## **Northumberland County Council Process**

Northumberland County Council has made the decision not to restrict the time frame by which interested bodies can lodge an expression of interest. To this end expressions of interest can be submitted to the Commercial and Procurement Service Manager at any time throughout the year. To ensure the authority has the appropriate information to make a decision, expressions should be made using the <a href="Community Right to Challenge Application Form">Community Right to Challenge Application Form</a>. The flowchart below illustrates the process the authority will go through to assess each application further guidance is available as part of the <a href="Community Right to Challenge Guidance Note">Community Right to Challenge Guidance Note</a>.

#### Northumberland County Council Community Right to Challenge Process Preparation Expression of Inter Decision Period Pre-Procurement Procurement exercise in line with EU Regulations and Constitution/Standing Orders; Authority Authority must allow sufficient time for the relevant body to Open Approach Accept Prior to an expression of interest being lodged, NCC would prepare Expression of Interest Accept with encourage any must consider potential applicants to enter into dialogue with appropriate social/ environmental benefits the council to ensure that they are pursuing the best course of action, as part of these Authority Identify potential: discussions NCC will share non-sensitive Relevant Body TUPE transfer risks Voluntary/Community information about the Notification underutilised or redundant service in question (in-line with Fol legislation Group of the grounds for assets/equipment and Charity restructuring organisational and the transparency issues. Consider creating legal entity/ social enterprise approach Parish/Town Council agenda). Relevant Authority

### **Successful Expressions of Interest**

Once the authority accepts an expression of interest for a relevant service, this will trigger a full procurement exercise, which will be carried out in accordance with the authorities existing procurement procedure and in line with procurement law. It is worth highlighting that once a service is subject to a full procurement exercise, then the opportunity to bid for the service is opened up to all organisations (including the private sector).

#### **Unsuccessful Expressions of Interest**

An expression of interest can be rejected, but only on the grounds set out in the regulations. In summary, grounds for refusal may be:

- Failure to comply with the statutory requirements
- A material inadequacy or inaccuracy in the information provided
- Unsuitability of the organisation or any of its partners or sub-contractors
- A decision to stop providing the service has already been made
- The service is one provided to people who are also in receipt of NHS services in an integrated package and a continuation of the service is critical to their well being
- A procurement exercise is already underway
- Negotiations to provide the service are already underway, in writing, with a third party

- Notice has already been given that the authority is considering a proposal for the service from its employees
- The expression of interest is frivolous or vexatious
- Acceptance is likely to breach another legal obligation

Were an expression of interest has been unsuccessful Northumberland County Council will write to the applicant explaining under what grounds the application was rejected.

# **Key Contact**

If you have any questions or would like to discuss your 'expression of interest' with Northumberland County Council then please contact Lee Jackson the Commercial and Procurement Services Manager at:

Lee Jackson Commercial and Procurement Services Manager 01670 622650

E-mail: <u>Lee.Jackson@Northumberland.gov.uk</u>