**SEND 2018-19 procurement – clarification questions**

Answers to all questions we receive will be available on Contracts Finder by 16 January 2017.

**General**

*Can you please advise whether it is permissible for an organisation to appear as a partner on more than one bid application for the same contract?*

There is nothing preventing an organisation being a partner in more than one bid. However, we would not expect an organisation to appear as the lead contact for a group of economic operators in more than one bid.

*Is it permissible for an organisation to bid as a lead agency as well as be a partner in a bid?*

There is nothing preventing an organisation being a partner in more than one bid. However, we would not expect an organisation to appear as the lead contact for a group of economic operators in more than one bid.

*Should we, as a prospective subcontractor, be concerned about TUPE? In other words, could that responsibility pass to us as a subcontractor?*

It is the responsibility of the tenderer to consider whether or not TUPE applies in the circumstances of this contract and tender accordingly. If a consortium is preparing a bid, then the consortium as a whole will need to consider TUPE. Where there is a group of economic operators, the lead contractor will be accountable for ensuring contractual obligations are met. In most cases this will mean the lead contact taking responsibility for considering TUPE, though they may need to involve sub-contractors where necessary.

The comments concerning TUPE are provided to be of help to you and in the spirit of partnering, but they are provided for general information only, and must not be relied upon or construed as legal advice; if you require such advice, you must contact a lawyer.

*Would it be appropriate for us, as a prospective sub-contractor/partner, to complete and return the confidentiality form and to be able to access the TUPE information?*

It is the responsibility of the tenderer to consider whether or not TUPE applies in the circumstances of this contract and tender accordingly. Since we expect TUPE to apply, we are providing anonymised information about those currently providing the services. Where there is a group of economic operators, the lead contractor will be accountable for ensuring contractual obligations are met. However, there is nothing preventing an organisation which expects to be a sub-contractor or a partner from submitting the confidentiality form and receiving the TUPE information.

The comments concerning TUPE are provided to be of help to you and in the spirit of partnering, but they are provided for general information only, and must not be relied upon or construed as legal advice; if you require such advice, you must contact a lawyer.

*Document 2 - Departmental Standard Requirements*

*Cyber Essentials scheme. As we read this requirement, it is not necessary for bidders to have Cyber Essentials certification for our tender response, but we would need to demonstrate that we would be able to secure certification prior to contract award. Can the Department give any further indication of what it would expect in the way of evidence to demonstrate this?*

Relevant information can be found here, including within the Getting Certified tab: <https://www.cyberessentials.ncsc.gov.uk/>.  We suggest you review this information and demonstrate in your tender the extent to which your organisation already meets the requirements of the Cyber Essentials scheme, together with any shortfalls, and the steps you would take to remedy them and obtain certification within the expected timescales for contract signature.

*Document 3 - Pre-qualification questions*

*Introduction - Paragraph 4 on "submission of exclusion grounds" appears to be in draft, what is the final text of the requirement?*

Paragraph 4 should be deleted. The previous paragraph applies:

“When completed, this form is to be sent back to the contact point given in the procurement documents along with the selection information requested in the procurement documentation.”

 *Introduction: Notes for completion - Point 6 on "sub-contractors completion of Part 1 and Part 2" appears to be in draft. What is the final text of the requirement?*

Point 6 should be deleted*.*
*Selection Questions - Q8.3 "Steel" can we assume this does not apply to this procurement?*

Yes.

*Selection Questions - Q8.4a "Suppliers’ Past Performance", do we need to make a list of relevant principal contracts available with the tender proposal, or only if requested?*

In this question you just need to tick whether you are able to provide the information – not provide it. Section 6.1 asks bidders to give details of three previous contracts.

*Document 4 – Specification of Requirement*

*Can the commissioners please confirm whether they intend to release a marking criteria? Also, given that the DfE have stated that the tenders will be “evaluated fairly to ascertain the economically most advantageous tender”, will you be publishing the Price vs Quality marking?* The evaluation criteria is set out in attachment 2 of the ITT pack. This includes weightings for price and quality.

*Are the requirements that sit within the ITT under heading 6 (Key Requirements for the Contract) the method statements that need to be completed for the purposes of the tender evaluation? If so, what are the word counts for each requirement please?*

Yes. The Contract Requirements set out in the specification (from page 29 of the ITT pack) set out what we expect the successful contractor to deliver. These will be assessed using the evaluation criteria set out in attachment 2 of the ITT pack.

There is no word count for these requirements. However, as set out in point 10 on page 29, the relevant materials for Part 2 of the bid should not exceed 15 pages of printable A4 in a font not less than 12. CVs and financial breakdowns can be submitted as an annex to the bid materials and will not count towards the 15-page limit.

*Can the commissioners please confirm that the reference below is relating to the actual questions i.e. those marked as 1.1 through to 1.9 – or is it referring to Part 2 Exclusions Groups? If it is the latter, can you please advise as to page limits for the actual tender questions?*

The Contract Requirements set out in the specification (from page 29 of the ITT pack) set out what we expect the successful contractor to deliver. These will be assessed using the evaluation criteria set out in attachment 2 of the ITT pack.

There is no word count for these requirements. However, as set out in point 10 on page 29, the relevant materials for Part 2 of the bid should not exceed 15 pages of printable A4 in a font not less than 12. CVs and financial breakdowns can be submitted as an annex to the bid materials and will not count towards the 15-page limit.

*Is there a required format for the pricing schedule?*

There is no required format for the pricing schedule. However, bidders may find the template attached at the end of this document helpful.

*Can you please confirm what the award criteria price/quality weighting are.*

The evaluation criteria for the contract, including the weightings within each contract requirement, are provided as attachment 2 of the ITT pack.

*The Implementation plan, Sustainability and exit plan are to be submitted before the 29th January. Are these included in the 15 page limit?*

As set out in the ITT pack, the materials submitted for Part 2 of the bid should not exceed 15 pages of printable A4 in a font not less than 12.  CVs and financial breakdowns can be submitted as an annex to the bid materials and will not count towards the 15-page limit.  The implementation, sustainability and exit plans do not have to be included in the 15 page limit.

*Could you please confirm whether the staffing structure and associated details is to be included within the 15 pages, or whether it can be supplied as an additional attachment?*

The staffing structure should be within the 15 page limit. However, CVs can be submitted as an annex to the bid materials and will not count towards the 15 page limit.

*Can you please clarify what you mean by the “fine tuning” stage – is this negotiation before contract award?*

During the “fine tuning” stage we expect to discuss the workplan and deliverables put forward by the preferred bidder, to ensure they are SMART as possible and best support the Department’s policy agenda.

**LDSG (SEND) 18-19 – 02 strategic participation**

*Document 4 - Specification of the requirement*

*Under 1.3 are you asking FLARE to provide advice and support to other young people? Or are you asking the contract holder to provide advice and support to young people with SEND? If so, is that just the FLARE group or young people with SEND more widely.*

The contractor will be required to ensure young people with SEND are able to influence national policy through the work of the FLARE group.  Contract requirement 1.3 states:

“The Government currently funds a national group of young people with SEND to offer advice and comment on national SEND policy - the FLARE Group, established in 2016. We need the successful bidder to maintain this group and consider ways in which it can continue to influence national SEND policy, and to offer advice and support to young people with SEND to enable them to effectively participate in their local areas.”

In addition, contract requirement 1.4 requires the successful bidder to provide support to local areas:

“To enable them to put in place effective arrangements for co-production with, and gathering views from, children and young people.”

*Requirement 1.4 references a report which contains the “evidence about the state of children and young people’s participation” which the Government has gathered. Where can we find this report?*

In March 2017 the Department published a report providing statistics on parents’ and young people’s views of the EHC assessment and planning process and the EHC plan they received as a result. This is available at: <https://www.gov.uk/government/publications/education-health-and-care-plans-parents-and-young-people-survey>

In May 2017, local authorities and parent carer forums were invited to complete a survey on the implementation of the SEND reforms. Contact (formerly known as Contact a Family) has published a full report of the parent carer forum responses, which is available online at: <https://www.cafamily.org.uk/advice-and-support/resource-library/parent-carer-participation-9th-send-reforms-implementation-survey-report/>

*Requirement 1 - “Bidder should demonstrate”; fifth bullet point. This refers to “organisations which offer families who have children and young people with SEND information, advice and support”. Should this in fact refer to organisations who enable strategic participation of parent carers?*

This bullet point should read:

“that they are able to manage a grant programme on this scale, – providing administration, arrangement, facilitation, organisation and support services for the Department for Education – including sound financial management, understanding risks, tackling and preventing fraud of organisations.”

The corresponding wording in the evaluation grid on page 94 should also be revised to read:

“that they are able to manage a grant programme on this scale, – providing administration, arrangement, facilitation, organisation and support services for the Department for Education – including sound financial management, understanding risks, tackling and preventing fraud of organisations.”

*Requirement 7 - Costs and value for money. Is the Department able to give any further detail about its expectations for monthly reporting in terms of content and level of details?*

Please see the tables that are attached at the end of this document. The successful bidder will need to demonstrate that they have delivered the activity planned for any given month prior to payment being released. As part of contract requirement 9 the bidder is required to put forward an appropriate set of key performance indicators for the contract and how the contractor’s success will be measured.

*Requirement 8 - Security of data. Does the Department have particular expectations in this requirement beyond those required to gain Cyber Essentials certification?*

The successful bidder must also comply with all data security requirements stated within the DfE’s draft contract for major projects, which was attached to the ITT.  Bidders must identify these for themselves; however, most are stated in Schedule 8: Data, systems handling and security and its Annexe.

*With regards to the Terms and Conditions - Attachment 1 – Schedule 2 – clause 23 – The authority has a number of rights to terminate the agreement.  However, the provider has no such rights.  Could we request please that clause 23.11, which allows the authority to terminate at any time by providing 3 months’ notice, be changed to a mutual clause?*

Please put this request in your tender response and we will consider it at the fine-tuning stage of the process.

**LDSG (SEND) 18-19 – 03 workforce**

*Would the Department require the bid to be an England-wide single response, or is there scope for bids in different areas responding to specific local needs?*

These contracts will support a national programme. We are therefore only looking for bids which can achieve a national reach.

*Is there any proposed allocation/split of the available budget by local authority area or other region? E.g. would the London Borough of Sutton have a particular amount available to bid for?*

These contracts will support a national programme.  We are therefore only looking for bids which can achieve a national reach.

*Where there is a lack of expertise in the local area to provide specific training through school staff themselves, can we use other professionals to deliver appropriate training to school teams? E.g. through SEND specialist professionals?*

One of the aims of the contract will be to equip schools to identify and meet their training needs in relation to SEND.  We are interested in strategic proposals with a national reach. The use of external professionals, for example using a “train the trainer” model, where needed, could be a useful approach to building in-school expertise.

The ITT is clear that we expect proposals to include a school-to-school approach, making use of the existing networks of teaching schools, National, Local and Specialist Leaders of Education (especially those with an SEN designation), as well as working with Academy Trusts and other umbrella bodies. We expect the successful bidder to embed the model of school-to-school support in improving provision for pupils with SEND, creating a sustainable model which has a legacy beyond the lifetime of the contract. We also expect the successful bidder to work openly with other organisations supporting the school workforce.

*Will there be any support from DfE in the support and implementation of this programme?*

The Department is tendering for this contract to enable the schools workforce to better identify and meet the needs of pupils with a wide range of special educational needs.  The Department’s SEND policy team will manage this contract and will work closely with the successful contractor in the implementation of the programme.

*The section ‘Specification – Award Stage’, section 8, states that there will be a number of contracts awarded to ensure the successful implementation of the SEND reforms, and that all contractors will be required to work together. Is this referring to contracts on a different subject matter or within this delivery?*

The Department has a number of contractors providing delivery support for the SEND reforms.  Each contractor is required to deliver the work set out in their workplan.  However, we expect our contractors to co-operate to ensure messages are delivered consistently, and so that schools, colleges, parents, young people and other partners are aware of the range of relevant support available to them.

*How is the existing whole school SEND consortium organised?*

The Whole School SEND consortium, led by the London Leadership Strategy, is a consortium of organisations which submitted a successful bid when the Department ran a tender for a schools workforce contractor in 2015.

*This tender document is for a school support programme. Why has the Department decided to omit early years and FE?*

The tender is specifically for a school support programme. However, the contract does cover provision in school nurseries and sixth forms.

The Department recognises that the needs of the early years and FE sectors differ and that organisations require specific expertise to work with these sectors successfully. The Department is funding the Education Training Foundation to meet the needs of the FE workforce. In relation to early years, there are likely to be future procurement exercises to deliver work to meet the needs of this sector to ensure they are able to identify need and put in place effective support.

*The tender puts great weight on peer-peer support, which although not without merits, is not a panacea. Not all schools are going to engage in peer-peer review and those schools which do not, which may lack capacity, need to be supported too.*

The invitation to tender recognises this balance. To be successful the bidder must demonstrate how they will both boost demand and supply for SEND Reviews (encouraging a school to school approach) and support schools to develop a self-sustaining strategy for upskilling their workforce to support all pupils with SEND.

The focus on peer to peer support is supported by the Standard for teachers’ professional development Implementation guidance published in July 2016. All proposals should be in line with these standards.

*What is set out in this tender is far removed from the in-depth and specialist condition specific support which schools and settings need.*

The ITT is in line with the Department’s school led approach to professional development.   It is the responsibility of schools to determine the needs of their staff to meet the needs of children with SEND.

The successful bidder should demonstrate how they will facilitate a more direct relationship between SEND condition specialist organisations, ITT providers and schools seeking CPD; and, provide overarching advice to all condition sector organisations on how they can best meet the CPD needs of schools in order to support schools to commission bespoke training and support when required. To meet this requirement, bidders are likely to need to have engaged with the condition specialist organisations.

*The fact that specific conditions are not mentioned in the tender is to devolve decisions about work in this area to a lead partner.*

The Department will assess the evidence provided by the contractor and make decisions about how and where to provide direct funding. The Department has made no assumptions about whether this should be achieved by subcontracting with condition specific organisations or by other means. However, it is expected that bidders would engage with the key sector specific organisations at some level.

## **Annex – draft work plan and payment schedule**

## Below are two tables that you can use to set out activity, deliverables, milestones, KPIs and costs. This should make it straightforward to judge the value and impact of each activity, and to make sure that the work plan is as SMART as possible.

All payments are to be triggered by the Department’s acceptance of milestone deliverables.   Bidders are required to propose a series of milestone deliverables in their bid.  The successful bidder will need to demonstrate that they have delivered the activity planned for any given month prior to payment being released.

## **Workplan template**

1. **[Title of activity]**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Objective** | **Ref no** | **Key Performance Indicator (including targets for success)** | **Activities/Actions** | **By When** | **Break down/itemised****cost** | **Total cost for objective (excluding VAT)** |
|  |  |  |  |  | Staffing costs:£ travel costs:£ | £ |
|  |  |  |  |  |  |  |
| *Example: To provide a report on xx* | *1* | *To provide a report on xxx which will inform next steps and policy direction for yyy* | *Research for report completed**First Draft provided**Final draft provided* | *1/05/2018**30/06/2018**31/08/2018* | *£xxxx**£xxxx**£xxxx* | *£xxxx* |

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## **Payment schedule template**

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| **Objective** | **Ref no** | **Activity / KPI** | **April** | **May** | **June** | **July** | **Aug** | **Sept** | **Oct** | **Nov** | **Dec** | **Jan** | **Feb** | **Mar** | **Total (ex. VAT)** | **VAT \*** | **Grand total** |
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\* VAT if applicable