



Skills Funding  
Agency



European Union  
European  
Social Fund

## **ESF 2014-2020. IP2.2 Improving the Labour Market Relevance of Education & Training Systems**

The Skills Funding Agency [SFA] is looking to procure the services **described in this Service Specification** which improves the labour market relevance of education and training to help individuals gain skills and qualifications relevant to the needs of the labour market.

**This Read Me First and Instructions Document covers the following ITT's**

LEP Area	ITT Numbers
Black Country	30149
Buckinghamshire Thames Valley	30150
Gloucestershire	30151
Gt Lincolnshire – Skills Advisor	30152
Gt Lincolnshire – Industry Information	30153
Gt Lincolnshire – Industry Teaching	30154
Hertfordshire	30155
North Eastern	30156

**You are advised to read this document prior to completing the Invitation to Tender**

Date: 11 July 2016

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## ANNEX A

## **1 PURPOSE OF THE DOCUMENT**

- 1.1** The Contracting Authority is the Secretary of State for Business Innovation and Skills acting through the Skills Funding Agency referred to as SFA in this document
- 1.2** This document forms part of the Invitation to Tender (ITT) to procure services through ESF funding to Improve the Labour Market Relevance of Education & Training Systems
- 1.3** The procurement procedure being followed for this procurement is the Open Procedure under Regulation 27 of the Public Contract Regulations 2015 and accordingly any candidate may submit a response to the Invitation to Tender (ITT.)
- 1.4** The details of the Services being procured by the SFA are set out in the Specification document included as an attachment in the ITT
- 1.5** This document sets out instructions to candidates on submitting responses to the ITT using the online e-tendering portal
- 1.6** Part A of the document details the general principles that apply to the SFA's procurement processes
- 1.7** Part B highlights the specific requirements for this tender and includes timelines and information about the criteria against which compliant bids will be evaluated
- 1.8** You should note that any mention of "We" or "Us" or "Our" or "SFA" refers to the Secretary of State for Business Innovation and Skills acting through the Skills Funding Agency and "You" or "Your" or "They" or "Their" refers to candidates
- 1.9** You are advised to read this Read Me First and Instructions Document together with all other documents attached on Bravo before answering the questions and publishing your submission(s)

**Please note that your response(s) to this Invitation to Tender must be submitted on or before 17:00 on 09 August 2016**

## **PART A**

### **2 COMPLETING YOUR RESPONSE**

- 2.1** It is important that you complete your response in line with the requirements detailed in both Part A and Part B in this document as non-compliant bids will not be evaluated
- 2.2** You will need to respond to all elements of the tender which may include online questions, declarations and/or attachments that need to be downloaded, completed and uploaded before publication
- 2.3** Each text based question has a locked in character limit which cannot be exceeded. A character in this instance is defined as follows:
- A number
  - A letter
  - A punctuation mark
  - A space
  - A carriage return
- 2.4** Unless specifically requested in the question, diagrams, tables etc. are not allowed in spaces provided for answers
- 2.5** You should ensure that you provide all of the information in the specified format and order
- 2.6** Your response to a particular question should be contained in that question's answer box. The SFA will only consider responses provided against each question and will not look for extra information in another question's answer box when evaluating responses
- 2.7** If any information is supplied in response to individual questions that has not been requested, the SFA will ignore it during the evaluation process
- 2.8** The SFA reserves the right to modify, amend or provide further clarification regarding the on-line tender documents at any time prior to the deadline for completion. The SFA will notify you either by direct communication or as a broadcast message on the online message board. Where such modifications constitute a significant change, the SFA may, at its discretion, extend the deadline for completion of the documents
- 2.9** The SFA cannot access any submission until after the closing time and date has passed. The SFA cannot see anything candidates have partially or fully submitted until this time
- 2.10** You are actively encouraged to respond to this ITT as early as possible to ensure that you meet the deadline. You can submit partial bids during the timeline as long as you complete the responses before the closing time and date. However, you should note that each time you submit an updated bid it

overwrites completely any previous bid that has been submitted. This should be taken into account if you are publishing or attempting to publish your response close to the deadline

- 2.11** If at any time during this procurement process you experience technical difficulties or require technical assistance, you should contact the e-tendering helpdesk at: [help@bravosolution.co.uk](mailto:help@bravosolution.co.uk): supplying a “screen dump” depicting any error messages you have received. Candidates should note that this email address will not be able to answer policy and/or procurement questions
- 2.12** You are advised that nothing in these procurement documents or any other communication from or with the SFA shall be taken as constituting a contract or other binding agreement or a representation that any contract shall be offered
- 2.13** You are not entitled to claim from the SFA any costs or expenses which may be incurred in the preparation of your submission

### **3 ONLINE MESSAGE BOARD**

- 3.1** You should only contact the SFA by using the online message board attached to the specific ITT on the e-tendering portal. This is to ensure that the SFA can maintain the integrity and robustness of the tendering process and guarantee that answers given are consistent
- 3.2** You must not contact any employee of the SFA to obtain any additional information about this ITT. Any contact made other than through the online message board may result in your submission being excluded from the evaluation process
- 3.3** We will make every effort to respond to any query within 2 working days of receipt on the online message board. This timeline may be extended where more complex queries are submitted.
- 3.4** We reserve the right to make our response available to all candidates invited to tender depending upon the nature or content of the message

### **4 CONTRACT AWARD**

- 4.1** Full and final feedback from the ITT phase will be provided in the form of an Award Decision Notice in line with the timetable shown in Part B of this document
- 4.2** Award decisions will be made in accordance with the evaluation criteria set out in Part B in addition to the following general principles
- 4.3** The SFA reserves the right not to award a contract to any candidate that is not a legal entity

- 4.4** The SFA reserves the right not to award a contract where such an award would result in a candidate exceeding its Recommended Funding Limit [RFL] which is determined as part of the SFA's financial health assessment. The financial health assessment measures a candidate's financial status in terms of current financial performance and ability to meet ongoing financial commitments. Further information on this assessment can be found at: [SFA financial health assessment - Publications - GOV.UK](#)
- 4.5** Where an existing college or provider does not have an RFL, then the SFA reserves the right not to award a contract where such an award would result in the candidate increasing the funding received from the SFA by more than 100% cash value
- 4.6** The SFA reserves the right to undertake an assessment of a candidate's financial health prior to awarding a contract which may result in a change to a candidate's RFL. Where this is the case, the new RFL will be used to inform award decisions as per point 4.4
- 4.7** The SFA reserves the right not to award a contract if between the evaluation of ITT responses and the decision to issue a contract any candidate having been inspected by Ofsted (or by an equivalent inspectorate) is awarded Grade 4 for Overall Effectiveness
- 4.8** In the event that the SFA is unable to proceed with the award of contract, the SFA reserves the right to award to the second placed candidate.
- 4.9** The SFA will not award a contract where any of the criteria set out in Regulation 57 of the Public Contracts Regulations 2015 apply to the candidate
- 4.10** The SFA reserves the right not to award a contract where any of the following criteria apply to the candidate:
- previous activities that have resulted in significant repayment of SFA or Government funding (£100,000 or 5% of contract value, whichever is the higher) within the last two years, this includes funding paid to a sub-contractor to deliver education and training funded by the SFA
  - failure to repay funding due to the SFA or other government body
  - failure to repay funding due under a sub-contract to deliver education and training funded by the SFA
  - information from awarding bodies identifying significant irregularities in the award of qualifications
  - two or more instances where the SFA's staff or agent have audited the provision of the provider and identified issues of non-compliance with conditions of funding within the last 2 years
  - on-going investigation relating to suspicion of fraud or irregularity or possible failure to comply with conditions of funding under an existing funding agreement or sub-contract
  - early termination of a funding agreement or a sub-contract to deliver education and training funded by the SFA

- withdrawal of funding following the failure to comply with a withdrawal of Funding or failure to remedy a serious breach of contract
- Or where the candidate has a director, or governor, or a senior employee, or shareholder who was previously a director, or governor, or a senior employee, or shareholder, in another provider where one or more of the above criteria apply

- 4.11** The SFA reserves the right not to award a contract where the candidate has a director who was previously employed by the SFA or a predecessor body, or other Government body, and who was dismissed for gross misconduct, or who resigned whilst suspended from employment and subject to a disciplinary investigation concerning allegations of gross misconduct
- 4.12** The SFA reserves the right not to award a contract for a particular area if it does not receive sufficient bids of the required quality during this procurement exercise
- 4.13** The SFA reserves the right not to award a contract where information it already holds about the candidate, it obtains from other Government bodies, or is already in the public domain causes the decision to award to be called into question
- 4.14** If you consider that the SFA has not followed the published process or the decision made is unreasonable, you are able to make a complaint under the SFA's complaints procedure which can be accessed at :  
<https://www.gov.uk/government/organisations/skills-funding-agency/about/complaints-procedure>
- 4.15** Any complaint received outside the SFA's complaints procedure will be treated as a normal message or letter and responded to in that format and timeline (if applicable)

## **5 FREEDOM OF INFORMATION**

- 5.1** The SFA is subject to the Freedom of Information Act 2000 (FOIA). Under the provisions of the FOIA, the SFA is required to provide information it holds in response to a request made in accordance with the FOIA. This includes information about third parties. Candidates are referred to the SFA's Freedom of Information Policy available on its website:  
<https://www.gov.uk/make-a-freedom-of-information-request/the-freedom-of-information-act>
- 5.2** If, when completing your submission(s,) you consider that any of the information you are providing is "Commercial in Confidence" you must indicate what this is in a message sent via the online message board before the deadline for closing the ITT. Should we then be asked for this information under FOIA, we may choose to apply an exemption

## **6 PERFORMANCE MANAGEMENT OF CONTRACTS**

- 6.1** The arrangement for performance management of the contracts can be found here <https://www.gov.uk/government/publications/sfa-funding-rules-2015-to-2016> in the SFA's funding rules and the SFA: funding and performance-management rules – 2014 to 2020 ESF Programme.



## **PART B** – Specification[s] specific.

### **7 PROCUREMENT TIMETABLE [S].**

- 7.1** The timetables set out below are fixed. However, the SFA reserves the right to amend the timings as necessary and any such amendments will be advised via the online message board

<b>TASK</b>	<b>DEADLINE</b>
Publication of ITT	11 July 2016
ITT closes	09 August 2016
Notification of tender results	14 September 2016
Day 10 mandatory standstill period	24 September 2016
Contracts issued from	25 September 2016
Delivery commences from	30 September 2016

### **8 COMPLIANCE**

- 8.1** For your bid to be compliant all the following documents need to be completed in full:
- Specification questionnaire
  - Deliverables Toolkit(s)
  - Online questionnaire
  - Sub- contracting declaration form (if you are not sub-contracting, you must include wording that you are submitting a nil return)
- 8.2** Non-compliant bids will not be evaluated
- 8.3** You must publish your response before the deadline. Late submissions will not be accepted
- 8.4** The online technical envelope in Bravo contains a number of declarations that you are required to confirm and the fields where you will need to upload the questionnaire(s) and deliverables toolkit(s). You must ensure that you have uploaded the correct questionnaire(s) and deliverables toolkits to the correct field(s)
- 8.5** The specification questionnaire contains, 6 questions you must provide a response to all 6 questions. Please ensure that you follow the instructions in the questionnaire for answering each question
- 8.6** Deliverable toolkits – you will need to download and complete a deliverable toolkit for each lot/theme you are submitting a bid for

- 8.7** In order to submit both the specification questionnaire and the deliverables toolkits you will need to WinZip them into a folder and upload that to the relevant field in the technical envelope before publishing.

## **9 COMPLETING DUE DILIGENCE**

**You must complete the Due Diligence Questionnaire unless you have previously applied to either the June 2015 refresh, October 2015 opening, February 2016 opening or May 2016 opening of the Register of Training Organisations (ROTO), and are using the same BRAVO id. In this case, your responses to the Due Diligence questions will be pre-populated. We advise you to review your responses carefully to ensure they are still accurate.** The due diligence questionnaire is based on financial and technical assessments. These have been designed to test an organisation's capacity to deliver contracts to the required standard and determine if they are financially robust

- 9.1** Your answers will be evaluated and your financial statements assessed. If you are successful, we will continue to evaluate the rest of your tender
- 9.2** You must ensure that your answers are correct and complete before you submit your application. We will not accept any information or changes after the closing date or information outside the process
- 9.3** The information that you submit will be verified to ensure that it is a true reflection of your organisation. If we find that you have provided incorrect answers or information that intentionally misleads us, we will not progress your tender
- 9.4** Questions that are prefixed with a **red asterisk (\*)** are mandatory. If you do not answer all mandatory questions, the e-tendering portal will not allow you to publish your response
- 9.5** Where we ask a closed question and ask you to provide supplementary information in the next question, you must provide all the information requested in the follow-up question. If you do not provide this information you may fail the process
- 9.6** If you encounter a question that requires a text-based answer and it is not applicable to your organisation, please type 'NA' in the textbox provided
- 9.7** To help ensure that we are able to access your attachments efficiently please:
- keep the length of your filename as short as possible
  - only use letters and numbers in your filename
  - do not use special characters in your file name, such as full stops, commas, percentage signs, ampersands or asterisks

## **DUE DILIGENCE QUESTIONNAIRE - GUIDANCE**

### **Organisation Details**

- 9.7.1 This section is used to record and verify details of the organisation applying. This section is not scored but you may fail if you provide insufficient or false information
- 9.7.2 The legal name of the organisation completing the questions as requested in OCT15-OD-01 should be the legal name of the organisation applying
- 9.7.3 The information that you provide in response to OCT15-OD-12 will form part of our pre-qualification checks to help safeguard public funding. These checks include reviewing your answer against information held at Companies House and the [Disqualified Directors Register](#).

### **9.8 Grounds for mandatory exclusion**

- 9.8.1 We will exclude you from the process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where this is disproportionate, for example, only minor amounts involved).
- 9.8.2 An organisation that provides evidence that remedial action has taken place and 'self-cleans' by paying necessary compensation, collaborating with investigations, and taking concrete technical, organisational and personnel steps to prevent recurrence of the offence or misdeeds may be able to proceed in our process providing they are able to demonstrate satisfactory remedial action .

### **9.9 Discretionary grounds for exclusion**

- 9.9.1 The SFA reserves the right to exclude organisations if any of the discretionary grounds for exclusion apply and any of the criteria set out in paragraph 4.10 of this Readme First.

### **9.10 Financial health**

- 9.10.1 Financial health is a measure of financial status in terms of your financial performance and ability to meet ongoing financial commitments. As administrators of public funding, only organisations that are able to

demonstrate they are financially robust and present a low risk to the SFA will progress in our pre-qualification process

9.10.2 We assess financial statements according to the financial elements specified in the [financial health assessment guidance](#) available on our website and you must read the guidance to ensure you submit the correct information/documents

9.10.3 In addition to submitting your latest financial statements you are required to complete and submit a [Self-Assessment Toolkit](#), which you must return in Excel format. The information you enter on the toolkit will be verified against the financial statements that you submit. If there are significant irregularities with the figures you provide on the self-assessment toolkit you will fail the financial health assessment

9.10.4 Question OCT15-FHA-02 requires you to upload financial information identified in the self-assessment toolkit and supporting guidance. This has been split between questions 'A' to 'F'. You are not required to upload a document to every single question but you must upload the documents that are indicated in the self-assessment toolkit. If you do not provide this information you will fail the financial health assessment

9.10.5 When completing the financial health section of the due diligence questions you must:

- complete all the required information on the self-assessment toolkit
- upload the completed self-assessment toolkit in Excel format
- upload all the financial information required as set out in the guidance
- upload fully complete financial statements – full accounts, not abbreviated accounts, not an extract and not selected pages
- ensure the information you submit is current
- submit your latest available financial statements
- ensure the figures provided in the self-assessment toolkit are a true reflection of your organisation

9.10.6 If you do not comply with any of the points above you will fail the financial health assessment due to 'insufficient information'.

## **9.11 Technical and professional ability**

9.11.1 In this section we are seeking information on whether you comply with legal requirements, manage contracts effectively and do not meet any of the criteria in our [Higher Risk Providers and Subcontractors Policy](#)

9.11.2 If you or your organisation has an outstanding debt with us, your organisation will not progress in our tendering process until the debt has been cleared or a resolution has been reached

## 10 DUE DILIGENCE EVALUATION

**10.1** You must pass the due diligence questions and financial health assessment for the rest of your tender to be evaluated

**10.2** Evaluation criteria for due diligence questions.

Section	Evaluation	Comments
Organisation details	Pass / Fail	Your organisation will fail this section if we are unable to verify your details
Grounds for mandatory exclusion	Pass / Fail	Your response will be reviewed against the Public Contract Regulations 2015
Grounds for discretionary exclusion	Pass / Fail	Your response will be reviewed against the Public Contract Regulations 2015
Technical and professional ability	Scored	If you score between 0 and -99 you will pass this section
Declaration	Pass / Fail	If you are unable to comply with the conditions we have set you will not progress in our pre-qualification process
Authorisation of submission	Not scored	

## 11 DUE DILIGENCE SCORING

**11.1** If you are evaluated as a 'fail' in any of the sections marked as pass/fail you will not pass the due diligence questions

**11.2** The Technical and Professional Ability section is based on the assessment of risk. All organisations begin with a score of 0 (zero). If your answer to a question indicates that you are a risk you will generate a negative score for that question

**11.3** Scoring of questions in the Technical and Professional Ability section is as follows

Score	Risk
-100	High risk
-50	Medium risk
-25	Low risk
0	Satisfactory

**11.4** The scores for each answer in the Technical and Professional Ability section are aggregated. If your total score is between 0 and -99, you will pass the Technical and Professional Ability section. If you score -100, or less, you will fail the Technical and Professional Ability section

- 11.5** For the financial health assessment you will be given an assessment grade of outstanding, good, satisfactory or inadequate. If you score inadequate you will fail due diligence questions part of the pre-qualification process

### 13 EVALUATION OF RESPONSES SPECIFICATION QUESTIONS

- 13.1** The criteria against which your responses to the Specification Questions will be evaluated are shown below including the maximum score awarded for that criteria:

CRITERIA	RELATED QUESTION	WEIGHTING	MAXIMUM SCORE
Resources, expertise and infrastructure	1	X1	100
Engaging and supporting the target groups	2	X1	100
Delivery Management	3	X1	100
Key partners and stakeholders	4	X1	100
Alignment with local strategies and services	5	X1	100
Systems to manage information	6	X2	100

- 13.2** The deliverables toolkits will not be evaluated separately but will be taken into account as part of the evaluation on question 1. You will need to download and complete the appropriate deliverable toolkit for each of the lot/theme for which you wish to bid.

**In this/these Specification[s], transitional and more developed areas are identified if they are applicable to the LEP area. When they are applicable candidates are required to complete two deliverable toolkits, one for the transition area and one for the more developed area.**

- 13.3** Scores for **each question** will be awarded in line with the following regime:

Meets all requirements	Meets most requirements	Satisfactory response to requirements	Partially meets requirements	Weak response to requirements	Fails to meet criteria/no answer provided
100	75	60	35	20	0

- 13.4 The award of contract will only be made if your response to question 1, 3 and 5 score a minimum of 60, “Satisfactory response to specification requirements”. Question 2 is weighted x2**

## **14 TIE BREAK PROCESS**

- 14.1** Candidates achieving the same score following the evaluation of tenders will be asked a further question in order to make an award decision. Candidates will be sent the question via Bravo and given 48 hours to respond.
- 14.2** The tie break question will be scored in accordance with paragraph 9.3 above.

## **15 TUPE AND PENSIONS**

- 15.1** You are advised that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply where the contract awarded is for the provision of services currently being carried out by an existing provider
- 15.2** You must take your own legal advice on the application of TUPE
- 15.3** You need to be aware of the specific requirements which apply to transfer of public sector employees and should refer to The Cabinet Office Statement of Practice (COSOP) on staff transfers in the public sector, January 2000 (<http://www.civilservice.gov.uk/documents/pdf/employment/stafftransfers2.pdf>) You also need to be aware of the new guidance published by HM Treasury on 4 October 2013 on a reformed Fair Deal policy

## **ANNEX A**

LEP	ITT Ref.		Total Amount of ESF	Award Information
Black Country	30149		£533,672	1 contract to be awarded to cover the whole LEP area
Buckinghamshire Thames Valley	30150		£820,000	1 contract to be awarded to cover the whole LEP area
Gloucestershire	30151		£770,000	1 contract to be awarded to cover the whole LEP area
Gt Lincolnshire – Skills Advisor	30153		£1,400,000	1 contract to be awarded to cover the whole LEP area
Gt Lincolnshire – Industry Information	30153		£250,000	1 contract to be awarded to cover the whole LEP area
Gt Lincolnshire – Industry Teaching	30154		£750,000	1 contract to be awarded to cover the whole LEP area

Hertfordshire	30155	£1,198,000		1 contract to be awarded to cover the whole LEP area
North Eastern	30156	Transitional £1,121,500	£4,944,750	1 contract to cover both Transitional and More Developed Areas.
		More Developed £3,823,250		