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Contract

HMPPS Higher Education

Ministry of Justice

F03: Contract award notice

Notice identifier: 2025/S 000-003924

Procurement identifier (OCID): ocds-h6vhtk-04cc71

Published 6 February 2025, 11:04am

Section I: Contracting authority

I.1) Name and addresses

Ministry of Justice

102 Petty France

London

SW1H 9AJ

Email

abriti.regmi@justice.gov.uk

Telephone

+44 02033343555

Country

United Kingdom

Region code

UK - United Kingdom

Internet address(es)

Main address

<https://www.justice.gov.uk>

I.4) Type of the contracting authority

Ministry or any other national or federal authority

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

HMPPS Higher Education

II.1.2) Main CPV code

- 80000000 - Education and training services

II.1.3) Type of contract

Services

II.1.4) Short description

Higher Education services in England and Wales.

II.1.6) Information about lots

This contract is divided into lots: No

II.1.7) Total value of the procurement (excluding VAT)

Value excluding VAT: £3,340,000

II.2) Description

II.2.2) Additional CPV code(s)

- 75231200 - Services related to the detention or rehabilitation of criminals
- 75231230 - Prison services
- 80000000 - Education and training services
- 80300000 - Higher education services
- 80400000 - Adult and other education services

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

Main site or place of performance

England and Wales

II.2.4) Description of the procurement

To provide a service supporting students in a secure environment to apply for, access funding for and complete, higher education courses. Support should be available for a minimum of 400 module enrolments in England and Wales new enrolments per year. Support for new enrollers will continue for subsequent years until course completion or release. This support must include:

Ensuring that a range of courses are adapted for delivery in a secure environment, compliant with HMPPS standards and regulations, approved by security and available for delivery in a secure environment.

Production of a prospectus of courses available in a secure environment. To protect student choice this must cover the following minimum range of levels and subject areas:

Levels:

Certificate level 4, Diploma level 5, Undergraduate degree level 6

Subject areas:

English Language, English Literature, Maths, Psychology, Business Management, Geography, Art history, Politics, Criminology, History, Economics, Spanish, French, German, Classical Studies, Law, Sociology, Sports, fitness and coaching, Religion, Health & Social care and Combined Science

Marketing and promoting to prisoners the uptake of Higher education in prisons and other secure environments.

Offering information, advice and guidance to prisoners on the types of course they could apply for and which course would be most suitable.

Support in registering for and applying for courses.

Support in registering for and applying for student loans.

Supporting tutors to enable them to deliver to students in secure environments.

Providing support for any course exams to be conducted in a secure environment.

Deliver award/graduation ceremonies in secure environments for students who complete courses whilst incarcerated.

The initial term of the contract is for 24 months with an option to extend for a further two periods of up to 12 months each. The service commencement date is the 1st of April 2025. If no extension options are exercised, the end date will be the 31st of March 2027.

The estimated contract value of £3,340,000 GBP is based on an annual spend of £835k, over the entire maximum contract length of 48 months, assuming the full options to extend the contract are exercised (however this may not be necessary).

It may be necessary for contractor to provide termination assistance beyond the expiry of the contract including, but not limited to, assistance to the extent necessary to ensure that any HMPPS learners already registered on a programme of study with the contractor can continue to be able to access the contractor's course materials, and have the opportunity to complete their course. The costs associated with such assistance would be dependent on the number of affected HMPPS learners, the nature of their courses and the extent to which they have progressed through a particular course. It is therefore not possible at this point to attribute an accurate estimated value to such termination assistance and the estimated value referred to at II.1.7 does therefore not include this element of potential service provision

II.2.5) Award criteria

Price

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Award of a contract without prior publication of a call for competition in the cases listed below

- No tenders or no suitable tenders/requests to participate in response to restricted procedure
- The services can be provided only by a particular economic operator for the following reason:
 - absence of competition for technical reasons

Explanation:

MoJ considers that the award of this contract is permitted pursuant to Regulation 32(2)(b)(ii) of the Public Contracts Regulations 2015 for the following reasons.

a) Open University is the only supplier able to meet MoJ's requirement for a minimum acceptable number of courses (as per II.2.4 above) to be delivered in secure environments by the go live date of April 2025, due to technical reasons.

Having sought advice from internal and external stakeholders, with experience of higher education and education in a secure environment, the estimated timeframes needed for courses to be adapted by alternative suppliers are:

- 6 months for suppliers to develop relationships with higher education (HE) institutions for course delivery (where not delivering the services directly).
- 3 months for HE Institutions to engage with MOJ on understanding its security requirements.
- 12 - 18 months per course to adapt all course content and material for delivery in secure environments.

Furthermore, time would be needed for HMPPS to sign off suitability of degrees to be delivered as part of the services and for MoJ to conduct a procurement for a supplier to deliver the services. Accordingly, alternative suppliers' courses would not be ready for delivery by April 2025.

b) Open University already has distance learning courses available, is the only supplier able to meet the minimum acceptable subject range in secure environments, and no reasonable alternative or substitute exists.

MoJ publicised its requirements as part of pre-market engagement, advertising them on Contracts Finder, through a Prior Information Notice on Find a Tender Service and Find a Grant, plus directly inviting HE institutions. This provided suppliers the opportunity to engage with MoJ as part of its consideration as to whether alternative suppliers who could meet MoJ's requirements exist. During market engagement (from December 2023 to February 2024) one-to-one meetings were arranged with six interested suppliers that could potentially deliver some of the services (aside from the Open University). Of these suppliers, the supplier with the most courses currently available for delivery in secure environments could not meet the minimum requirements of offering qualifications at levels 4, 5, and 6 in core subject areas including English language, English literature, sciences, languages, psychology, sociology, art, and politics

c) Over 100 different undergraduate level courses are currently being offered to students in secure environments. In the interest of opening up competition and to ensure no artificial narrowing down of the parameters of the procurement, MoJ determined the minimum acceptable range of courses (as per section II.2.4 above) that must be available for delivery in a secure environment from April 2025 in order to protect student choice.

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: No

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

Notice number: [2024/S 000-041327](#)

Section V. Award of contract

Title

HMPPS Higher Education

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

23 January 2025

V.2.2) Information about tenders

Number of tenders received: 1

The contract has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor

The Open University

Walton Hall, Kents Hill

Milton Keynes

MK7 6AA

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor is an SME

No

V.2.4) Information on value of contract/lot (excluding VAT)

Total value of the contract/lot: £3,340,000

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

High Court

Royal Courts of Justice, Strand

London

WC2A 2LL

Country

United Kingdom