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Award

## **Kent International College**

UNIVERSITY OF KENT

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-008313

Procurement identifier (OCID): ocds-h6vhtk-03b507

Published 22 March 2023, 12:04pm

## **Section I: Contracting authority/entity**

### **I.1) Name and addresses**

UNIVERSITY OF KENT

The University of Kent, The Registry

Canterbury

CT2 7NZ

### **Contact**

Max Hubbard

### **Email**

[m.hubbard@kent.ac.uk](mailto:m.hubbard@kent.ac.uk)

### **Telephone**

+44 7892719788

**Country**

United Kingdom

**Region code**

UKJ4 - Kent

**Companies House**

RC000656

**Internet address(es)**

Main address

<https://www.kent.ac.uk/finance/procurement.html>

Buyer's address

<https://www.kent.ac.uk/finance/procurement.html>

**I.4) Type of the contracting authority**

Body governed by public law

**I.5) Main activity**

Education

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

Kent International College

#### **II.1.2) Main CPV code**

- 80300000 - Higher education services

#### **II.1.3) Type of contract**

Services

#### **II.1.4) Short description**

The University intends to enter into a joint venture with Oxford International Education and Travel Limited (OIEG) to establish an embedded international college. The parties will jointly own/operate the college to deliver courses to international students, who will then have the opportunity to apply for courses at the University/alternative higher education institutions. OIEG will recruit students, administer admissions and provide teaching services. The University shall maintain overall control of the admission decisions/entry requirements and will apply to the UK visas and immigration department to add the college to its student sponsor's licence. OIEG shall incorporate a new company, Kent International College Limited (UIC) through which the college will be operated (with shareholdings as follows: OIEG 99%; and University 1%) and the management and control delegated to the University and OIEG. The JV will operate for a period of 10 years in addition to agreed extensions.

#### **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: £1

### **II.2) Description**

#### **II.2.2) Additional CPV code(s)**

- 80300000 - Higher education services
- 80490000 - Operation of an educational centre
- 80500000 - Training services

### **II.2.3) Place of performance**

NUTS codes

- UKJ4 - Kent

Main site or place of performance

Kent

### **II.2.4) Description of the procurement**

The key provisions of the agreement include (effective on the satisfaction of certain conditions precedent):

- OIEG shall fund UIC set-up costs and retains responsibility for its financing until it is financed from its own cash flow, including covering the costs of recruiting and employing staff for UIC
- the University shall provide premises via a lease on its campus for UIC to conduct its operations
- UIC is required to pay an educational services fee for access to the University's facilities, which shall be an agreed % of UIC's published tuition fees (which shall be subject to a minimum payment in respect of years 2 and 3 of the contract). The University shall also pay a university administration fee to OIEG in respect of international students who subsequently enrol on a University course (based on a % of first year's tuition fees)
- all students enrolled to study on any programme will be entitled to access the core services available to students studying at the University

### **II.2.11) Information about options**

Options: No

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## 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:

The University has given thorough consideration in respect of whether the arrangement constitutes a public services contract (as defined in the Public Contracts Regulations 2015) or a services concession contract (as defined in the Concession Contracts Regulations 2016).

Firstly, any consideration due to OIEG shall derive from income obtained from operating the college (eg student fees). OIEG shall also fund the set-up costs of the college. While the University is making premises available on its campus and will permit students to access its core facilities, such resources are made available in consideration of payment to be made by UIC to the University as described above. Where a UIC student enrolls for an undergraduate/post-graduate course at the University, a University Administration Fee (as described above) will be paid to UIC, albeit such fee shall not be payable unless/until a student is fully enrolled on a course and the University is in receipt of the corresponding fees. The University therefore considers that the consideration payable to UIC (and therefore in turn, OIEG) for the most part derives from OIEG's provision of the services. OIEG is not guaranteed to recoup the investments made (while the University will input into the establishment/operation of the UIC, the University is not obliged to provide any form of financial support in the event of UIC experiencing financial difficulties). Therefore, the University has concluded that the arrangement does not constitute a contract for pecuniary interest and as such, does not fall within the ambit of the Public Contracts Regulations 2015.

Secondly, the University has considered whether there is an entrustment of services to OIEG which, in the absence of this arrangement, would oblige the University to provide such services itself. The University has an established network of recruitment partners and other routes through which it promotes its undergraduate and post-graduate programmes to international students. Therefore, in the absence of the collaboration agreement, the University would not itself be required to establish an international college to further its strategic objectives in this regard. To that end, the University has concluded that the arrangement does not encompass all elements of a services concession contract, and therefore falls outside of the ambit of the Concession Contracts Regulations 2015.

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

The procurement is covered by the Government Procurement Agreement: No

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### **Section V. Award of contract/concession**

A contract/lot is awarded: Yes

#### **V.2) Award of contract/concession**

##### **V.2.1) Date of conclusion of the contract**

21 March 2023

##### **V.2.2) Information about tenders**

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

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

Oxford International Education and Travel Limited

New Kings Court Tollgate, Chandler's Ford, Eastleigh

Hampshire

SO53 3LG

Country

United Kingdom

NUTS code

- UKJ35 - South Hampshire

Companies House

02666738

Internet address

<http://www.argentrelated.co.uk/>

The contractor/concessionaire is an SME

No

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

Total value of the contract/lot/concession: £1

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## **Section VI. Complementary information**

### **VI.3) Additional information**

OIEG shall be subject to performance monitoring/KPIs including (among other things) target enrolment numbers and student satisfaction. A failure to adhere to such KPIs shall trigger an escalation procedure and ultimately, the potential termination of the JV.

### **VI.4) Procedures for review**

#### **VI.4.1) Review body**

High Court of England and Wales

Royal Courts of Justice, Strand

London

WC2A 2LL

Country

United Kingdom

#### **VI.4.4) Service from which information about the review procedure may be obtained**

University of Kent

The University of Kent, The Registry

Canterbury

CT2 7NZ

Email

[procurement@kent.ac.uk](mailto:procurement@kent.ac.uk)

Country

United Kingdom