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Tender

Kirklees Alternative Education Provision

Kirklees Council

F21: Social and other specific services – public contracts

Contract notice

Notice identifier: 2023/S 000-002047

Procurement identifier (OCID): ocds-h6vhtk-0399d9

Published 23 January 2023, 4:15pm

Section I: Contracting authority

I.1) Name and addresses

Kirklees Council

PO Box 1720

HUDDERSFIELD

HD1 9EY

Contact

Kelsey Clark-Davies

Email

Kelsey.Clark-Davies@Kirklees.gov.uk

Telephone

+44 1484221000

Country

United Kingdom

Region code

UKE44 - Calderdale and Kirklees

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

<http://www.kirklees.gov.uk>

Buyer's address

<https://yortender.eu-supply.com/login.asp?B=YORTENDER>

I.3) Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at

<https://yortender.eu-supply.com/login.asp?B=YORTENDER>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://yortender.eu-supply.com/login.asp?B=YORTENDER>

I.4) Type of the contracting authority

Regional or local authority

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Kirklees Alternative Education Provision

Reference number

KMCCYP-170

II.1.2) Main CPV code

- 80000000 - Education and training services

II.1.3) Type of contract

Services

II.1.4) Short description

Tenders are invited by the Council from Providers with relevant experience and ability to demonstrate sufficient capacity for the provision of Alternative Educational Provision (AEP) (the "Services").

The estimated value of the Services to be awarded is approximately £7 million per annum.

The anticipated commencement date for the Services is 1st September 2023 until expiry on 31st August 2026, with the option to extend for a further period, or successive periods, up to 31st August 2028.

The LA is commissioning a number of Contracts for AEP in order to meet its requirements. The Council has divided the Services required into the following Lots:

Lot 1 - Day 6 Provision

Lot 2 - Medical Needs Provision

Lot 3 - Assessment Bases

Lot 4 - SEMH Turnaround/Intervention Provision

Lot 5 - Alternative Provision

Lot 6 - Additional Support Services

Lot 7 - Online Learning Provision

Lot 8 - Learners with an Education, Health and Care Plan (EHCP)

II.1.5) Estimated total value

Value excluding VAT: £7,000,000

II.1.6) Information about lots

This contract is divided into lots: Yes

Tenders may be submitted for all lots

II.2) Description

II.2.1) Title

Lot 1 - Day 6 Provision

Lot No

1

II.2.2) Additional CPV code(s)

- 80000000 - Education and training services

II.2.3) Place of performance

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Kirklees

II.2.4) Description of the procurement

Kirklees Council wishes to meet its statutory obligations to provide education for pupils who are unable to access or who are at risk of losing a school place as a result of exclusion, behavioural needs or who are hard to place. Some pupils and students may have complex needs that require educational providers to work in cooperation with other agencies as well as parents/carers and children and young people.

Kirklees Council wishes to commission a number of Providers to ensure high quality alternative education is provided for 55 children and young people who are permanently excluded from Day 6 provision including those with social, emotional and mental health or medical needs (KS2 5 pupils; KS3 25 pupils; KS4 25 pupils).

II.2.7) Duration of the contract or the framework agreement

Duration in months

60

II.2.14) Additional information

The duration is for an initial 36 months, with the option to extend a further 24 months.

II.2) Description

II.2.1) Title

Lot 2 - Medical Needs Provision

Lot No

2

II.2.2) Additional CPV code(s)

- 80000000 - Education and training services

II.2.3) Place of performance

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Kirklees

II.2.4) Description of the procurement

Kirklees Council has a statutory responsibility for arranging suitable education for pupils who - because of illness or other reasons - would not receive suitable education. This service is commissioned by Kirklees Council to provide education for pupils unable to attend school due to health (including social, emotional and mental health) or medical needs.

Medical needs learning support refers to the arrangements statutorily required for pupils who are unable to attend school for more than 15 days for medical reasons (Wide ranging needs from short term physical to generally longer term mental health and other serious (sometimes life threatening) physical illnesses).

Kirklees Council wishes to commission a number of Providers to ensure high quality alternative education is provided for 45 children and young people with health (including social, emotional and mental health) or medical needs. These include Key Stage 1/2 - 5 places, Key Stage 3 - 20 places, Key Stage 4 - 20 places plus an option to purchase additional places at the contracted annual placement price.

II.2.7) Duration of the contract or the framework agreement

Duration in months

60

II.2.14) Additional information

The duration is for an initial 36 months, with the option to extend a further 24 months.

II.2) Description

II.2.1) Title

Lot 3 - Assessment Bases

Lot No

3

II.2.2) Additional CPV code(s)

- 80000000 - Education and training services

II.2.3) Place of performance

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Kirklees

II.2.4) Description of the procurement

Kirklees Council (LA) is committed to provide excellent teaching and learning opportunities and a personalised learning programme for all pupils, according to need, through its maintained mainstream and special Providers. This provision may be supported by commissioned services to either complement, or provide an alternative to, the teaching and learning available within those Providers.

The LA wishes to purchase full time assessment places for young people who are experiencing significant social, emotional and mental health difficulties (may have co-existing additional SEND, potentially presenting as challenging behaviour) which are affecting their learning. The provision will offer holistic assessment, short term intervention and respite. The desired outcome is that there will be clear recommendations and next steps for each young person based upon assessment of need.

The LA seeks to award Contracts for 56 places from Key Stages 1 to 4 for holistic pupil assessment, spread across the district:

KS1 / 2 - 12 places North Kirklees

KS1 / 2 - 12 places South Kirklees

KS3/4 - 16 places North Kirklees

KS3/4 - 16 places South Kirklees

II.2.7) Duration of the contract or the framework agreement

Duration in months

60

II.2.14) Additional information

The duration is for an initial 36 months, with the option to extend a further 24 months.

II.2) Description

II.2.1) Title

Lot 4 - SEMH Turnaround/Intervention Provision

Lot No

4

II.2.2) Additional CPV code(s)

- 80000000 - Education and training services

II.2.3) Place of performance

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Kirklees

II.2.4) Description of the procurement

Kirklees Council (LA) is committed to provide excellent teaching and learning opportunities and a personalised learning programme for all pupils, according to need, through its maintained mainstream and special Providers. This provision may be supported by commissioned services to either complement, or provide an alternative to, the teaching and learning available within those Providers.

Turnaround alternative learning provision refers to the arrangements required for pupils who would benefit from preventative pathways of more specialist support on a short-term basis. The Turnaround Provision is for children and young people who:

- Are at risk of, or are already experiencing, exclusion from mainstream school
- Have significant SEMH needs which are preventing them from making progress with their learning

- Have either an MSP / I-APDR or EHCP with SEMH as their primary need

The focus of intervention aims to enable the pupil to return to their mainstream setting where immediate needs have been met and ongoing needs are clearly identified with support arrangements within school clearly identified and secured.

The LA seeks to award Contracts for 56 places from Key Stages 1 to 3 for turnaround provision, spread across the district:

KS1 / 2 - 12 places North Kirklees

KS1 / 2 - 12 places South Kirklees

KS3 - 16 places North Kirklees

KS3 - 16 places South Kirklees

II.2.7) Duration of the contract or the framework agreement

Duration in months

60

II.2.14) Additional information

The duration is for an initial 36 months, with the option to extend a further 24 months.

II.2) Description

II.2.1) Title

Lot 5 - Alternative Provision

Lot No

5

II.2.2) Additional CPV code(s)

- 80000000 - Education and training services

II.2.3) Place of performance

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Kirklees

II.2.4) Description of the procurement

Kirklees Council (LA) is committed to provide excellent teaching and learning opportunities and a personalised learning programme for all pupils, according to need, through its maintained mainstream and special Providers. This provision may be supported by commissioned services to either complement, or provide an alternative to, the teaching and learning available within those Providers.

The aim of the service is to provide a bespoke tailored offer for up to 40 CYP in Year 9, 10 and 11 unable to access mainstream school, including a vocational offer as well as a curriculum pathway. A number of these pupils will have SEND with SEMH as their primary need, at SEND support level - without an EHCP, however some may not have any identified SEND. This offer may be from a number of different providers including tutoring, vocational internships and, for example, an outdoor education offer.

II.2.7) Duration of the contract or the framework agreement

Duration in months

60

II.2.14) Additional information

The duration is for an initial 36 months, with the option to extend a further 24 months.

II.2) Description

II.2.1) Title

Lot 6 - Additional Support Services

Lot No

6

II.2.2) Additional CPV code(s)

- 80000000 - Education and training services

II.2.3) Place of performance

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Kirklees

II.2.4) Description of the procurement

Kirklees Council (LA) is committed to provide excellent teaching and learning opportunities and a personalised learning programme for all pupils, according to need, through its maintained mainstream and special Providers. This provision may be supported by commissioned services to either complement, or provide an alternative to, the teaching and learning available within those Providers.

Some pupils placed or being considered for a place in alternative education may require support in addition to the services provided in other lots. The LA therefore intends to commission additional support services which can supplement the provision 3 or as standalone support for pupils in specific circumstances.

- 1:1 staffing
- 2:1 staffing
- Assessment, advice and training from a speech and language therapist or specialist sensory occupational therapist
- Counselling
- Examination centre access and management
- Tuition on a one-to-one basis, delivered in the home and likely to be for 1-3 hours per day, subject to provision requirements including as part of an engagement offer, prior to a young person attending school on site
- Tuition on a one-to-one basis or in small groups (maximum group size of 3 pupils) face to face at an appropriate, agreed setting for 1 to 3 hours per day
- Outdoor educational tuition on a one-to-one basis or in small groups (maximum 3 pupils) for

up to 5 hours per day where opportunities to support pupils social, emotional and mental health and well-being through environmental, leadership and vocational learning and qualifications

II.2.7) Duration of the contract or the framework agreement

Duration in months

60

II.2.14) Additional information

The duration is for an initial 36 months, with the option to extend a further 24 months.

II.2) Description

II.2.1) Title

Lot 7 - Online Learning Offer

Lot No

7

II.2.2) Additional CPV code(s)

- 80000000 - Education and training services

II.2.3) Place of performance

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Kirklees

II.2.4) Description of the procurement

Kirklees Council (LA) is committed to provide excellent teaching and learning opportunities and a personalised learning programme for all pupils, according to need, through its maintained mainstream and specialist schools and providers. This provision may be supported by commissioned services to either complement, or provide an alternative to, the

teaching and learning available within those settings.

Online learning refers to the use of electronic applications and processes to facilitate learning. Pupils accessing alternative education may benefit from online provision to overcome barriers to learning. For the purposes of this contract, the LA is specifically looking for organisations which can deliver online learning through web-based programmes and/or online classrooms.

Online learning provision might be accessed by pupils from home or other appropriate setting, in exceptional circumstances, as an alternative to school on either a part time or full-time basis. Overall education provision for compulsory school age pupils should be full time. However, in very exceptional circumstances there may be a need for a temporary part-time timetable to meet a pupil's individual needs. All such arrangements must be formally agreed by the LA prior to introduction and be regularly reviewed.

II.2.7) Duration of the contract or the framework agreement

Duration in months

60

II.2.14) Additional information

The duration is for an initial 36 months, with the option to extend a further 24 months.

II.2) Description

II.2.1) Title

Lot 8 - Learners with an Education, Health and Care Plan (EHCP)

Lot No

8

II.2.2) Additional CPV code(s)

- 80000000 - Education and training services

II.2.3) Place of performance

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Kirklees

II.2.4) Description of the procurement

The LA must fulfil its statutory duties towards children and young people with special educational needs (SEN) and demonstrate its arrangements for those with an education, health, and care plan (EHCP). These duties include those children and young people with an EHCP, whose attendance at independent or free schools delivering alternative education provision, would be suitable for their age, ability and aptitude or SEN

The aim of this service is to provide an alternative approach to learning, for up to 60 pupils with an EHCP in all key stages offering tailored programmes which deliver support to meet EHCP outcomes.

These pupils would ordinarily be educated in a special school, but due to current local and regional sufficiency pressures, particularly around specialist settings for pupils with SEMH needs, we are seeking to source additional specialist placements locally to Kirklees.

Programmes of support under this Lot are required to:

- Enable the LA to secure the SEND provision described in the Education, Health and Care Plan. This is likely to include aspects to specialist Health (e.g. mental health support, speech & language support) and Family Support as well as an Education offer.
- Provide flexible and bespoke provision that is suitable for the young person.
- Provide a tailored education programme for each pupil, with personal guidance and support .
- Offer the opportunity for externally accredited qualifications in several subject areas.
- Be regularly reviewed following the statutory guidance in relation to the annual review of EHCP.

II.2.7) Duration of the contract or the framework agreement

Duration in months

60

II.2.14) Additional information

The duration is for an initial 36 months, with the option to extend a further 24 months.

Section III. Legal, economic, financial and technical information

III.1) Conditions for participation

III.1.4) Objective rules and criteria for participation

List and brief description of rules and criteria

The minimum criteria for consideration of this contract is described in the Selection Questionnaire document, under the "Selection Criteria" section. In summary Bidders will be assessed on their financial stability, their previous experience of delivering AEP services, and adherence with relevant legislative requirements.

Section 4 - Economic & Financial Standing:

Tenderers will Pass or Fail on the basis of being financially viable for the Contract tendered for.

The rationale applied will be:

1) Applicants being able to demonstrate that the net worth quoted on the last 2 years of their balance sheet is positive. Any applicant must have a positive net asset shown on their balance sheet, but where so accounted, any deficient on a pension fund will not be included in this analysis; and

2) Tenderers must demonstrate a minimum annual turnover of at least twice the total combined annual contract value for all Lots (and places where applicable) Tendered for to achieve a 'Pass'.

Section 8.1 - Insurance:

Employers Liability £10,000,000

Public Liability £10,000,000

Professional Indemnity £2,000,000

Fleet/Motor Insurance cover (where applicable) not less than five million Pounds Sterling (£5,000,000) in relation to any one claim or series of claims - also inclusive of unlimited bodily injury insurance.

Section IV. Procedure

IV.1) Description

IV.1.1) Form of procedure

Open procedure

IV.1.11) Main features of the award procedure

The Council intends to award a number of Contracts to the Tenderers offering the Most Economically Advantageous Tenders in accordance with the Evaluation Criteria and weightings detailed in the Invitation to Tender document. Quality forms 60% whilst Price forms 40% of the final score. The Successful Tenderers will be those who meet the Minimum Requirements in full, as stipulated in the Selection Questionnaire, and have the highest combined evaluation score (Quality and Price).

Further specifics on the above award criteria can be found in the procurement documentation that is available to access at

<https://yortender.eu-supply.com/login.asp?B=YORTENDER>

IV.2) Administrative information

IV.2.2) Time limit for receipt of tenders or requests to participate

Date

27 February 2023

Local time

1:00pm

IV.2.4) Languages in which tenders or requests to participate may be submitted

English

Section VI. Complementary information

VI.2) Information about electronic workflows

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

VI.4) Procedures for review

VI.4.1) Review body

High Court of England and Wales

London

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

In accordance with Regulation 86(Notices of decisions to award a contract or conclude a framework), Regulation 87 (Standstill periods) and Chapter 6 (Applications to Court) of the

Public Contracts Regulations 2015 (SI2015/102), the contracting authority will incorporate a minimum ten (10) calendar day standstill period at the point that information on the award of the Contract is communicated to economic operators. This period allows any unsuccessful economic operator(s) to seek further debriefing from the contracting authority before the

award of the Contract to the successful economic operators. Such additional information should be requested from the address at Sections I.1 and I.3 of this Notice above. If an

appeal regarding the award of the Contract has not been successfully resolved, then the Public Contracts Regulations 2015 (SI 2015/102) provide for aggrieved parties who have

been harmed or are at risk of harm by a breach of the rules to take action in the High Court (England, Wales and Northern Ireland). Any such action must be started within thirty (30) days beginning with the date when the aggrieved party first knew or sought to have grounds

for starting the proceedings had arisen. The Court may extend the time limited for starting proceedings where the Court considers that there is a good reason for doing so, but not so as to permit proceedings to be started more than three (3)

months after that date. Where the Contract has not been awarded, the Court may order the setting aside of the award decision or order the contracting authority to amend any

document and may award damages. If however the Contract has been awarded, the Court may only award damages or, where the contract award procedures have not been followed correctly, declare the Contract to be ineffective.