



Responses to Clarification Requests

Issue 1

Tender Ref: CC-AEB-2019/20-01

Issued by: Croydon College

Tender Description: Subcontract Requirement for the delivery of Adult Education Budget in Non Devolved Areas 28 February 2020 – 31 July 2020

Cut off point of the present document: This document responds to clarification requests received up to Monday 20th January 2020, 17:00.

Future issues of this document: Further issues of responses to clarification requests received after this point and up to the clarification requests deadline will be issued in approx. weekly intervals.

The direct link to the tender notice and all the relevant documents on the Contracts Finder is below. The documents published on that link include the present document.

<https://www.contractsfinder.service.gov.uk/Notice/39bd451c-cbed-4ed0-8add-5aea865e2f87>

Where relevant, the queries have been redacted to ensure anonymity of the enquiring organisation.

1. Query: *“As the Tender Application Form asks us to state our “Target group specifics if applicable (Employed, Unemployed, working in particular industrial sector)”, I am assuming the funding is available to deliver to both the employed and the unemployed – please can you confirm? Our delivery model when delivering to the employed is to deliver work-based training i.e. on the employers’ premises which has proved to be extremely popular and successful. As the Tender Specification mentions only classroom or distance learning courses, I wanted to check our delivery model would be acceptable?”*

Response: The type of provision, the learning aims and the learners must be eligible for ESFA Adult Education Budget funding in 2019/20. For details please refer to the link below: <https://www.gov.uk/government/publications/adult-education-budget-aeb-funding-rules-2019-to-2020>

2. Query: a. *“In the specification reference is made to the college’s “curriculum strategy” I have looked on the colleges website and have been unable to find this document, could you please either direct me to where I can find this document or provide me a copy.”*

b. *“Within the guidance document, page 6, there is mention of the offer being compatible with the College’s curriculum strategy, do you have a copy of this?”*

Response: Please ignore the reference to “curriculum strategy” document in the tender specification document. This document is not mentioned in Section 8 (Assessment Criteria) of the Tender Specification nor in the Tender Application Form, i.e. it will not be referred to specifically when scoring the applications.

3. Query: *“Based on above response, for the Achievement and Planning Spreadsheet would you like our full curriculum offer within this our just specific sectors and courses?”*

Response: Please only include the qualifications that you intend to deliver for the AEB subcontract for Croydon College. Ensure that for any qualifications that you have included in Part B of the Achievement and Planning Spreadsheet (19/20 proposal), you have provided 18/19 achievement data in Part A of the spreadsheet (18/19 Achievement).

4. Query: *“Where there is a qualification that has either been withdrawn or is no longer fundable and the organisation/training provider has therefore replaced this with an equivalent qualification and different awarding body, (which will obviously have a different learning aim number), - for the purposes of assessment criteria, specifically Q5 quality of delivery, will this be considered as a previous qualification despite differing awarding body and learning aim reference?”*

Response: The College is unable to confirm pre-emptively whether the old learning aim will be considered as a matching previous qualification in all cases. In general, we are able to comment as follows: Where there has been a learning aim and/or awarding body change and you are therefore unable to provide an identical learning aim in Parts A and B of the Achievement and Planning spreadsheet, please ensure that you provide the data clearly and

that you also provide an explanation for the change. With the change of awarding body, please also provide a reasoning for the change. This should, for example, include:

1. Complete Column A to H on one row of the spreadsheet (achievement for the old aim) and Column A to D and I to M on the following row of the spreadsheet (planning for the replacement aim),
And
2. Write a reason for the change in the Response box of the Application Form, Section 5, Question A1 (the mandatory Achievement and Planning Spreadsheet question).

If your response clearly demonstrates that the sole reason for the learning aim change was that the old aim was discontinued, it is likely that it will be considered as a previous qualification but the College is unable to guarantee this without full sight of your submission documents.

5. Query: a. *“I notice in the tender it states that the funding is for ‘non-devolved’ learners only, and within 50 miles of Croydon College. Please can I check, are postcodes within London Borough of Croydon considered devolved and thus the funding doesn’t cover Croydon residents and / or Croydon delivery venues?”*

b. *“Is the borough of Croydon regarded as being part of a devolved or non-devolved area as it is listed as part of GLA and Coast to Capital LEP?”*

c. *“Please can you clarify whether you consider LB Croydon itself to be part of the GLA area or not as it did appear on the 2018 GLA AEB tender. So, can you clarify that you mean that delivery must take place within 50 miles of Croydon College but not in Croydon itself?”*

Response: The devolved and non-devolved postcode areas are determined by the postcode datasets published by the ESFA, available here:

<https://www.gov.uk/government/publications/adult-education-budget-aeb-postcode-files>

As per the tender specification, Section 3, “The **only** provision fundable under this agreement will be those qualifications/programmes eligible for funding under the College funding contracts for Adult Education Budget to **adults living in non-devolved areas of England within a 50-mile radius of the College’s main site CR9 1DX**. [...] Agreement with the College must be sought for any adults residing beyond 50-mile radius of the College’s main site before recruitment. The College will request a specific risk assessment for such delivery and reserves the right to reject such recruitment.”

6. Query: *“Would a lack of RoTO membership also disqualify those bidding for less than the ESFA RoTO membership threshold of £100k? We have successfully delivered [anonymised] AEB-funded training (both ESFA and GLA) for [anonymised] over 3 academic years without issue. The only reason we are not on the register is because it has not opened since 2016.”*

Response: Yes, a lack of RoTO membership will disqualify the bidder automatically. The registration on RoTO is a mandatory condition of the tender (Section 2, question A2 of the Application Form) so if your organisation is not registered on RoTO the application will not be considered.

A bid under £100,000 would not be accepted for consideration by the College in any case: The total funding amount that the College wishes to subcontract for is up to £475,000 but will

accept proposals for lower amounts provided they are for a minimum of 50% of the total funding value (as stated on Page 10 of the Tender Specification). This means that the minimum bid that the College would accept for consideration would be for £237,500.

7. Query: *“The specification states that potential subcontractors for Croydon College must be registered on RoTO. However, as this has not been open for many years, will you accept providers who are not on RoTO but who are on RoATP?”*

Response: The College will not accept providers who are not on RoTO, regardless of whether they are on RoATP or not. The registration on RoTO is a mandatory requirement of the tender (Section 2, question A 2 of the Application Form) so if your organisation is not registered on RoTO the application will not be considered. A registration on the RoATP (the Register of Apprenticeship Training Providers) will not be accepted in lieu of a RoTO registration because the current tender is for the delivery of AEB and not of apprenticeships.

The latest published version of the ESFA AEB funding rules, available on the link below, clearly states in paragraph 79 that “the Register of Training Organisations (the Register) is the ESFA’s current market entry point for organisations that intend to deliver non-apprenticeship education and training services, or operate in our supply chain as a subcontractor with an aggregated contract value of £100,000 or more.”

<https://www.gov.uk/government/publications/adult-education-budget-aeb-funding-rules-2019-to-2020>

8. Query: *“I have got a query in relation to supplying additional information. Would you be happy for this to be included in the tender submission as an embedded document OR would you rather it be referenced in the document as “Appendix 1 Question 1” etc and uploaded / emailed as a separate document?”*

Response: We encourage you to submit documents as separate attachments rather than embedded.

Please refer to the Tender Specification, section 7. Guidance for submitting applications, in particular (but not limited to) paragraphs 13. to 17. and 29.

Embedding is not specifically mentioned as an option in the guidance for submitting applications, because from previous experience, embedded documents have carried a higher risk of IT issues when trying to access them, as opposed to when individual documents have been provided as separate attachments.

We do accept, though, that embedding is also not specifically mentioned as an unacceptable mode of submission, so embedded documents will not be necessarily disregarded automatically, provided that they can be opened and they are clearly referenced. However, if there are any issues with accessing embedded documents, opening them or matching them to a particular question, the College may not necessarily give you the opportunity to resubmit in an alternative format.

Whether embedded or not, “supporting documents, where requested, should be clearly cross referenced to the appropriate section of the Tender Application Form, by starting the file name with the numeric reference to the relevant section of the application form, e.g. “2.1.a_Environmental Policy”.”

9. Query: a. *“The introduction to the tender application states that the provision must be delivered in the funding year 2019/20, which [company name – anonymised] can deliver to a specific target group of learners, meeting the learning aims. Is this eligibility restricted to level 2 qualifications, or can this be extended to the higher levels such as level 3 and level 4? [company name – anonymised] offer [course description - anonymised] designed to enhance and support employability opportunities to [learner target groups – anonymised]. Historically level 3 and above courses have attracted Adult Learner Loans, however with the new funding constraints are these parameters wider and included into the AEB?”*

b. *“Would you please clarify which qualifications you would like Providers to deliver and on what level they should be? Thanks.”*

Response: The type of provision, the learning aims and the learners must be eligible for ESFA Adult Education Budget funding in 2019/20. For details please refer to the link below: <https://www.gov.uk/government/publications/adult-education-budget-aeb-funding-rules-2019-to-2020>

10. Query: *[rephrased to maintain anonymity of enquirer] “Our company is based in the London Borough of [anonymised] - are we immediately excluded from consideration?”*

Response: The non-devolved area requirement refers to home post codes of learners that would be enrolled on the subcontracted provision, not to the company seat nor place of delivery. For the list of devolved and non-devolved postcodes, see:

<https://www.gov.uk/government/publications/adult-education-budget-aeb-postcode-files>

11. Query:

“The contract states successful applicants must tender for at least 50% of the £475k contract value; whilst [we – anonymised] can attract learners to meet the contract detail completing July 2020, we would not have the capacity to accommodate the learner numbers to the value of the tender, is there an opportunity or a consideration of working in a collaborative partnership.”

Response: The present tender is for AEB Subcontracted delivery and the College therefore would not accept proposals for other modes of collaboration for this tender.

The College prefers the Subcontract proposals to be submitted for the full £475,000. Proposals for lower amounts will be accepted for consideration provided they are for a minimum of 50% of the total funding value; however, the applicant’s inability to deliver the full contract value may affect scoring.

The College will assess each application separately in its own right, i.e. it will not assess potential joint applications to the full tender value by two companies as a joint project, but will assess each applicant, and its capacity to deliver, separately as a standalone applicant.

The College reserves the right to subcontract the whole amount to one applicant or to split the subcontract among two or more applicants. However, this decision will be made by the College at the end of the application assessment process, and should not be pre-empted by

applicants by trying to submit joint applications involving collaborative delivery with other parties.

The contract will not allow second-level subcontracting, so if the College does decide to split the subcontract among two or more applicants, each subcontractor will be responsible for delivering its contracted value as a sole provider and not in conjunction with others.

12. Query: *“We have good RRA statistics working with adults providing education and vocational skills training in [anonymised].”*

Response: Please include any relevant details of your company’s previous experience in the tender application and not as part of a clarification request.

13. Query: *“In addition to our expression of interest to tender for AEB budget [we – anonymised] are seeking classroom, framework funding for a large cohort of 16-18 year old learners on target to complete by July 2020. This cohort meets your requirements as stated re, Outcomes, Quality and learning aims.”*

Response: In clarification requests, please only include queries regarding the current AEB Subcontract tender no. CC-AEB-2019/20-01. We are unable to respond to approaches regarding other funding streams as part of the clarifications process. If an opportunity arises for a subcontract for another funding stream, it will be duly advertised.

14. Query: *Could you please confirm whether providers responding “No” to Question 1a in Section 4 Financial and Company Standing will be automatically disqualified from the bidding process if they are able to respond “Yes” to Question 3a in the same section?*

Response: The College would like to expand the scope of organisations that are welcome to apply for the present AEB Subcontract opportunity as follows:

It is a mandatory requirement that the bidder has a track record of successful delivery of the specific qualifications included in its delivery proposal **either** as a provider of education and training who receives Adult Education Budget (AEB) funding from the Education and Skills Funding Agency, **or** as a Subcontractor to such a provider.

The College’s preference is that the bidder’s track record specifically includes a delivery of ESFA AEB-funded qualifications as a Subcontractor to an FE college. Applications from providers who do not have this specific experience but whose track record is within the range outlined above will be accepted for consideration but the absence of the specific “Subcontractor to an FE college” experience may affect scoring.

The College will not consider bids from providers who have no track record whatsoever within the range above, even if they meet all other mandatory criteria. That scenario would include, for example, applications from providers or subcontractors whose previous track record includes delivery to other ESFA funding streams but not to AEB.

Please interpret the Tender Specification document, Section 5., point b) and Section 7., Point 5., and the Application form, Section 4, Questions A1a and A1b, in view of the clarification above.

15. Query: a. *[abridged & anonymised] “We are an independent, Ofsted-assured training provider with two delivery locations based in the non-devolved [anonymised] region, which of course has excellent transport links to your catchment, but is in excess of the 50 mile radius quoted. In [one part of the document], it appears you may consider, on a risk-based approach, activity outside of this radius where the sub-contractor in question meets the tender standard. However, in Section 6, the question of considering out-of-radius delivery seems less open to that interpretation, as it does not mention out of area specifically. Can you please clarify this point as 100% of our learners would indeed live outside the 50 miles. Our capacity planning shows we have the capability to deliver the full amount quoted by July 2020; however if there is a balance of risk to be considered with out of area delivery which gives it potential, then we would tailor our bid accordingly with a preference for 50% of the total. We are concerned that our location may prevent us from being considered in the first instance.”*

b. *“In the spec it states that the learners must live within a 50 mile radius of the college unless permission is granted from the college for delivery outside of this. What is the maximum potential for outside of this radius delivery, we are based in [location - anonymised] which is non-devolved and we have our own academy which we use for [qualifications - anonymised] of our own AEB contract, could we potentially deliver a large amount of this contract in [location – anonymised] or would you want the majority of it delivered in and around Croydon?”*

Response: Proposals for provision delivered to learners residing outside the 50-mile radius will not be automatically disqualified if supported by an adequate risk management plan, provided the applicant meets all mandatory criteria. When assessing the risk management plan, the College will look specifically as to whether the plan includes provision for ensuring continuity in learning in the unlikely event that the contract or the provider’s operations were terminated. If the risk management plan provides a robust reasoning along these lines the out-of-area radius will not affect scoring; if the plan does not convincingly address the continuity of learning issue, the inclusion in the proposal of delivery to any learners who live in non-devolved areas outside the 50-mile radius will affect the scoring of Section 6 and such proposals are therefore likely to score lower than proposals that strictly meet the tender specification criteria including the 50-mile radius. Because of the weighting of Section 6, a low(er) score in this section is likely to have a significant adverse effect on the applicant’s total score.

The location of the delivery site(s) would be assessed as part of the proposal, e.g. whether they are logistically reasonable for the target learner group’s home postcodes, etc.

16. Query: *[abridged and anonymised] “Guided Learning Hours: We would be looking to offer our [anonymised] course that includes the following qualifications: [anonymised]. These are listed qualifications, total GLH 459, but we offer this as an intensive programme of 330 GLH and have averaged 90% success rates. The reasoning is that we offer this provision to a particular learner group where we know that the type of learner would not be able to undertake the full 459 guided learning hours. We have also been pleased with the progression into work. We would like to know whether you would be happy with us submitting our tender with this model.”*

Response: The College is unable to pre-empt its decision on a particular delivery proposal till the full application is received. However, in general we would like to comment that

proposals for the delivery of listed qualifications where the GLH is significantly reduced below the listed GLH rate are likely to be scored low due to concerns about the impact such a reduction would have on quality of delivery, wider learner experience and (in)appropriate use of public funds, even if the success and employment progression rates are acceptable.

17. Query: *“Training Venue: Our training venue for [a specialist programme - anonymised] needs to be based at a [venue with specialist equipment] so that learners can have their practical experience on site. The site we would be using is approximately 35 miles from Croydon College. Are you happy for delivery to be at this site?”*

Response: The College is unable to confirm pre-emptively its decision on a particular delivery site. In general, we would like to comment as follows: The non-devolved postcode area requirement is related to learners’ home postcodes and not to delivery locations. The location of the delivery site(s) would be assessed as part of the proposal, e.g. whether they are logistically reasonable for the target learner group’s home postcodes, etc. For assessment criteria please see Section 8 of the Tender Specification. The postcode datasets for devolved and non-devolved postcodes have been published by the ESFA and are available here:

<https://www.gov.uk/government/publications/adult-education-budget-aeb-postcode-files>

18. Query: *“Financial Penalties: Clearly we would be aiming to maintain our current success rates. However, should we fail to meet this standard, please could you clarify how you would calculate any financial penalties?”*

Response: The measures would be individual, depending on the level of failure and whether the failure was remediable or not.

The Tender Specification states in Section 3 on page 7: “All courses must reach at least 90% or the National Average achievement rate, whichever is higher. Failure to meet the agreed achievement rate will result in financial penalties, claw-backs or termination of the contract.”

The measures (quoted from our standard contract) could include, for example: If the College has concerns in relation to underperformance, an early intervention, leadership, management or governance of the Subcontractor or the Learning Programme(s), the College may in its sole discretion:

1. require the Subcontractor to actively engage with the College and/or the relevant third party to explain why the Learning Programme(s) is underperforming, of concern or has met one of the published triggers or an early intervention, and state what the Subcontractor is doing to improve and agree further actions;
2. require the Subcontractor to accept and comply with additional funding conditions, a Notice to Improve, early intervention or other requirements, whether from the College, the ESFA, OFSTED, the Further Education Commissioner, an Inspectorate or the Secretary of State;
3. require the Subcontractor to suspend the recruitment of Learners to, and/or to cap any growth in Learner numbers;
4. seek advice from, or refer the matter to, the ESFA or any Inspectorate;
5. suspend the provision of the Learning Programme(s);
6. reduce, suspend or recover payment of any Funds to the Subcontractor in respect of that part of the Learning Programme(s) to which the failure to meet the required standards relate; and/or

7. terminate the contract.

19. Query: *“Policies: We have all of the policies referred to. Would you be happy for us to confirm that we have these policies and then, should we be successful in our bid, send copies of our policies to you following the outcome of the tender process?”*

Response: Policies must be submitted as part of the application because as per Section 3 of the Application Form, the submission of all documents listed in that section is Mandatory. Non-submission of a policy (or, if the applicant does not have the policy in question, of an explanation of what is used as an alternative), would therefore constitute a Fail of a mandatory criterion and a disqualification of the applicant from further consideration. In addition, the submitted policies will be scored for contents. For details of scoring please see Section 8 of the Tender Specification Form.

20. Query: *“Regarding the response form, can you confirm that all narrative responses have a maximum word count of either 100 – 200 (or as specified)? In some cases, such as Section 6, the word limit is not clear (i.e. 6.b3 has multiple requirements but no limit) – is there no set word limit for these questions or do you want bidders to limit their response length?”*

Response: Where the word count is not indicated otherwise in the question itself, the limit is 100 words per explanation, as stated in the introductory text at the top of each relevant section heading.

Where a question has more parts (e.g. 6.b.3, which consists of a., b., c., d.) please consider each point as a separate question with its own word limit. Question 6.b.3 does not have word count specified, therefore the word limit for your responses to a., b., c., d. is 100 words each, i.e. 4 times 100 words. Please do not “offset” the word count against shorter responses within the same section, though; i.e. if your response to a., b. and c. was 50 words each, the word limit for d. remains 100 words.