**SEND Contracts 2017-18: questions from potential bidders FOR CONTRACTS CSEC (SEND)17-18/01 to CSEC (SEND) 17-18/07**

**Eligibility**

**Which organisations are eligible to apply for these contracts? Are there any restrictions on who can apply or run the contracts? Are they open to local authorities i.e. can we apply as a local authority or would this need to go via SME OR VCS?**

* *Having read the tender documentation, any organisation which feels it can deliver the full contract requirements is welcome to apply.*

**Are these opportunities available to a General Further Education College (GFE) as the eligibility criteria is not clear from the advert?**

* *Having read the tender documentation, any organisation which feels it can deliver the full contract requirements is welcome to apply.*

**Does a Local Authority count as a not-for-profit basis organisation?**

* *Yes.*

**Do I have to be part of a consortium to bid for these contracts?**

* *There is no requirement to be part of a consortium. Having read the tender documentation, bidders should consider whether they can meet all elements of the bid, including achieving a national reach. If they feel they can do this without partnering, they are welcome to bid on that basis. Organisations should note that the tender documentation specifically welcomes consortium bids. They may therefore wish to consider whether bidding as part of a wider consortium would make their bid even stronger.*

**Are you anticipating that more than one contract will be awarded under each service (i.e. to multiple providers)?**

* *No. We are looking to award one contract for each service – although consortium bids are welcomed.*

**Will you accept tenders for a specific strand of work within a tender, resulting in a range of contracts to organisations whose work complements each other, or are you expecting to issue only one contract for each of the categories?**

* *No. We are looking to award one contract for each service – although consortium bids are welcomed.*

**Can other organisations, for example, small and medium enterprises, also submit tenders?**

* *Yes.*

**Is it acceptable for us to have as a consortium partner an individual or organisation based in Wales?**

* *Yes, but the services provided would apply in England only.*

**Are organisations permitted to submit one bid for each of the contracts, should they so wish? Or is there a limit to the number of bids any one organisation can submit?**

* *Organisations may bid for more than one contract if they wish. Due* *diligence will be carried out to prior to contract award to ensure that any organisation, assessed as preferred supplier for more than one contract, is both sufficiently financially stable and has the capacity to deliver more than one contract.*

**Are organisations permitted to submit bids as a lead in one contract and be a named consortium partner or sub-contractor for a different contract bid?**

* *Yes.*

**Although we are experienced in this area of work, we have recently set up as a company. Will the lack of trading history for this specific company be an issue?**

* *This should not be an issue. Part 3 of the invitation to tender covers a broad scope of financial documents which a bidder can provide to demonstrate economic and financial standing.*

**Will being a Limited Company, not a CIC or charity, count against us, even though the tender does say open to SMEs?**

* *No, the status of the company does not matter. The financial viability of the company is important.*

**REACH OF SERVICES TO BE PROVIDED**

**Are these contracts to provide services in England only?**

* *Yes.*

**In submitting a bid, would this be national or can it be focused on our local area or with a stated number of local authorities and schools?**

* *We are only looking for bids which can achieve a national reach.*

**Are you expecting providers to deliver a service available to all children and young people with SEND, or will you consider applications which are condition specific, such as autism?**

* *Unless the contract is also condition-specific,**we are expecting providers to deliver services applicable to all children and young people (0-25) with SEND. Consortium bids are welcomed if providers feel that an element of condition-specific expertise would strengthen the application.*

**If an organisation provides services across the UK with one charity number, can individual regions decide to apply for funding?**

* *We are only looking for bids which can achieve a national reach. If one region is able to provide this reach, they can apply.*

**Could you confirm how the contract values relate to regions/lots please?**

* *We have not broken down the contract values by region. We would expect the work to achieve a national reach. The amount spent in each region may vary due to need.*
* *The contract values show the total funding the Department expects to provide for each contract. The exact total and the way it is distributed across the contract deliverables will be confirmed once the deliverables have been agreed with a preferred bidder.*
* *Given the value of the delivery support tender, we have provided an indication of the proportion of the contract value which might be allocated to each of the main workstrands. These indications are purely illustrative, and the exact distribution of funding will be subject to agreement over the contract deliverables, as outlined above.*

**SUB-CONTRACTING**

**What defines an ‘essential subcontractor?’ (Autism contract page 12)**

* *An essential subcontractor is one who is relied upon to meet the selection criteria.*

**Are all sub-contractors required to undertake the Personnel Security checks?**

* *All employees of a contractor or a subcontractor, with direct or indirect access to Departmental data must be subject to pre-employment checks equivalent to or higher than the Baseline Personnel Security Standard (BPSS).*

**Do all sub-contractors need to have signed up to block URLs specified on the Internet Watch Foundation (IWF) list?**

* *Yes.*

**FUNDING**

**Is the funding ‘new money’ or is it linked to other reform grant funding?**

* *This is additional funding.*

**We note that a 30% increase to the value of the contract may be available; should we take this into account in setting our budget?**

* *No. The possibility of a 30% increase would only come into play if the Department and contractor agreed to increase the scope of the contract during the funded period. In that case, the Department and contractor would need to agree the nature of the additional work and then reach an agreement about the additional cost, which could not be higher than a 30% increase in the value of the original agreement.*

**The ITT documentation states that the contracts are for one year initially with the potential to extend for a further two years, what is the likelihood that there will be a continuation of funding?**

* *As stated in the ITT, the contracts may be extended for up to two additional years depending on performance, the availability of funds and an ongoing need for the services provided. We are unable to give further information at this stage.*

**QUERIES ABOUT SPECIFIC CONTRACTS**

**DELIVERY SUPPORT CONTRACT**

**The ITT assumes national coverage across England but it also talks about 1:1 support. Are there areas of priority already known or do we assume a common level of support needed which can be tailored to suit needs? (Part 2, Section 1, bullet 8 (p31))**

* *We envisage most one-to-one support being organised through DfE-funded regional networks of local authorities. The delivery support contract would provide a number of one-to-one support days which can be drawn upon by regional networks to support the plans and priorities of the local authorities in the area.*
* *In addition, some of the one-to-one support days would be targeted at priorities identified by DfE.*
* *In both cases we would expect the exact nature of the support delivered to be agreed during the life of the contract. For the purpose of submitting bids, we suggest that bidders identify the resource that they would allocate to one-to-one support and outline how it would be deployed.*

**We have reviewed the terms and conditions put forward as presented in the Invitation to Tender (ITT) and recognise that these are still in draft format, although we are required to sign that we agree to such terms as part of the tender return.  Please can you confirm that the successful bidder will be able to enter into more detailed discussions about them with you prior to any engagement?  To put this into context, our key concerns revolve around indemnity and liability levels, and requirements as to insurance cover.**

*We generally expect contractors to accept our terms and conditions, however if there are areas where a contractor feels that they need clarity, this will be discussed with the preferred bidder once a decision has been made. Indemnity and liability levels can be clarified prior to contract signature.*

**LEAD SEND ADVISER**

**How does the Department envisage the networks (where information will be gathered from) emerging?**

*Regional lead authorities are already in place to facilitate regional working and they will once again receive Government funding in 2017-18. These networks have been supported in recent years by the regional strand of the delivery support contract – including the regional advisor team which it manages – and we would expect the successful bidder for 2017-18 to carry out a similar function*

**AUTISM CONTRACT**

**There is a statement with regards to the products produced having to generate a revenue stream. What is the % of revenue against funding you would expect supplier to achieve? Do we assume that ourselves? (Part 2, Section 1, bullet 10 (p31))**

* *There is no expected percentage. This is about working towards the self-sustainability of the programme, which would necessitate the development of revenue streams.*

**The Invitation to Tender has an expectation that the project will be delivered through hubs. The AET currently has 28 hubs. Does the DfE expect to see the Part 1 and 2 due diligence questionnaires completed by each hub? We assume that you do not need this information at this stage.**

*The current AET hubs are not part of the AET organisation, but are separate entities which are licenced to deliver autism training. For example, some hubs are local authorities, others are schools or colleges.*

*The hubs are not specific to any one bidder but are part of the existing infrastructure within which any successful bidder will have to work. As such, it is not necessary for bidders in the current procurement to provide Part 1 and 2 due diligence questionnaires completed by each hub.*

**Some parts of the ITT document refer to colleges, and in other sections it refers to the post-16 sector. These are different target groups - which do you need the contract to reach?**

* *The contract is designed to cover the whole post-16 sector. ‘Colleges’ is used as a short-hand, where it says ‘colleges’, assume the post-16 sector.*

**MISCELLANEOUS**

**Please can you confirm when you aim to inform bidders that they have secured the contract?**

* *We aim to let bidders know whether they have been successful in mid-February.*

**Do you expect services to be delivered immediately from the Contract Start date or is there scope for a mobilisation period - and if so, how long?**

* *Contracts are being offered with an end date of 31 March 2018 and bidders should state in their applications how they would use all of that time – including any mobilisation period.*
* *While there may be an option to extend contracts for a second year, bidders should set out clearly what they would expect to be able to deliver by the end of March 2018 and how this meets the contract requirements. No assumptions should be made about contract extensions but bidders may briefly reference what might be achieved in a second year if space allows.*

**When submitting the final documents, can I just include the sections that I’ve completed (Parts 1 and 2) and take out the rest of the information in the ITT document (otherwise it will be a very long tender document!).**

* *Yes – that is fine if that is your preference.*

**What are the requirements for ‘Section 2 Management Summary’ in terms of content and word count? Is this meant to be a summary of the bid or of the management of the project?**

* *A brief summary of the bid is all that is required.*

**Can you please confirm if ISO27001 or equivalent (Information Security Management) is a mandatory requirement please, as believe this was the case for the previous two tenders that were published last year**

*If the contract will require you to handle DfE-owned data, then ISO27001 or equivalent will be required.*

**Are any of these contracts currently being delivered and if so, which ones? In the DfE’s opinion, are there any people who would consider themselves eligible for TUPE?**

*The contracts that are currently being delivered by incumbent suppliers are:*

       *01: Delivery support*

       *02: Lead adviser for SEND*

       *04: Strategic reform partner*

       *06: Support for autism*

       *07: Speech, language and communication*

*The Department is currently liaising with the incumbent suppliers regarding the potential application of TUPE and will provide an update to tenderers in this regard as soon as we can.*

**What is the deadline for preferred bidders to provide financial information?**

* *Financial data is likely to be needed during the first week in February.*

**Can you confirm for any consortia/consortium submitting a bid, that only the members of the consortia need to be legal entities, not the consortium itself?**

*There is no requirement for any proposed partnership/consortia bidding for this work to form a legal entity for the specific purposes of delivering this contract. However, we do request that the structure and arrangements of the bidding organisation/partnership be provided, including a declaration on the legal status of all organisations involved in the delivery of the contract. This is covered in the ITT under Part 1: Potential supplier Information.*

**Please can you clarify if bidders are allowed to include a log with indicative KPIs as an appendix to any ITT response in the same way that bidders can include financial information and CVs as appendix items? This would allow bidders to refer to the KPIs in part 2 of the tender response without taking up the 25-page limit.**

* *We would like the KPIs to be part of the 25-page limit rather than outside of it. These can be high level KPIs – provided enough information is given for us to effectively assess the bid.*

**Please can you clarify if bidders are allowed to include a table to highlight key risks as an appendix to any ITT response in the same way that bidders can include financial information and CVs as appendix items? This would allow bidders to refer to the risks in part 2 of the tender response without taking up the 25-page limit**.

* *We would like the risks to be included in the 25-page limit rather than outside of it. If it is a struggle to do so within the page limit, the three biggest risks should be included in the tender response.*

**Being VAT-registered reduces the net value of the contract. How is VAT dealt with?**

* *The funding envelope is limited to the amount stated in the ITT - this value will include the VAT. The bids will be considered on the basis of net cost for consistency in the evaluations.*