **5 Framework Requirements**

### **5.1 General**

- 5.1.1 Although the extent of opportunities available and commissioning requirements will be set out at each Mini-Competition run through the Framework, the key overarching requirements for all opportunities tendered through the Framework are detailed in the following section:

### **5.2 Finance**

- 5.2.1 The Provider will be responsible for:
- Raising the finance to develop Independent Living schemes, to include securing third party funding such as Homes and Communities Agency funding (if applicable).
  - All costs associated with preliminary work, viability, site investigation works<sup>2</sup>, scheme design, obtaining planning consent, any demolition required, site preparation, site clearance, and construction of the Independent Living schemes.
  - All costs associated with the operation and maintenance of the schemes once developed.
  - Cost of occupation including target rents, target sale prices, target service charges and target care charges.
  - Any associated financial risks.
- 5.2.2 ECC will encourage and support bids to the Homes and Communities Agency

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<sup>2</sup> Where a preliminary desktop study has been undertaken by ECC, this information will be made available to Providers at the Mini-Competition stage.

for grant funding to support proposed developments.

### **5.3 Design**

- 5.3.1 Providers will be responsible for all aspects of scheme design and will need to adhere to the requirements and outcomes contained within the *Independent Living Building Specification*, as available at the time of the Mini-Competition.
- 5.3.2 The *Independent Living Building Specification* may be revised and updated as and when necessary in consultation with Providers to take account of good practice guidance in the field of older people's housing.

### **5.4 Tenure**

- 5.4.1 ECC is interested in a range of tenure models from social rent to owner occupation. ECC will need to consider existing local provision, current and predicted demand and the impacts of the Housing and Planning Act 2016, any subsequent legislation, as well as other local circumstances when detailing its tenure requirements for specific schemes. ECC will set out any specific tenure requirements at the Mini-Competition stage.

### **5.5 Unit mix**

- 5.5.1 It is envisaged that most developments will be a mix of one and two bed units able to cater for both couples wishing to remain together and individuals. It is expected that schemes procured through the Framework would normally have a ratio of approximately 80:20 one to two bed units; however, the Council recognises that this will be dependent on local demographics/demand and the proposed tenure mix.

### **5.6 Planning**

- 5.6.1 It will be the responsibility of the Provider to make all planning applications and to obtain planning consent for the agreed final design of the scheme. This includes meeting all planning application requirements and costs, including site investigation works and consultations required.

### **5.7 Construction**

- 5.7.1 Providers will have responsibility for all aspects of the build process from preliminary works and start on site through to practical completion and defects rectification. This includes (but is not limited to) site investigations, any demolition, site clearance and disposal of any waste in preparation for the start of construction.
- 5.7.2 Providers (or their construction contractor) will be required to have 'Considerate Constructors Scheme' accreditation ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) and will be

expected to manage construction in accordance with the requirements of this accreditation.

- 5.7.3 ECC will retain the services of a Project Monitoring Surveyor to provide an objective examination of key risk parameters and status updates on projects throughout the development process. The Project Monitor will review and verify project-related documentation including designs, costs, appraisals, cashflows, contracts, funding arrangements, insurance documentation, valuations and progress reports. Providers will co-operate with all reasonable requests for information made by the Project Monitor.

## **5.8 Scheme operation and service delivery**

- 5.8.1 Residents living in Independent Living schemes should have as much say over their lives and where they live as possible. This means that residents should be encouraged and supported to play an active role in decision-making about what they do personally and how the scheme is operated. Independent Living scheme residents should feel that the services they pay for are flexible, friendly, common-sense and offer value for money.
- 5.8.2 Providers will have responsibility for ensuring that arrangements are in place for the scheme marketing and operation and service delivery as well as all costs associated with these responsibilities. The core services are: marketing, housing and facilities management; care and support; and catering.
- 5.8.3 The scheme operation and service delivery will be carried out in line with ECC's requirements as detailed in the *Scheme Operation and Service Delivery* specification document to be provided at Invitation to Tender stage.
- 5.8.4 Schemes will support people to live independently in their home as their needs change and will provide a broadly balanced community in which to live. It is expected that schemes will support a mixed range of care and support needs based on the following approximate ratios:
- 30% low care needs (6–9 hours per week)
  - 40% medium care needs (10–15 hours per week)
  - 30% high care needs (16+ hours per week)
- 5.8.5 Schemes will provide a 'Peace of Mind' care and support service that is available 24 hours a day, every day of the year. This service will be able to respond to emergency calls or instances of unplanned care where needed (irrespective of the resident's provider of choice for their planned care) and must be made available to all residents.
- 5.8.6 Residents will be able to choose whether they wish to use the Provider's service or an alternative service provider to deliver their planned care and support

hours. This could be through a direct payment, Individual Service Fund (ISF) or other purchasing arrangement.

- 5.8.7 The core provider of 24/7 care and support (which may be the Provider or a separate sub-contracted provider of care and support arranged by the Provider) will need to be approved by ECC, which includes a requirement for registration with the Care Quality Commission and a minimum accreditation level of “Good”.
- 5.8.8 ECC will set out the specific requirements it has for the care and support service for each scheme/location at the Mini-Competition stage.
- 5.8.9 The Provider, in conjunction with the relevant District/City/Borough Council and ECC, will be jointly responsible for ensuring that arrangements are in place to manage the eligibility, nominations and allocations for the scheme in accordance with the Nominations Agreement for the scheme and subject to agreement by ECC.
- 5.8.10 A template Nominations Agreement (to be provided at Invitation to Tender stage) will form the basis of the final Nominations and Allocations Agreement between ECC, the Provider and the District/City/Borough Council (Housing Authority) for each scheme developed through the Framework.
- 5.8.11 Schemes will be for people aged 55 and over or in some instances for people who are under 55 years of age, where the Allocations Panel for a scheme decides that their housing, care and support needs could be appropriately met by the scheme. Details of the specific nominations and allocations requirements for each scheme will be set out at the Mini-Competition stage.

## **5.9 Affordability and sustainability**

- 5.9.1 Value for money is an important part of the Independent Living ethos in Essex. ECC expects Providers to deliver Independent Living schemes that will provide attractive, accessible and well-maintained accommodation and deliver good-quality services that are affordable and sustainable in the long term.
- 5.9.2 Scheme and care costs will be benchmarked against similar local, regional and national provision and Providers must work with ECC to ensure at least comparable value is delivered in Essex.

## **5.10 Dementia care**

- 5.10.1 A growing number of older people, including those who live in Independent Living accommodation, are living with dementia. This means there is a requirement for Independent Living schemes to be both ‘dementia friendly’, in terms of the national and international standards set for this concept, and that the right service model, philosophy, staffing levels and skills, and building design

features are embedded in schemes. Providers will be required to work with ECC to ensure that schemes are best placed to meet these needs.

## **5.11 Assistive technology**

5.11.1 ECC will expect schemes to maximise the use of assistive technology to keep residents safe and secure and to help maintain their independence. ECC's specific requirements relating to the emergency response system and telecare/telehealth equipment are set out in the *Independent Living Building Specification*, which will be provided at Invitation to Tender stage.

## **5.12 Performance, quality and monitoring**

5.12.1 Providers will work in partnership with ECC and any other appropriate partners/stakeholders through a steering group process to manage the development of the schemes until they are operational. This will include the agreement of a communications and marketing strategy to manage all communications throughout the development process.

5.12.2 Once schemes are operational, performance and quality of services will be monitored in accordance with the requirements set out in the *Scheme Operation and Service Delivery Specification*, which will be provided at Invitation to Tender stage.

## **5.13 Innovation**

5.13.1 Part of ECC's vision is to encourage innovation and creativity in planning services, and to work with Providers to continually improve outcomes and service standards. Providers will have to demonstrate how they will encourage the health and wellbeing of residents, how they will respond to changes in customer expectations, good practice, legislation, regulations and how they will innovate in service delivery. They will be expected to work together with ECC to monitor and review service delivery and make changes where necessary to deliver improved outcomes.

5.13.2 Innovative approaches to schemes will be required to reflect local circumstances and where investment in Independent Living will act as a catalyst for addressing a range of health, housing and care needs across a local community, including for people of different ages and needs.

5.13.3 Some areas of the County experience significant labour market challenges. ECC will work with its Providers to meet these challenges; for example, the recruitment and retention of staff.

## 6 The Process

### 6.1 Invitation to Tender (ITT) stage

6.1.1 The top ten scoring organisations/consortia will be invited to tender following evaluation of the Pre-Qualification Questionnaires.

6.1.2 Five organisations/consortia will be awarded places on the Framework. These places will be awarded on the basis of Most Economically Advantageous Tenders, based on the evaluation criteria detailed in the tender documents.

6.1.3 The price to quality ratio will be detailed in the Invitation to Tender documents.

6.1.4 At Invitation to Tender stage, the commercial evaluation element will be based on the financial structure for a theoretical 60-unit scheme, and may include: range of 24/7 'Peace of Mind' charges; range of care package prices (hourly care costs); range of rent and service charges; and range of time voids will be held for ECC before they are filled.

6.1.5 The quality evaluation element will be based on the proposed approach to delivering Independent Living schemes under the Framework including approaches to:

- design and development management;
- project management;
- housing/facilities management;
- care and support quality management; and
- social value.

6.1.6 The exact details of the evaluation criteria will be provided in the Invitation to Tender documents.

### 6.2 Mini-Competition stage

6.2.1 In early 2017, once the Framework is in operation, ECC will begin to bring forward scheme opportunities. All scheme opportunities available through the Framework will be awarded as a result of a Mini-Competition run through ECC's e-procurement system. All Providers will be informed in advance that a Mini-Competition will be taking place.

6.2.2 Providers will be invited to propose the Most Economically Advantageous solution to provide an Independent Living scheme on a specific site. Tenders will need to take account of the Contracting Authority/ECC's requirements and any opportunities or constraints determined by the site.

6.2.3 The documents for each Mini-Competition will provide details on the

requirements and will specify the following information as a minimum:

- a) Information on the site being offered, which may include:
  - site details and location;
  - population, demographic and needs analysis information for the area;
  - draft lease agreement;
  - ECC or Contracting Authority/partner organisation's requirements for the site;
  - status of planning permission / planning officer involvement; and
  - timescales for delivery e.g. length of time allowed to obtain planning permission.
- b) Scheme requirements which may include:
  - minimum scheme size;
  - level of communal/community facilities required;
  - any specific or specialist facilities and services required; and
  - nominations and allocations requirements.

6.2.4 Providers will be asked to detail the method and approach that they will use to deliver the scheme. They will also be asked to provide details of the organisations with whom they will work to provide all the different elements, including details of the constructor, housing and facilities management provider and the care and support provider.

6.2.5 The evaluation criteria will be outlined as part of the Mini-Competition documentation. The commercial evaluation element will be based on the financial structure for the scheme, which may include:

- land purchase price offered (if applicable) / amount of subsidy being sought from ECC;
- proposed 24/7 'Peace of Mind' weekly charge;
- proposed care package prices (hourly care costs);
- proposed rent and service charges;
- number of affordable units being offered to ECC;
- length of time voids will be held for ECC before being filled; and
- exclusivity period on private sale units/shared ownership units for ECC nominated residents.

6.2.6 The level of grant funding available from ECC / cost of acquiring a long leasehold/freehold interest in the site will be dependent on project viability. This will form part of the commercial evaluation at Mini-Competition stage and as such, will need to be evidenced by Providers.

6.2.7 It is expected that the quality evaluation element will be based on the scheme design and proposed approaches to delivering the specific Independent Living

scheme, which may include:

- ownership structure;
- project planning;
- design and development management;
- sustainability;
- housing/facilities management;
- care and support quality management; and
- social value.

6.2.8 As a result of the Mini-Competition, the Most Economically Advantageous Tender will be awarded a Call-Off Contract for delivery of the scheme. Details of the Call-Off procedure are set out below and in the Framework Agreement, which will be provided at Invitation to Tender stage.

6.2.9 All bids made at Mini-Competition stage shall be considered to be offers and are required to stay open and capable of acceptance by ECC for a minimum of 90 calendar days following the submission deadline for that Mini-Competition.

6.2.10 Whilst it is accepted that there may be some variation between the scheme developed and that presented at Mini-Competition stage due to factors such as details of planning permissions and other required consents, Providers must be aware that any variations to the submitted scheme or development programme will need to be agreed with ECC (or the Contracting Authority) at all times.

6.2.11 Where there are significant variations to those proposals originally submitted and these variations are deemed unacceptable, ECC or the Contracting Authority may exercise its right to terminate the contract and re-run the Mini-Competition.

### **6.3 Call-Off procedure**

6.3.1 The award of a Call-Off Contract will be subject to the acceptance of a final business case by ECC and/or the Contracting Authority, in accordance with governance requirements, before contract award.

6.3.2 ECC or the Contracting Authority shall be entitled at all times to decline to make an award. Nothing within the Framework documentation shall oblige ECC or the Contracting Authority to place any work through the Framework.

6.3.3 Following the evaluation of a Mini-Competition, the following process will be followed, during which time there will be no communication between ECC and bidding organisations:

- a) The Most Economically Advantageous Tender that meets all minimum criteria will be selected and the information contained within the bid shall be

used in the creation of a business case. The business case will set out ECC's cost position and will take account of potential reasonable variations.

- b) The business case will be presented to the Capital Members Board for approval to award the contract and release funds/land, subject to planning permission and other conditions being met (see below).
- c) If approval is not given, all bidders will be informed of this outcome, feedback on the bids will be given and the Mini-Competition will be ended with no Call-Off Contract awarded. The Mini-Competition may then be rerun.
- d) If approval is given, all bidders will be informed of the outcome and ECC or the Contracting Authority may enter into a standstill period for a minimum of 10 days, at its discretion, following which a contract will be awarded to the successful Provider.
- e) All contracts awarded following a Mini-Competition are conditional upon the selected Provider achieving the required planning permission within a timeframe stated at the start of that Mini-Competition process.

6.3.4 Following notification of the outcome of the evaluation and business case approval, the Provider will enter into a conditional Call-Off Contract with ECC or the Contracting Authority and where applicable, agree Heads of Terms of a lease/land transfer agreement. Once agreed by ECC or the Contracting Authority and the Provider, a Call-Off Contract and, if applicable, a lease/land transfer agreement shall be executed by the parties.

6.3.5 While bidders must ensure that the Mini-Competition tenders submitted match the schemes that will be submitted to the Local Planning Authority for planning permission, ECC recognises that there may be variation to those schemes as a result of the planning process. As such, the contract will allow for some variation from those requirements specified at Mini-Competition stage, as described below:

- a) The total number of Independent Living units to be delivered on the site may vary by +/-10% as a result of changes needed to achieve planning permission.
- b) The amount of subsidy funding required from ECC may vary by +/- 10% as a result of changes to the number of units needed to achieve planning permission.
- c) Minor variations to the tenure mix will be permitted as a result of changes required to achieve planning permission.

6.3.6 The only circumstances where material variations will be allowed is as a result of changes needed to achieve planning permission. No other variations to the tendered scheme will be permitted other than those listed in a), b) and c) above.

If other changes to the tendered scheme occur, or if the changes are greater than the permitted tolerance (+/- 10%) then ECC may exercise its right to end the contract and rerun the Mini-Competition, if it so chooses.

- 6.3.7 All contracts awarded as a result of a Mini-Competition are conditional upon the winning provider successfully gaining the required planning permission within the timeframe set out at the start of the Mini-Competition process; usually twelve months. If planning permission is not achieved within this timeframe ECC may exercise its right to end the Contract and rerun the Mini-Competition, if it so chooses.
- 6.3.8 ECC or the Contracting Authority is not liable for any costs incurred by providers as a result of the Mini-Competition process or any costs incurred during the planning process.

#### **6.4 Funding Approval Process**

- 6.4.1 As outlined above, the award of any Call-Off Contract following a Mini – Competition will be subject to the approval of a business case by ECC and/or the Contracting Authority. This business case will be based upon the information gathered by ECC prior to the Mini-Competition and the information submitted as part of the successful tender.
- 6.4.2 Once the business case has been agreed, the conditional Call-off Contract can be entered into by the parties. Where applicable, any subsidy funds payable by ECC towards the development will be available to draw down in two phases. While the exact timings may vary between Mini-Competitions, the intention is that payments will be made at the following times:
1. At 'golden brick' stage i.e. when construction work is above foundation level
  2. Upon Practical Completion

#### **6.5 Protection of ECC's Interests**

- 6.5.1 ECC reserves the right to require a legal charge to be registered against non-ECC sites in order to protect ECC's interest in the project. The charge is likely to be to the value of ECC's contribution to the project. An example Draft Legal Charge will be provided at Invitation to Tender stage.
- 6.5.2 ECC or the Contracting Authority reserves the right to impose a restrictive covenant that the land and buildings are only to be used for Independent Living schemes.
- 6.5.3 ECC reserves the right to require repayment of all or part of ECC's contribution where the contract is terminated due to default by the Provider.
- 6.5.4 After expiry of a Call-Off Contract, if the Provider ceases to operate the

Independent Living scheme within a period of 10 years commencing on the date that the Contract became unconditional, ECC may require repayment of all or part of the capital contribution (funding or land), the amount repayable being apportioned during the time remaining within that 10-year period after expiry of the Contract.

- 6.5.5 For further information on both the charging of sites and repayment of capital contributions, please refer to the Framework Agreement, which will be provided at Invitation to Tender stage.