

ESF 2014-2020. IP2.1 Employees Support in Skills

The Skills Funding Agency [SFA] is looking to procure education and training services that best support the needs of local employers and employees in the LEP area set out below.

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

LEP Area	ITT Numbers
South East: Higher Level Skills in the Workforce	30145

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

Date: 8 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 the delivery of ESF Employees Support in Skills activity
- 1.3** The ITT has been issued to all candidates who have submitted a successful response to either The Register of Training Organisations refresh for the delivery of education and training services, candidates passing delivery of Information, advice and guidance as at April 2016 and indicated that they were interested in delivering:
- In the LEP area outlined on page 1 of this document
 - candidates passing delivery of education and training and selecting the following options:
 - 16-18 apprenticeships
 - 19-23 apprenticeships
 - 24 plus apprenticeships
 - Traineeships
 - Skills for Life
 - Skills support for the employed
 - Skills support for the unemployed
- 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 8 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: 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** The SFA will only award a contract to a candidate listed on the Register of Training Organisations, current at the time of award
- 4.15** 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>
- 4.16** 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

TASK	DEADLINE
Publication of ITT	8 July 2016
ITT closes	8 August 2016
Notification of tender results	19 September 2016
Day 10 mandatory standstill period	29 September 2016
Contracts issued from	30 September 2016
Delivery commences from	1 October 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 and deliverables toolkit(s) as well as the sub-contractor pro-forma. You must ensure that you have uploaded all correct documentation to the correct fields.
- 8.5** There is a generic part to the questionnaire containing 2 questions and a specific part to the questionnaire consisting of 4 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 the appropriate deliverable toolkit for each of the lot or themes for which you wish to bid.

- 8.7** In order to submit 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 EVALUATION

- 9.1** The criteria against which your response will be evaluated are shown below including the maximum score awarded for that criteria:

CRITERIA	RELATED QUESTION	WEIGHTING	MAXIMUM SCORE
Management and quality assurance	1 Generic Question	X1	100
Management information and reporting	2 Generic Question	X1	100
Capacity and Readiness to deliver	1 Specific Question	X1	100
Track record	2 Specific Question	X1	100
Partnership working	3 Specific Question	X1	100
Market Intelligence and local knowledge	4 Specific Question	X2	200

- 9.2** The deliverables toolkits will not be evaluated separately but will be taken into account as part of the evaluation on question 1

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

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

- 9.4** The award of contract will only be made if your responses to each of the generic questions 1, 2 and the specific question 1, score a minimum of 60, “Satisfactory response to specification requirements”.

- 9.5** Question 4 is weighted by 2.

10 TIE BREAK PROCESS

- 10.1** 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.

- 10.2** The tie break question will be scored in accordance with paragraph 9.3 above.

11 LOTS

- 11.1** This ITT is divided into **3** lots, candidates but must submit a response to the specification specific questions for each lot they wish to bid for.
- 11.2** Responses may be submitted for one, for several or for all of the lots as outlined in the OJEU notice and described in annex A attached to this document.

12 TUPE AND PENSIONS

- 12.1** 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
- 12.2** You must take your own legal advice on the application of TUPE
- 12.3** 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.	Number of Contracts	Total Amount of ESF	Award Information
South East	30145	3	£8,021,125 Lot 1: £4,604,575 Lot 2: £1,416,550 Lot 3 : £2,000,000	One contract per lot across the geographical area