



Department
for Education

Invitation to Participate

Dynamic Purchasing System for the provision of Education & Children's Social Care Services

Guidance and Instructions

February 2016 (Updated January 2020)

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1. Introduction

- 1.1. This Invitation to Participate (“ITP”) is issued to Potential Suppliers in response to expressions of interest to join with the Department of Education’s dynamic purchasing system (“DPS”) which will be used for procuring associates who are able to deliver specialist education and children’s social care services skills (“ECSC DPS”).
- 1.2. The ECSC DPS procurement is being conducted under the “light touch regime” pursuant to Regulation 74 of the Public Contracts Regulations 2015 (“PCR 2015”) using a procedure modelled around the restricted procedure.
- 1.3. Please note that in this Guidance, unless otherwise indicated, the following terms shall have the following meaning:

“Authority” or “Department for Education” or “DfE”	The Secretary of State for Education acting as part of the Crown through her/ his executive agencies, including the National College of Teaching and Leadership (“NCTL”)
“Tender”	A tender by a Supplier offering to provide services to DfE following a request for a quotation as part of a mini competition
“Potential Supplier”	Any person or organisation responding or, where the context requires, potentially responding to the ITP in the ECSC DPS.
“Supplier”	An economic operator which provides services that fall within one or both of the CPV classifications; 80000000 (“Education and Training Services”); and 85300000 (“Social work and related services”) and has been admitted onto the ECSC DPS.
“Application”	An application submitted by a Potential Supplier seeking to join the ECSC DPS pursuant to the Application Process
“Application Process”	The process described in this ITP.



- 1.4. In broad terms, a Dynamic Purchasing System is an electronic open framework and once it is set up allows for new suppliers to join at any time during its lifetime. Establishing a DPS involves a two-stage process. First, in the initial setup stage, all suppliers who meet certain minimum requirements and are not excluded under any of the grounds provided for in the **PCR 2015** are invited to join the DPS. Other suppliers may apply to join the DPS at any point during its lifetime. At the second stage, individual contracts for services are called-off the DPS. In this stage, the authority invites all suppliers on the DPS (or within the relevant Skill Set) to take part in a mini competition by submitting tenders for the specific contract.
- 1.5. This DPS will allow the DfE to engage effectively with a range of professionals across a variety of categories including: Assessors, Brokers, Coaches, Children's services commissioners, Children's social care intervention advisers, Development of practitioner networks, Evaluators, Facilitators, Mentors, Practitioners, Programme design and development, Quality assurance, Researchers, Speakers, Operational development and delivery, Trainers and Writers. Details of these classifications which form separate Lots under this procurement are set out in the documents accompanying this ITP.
- 1.6. These instructions and the procedures governing membership of the ECSC DPS are designed to ensure that all Potential Suppliers are treated equally and fairly and in a manner which is transparent. The instructions need be read together with the following documents:
 - **Jaggaer Supplier Guidance- Education & Children's Social Care Framework (ECSC) Membership**; contains guidance on how to apply for membership to the ECSC DPS
 - **Commercial Guidance- Tendering in Jaggaer (May 2015)**; contains guidance on the call-off procedure and how to tender in Jaggaer
 - **Educational and Children's Social Care Professionals handbook**; contains a more detailed breakdown of the skills required for each category
 - **ECSC DPS membership agreement governing the relationship between the DfE and Suppliers**; contains the document which suppliers must agree to in order to become a member of the ECSC DPS



- **ECSC DPS Call-Off terms and conditions**, including the order Form and Request for Quotation Form; contains the terms and conditions for supply of services, which suppliers must agree to in order to become a member of the ECSC DPS
- **List of Grounds for Exclusion**

1.7. This document contains the information and instructions Potential Suppliers need in order to submit a complete Application, for example; information regarding the ECSC DPS Application Process, such as timetable, and how Potential Suppliers are accredited for admission onto the ECSC DPS; and how to submit questions or requests for clarification. Please read the information carefully because non-compliance may result in disqualification of your Application to join the DPS.

2. Administration of the Application Process

- 2.1 DfE will be administering the Application Process electronically via the **Jaggaer system** which is a web-based system for providers and suppliers to access tenders and complete all required steps to take part in procurement activities. No hard copy documents will be issued and all communications with DfE (including final Applications for membership) will be conducted via the Jaggaer system. DfE will not respond to communications made by any other means and Potential Suppliers should not rely on communications from DfE unless they are made through Jaggaer.
- 2.2 Further details on Jaggaer including registration can be found in the document: entitled “Commercial Guidance- Tendering in Jaggaer (May 2015).”

3. Conditions applying to the Application Process

- 3.1 It is DfE’s intention that this procurement exercise will comply with the procurement principles of treating all economic operators equally and without discrimination, acting in a transparent and proportionate manner.

DfE’s Terms and Conditions

- 3.2 Potential Suppliers are not permitted to submit their own terms and conditions, whether standard or otherwise and no amendments to DfE’s terms and conditions of membership or its standard call-off terms will be considered.



Costs and Expenses

- 3.3 DfE will not be liable to Potential Suppliers for any costs, expenses, work, loss of profit or effort which may be incurred in preparing and/ or submitting its Application or in connection with any call-off process. This applies regardless of whether or not the Potential Supplier is successful and also applies to any additional cost a Potential or any additional a Potential Supplier may incur, if DfE modifies or amends its requirements or if DfE cancels this procurement for whatever reason.

Confidentiality

- 3.4 All information supplied by DfE to you must be treated in confidence and not disclosed to third parties. All information supplied by you to DfE will similarly be treated in confidence except:
- For the disclosure of such information with regard to the outcome of the procurement process as may be required to be published in the Official Journal of the European Union in accordance with EU Directives or elsewhere, in accordance with the requirements of UK government policy on the disclosure of information relating to government contracts;
 - In pursuance of DfE's legal or regulatory obligations, for instance under the Freedom of Information Act 2000 and associated legislation ("FOIA"); and
 - so that references may be sought from banks, existing or past clients, or other referees submitted by the Potential Supplier.
- 3.5 Potential Suppliers need to be aware that all Central Government Departments and their Executive Agencies and Non-Departmental Public Bodies are subject to control and reporting within Government. In particular, they report to the Cabinet Office and HM Treasury for all expenditure. Further, the Cabinet Office has a cross-Government role delivering overall Government policy on public procurement – including ensuring value for money and related aspects of good procurement practice. For these purposes, the Authority may disclose, within Government and to each Contracting Body, any of the Potential Suppliers documentation/information (including any that the Potential Supplier considers to be confidential and/or commercially sensitive such as specific bid information) submitted by the Potential Supplier to the Authority during this procurement. The information



will not be disclosed outside Government. Potential Suppliers taking part in this competition consent to these terms as part of the competition process.

Dynamic Purchasing System Duration (Updated January 2020)

- 3.6 The ECSC DPS commenced on 11th March 2016 and will expire on 11th March 2021 unless DfE exercises its right to extend the ECSC DPS for an additional year or terminates the ECSC DPS before it expires.

Amendments to the Application Process or Application documents by DfE

- 3.7 DfE reserves the right to vary the Application Process and/or amend the Application documents (including this ITP Instructions to Potential Suppliers document) at any time, prior to the deadline for receipt of initial Applications to join the DPS. Any such amendment will be numbered, dated and issued by DfE via the DfE Jaggaer portal. Where amendments are significant, DfE may at its discretion extend the deadline for receipt of Applications.
- 3.8 DfE reserves the right to discontinue this Application Process at any time and not establish a DPS.

Inducements

- 3.9 Offering an inducement of any kind, in relation to obtaining this or any other contract with DfE, will disqualify your Application from being considered and may constitute a criminal offence. You shall also notify DfE immediately if you believe that an actual or perceived conflict of interest could arise out of your membership of the ECSC DPS. On receipt of such notification DfE shall determine in its absolute discretion whether or not to reject your application or to require you to take such steps so as to reduce the risk of the conflict of interest arising.

Potential Supplier Clarification (Q&A)

- 3.10 Potential Suppliers have the opportunity to raise questions about the Application process and request clarification about the requirement. All questions raised must be submitted via Jaggaer.
- 3.11 If a question is deemed by a Potential Supplier to be commercially confidential, then the supplier should indicate that they believe this is the case. DfE will consider this and, if in agreement, will exercise due discretion in handling the question and limiting the circulation of the answer(s) to your organisation.



- 3.12 Questions not deemed to be commercially confidential will be considered by DfE to be of significance to all Potential Suppliers. All questions and answers will be made anonymous and made available to all Potential Suppliers via the Jaggaer portal. If DfE intends to follow this course of action it will inform you before sharing the question and response with all Potential Suppliers which will provide you with an opportunity for the question to be withdrawn.

Acceptance and Return of Applications

- 3.14 Notwithstanding anything in this ITP, Potential Suppliers should note that DfE is not bound in any way and does not have to accept any Application to join the ECSC DPS. Moreover, acceptance of your Application does not mean that DfE will award a call-off contract to you for the provision of the services which fall within the ECSC DPS.
- 3.15 The Application (which should be completed in accordance with the information set out in this Invitation for Participate) must be completed and submitted in its entirety via Jaggaer by the stipulated deadline.
- 3.16 Applications will remain unopened until the deadline for receipt has passed and then they will be opened and logged in accordance with DfE procurement procedures. The Applications will undergo an initial compliance check to ensure that all information requested has been received. Applications will be rejected if the complete information requested is not included as part of the Application documentation.

Variant Proposals

- 3.17 Variant proposals will not be accepted unless otherwise stated in the ECSC DPS Agreement.

Baseline Personnel Security Standard

- 3.18 Potential Suppliers are required to confirm that they will comply with the Baseline Personnel Security Standard and pre-employment checks when recruiting staff who will have access to DfE data (checks will include, identity, employment history, nationality/immigration status and criminal record checks).

Freedom of Information Act

- 3.19 DfE is committed to open government and to meeting its legal responsibilities under the FOIA. All information submitted to DfE may need to be disclosed



by DfE in response to a request under FOIA. If you consider that any of the information included in your Application is commercially sensitive, please identify it and explain (in broad terms) what harm may result from disclosure if a request is received, and the time period applicable to that sensitivity.

- 3.20 You should be aware that even where you have indicated that information is commercially sensitive, DfE may be required to disclose it under the terms of FOIA if a request is received. Please note that the receipt of material marked 'confidential' or equivalent by DfE should not be taken to mean that DfE accepts any duty of confidence by virtue of that marking. If a request is received, DfE may also be required to disclose details to unsuccessful Potential Suppliers.

4. Application Timetable

NOTE: This timetable applies to the **initial application period** to become a member of the DPS before it goes live. Subsequent applications following the 22nd February 2016 will be considered as and when received. We will endeavour to respond to expressions of interest with an invitation to participate in 2 working days.

Date	Action
08.02.16	Publish OJEU Contract Notice & Publication of the ITP to all Potential Suppliers
22.02.16 at 17.00	Deadline for receipt of expressions of interest
2 working days	Invitation to Participate in the ECSC DPS issued
22.02.16 (14 calendar days from the publication of the OJEU contract notice) at 17.00	Closing date for submission of Applications to join DPS
22.02.16 – 11.03.16	Evaluation of Applications
22.02.16 – 11.03.16	Acceptance of successful applicants onto ECSC DPS



11.03.16

ECSC DPS goes-live

5. Application Process

Background

- 5.1 The process will be administered electronically via **Jaggaer**. No hard copy documents will be issued and all communications with DfE (including final submission of Applications) will be conducted via Jaggaer.
- 5.2 The Invitation to Participate Pack is available on Jaggaer and Application responses should be submitted via Jaggaer. If you are not a Jaggaer registered supplier, you must register with Jaggaer to apply.
- 5.3 The Application submission process is set out in more detail in the Jaggaer supplier guidance – ECSC membership
- 5.4 The ECSC DPS will remain open to new Potential Suppliers throughout its lifetime and DfE will continue to offer unrestricted and full direct access, as long as the ECSC DPS is valid, to all the procurement documents via Jaggaer.

6. Application Appraisal

Overview of the Appraisal Process

- 6.1 DfE will undertake a selection appraisal of your organisation to satisfy itself that you are fundamentally eligible to join the ECSC DPS. In this regard, the ITP contains questions relating to mandatory and discretionary grounds for exclusion of Potential Suppliers on the grounds of eligibility. These are set out in the List of Grounds for Exclusion (the document entitled Rejection Grounds). Your organisation will also need to satisfy the following requirements:
 - Accept the terms and conditions of the ECSC DPS Agreement governing the relationship between DfE and the Potential Supplier in respect of the operation of the ECSC DPS. These include the Call-Off Terms and Conditions; the Order Form and Request for Quotation.



- Declare that none of the Grounds for Exclusion apply and undertake to inform us in the event that any of these grounds apply while you are a member of the ECSC DPS;
- Declare that in relation to IR35 tax considerations you are compliant and provide the necessary information when requested; and
- Understand that the professional skills and other selection criteria, as required by the relevant category, will be assessed at call-off stage and you will be required to submit evidence in support.
- Recognise that at call-off stage you will need to have a minimum public liability insurance of cover of £1,000,000.

6.2 All compliant Applications who meet the above requirements will then be eligible for entry on the ECSC DPS.

7. Procedure governing the award of call-off Contracts

- 7.1 The process for call-off from the ECSC DPS is set out in the Tendering in Jaggaer document and there is a description of the procedure in the DPS Agreement.
- 7.2 Potential Suppliers should note that due to DfE transparency requirements (irrespective of whether or not publication of a Contract Award Notice in the OJEU is required) details of all contracts awarded with a greater value than £10,000 will be published on the Contracts Finder website.

8. Disclaimers

- 8.1 Whilst the information in the ITP and supporting documents referred to herein or provided to Potential Suppliers by DfE have been prepared in good faith the DfE does not warrant that this information is comprehensive or that it has been independently verified.
- 8.2 Neither the DfE nor its respective advisors, directors, officers, members, partners, employees, other staff or agents:
- makes any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the ITP or of any other written or oral communication transmitted (or otherwise made available) to any Potential Supplier;



- accepts any liability for the information contained in the ITP or in any other written or oral communication (including any communications via Jaggaer) transmitted (or otherwise made available) to any Potential Supplier, or for the fairness, accuracy or completeness of that information; or
- shall be liable for any loss or damage (other than in respect of fraudulent misrepresentation) arising as a result of reliance on such information or any subsequent communication.

8.3 Any party considering entering into contractual relationships with the DfE following receipt of the ITP should make its own investigations and independent assessment of the DfE and its requirements for the services and should seek its own professional financial and legal advice.

8.4 Neither the issue of the ITP nor any of the information presented in it should be regarded as a commitment or representation on the part of the DfE to enter into a contractual arrangement. Nothing in the ITP or in any other communication made between the DfE and any other party should be interpreted as constituting a contract, agreement or representation between the DfE and any other party (save for a formal award of contract) or as constituting a contract, agreement or representation that a contract shall be offered.

9. Contact Details

For queries relating to the application process, please send an email to commercial.contactpoint@education.gov.uk



Department
for Education

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