



Delivery Partner Dynamic Purchasing System (DPS)

Call for Competition Invitation to Tender (ITT)

Provision of services for those in custody, those at risk of offending and those transitioning into the community from a custodial setting

2017

INTRODUCTION TO THE OPPORTUNITY

Novus, a trading name of LTE Group, intends to set up a Dynamic Purchasing System (DPS) for the procurement of Delivery Partners to support in the delivery of education and skills services to offenders in custody.

DPS Introduction

The organisations that are successful in being awarded a place on the DPS will be given a

'pre-approved' status and will be invited to submit a formal bid when Novus has a requirement to subcontract external delivery that falls within the lot(s) in which the applicant organisation has expressed an interest. Each application to join the DPS will be reviewed by a scoring panel to ensure the minimum criteria for entry onto the DPS is met. The minimum criteria for entry onto the DPS are detailed in Section 4 – Supplier Selection Questionnaire Evaluation.

Lots

The DPS will be split into the following lots:

Lots (type of activity)	Region (where activity will be located)								
	Greater London	South East	South West	West Midlands	North West	North East	Yorkshire & Humber	East Midlands	East of England
1. Agriculture, environment and animal care									
2. Business and administrative									
3. Catering and hospitality									
4. Childcare and education									
5. Construction									
6. Creative and design									
7. Digital									
8. Engineering and manufacturing									
9. Hair and beauty									
10. Health and science									
11. Legal, finance and accounting									
12. Protective services									
13. Sales, marketing and procurement									
14. Social care									
15. Transport and logistics									
16. Engagement and Progression*									

**Engagement and Progression Learning includes: Family Learning, Arts based engagement activity (e.g. music, multi-media, drama) Learning Support, Personal and Social Development, learner engagement, learner voice and enrichment.*

INFORMATION FOR THE TENDERERS

Information about LTE Group

LTE Group is the largest social enterprise in the UK. We are committed to transforming lives through delivering education and skills training to 100,000 learners across the UK.

LTE Group has been shaped through the integration of the UK's leading education and skills providers who share a commitment to social value. Our journey began in 2008 with the merger between MANCAT and City College Manchester to form The Manchester College. Through the creation of Novus and the acquisition of Total People in 2015, we became one of the largest apprenticeships providers in the UK, increasing the variety of support offered to our learners. We formally rebranded as LTE Group in 2016, signifying our innovative position in the marketplace as the first integrated skills, learning and training organisation of its kind.

Today, LTE Group consists of the following specialist organisations with a shared value and mission:

- Novus - the market leader in custodial and community based learning, skills and employability services to offenders in the UK.
- The Manchester College - the largest Further Education College in the UK and the number one provider of 16-19 and adult education in Greater Manchester
- MOL - a learning and development provider with over 30 years' experience of designing and delivering professional qualifications
- Total People - one of the largest suppliers of Apprenticeships and work-based training in the UK
- Novus Cambria - a joint venture between Novus and Colleg Cambria, delivering specialist provision in Wales

An introduction to Novus

Novus provides education and employability services to offenders. Our role in the justice sector has grown and diversified over the past 20 years. Our starting point was as a provider of prison education in nine prisons in the North West and Yorkshire, initially operating as the justice division of the Manchester College before rebranding as Novus in 2015.

We have delivered the Offender Learning and Skills service (OLASS 4) contracts across the UK since 2012 in over 60 custodial establishments. In addition to our OLASS contracts, we operate in 3 out of 4 Young Offender Institutions and at one Secure Training Centre. We currently provide education, training and employability services in over 100 prison and community sites across the UK to 65,000 offenders.

Novus is looking to build relationships with a wide range of partners with whom we will commission services from as needs arise. We welcome applications from providers with a broad range of experience, not just those currently working in the justice sector. We would like to engage with any organisation who will add significant value to our service offer.

Through partnering with Novus, you will benefit from our longstanding experience and expertise in the justice sector and high success rates in education. We seek to develop mutually beneficial partnerships with organisations who share our commitment to transforming the lives of disadvantaged learners.

The Novus Dynamic Purchasing System (DPS)

This DPS has been advertised in the Supplement to the Official Journal of the European Union and the DPS is being conducted under the EU Procurement Directives, Dynamic Purchasing System Procedure.

The DPS is a procedure available for contracts for works, services and goods commonly available on the market. As a procurement tool, it has some aspects that are similar to an electronic DPS Arrangement, but where new suppliers can join at any time. However, it has its own specific set of requirements. It is to be run as a completely electronic process, and is set up using the Restricted Procedure and some other conditions (as set out in Regulation 34 of the Public Contracts Regulations 2015). The DPS is set up for identified types of requirement, which may be divided into

categories of Delivery Services (i.e Lots).

The DPS is a two-stage process. First, in the initial setup stage, all suppliers who meet the selection criteria and are not excluded will be admitted to the DPS. LTE Group will not impose any limit on the number of suppliers that may join a DPS. Unlike framework agreements, suppliers can also apply to join the DPS at any point during its lifetime. Individual contracts are awarded during the second stage. In this stage, LTE Group invites all suppliers on the DPS (or the relevant Lots within the DPS) to bid for the specific contract.

DPS Details

It is anticipated that the Novus DPS will be in place for an initial period of 24 months.

Once the DPS is in place, when Novus has a requirement for delivery partners, there will be two options for award – Direct Award and Further Competition.

Direct Award

A direct award can be made if:

- there is only one organisation in the Lot which covers the requirement; or
- there is only one organisation on the Lot who can meet the specific requirements of the opportunity.

Mini Competitions

A Mini Competition will be carried out when there is more than one organisation in the Lot which covers the requirement. Mini Competition responses will be evaluated by a scoring panel who will determine which bids offer the best combination of quality and acceptable level of risk. The exact scoring mechanism to be used will be detailed in each Mini Competition Specification as this may differ from opportunity to opportunity.

Novus will always give a reasonable amount of time for the return of a Mini Competition response, which in most cases will be a minimum of 10 days. However there may be occasions where Novus needs to react quickly to bids for new or additional funding, or for urgent replacements in the current supply chain. In these circumstances, the minimum response time may be reduced to 5 working days. When this is the case, the Mini Competition response form and the level of detail

of the required response will be appropriate to the length of time allowed for responses. By joining the Delivery Partner DPS, organisations are agreeing to this reduced time limit for Mini Competition responses.

The organisations which are successful in a Direct Award or Mini Competition will then be assessed further as part of the Specialist Review process to ensure they meet the requirements of the subcontract being offered, and the requirements of Novus. Once this process has been completed, contracts can be negotiated and agreed.

The subcontracts awarded under the DPS will vary in value and type. The DPS will be used to award contracts for subcontracted delivery only. Acceptance onto the DPS **does not guarantee that an organisation will be awarded any contracts**. The organisation must first be successful in a Direct Award or Mini Competition opportunity, and must pass Specialist Review.

The proposed programme for the procurement exercise is set out below. This is intended as a guide and, whilst Novus does not intend to depart from the programme, it reserves the right to do so at any stage.

**OJEU Contract
Notice sent for
publication & ITT
made available**

15 June 2017

**Deadline for
submission of DPS
Applications**

Ongoing –
applications can
be submitted at
any time

**First Mini
Competition to be
launched on DPS**

When there is a
requirement, but
no earlier than
July 2017

Pro Contract Supplier Portal

Pro Contract is the electronic system that will be used to manage the Novus DPS.

The Pro Contract Supplier Portal address is <https://procontract.due-north.com>.

If you have never registered on Pro Contract before you will first need to register for an account which is free of charge. The Pro Contract Registration address is:

<https://procontract.due-north.com/SupplierPreLoginHome>.

All applications to join the DPS must be submitted the Pro Contract Supplier Portal. All questions regarding the process must be submitted via the Messages section of the Pro Contract Supplier Portal.

There is a Help section on the supplier portal which you can access at any time. This will give you further guidance on the use of the system.

Completion of the DPS Application

To simplify this process, organisations only need to provide supporting documents where specifically requested. However, Novus may ask to see other supporting documents, for example, certificates, statements or policies at a later stage. Organisations may be asked to clarify answers or provide more details post DPS application submission.

Any issues with the use of the Pro Contract e-Tendering portal or submission of completed documents should be reported immediately to Pro Contract <https://procontract.due-north.com>.

You do not need to complete and submit your full application all in one go. When you have uploaded a document to the portal it will be saved until your full application has been completed, even if you log out of the system. If you start to complete the questionnaire and then need to leave and return to complete it at a later time, click Save and close against the question you are answering and this will save all of the answers you have entered to date. Each time you answer a question and move to the next question, the answer you have entered will be saved.

Return of the DPS Application

Applicants are requested to submit their DPS application via the Pro Contract e-Tendering portal hosted by Due North.

Applications to join the DPS can be submitted at any time during its life.

Once you have submitted an application via the portal you can submit a revised application at any time. You will need to start a new application, but all of your answers to the questionnaire from your initial submission will be automatically entered into the questionnaire, so you can simply check your previous answers and update anything that has changed. It is your responsibility to ensure that the information held by Novus is kept up to date. If any documents or policies expire and updated copies are not provided you may be removed from the DPS.

Questions & Clarifications

All enquiries arising from this document should be submitted using the Messages facility of the Pro Contract e-Tendering portal. All questions should be submitted via this method in the first instance. All responses to questions will also be sent using this method, with circulation to all organisations when appropriate.

Novus reserves the right to cancel the DPS and any subsequent Mini Competitions at any point.

Novus is not liable for any costs resulting from cancellation of these processes, or for any costs incurred by organisations taking part in the DPS Application or Mini Competition process.

Novus reserves the right to reject DPS Applications which are not submitted in accordance with instructions given. Failure to complete the form in full and accurately or to provide any necessary supporting documents upon request may result in your organisation not being considered suitable.

Failure by the applicant to respond to requests for further information will result in the DPS Application being put on hold until the requested information has been provided.

Novus is unable to offer any meetings at this stage in the process.

Application Evaluation

Novus will aim to assess all applications to join the Delivery Partner DPS within 10 working days of receipt. This period may be prolonged to a maximum of 15 working days if there is a need to examine additional documentation or verify any of the minimum standards.

When the Novus DPS is launched, and until the first Mini Competition is launched, it may take up to 30 working days for applications to be assessed due to the anticipated number of applications Novus expect to receive. No Mini Competitions will be launched until all applications received before specified dates have been assessed.

Parts A to G of the DPS Questionnaire collect information on applicant organisations and the proposed bidding model.

Some questions are marked as being for information only. All other questions will be evaluated as a Pass / Fail. Applicants must pass minimum standards to be accepted onto the Delivery Partner DPS:

- **Mandatory and Discretionary Exclusion Criteria** – none of the mandatory exclusion criteria apply to the applicant organisation.
- **Discretionary Exclusion Criteria** – none of the discretionary exclusion criteria apply to the applicant organisation, or a satisfactory explanation has been provided if any of the discretionary exclusion criteria
- **Satisfactory Economic and Financial Standing** – this will be assessed using the evidence provided. The following items will be used to establish if an organisation has satisfactory financial stability:
 - The current assets of the organisation.
 - The balance sheet must show that assets exceed liabilities.
 - The Auditor's opinion in the Report to the Accounts must be unqualified.
 - The filing of accounts at Companies House must not be overdue.
 - The organisation must be making a profit before tax.
 - Any unsatisfied County Court Judgements may be taken into account depending on their value against the organisation's annual turnover.
 - The rating of the applicant organisation obtained through the system Novus currently use for checking an organisation's financial stability.

If an organisation's financial stability is not satisfactory they will not be placed on the DPS.

A maximum contract value for each organisation will be calculated as part of the financial stability assessment in accordance with the Subcontract Management Framework process. This is not a guarantee of contract value but indicates the total annual value of all contracts that Novus is prepared to enter in to with the organisation.

- **Satisfactory Insurance Cover for Employers Liability and Public Liability** – an organisation must hold insurance cover the minimum levels specified below:

Insurance Type	Minimum Level of Cover
Employers Liability	£5m
Public Liability	£5m
Professional Indemnity	£2m

If an organisation does not hold the minimum level of both types of insurance they will not be placed on the DPS.

- **Self-certification of Policies and/or Procedures** – the organisation must self-certify that they have the following policies and/or procedures in place, and that they comply with current legislative requirements where applicable:
 - A Health & Safety Policy
 - A policy and relevant procedures which cover how the organisation assures quality of delivery
 - A policy which covers equality and diversity for learners, customers and employees
 - A policy and relevant procedures which cover safeguarding of vulnerable adults and child protection
 - A procedure which covers how recruitment of staff will be carried out, and in particular how staff that will have contact with learners, vulnerable adults and children will be vetted
 - A policy which covers how the organisation ensures its actions are in the best interest of the environment, social cohesion and economic prosperity
 - A procedure which details how a member of staff should deal with a complaint from an external source
 - A procedure which details the process to be following in the event of whistle blowing being required
 - A policy and relevant procedures which detail how data is protected and information is kept secure

- A policy and relevant procedures detailing when and how disciplinary action will be carried out against a member of staff
- A policy and relevant procedures of how grievances should be logged and dealt with
- A policy which covers how the organisation mitigates the risk of bribery and how incentives are dealt with
- A policy which covers how the organisation mitigates the risk of fraud
- A plan which details the arrangements for business continuity should the need arise.

Checklist of Supporting Documentation

To help ensure that applications submit all requested supporting information, we have included the following checklist. All supporting information provided should be clearly referenced back to the question that it supports. Please ensure that, where applicable, the following supporting information is included within your response:

SUPPORTING INFORMATION	INCLUDED	
A completed version of the DPS Questionnaire (completed electronically within Pro Contract)	YES	NO
Appendices to provide further explanation in support of an answer, if applicable	YES	NO
Evidence to demonstrate economic/financial standing	YES	NO

Before submitting your DPS Application, please ensure that you have:

- Answered all questions on the DPS Questionnaire.
- Uploaded copies of all requested supporting documentation and referenced these to the relevant questions.

DO NOT enclose brochures, testimonials, accounts, company reports, pricing information, or other supplementary information not requested in this document.

Application Cost

Novus will not be liable for any costs, expenditure, work or effort incurred by an organisation submitting an application to join the DPS, including if the procurement exercise is terminated or amended by Novus.

Conduct and Conflicts of Interest

Any attempt by applicant organisations or their advisors to influence the DPS or contract award process in any way may result in the applicant organisation being disqualified. Specifically, applicant organisations shall not directly or indirectly at any time:

- Devise or amend the content of their DPS Application or Mini Competition Response in accordance with any agreement or arrangement with any other person, other than in good faith with a person who is a proposed partner, supplier, consortium member or provider of finance.
- Enter into any agreement or arrangement with any other person as to the form or content of any other DPS Application or Mini Competition Response, or offer to pay any sum of money or valuable consideration to any person to effect changes to the form or content of any other DPS Application or Mini Competition Response.
- Enter into any agreement or arrangement with any other person that has the effect of prohibiting or excluding that person from submitting a DPS Application or Mini Competition Response.
- Canvass Novus or any employees or agents of Novus or LTE Group in relation to this procurement exercise.
- Attempt to obtain information from any of the employees or agents of Novus or LTE Group or their advisors concerning another applicant organisation, DPS Application or Mini Competition Response.

Applicant organisations will not offer entertainment, gifts, gratuities, discounts, or special services, regardless of value, to any employee of Novus or LTE Group. All applicant organisations must report to the Company Secretary of LTE Group any attempt by Novus or LTE Group employees to obtain such favours.

Applicant organisations are responsible for ensuring that no conflicts of interest exist between the applicant organisation and its advisers, and Novus and LTE Group and its advisors within the meaning of regulation 24 of the Public Contract Regulations 2015 that cannot be effectively remedied by other, less intrusive, measures.

Novus may exclude the applicant organisation 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. Any applicant organisation who fails to comply with this requirement may be disqualified from the procurement exercise at the discretion of Novus.

Confidentiality and the Freedom of Information Act

This Specification is made available on condition that its contents (including the fact that the potential bidder has received this Specification) is kept confidential by the potential bidder and is not copied, reproduced, distributed or passed to any other person at any time, except for the purpose of enabling the potential bidder to submit an Application.

Novus is a public authority within the meaning of the Freedom of Information Act 2000 (the “Act”). All correspondence, documents and other information received by it, including that received in the course of a Call for Competition or Tender or in the subsequent provision of services, will be disclosable by Novus on receipt of an information request, save insofar as the information is exempt in accordance with the provisions of the Act.

Novus shall treat all potential bidders’ responses as confidential during the procurement process. Requests for information received following the procurement process shall be considered on a case-by-case basis, applying the principles of the Act.

Where practicable, on receipt of a request for information relating to a contractor, Novus will inform such contractor and liaise with them

regarding the disclosure of information.

Applicant organisations may indicate to Novus any information which is confidential, commercially sensitive, or which it considers should otherwise not be released. However, the contractor must understand that whether or not the information is disclosable on receipt of an information request is dependent on the provisions of the Act and not on the bidder’s representations and Novus reserves the right, at its absolute discretion, to decide whether or not information is disclosable under the Act.

Novus will not be held liable for any loss or prejudice caused by the disclosure of information that:

- has not been clearly marked as ‘Not for disclosure to third parties’ with supporting reasons (referring to the relevant category of exemption under the Act where possible);
- does not fall into a category of information that is exempt from disclosure under the Act (for example, a trade secret or would be likely to prejudice the commercial interests of any person); or
- Where it is in the public interest to disclose this and there is no legal duty to withhold it.

Consortia Arrangements

If the applicant organisation is a consortium, the following information must be provided:

- full details of the consortium and the organisation involved; and
- the information sought in the DPS Questionnaire in respect of each of the consortium’s constituent members as part of a single composite response.

Applicant organisations should provide details of the actual or proposed percentage shareholding of the constituent members within the consortium in a separate Annex. Novus would expect the consortium to form a single legal agreement if successful. Full details of the consortia including any proposed arrangements should be provided in the separate Annex.

Incomplete Submissions

Incomplete submissions may not be considered.

Publicity

No publicity regarding the services or the award of any Contract will be permitted unless and until Novus has given express written consent to the relevant communication. For example, no statements may be made to the media regarding the nature of any Mini Competition, its contents or any proposals relating to it without the prior written consent of Novus.

Size of Contract

Novus does not guarantee that, where applicable, any quantities/values quoted in this specification,

in any clarification response or in any adverts for this opportunity will be met or exceeded

Terms and Conditions

Novus will require organisations successful through Direct Award or Mini Competition to sign up to Novus standard contract for the delivery type in question, or the contract laid down by the relevant funding body. Any additional required terms and conditions will be added into the Contract Template, subject to mutual agreement by both parties.

