

## **COMMUNITY RIGHT TO CHALLENGE – GUIDANCE FOR COMPLETING THE EXPRESSION OF INTEREST (EOI) FORM**

South Yorkshire Fire and Rescue Authority (SYFRA) will accept Expressions of Interest (EOI) at any time..

### **Providing supporting information**

SYFRA is only allowed to base their decision on whether to accept, accept with modification or reject your expression of interest on the information SYFRA have requested in the form. This is taken from the regulations for the Community Right to Challenge, as set out in the [Statutory Guidance](#) for Community Right to Challenge. If you choose to provide other information, SYFRA will not be able to use it to make their decision.

However, you may choose to send supporting documents to provide evidence of the information SYFRA have asked for in the form. For example, you may wish to send 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, and attach it to your EOI.

The information which SYFRA have requested plus any supporting Information will be used to make a decision on whether to accept or reject the expression of interest. If accepted, your organisation will be invited to compete in an open procurement exercise, during which your organisation (and any other organisation who 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 SYFRA awards the contract.

### **Sending us your completed form**

When you have completed the form, submit it to SYFRA as follows:

Maureen Oades  
Monitoring Officer  
South Yorkshire Joint Secretariat  
18 Regent Street  
Barnsley  
South Yorkshire  
S70 2HG

E-mail: [Moades@syjs.gov.uk](mailto:Moades@syjs.gov.uk)

A copy of your completed Expression of Interest Form and any attached documents will be sent to the email address you provide for your reference.

SYFRA are required to let you know the date by which they will make a decision on your expression of interest within 30 days of the end of the expression of interest window for the service.

### **Who to contact for help**

If you have any problems completing the form please e-mail the Monitoring Officer at [Moades@syjs.gov.uk](mailto:Moades@syjs.gov.uk).

## **Sections of the form:**

The notes below are provided for advice only. The [Statutory Guidance for Community Right to Challenge](#) sets out the information that must be provided in an expression of interest.

### **Section 1 About your organisation**

- Q1. Please provide the name of the lead organisation submitting the expression of interest. If you are submitting an expression of interest as two or more employees of SYFRA, please provide your names as the organisation name.
- Q2. Section 81 of the Localism Act (2011) specifies the kinds 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 for Community Right to Challenge](#)
- Q3. Relevant Bodies are asked to prove that they meet the definition of a Relevant Body. Evidence that your organisation meets the definition of a Relevant Body could include your Charity Number, articles of association, registration with Companies House, registration with the Financial Services Authority etc. Further information is provided in the Statutory Guidance. You will be able to upload any supporting documents later. The Statutory Guidance states that organisations who provide contracts for local authorities would normally be expected to be incorporated with limited liability. However, it is not essential for the Relevant Body to be incorporated by the time the expression of interest is submitted. If your expression of interest is accepted, Government suggests that the time between acceptance and the start of the procurement exercise will allow time to arrange incorporation. If you plan to do this, please explain in the answer box for Question 3. Similarly for expressions of interest submitted by groups of MFRA staff, you are not required to have formalised all the arrangements for forming an employee-led structure to run the service, but you must do so by the time any procurement exercise begins. If this is the case, please explain in the answer box for Question 3.
- Q4. As explained in the Statutory Guidance, Relevant Bodies are allowed to submit an expression of interest 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.
- Q5. 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. If you are submitting the expression of interest as a consortium, you are required to provide information about them.

### **Section 2 Service being challenged**

- Q1. Please include any information necessary to help us to understand the service you are interested in running.
- Q2. Please explain which District in South Yorkshire that you would like to run the service in. This might be the whole of South Yorkshire, or one or more Districts. (i.e Rotherham, Barnsley, Doncaster, Sheffield)
- Q3. Please explain if you can deliver the service to the whole District or just an area within that district (i.e Rotherham)

### **Section 3 Financial information**

Q1. The Statutory Guidance does not specify the type of financial information to be provided. We suggest that you provide information that proves that your organisation is financially sustainable. Proof of financial sustainability might include:

- Your Business Plan
- Copies of accounts
- Bankers' / accountants' references
- Any guarantees, for example from a parent organisation if applicable

These examples are given for advice only - the information that each organisation wishes to provide may vary.

Financial information must be provided by all members of a consortium and each sub-contractor if you propose to deliver a service in this way.

### **Section 4 Capability to provide the service**

Q1. The Statutory Guidance does not specify the type of information needed to prove your capability to provide the service. We suggest that you provide information that proves that by the time any procurement exercise starts, your organisation or consortium will be in a suitable position to deliver a contract on behalf of MFRA. Information about capability might include:

- How you will become incorporated (if relevant).
- Information about your organisation's objectives.
- How you will ensure that you have in place any necessary insurances such as public liability insurance .
- How you will meet any specific requirements relating to the service you are interested in providing, for example accreditation to governing bodies
- Information about the experience and skills of your organisation that are relevant in providing or assisting in providing the service.

These examples are given for advice only - the information that each organisation wishes to provide may vary. Information about capability to provide or assist in providing the service must also be given for all members of a consortium and each subcontractor if you propose to deliver a service in this way.

### **Section 5 Outcomes to be achieved in providing the service**

The Statutory Guidance does not specify the type of information to be provided or the outcomes to be achieved. We suggest that you provide measurable outcomes where possible.

Q1. Relevant Authorities (including SYFRA) are required to consider the social value of expressions of interest. We are also 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 when considering expressions of interest. We are also required to consider the same factors in carrying out any subsequent procurement exercises. This obligation is also reflected in the Public Services (Social Value Act) 2012. You should demonstrate how your provision of the service will promote or improve the social, economic or environmental wellbeing of the area. [Statutory Guidance for Community Right to Challenge](#) provides examples of social value, including improving local skills, increasing volunteering opportunities etc. However Relevant Authorities are required to balance the consideration of Social Value with procurement law applying to the award of contracts. Further information is available in the European Commission publication

[Buying Social: A guide to taking Account of Social considerations in Public Procurement](#)

- Q2. In this section you also need to provide information about how your provision of the service will meet the needs of service users. The Statutory Guidance suggests that you may wish to refer to sources of information including needs assessments carried out by SYFRA or surveys of service users carried out by your organisation.

## **Section 6 Staff engagement**

- Q1. **This information is only required for expressions of interest from groups of SYFRA staff.** [Statutory Guidance for Community Right to Challenge](#) states that the way in which employees are engaged is best decided locally and that well-established staff engagement and governance channels could play a part. The Guidance sets out an expectation that the engagement of staff is appropriate and proportionate to the size and nature of the service and the number of employees directly affected by the expression of interest. There is no requirement for a ballot to demonstrate support for a proposal under the Community Right to Challenge.

## **Section 7 Supporting material**

- Here you can provide / attach any supporting documents that you have referenced when completing the Form, and any other documents that you wish to submit to support your expression of interest.

## **Section 8 Contact details**

- Please provide contact details so that we can get in touch with you about your expression of interest and notify you of our decision.
- The representative(s) whose details are given should have good knowledge of the expression of interest and be able to make decisions on behalf of the Relevant Body.