

## **Adult Learning Services Dynamic Purchasing System**

### **Standard Questionnaire Guidance Notes & Scoring Methodology**

**Reference: 2017/HPS/109/HLT**

#### **1. Overview**

The London Borough of Hackney is seeking assured community providers to deliver or host a range of Adult & Community Learning accredited and non-accredited courses under a formal Dynamic Purchasing System (DPS). This includes Community Learning, Vocational and Employability, Family Learning, ESOL, Maths, English and ICT. These providers will contribute to the delivery of specific community programmes to the 'hardest to reach' community groups in Hackney.

The DPS will be established for a period of 4 years, with services commencing in September 2018. New providers will be able to apply to join the DPS at any point during this time (i.e. until August 2022). The main commissioning round will be undertaken each March/April, with the first call-off forming part of the Invitation to Tender document. Other, smaller call-off commissioning rounds may be conducted throughout the year, possibly up to 3 each year, depending on requirements.

The Adult Learning Service has an annual target of 5,000 learning places to be provided across an OFSTED inspected curriculum structured programme and the service is grant funded by the Education & Skills Funding Agency (ESFA) as part of the national government strategy for adult learning provision.

#### **2. Selection Questionnaire**

This Selection Questionnaire ("SQ") has been issued by the London Borough of Hackney in connection with a competitive procurement procedure conducted in accordance with the Restricted procedure under the EU Consolidated Directive 2014/24, as implemented by the UK Regulations.

The purpose of this SQ is to enable the London Borough of Hackney to assess the Providers that have responded to the notice placed in the Official Journal of the European Union (OJEU).

When evaluating the applications provided in response to the questions in Sections 1 to 4, the Council will be seeking evidence of the Potential Providers' suitability to perform the services in terms of economic and financial standing, technical and professional ability.

Providers are required to register on the ProContract e-procurement system via this link <https://procontract.due-north.com/Register> under reference DN309118 and to complete the Selection Questionnaire (stage 1). If Providers meet all of the minimum requirements they will then be invited to submit an Invitation to Tender (stage 2). Should a Provider be unsuccessful in passing stage 1 they will be able to reapply at any time during the 4 year term.

Please refer to the scoring and evaluation methodologies and guidance notes included in this document when completing your SQ submission.

### **3. Scoring and Evaluation Methodology**

The Selection Questionnaire will be evaluated using the following methodologies:

#### **SECTION 1 – POTENTIAL SUPPLIER INFORMATION**

**Potential Supplier Information, Bidding Model, Contact Details & Declaration:**  
Information only

#### **SECTION 2 – EXCLUSION GROUNDS**

**Mandatory Exclusion Grounds (Questions 2.2.1.1 – 2.2.2.2):** Yes/No questions which are Pass/ Fail unless options are given for supporting / mitigating information to be provided. This will be assessed at the Council's discretion.

If you have breached any of the exclusion grounds, you will have the opportunity to explain how and what action you have taken to rectify the situation (this is called 'self-cleaning'). If you answer 'Yes' to any of the questions in this section you are required to upload evidence of self-cleaning as a separate attachment.

If you cannot provide evidence of 'self-cleaning' which is acceptable to the Council you will be excluded from further participation in this Procurement.

In order for the evidence referred to above to be sufficient, the Provider shall, as a minimum, prove that it has;

- paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
- clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
- taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The measures taken by the Provider shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where

the measures are considered by the authority to be insufficient, the Provider shall be given a statement of the reasons for that decision.

**Discretionary Exclusion Grounds (Questions 2.3.1 – 2.3.3):**

Yes/No questions which are Pass/ Fail unless options are given for supporting / mitigating information to be provided. This will be assessed at the Council's discretion.

If you answer Yes to any of the questions in this section you are required to upload evidence of self-cleaning.

If you cannot provide evidence of self-cleaning which is acceptable to the Council you may be excluded from further participation in this Procurement.

In accordance with question 2.3.1, the Authority may exclude the Supplier if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the Supplier to inform the Council, detailing the conflict in a separate Appendix. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the Council should not represent a conflict of interest for the Supplier.

**SECTION 3 – SELECTION QUESTIONS**

**Economic & Financial Standing:** No minimum thresholds but the Council will cross reference assurances of companies' financial standing by applying for a credit reference through an established credit reference agency. If a credit risk rating is above average or higher a further evaluation of accounts will be carried out. If Hackney Council considers the financial risk too high then the supplier will be excluded from further participation in this procurement exercise.

**Technical & Professional Ability: Pass/Fail**

Pass:

- a) Details of three similar contracts or
- b) Satisfactory explanation if you cannot provide up to three or
- c) Satisfactory explanation if you cannot provide at least one.

Fail:

- a) Unsatisfactory response for b or c above.

**Modern Slavery Act 2015:** The self-declaration answers to the Additional Modules are marked on a Pass/Fail basis.

### **ADDITIONAL QUESTIONS**

**Insurance:** Pass/Fail

Pass:

Provider self-certifies to confirm whether they already have, or can commit to obtain prior to the commencement of the contract, the levels of insurance cover required for this contract.

Fail:

Provider is not willing to have in place the levels of insurance cover required prior to the commencement of the contract.

**Equality Legislation:** Pass/Fail

Pass:

Supplier answers 'no' to all questions in this module

Fail:

Supplier answers 'yes' to one or more questions in this module AND in their explanation of the outcome of the investigation fails to demonstrate to the authority's satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring.

**Environmental Management:** Pass/Fail

**Question 3.5.3.1** - Organisation will fail if:

No information / response provided

or

Response is "Yes" and there are major concerns with explanation given

The Council will not select bidders that have been prosecuted or served notice under environmental legislation in the last 3 years, unless the Authority is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches.

**Question 3.5.3.2** - Organisation will fail if:

No information / response provided

or

Response is "No"

**Health & Safety:** Pass/Fail

**Question 3.5.4.1** - Organisation will fail if:

No information / response provided  
or  
Response is “No”

**Question 3.5.4.2** - Organisation will fail if:  
No information / response provided  
or  
Response is “Yes”  
and  
Major concerns with explanation given

The Council will exclude bidders that have been in receipt of enforcement/remedial action orders unless the bidder can demonstrate to the Council’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.

**Question 3.5.4.3** - Organisation will fail if:  
No information / response provided  
or  
Response is “No”

## **SECTION 4 – PROJECT SPECIFIC QUESTIONS**

### **Project specific questions to assess Technical & Professional Ability:**

Pass / Fail

Questions 4.1 – 4.4 in this section will be scored on a Pass / Fail basis. The relevant certificates and information must be uploaded to support your answers.

## **4. General Guidance**

### **A. Indicative Procurement Timescales**

<b>MILESTONE</b>	<b>TARGET DATE</b>
OJEU advert published and Providers invite to apply to join the DPS	16 <sup>th</sup> January 2018
Submission date for SQ	16 <sup>th</sup> February 2018
Submission date for ITT (for Providers who have passed the SQ stage and have been awarded a place on the DPS)	6 <sup>th</sup> April 2018

New Providers to be admitted onto DPS. Providers to be evaluated by the Council within 10 working days of receipt of completed SQ.	On-going throughout the 4 year term of the DPS (i.e. until August 2022)
2018-19 Call-off Contracts to commence	1 <sup>st</sup> September 2018

## **B Notes for Completion**

- B.1 The “authority” means the public sector contracting authority, or anyone acting on behalf of the contracting authority, that is seeking to invite suitable Suppliers to participate in this procurement process.
- B.2 “You”/ “Your” or “Supplier” means the body completing these questions i.e. the legal entity/company who submits a completed SQ and ITT and is responsible for the information provided. The ‘Supplier’ is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
- B.3 This SQ has been designed to assess the suitability of a Supplier to deliver the authority’s contract requirement(s). If you are successful at this stage of the procurement process, you will be invited to submit a tender response which will then be assessed.
- B.4 Please ensure that all questions are completed in full, and in the format requested. Failure to do so may result in your submission being disqualified. If the question does not apply to you, please select the ‘N/A’ option (if offered) or state clearly ‘N/A’ in the comments. Suppliers applying for more than one lot (if applicable) should ensure that their responses cover all the lots that they are applying for.
- B.5 Should you need to provide additional Appendices in response to the questions, these should be numbered clearly and submitted (via the ‘attach document’ function), as part of your bid.

## **C Sub-Contracting Arrangements**

- C.1 Where the Supplier proposes to use a sub-contractor to deliver some or all of the contract requirements, a separate Appendix should be used to provide

details of the proposed bidding model that includes members of the supply chain, the percentage of work being delivered by the sub-contractor and the key contract deliverables the sub-contractor will be responsible for.

- C.2 The authority recognises that arrangements in relation to sub-contracting may be subject to future change, and may not be finalised until a later date. However, Suppliers should be aware that where information provided to the authority indicates that sub-contractors are to play a significant role in delivering key contract requirements, any changes to those sub-contracting arrangements may affect the ability of the Supplier to proceed with the procurement process or to provide the supplies and/or services required. Suppliers should therefore notify the authority immediately of any change in the proposed sub-contractor arrangements. The authority reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.
- C.3 At this stage of the process suppliers are bidding to join the Adult Learning Services DPS. Any sub-contracting arrangements a supplier proposes to use to deliver some or all of the contract requirements for a 'Call-off' via the DPS will be requested to be detailed at the time of a 'Call-off' where applicable.
- C.4 **Please note that the ESFA funding rules do not permit second-level sub-contracting. You must not agree the use of any delivery subcontractor where this would require you to subcontract education and training to a second level. All of your delivery subcontractors must be contracted directly by you.**

## **D Consortia Arrangements**

- D.1 If the Supplier completing this SQ is doing so as part of a proposed consortium, the following information must be provided;
- names of all consortium members;
  - the lead member of the consortium who will be contractually responsible for delivery of the contract (if a separate legal entity is not being created); and
  - if the consortium is not proposing to form a legal entity, full details of proposed arrangements within a separate Appendix.
- D.2 Please note that the authority may require the consortium to assume a specific legal form if awarded the contract, to the extent that a specific legal form is deemed by the authority as being necessary for the satisfactory performance of the contract.

- D.3 Where you are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), you should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity in a separate Appendix.
- D.4 The authority recognises that arrangements in relation to a consortium bid may be subject to future change. Suppliers should therefore respond on the basis of the arrangements as currently envisaged. Suppliers are reminded that the authority must be immediately notified of any changes, or proposed changes, in relation to the bidding model so that a further assessment can be carried out by applying the selection criteria to the new information provided. The authority reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

## **E Confidentiality**

- E.1 When providing details of contracts in answering section 3 of this SQ (Technical and Professional Ability), the Supplier agrees to waive any contractual or other confidentiality rights and obligations associated with these contracts.
- E.2 The authority reserves the right to contact the named customer contact in section 3 regarding the contracts included in section 3. The named customer contact does not owe the authority any duty of care or have any legal liability, except for any deceitful or maliciously false statements of fact.
- E.3 The authority confirms that it will keep confidential and will not disclose to any third parties any information obtained from a named customer contact, other than to the Cabinet Office and/or contracting authorities defined by the Public Contracts Regulations.