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Contract

Community Justice Learning (formerly Probation Qualification)

Ministry of Justice.

F20: Modification notice

Notice identifier: 2021/S 000-006151

Procurement identifier (OCID): ocids-h6vhtk-029f79

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Section I: Contracting authority/entity

I.1) Name and addresses

Ministry of Justice.

102 Petty France

London

Email

MoJProcurementLearningandDevelopment@Justice.gov.uk

Telephone

+44 02033343555

Country

United Kingdom

NUTS code

UK - UNITED KINGDOM

Internet address(es)

Main address

www.gov.uk/government/organisations/ministry-of-justice

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Community Justice Learning (formerly Probation Qualification)

II.1.2) Main CPV code

- 800000000 - Education and training services

II.1.3) Type of contract

Services

II.2) Description

II.2.1) Title

Contract for the Provision of the Community Justice Learning (CJL) Qualification

Lot No

Lots 1, 5 & 6

II.2.2) Additional CPV code(s)

- 80510000 - Specialist training services
- 80532000 - Management training services
- 80570000 - Personal development training 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 at the time of conclusion of the contract:

MoJ conducted a competitive process commencing with the publication of a Contract Notice on Contracts Finder (16.10.2015) with reference 4601-1-Professional Services-N-RFP. The procurement was for six lots as follows: Lot 1 - London; Lot 2 - Midlands; Lot 3 - North East; Lot 4 - North West; Lot 5 South East/Eastern; Lot 6 - South West, Central and Wales. On 08.04.2016 a contract for the CJL Qualification was entered into with each successful bidder as follows:

Sheffield Hallam University (for Lots 3 & 4)

Portsmouth University (for Lots 1, 5 & 6)

De Montford University (The Gateway Leicester) (for Lot 2)

(each a "Contract" and together the "Contracts").

The scope of services under the Contracts is the delivery and accreditation of a Probation Officer (PO) training programme and other related elements of a CJL qualifications matrix to a number of cohorts of learners. CJL comprises a flexible, adaptable matrix of qualifications for staff working at a variety of levels of responsibility across the community justice sector. The services include the development of course materials which meet the Ministry of Justice ("MoJ") aims and objectives set out in the regulatory framework. The Contracts were for a 4-year initial term with an option to extend for a further 2 years. MoJ exercised its right to extend each of the Contracts by two years; accordingly the Contracts were due to expire on 07.04.2022.

The Contract Notice and the Contract Award Notice ("CAN") included a value range for the Contracts. The upper GBP (£) figure of £13,000,000 quoted within the original Contract Notice and CAN on Contracts Finder was the maximum anticipated, total, real cumulative value of the Contracts for the full 4+2 year duration.

II.2.7) Duration of the contract, framework agreement, dynamic purchasing system or concession

Start date

8 April 2016

End date

7 April 2022

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 V. Award of contract/concession

Contract No

con_13671

Lot No

Lots 1, 5 & 6

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract/concession award decision:

16 October 2015

V.2.2) Information about tenders

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

V.2.3) Name and address of the contractor/concessionaire

University of Portsmouth

Portsmouth

Country

United Kingdom

NUTS code

- UK - UNITED KINGDOM

The contractor/concessionaire is an SME

No

V.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)

Total value of the procurement: £7,280,000

Section VI. Complementary information

VI.3) Additional information

The MoJ intends to extend the Contracts for a further 12 months (as more fully described in VI.1.4) by reference to Regulation 72(1)(b) of the Public Contract Regulations 2015. Individual Modification Notices will be published in respect of each Contract.

For the purposes of assessing whether the conditions with Regulation 72(1)(b) have been satisfied, the MoJ has considered it necessary and proportionate to calculate a notional value of each Contract and to assess the increase in estimated value associated with the extension as against this notional value. A notional value was required on the basis that: (1) the values noted in the Contract Notice and CAN related to the cumulative value of the Contracts - therefore the upper estimated value of £13,000,000 was the upper estimated value for all three Contracts, with no individual estimates provided for each Lot or each Contract; and (2) It was always known that it would not be possible to determine in advance an exact value for each Contract. Indeed, the Contract Notice articulated that the final contract price would be subject to change in the future depending on workforce requirements for the Authority, particularly given that volumes against lots were not guaranteed.

VI.4) Procedures for review

VI.4.1) Review body

High Court of Justice

London

Country

United Kingdom

Section VII: Modifications to the contract/concession

VII.1) Description of the procurement after the modifications

VII.1.1) Main CPV code

- 80000000 - Education and training services

VII.1.2) Additional CPV code(s)

- 80510000 - Specialist training services
- 80532000 - Management training services
- 80570000 - Personal development training services

VII.1.3) Place of performance

NUTS code

- UK - UNITED KINGDOM

Main site or place of performance

England and Wales

VII.1.4) Description of the procurement:

This notice relates to a further 12 month extension to the Lots 1, 5 & 6 of the University of Portsmouth contracts, with a new contract expiry date of 7 April 2023.

The Authority considers the modifications of the Contract without prior publication of a Contract Notice is permitted by the Public Contracts Regulations 2015 (PCR) and Directive 2014/24/EU. The Contract was modified in accordance with regulation 72(1)(b)/article 72(1)(b) on 6th November 2020 and accordingly does not in the Authority's view amount to the award of a new contract and/or an unlawful substantial change. The modification does not alter the overall nature of the Contract. The estimated price increase does not exceed 50 % of the estimated value of the original Contract (as against the notional contract values of each Contract identified at section V.2.4.

The further 12 month extension is necessary for the provision of additional services, namely for the completion of cohorts 9 and 10, which each commence during the original permitted contract term but which will not complete before the original expiry date of April 2022, as follows:

Cohort 9 (21 month course): January 2021 commencement and October 2022 completion

Cohort 10 (15 month course): July 2021 commencement and October 2022 completion

Cohort 10 (21 month course: July 2021 commencement and April 2023 completion

A change of contractor part way through a cohort cannot be made for economic and technical reasons and would cause significant inconvenience and substantial duplication of costs for the Contracting Authority.

The significant inconvenience and substantial duplication of costs is driven by:

- Inconvenience to learners during their professional studies – a change in learning provider midway through a course could compromise their ability to qualify on time and achieve the pay rise associated with qualification
- The need to recognise and accredit prior learning if learners move between providers – while there is nationally required content, the individual courses that learners complete are accredited by their institutions. Therefore the transfer of credits and recognition of prior learning would see significant duplication of costs from any new provider
- Inconvenience to the MoJ – at a time of significant reform of the probation system, to transfer learners between providers is likely to see a significantly increased workload for National Probation Service staff who supervise Probation Officers vocational training.

The 12 month extension to the Contract will enable current learner cohorts 9 and 10 to complete the CJL qualification with the Contractor.

The MoJ published a Contract Notice on the 4th January 2021 on Find a Tender Service (publication reference: 2021/S 000-000066) for the delivery of the CJL qualification from April 2023. The overlap in contractual terms is so that learners can start and finish their learning with a single provider. This extension provides for the completion of learners in cohorts that start in or before July 2021.

VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession

Start date

8 April 2016

End date

7 April 2023

VII.1.6) Information on value of the contract/lot/concession (excluding VAT)

Total value of the contract/lot/concession:

£7,280,000

VII.1.7) Name and address of the contractor/concessionaire

University of Portsmouth

Portsmouth

Country

United Kingdom

NUTS code

- UK - UNITED KINGDOM

The contractor/concessionaire is an SME

No

VII.2) Information about modifications

VII.2.1) Description of the modifications

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

The Authority has agreed with the contractor to extend the Contract beyond the termination date of 7.04.2022 to the 7.04.2023.

The Authority has also submitted a contract award notice for publication

VII.2.2) Reasons for modification

Need for additional works, services or supplies by the original contractor/concessionaire.

Description of the economic or technical reasons and the inconvenience or duplication of cost preventing a change of contractor:

Description of the economic or technical reasons and the inconvenience of duplication of cost preventing a change of contractor

The modification is brought about by the need for additional services, namely the

extension of the Contract beyond the termination date of 7.04.22 for the provision of the C JL Qualification for an additional 12 months. The modifications are in accordance with Part 2 of the Public Contracts Regulations 2015 (the "Regulations") which implements Directive 2014/24/EU (the "Directive"). The modifications are particularly provided for in regulation 72(1)(b)(additional services) of the Regulations. The Authority considers the modification without prior publication of a Contract Notice is permitted by the Regulations and the Directive. The contract was modified on 6th November 2020 in accordance with regulation 72(1)(b)/article 72(1)(b) and does not in the Authority's view amount to the award of a new contract and/or an unlawful substantial change.

VII.2.3) Increase in price

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptations and average inflation)

Value excluding VAT: £2,800,000

Total contract value after the modifications

Value excluding VAT: £10,100,000