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Contract

SIMS – Schools Management Information System

City & County of Swansea

F03: Contract award notice

Notice identifier: 2022/S 000-007958

Procurement identifier (OCID): ocds-h6vhtk-0325b0

Published 24 March 2022, 10:33am

Section I: Contracting authority

I.1) Name and addresses

City & County of Swansea

Civic Centre

Swansea

SA1 3SN

Email

procurement@swansea.gov.uk

Telephone

+44 1792637242

Country

United Kingdom

NUTS code

UKL18 - Swansea

Internet address(es)

Main address

www.swansea.gov.uk/dobusiness

Buyer's address

https://www.sell2wales.gov.wales/search/Search_AuthProfile.aspx?ID=AA0254

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

SIMS – Schools Management Information System

Reference number

CCS/21/487

II.1.2) Main CPV code

- 72000000 - IT services: consulting, software development, Internet and support

II.1.3) Type of contract

Services

II.1.4) Short description

Transition from existing contractual model of perpetual licence of SIMS to local authority with associated support services, to software as a

service model contracting directly with individual schools to provide SIMS and associated support services.

II.1.6) Information about lots

This contract is divided into lots: No

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

Lowest offer: £3,230 / Highest offer: £55,312 taken into consideration

II.2) Description

II.2.2) Additional CPV code(s)

- 72260000 - Software-related services
- 72261000 - Software support services
- 72268000 - Software supply services

- 72300000 - Data services
- 72310000 - Data-processing services
- 72320000 - Database services

II.2.3) Place of performance

NUTS codes

- UKL18 - Swansea

Main site or place of performance

Civic Centre, Swansea, Wales, UK

II.2.4) Description of the procurement

Prior to the award of these contracts, the current provider (ESS) had a contract with the local authority under which it provided a perpetual

licence to the local authority for the purpose of providing SIMS to the schools in the local authority's area, with associated support services.

ESS has now served notice to terminate that contract and requires that, in order to continue provision of SIMS, individual schools must

enter into direct contracts with ESS to receive SIMS as software as a service.

In order to bring about the transition, the local authority will enter into a Facilitation Agreement ("FA") with ESS under which nothing of

value is received by ESS and no material services are provided to the local authority; it is purely an administrative arrangement to effect the

transition. Each school in the local authority's area will enter into a School Contract ("SC") with ESS for the direct provision of SIMS as

software as a service, at substantially the same cost as before.

The highest value SC is 3,230 GBP and the lowest value SC is 55,312 GBP

The schools in the local authority's area whose governing bodies will enter into contracts with ESS are as follows:

List of schools:-

Name

Birchgrove Comprehensive

Birchgrove Primary School

Bishop Gore Comprehensive School

Bishop Vaughan RC Comprehensive

Bishopston Comprehensive School

Bishopston Primary School

Blaenymaes Primary School

Brynhyfryd Primary School

Brynmill Primary School

Burlais Primary School

Cadle Primary School

Casllwchwr Primary School

Cefn Hengoed Comprehensive School

Christ Church In Wales Primary

Cila Primary School

City and County of Swansea Pupil Referral Unit

Clase Primary School

Clwyd Primary School

Clydach Primary School

Craigfelin Primary School

Crwys Primary School

Cwmglas Primary School

Cwmrhydyceirw Primary School

Danygraig Primary School

Dunvant Primary School

Dylan Thomas Community School

Flying Start Settings

Gendros Primary School

Glais Primary School

Glyncollen Primary School

Gors Community School

Gorseinon Primary School

Gowerton Primary School

Gowerton School

Grange Primary School

Gwyrosydd Primary School

Hafod Primary School

Hendrefoilan Primary School

Knelston Primary School

Llangyfelach Primary School

Llanrhidian Primary School

Mayals Primary School

Morrison Comprehensive School

Morrison Primary School

Newton Primary School

Olchfa School

Oystermouth Primary School

Parkland Primary School

Pen-y-fro Primary School

Penclawdd Primary School

Pengelli Primary School

Penllergaer Primary School

Pennard Primary School

Pentre'r Graig Primary School

Pentrechwyth Primary School

Pentrehafod School Hafod

Penyrheol Comprehensive School

Penyrheol Primary School

Plasmarl Primary School

Pontarddulais Comprehensive School

Pontarddulais Primary School

Pontlliw Primary School

Pontybrenin Primary School

Portmead Primary School

Seaview Community Primary School

Sketty Primary School

St Davids RC Primary School

St Helen's Primary School

St Illtyds RC Primary School

St Joseph's Cathedral Primary School

St Joseph's RC Primary School

St Thomas Community Primary School

Talycopa Primary School

Terrace Road Primary School

Townhill Community School

Trallwn Primary School

Tre Uchaf Primary School

Waun Wen Primary School

Wanarlwydd Primary School

Whitestone Primary School

Y G G Bryniago

Y G G Lonlas Primary School

Y G G Pontybrenin

YGG Llwynderw

YGG Tan-y-lan

Ynystawe Primary School

Ysgol Bryn-Y-Mor

Ysgol Crug Glas

Ysgol G G Y Login Fach Prim Sch

Ysgol Gyfun Bryn Tawe

Ysgol Gyfun Gwyr

Ysgol Gymraeg Y Cwm

Ysgol Gynradd Gymraeg Gellionnen

Ysgol Gynradd Gymraeg Tirdeunaw

Ysgol Pen-y-Bryn

The local authority publishes this notice on behalf of itself and the schools listed above but is not acting as a central purchasing body on

behalf of the schools.

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

II.2.14) Additional information

Contract duration: 36 months

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

- The procurement falls outside the scope of application of the regulations

Explanation:

This contract award notice is published on a wholly voluntary basis and without prejudice to the local authority's and the governing body of each individual school's position that no prior publication of a contract notice, and thus no competitive tender exercise, was required in respect of the Facilitation Agreement (FA) and/or the individual Schools Contracts (SC). Neither the local authority nor the governing body of any of the schools listed above accepts that the FA and/or the individual SCs are within the scope of application of Part 2 of the Public Contracts Regulations 2015 (as amended). (1) The FA simply puts in place an administrative mechanism to manage the transition of contracts from local authorities to schools and therefore has no 'value'. Each school is a separate contracting authority and each SC is a separate contract. The values of each SC is below the threshold in Reg. 5 (as reviewed pursuant to Reg. 5A) of the 2015 Regulations. (2) The services can only be provided by one particular economic operator (ESS) - competition is absent for technical reasons pursuant to Reg. 32(2)(b)(ii) of the 2015 Regulations. (3) All the schools in the local authority's area currently use ESS' SIMS product. It would take a minimum of 6 weeks to transition from ESS' SIMS product to another product. To avoid serious disruption to the school's functions, that transition has to take place over the long summer holidays. ESS served 90 days' notice to terminate current arrangements. It would not be possible, in the timescales imposed by ESS, for schools to tender for and purchase an alternative product and transition to it, without suffering serious disruption to essential services which would affect the ability of schools to continue to function and which may require schools to close. The urgency provisions pursuant to Reg. 32(2)(c) of the 2015 Regulations apply. Due to the short notice given by ESS, together with the time it would take to prepare a specification and to transition to a new product, the timescales for the open or restricted procedure, or competitive procedure with negotiation, cannot be complied with in the time available. It is intended in the future to advertise a competitive tender exercise for SIMS on an all-Wales basis, with transition to the new contracts resulting from such tender to coincide with the end of the 3-year term of the SCs entered into with ESS. Pre-tender market testing is likely to commence in the near future.

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

The procurement is covered by the Government Procurement Agreement: Yes

Section V. Award of contract

Contract No

CCS/21/487

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

17 February 2022

V.2.2) Information about tenders

Number of tenders received: 1

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 1

Number of tenders received by electronic means: 0

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

V.2.3) Name and address of the contractor

Education Software Solutions Limited

11 Kingsley Lodge, 13 New Cavendish Street

London

W1G9UG

Country

United Kingdom

NUTS code

- UKI - London

The contractor is an SME

No

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

Lowest offer: £3,230 / Highest offer: £55,312 taken into consideration

Section VI. Complementary information

VI.3) Additional information

(WA Ref:119855)

VI.4) Procedures for review

VI.4.1) Review body

High Court

Royal Courts of Justice, The Strand

London

WC2A 2LL

Telephone

+44 2079477501

Country

United Kingdom