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Tender

## **ELECTRONIC MARKET PLACE FOR THE PROVISION OF ADULT EDUCATION, TRAINING, EMPLOYMENT AND LIFELONG LEARNING**

Kirklees Council

F21: Social and other specific services – public contracts

Contract notice

Notice identifier: 2022/S 000-008423

Procurement identifier (OCID): ocds-h6vhtk-032781

Published 29 March 2022, 2:42pm

### **Section I: Contracting authority**

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

Kirklees Council

Riverbank Court

HUDDERSFIELD

HD59AA

#### **Contact**

Emma Bolton

#### **Email**

[emma.bolton@kirklees.gov.uk](mailto:emma.bolton@kirklees.gov.uk)

#### **Telephone**

+44 1484221000

**Country**

United Kingdom

**NUTS code**

UKE44 - Calderdale and Kirklees

**Internet address(es)**

Main address

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

Buyer's address

<https://yortender.eu-supply.com>

**I.3) Communication**

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

<https://yortender.eu-supply.com>

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>

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

Regional or local authority

**I.5) Main activity**

General public services

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## **Section II: Object**

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

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

ELECTRONIC MARKET PLACE FOR THE PROVISION OF ADULT EDUCATION, TRAINING, EMPLOYMENT AND LIFELONG LEARNING

Reference number

KMCAS-164

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

- 80000000 - Education and training services

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

Services

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

Kirklees Council intends to establish an Electronic Marketplace (EMP) with Delivery Partners with relevant experience and ability to provide Adult Education, Training, Employment & Lifelong Learning on a non-exclusive basis.

This EMP will allow applicants to become eligible to bid to provide the individual Service

#### **II.1.5) Estimated total value**

Value excluding VAT: £3,750,000

#### **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**

Kirklees Council Community Learning, Engagement and Volunteering

Lot No

1

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

- 80400000 - Adult and other education services
- 80500000 - 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 main purpose of the Community Learning (CL) fund is to reach disadvantaged communities and individuals, to enable them to develop new skills, participate in learning and to progress towards further learning and/or sustainable employment.

We are seeking to support projects and ways of working that can support our long-term ambition for the district and will increase and diversify the number and type of adult learners in Kirklees, identifying and engaging underrepresented groups and providing them with their 'first-step' into learning.

Community-based learning should take place in non-pressurised learning contexts where people understand learners' needs and treat learners equally, thereby increasing their confidence and self-esteem.

### **II.2.6) Estimated value**

Value excluding VAT: £1,750,000

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

Duration in months

60

### **II.2.14) Additional information**

Stated values are estimates and the contracting authority shall not be bound by such estimates nor should these be interpreted as an undertaking to purchase any services. It is not possible to establish an exact future workload and it is therefore not possible to guarantee that all or any of the economic operators admitted to the EMP will in fact enter into any call-off contracts

## **II.2) Description**

### **II.2.1) Title**

English Language Support for English speakers of other Languages (ESOL)

Lot No

2

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

- 80400000 - Adult and other education services
- 80500000 - 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 is a diverse and inclusive district and is committed to strengthening our communities to ensure everyone can progress no matter what their background. This includes empowering those who speak little or no English, by boosting language skills, building confidence to unleash their potential, reduce isolation and ensuring everyone can participate in their community.

The Council with its appointed delivery partners has delivered English language programme including Talk English and New 2 English in Kirklees since 2013.

This provision should continue to build on previous good practice to ensure maximum impact. It should be designed to align with other ESOL provision, ESIF funded provision and wider mainstream ESOL provision. In addition, other community learning based

provision that may also support the target group should be taken into account in the design.

### **II.2.6) Estimated value**

Value excluding VAT: £1,250,000

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

Duration in months

60

### **II.2.14) Additional information**

Stated values are estimates and the contracting authority shall not be bound by such estimates nor should these be interpreted as an undertaking to purchase any services. It is not possible to establish an exact future workload and it is therefore not possible to guarantee that all or any of the economic operators admitted to the EMP will in fact enter into any call-off contracts.

## **II.2) Description**

### **II.2.1) Title**

Employability Provision

Lot No

3

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

- 80400000 - Adult and other education services
- 80500000 - 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 Employment and Skills Service procure a variety of Employment Support activity which engage residents from disadvantaged groups or communities and reconnect them with the labour market for over a decade. These seek to enhance/extend/target support through Government-funded programmes, to help address the factors (e.g. health, housing, substance abuse issues or people with low skills, no qualifications or in social isolation) that have contributed to exclusion from the labour market. Where possible, the Council has sought to engage local, community-based delivery partners and to work with employers to create and support employment and training opportunities.

The vision for the programmes is to offer a transformed approach to lifestyle behaviour change alongside the journey to work; therefore, providing an impact beyond learning and work by improving health and well-being, reducing loneliness and isolation, and building strong social networks, which are all proven to lead to sustainable outcomes for participants.

#### **II.2.6) Estimated value**

Value excluding VAT: £750,000

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

Duration in months

60

#### **II.2.14) Additional information**

Stated values are estimates and the contracting authority shall not be bound by such estimates nor should these be interpreted as an undertaking to purchase any services. It is not possible to establish an exact future workload and it is therefore not possible to guarantee that all or any of the economic operators admitted to the DPS will in fact enter into any call-off contracts.

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## **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 economic operators' Request to Participate on this EMP will be assessed against their responses to the minimum selection criteria within the selection questionnaire ('SQ') in the Request to Participate Submission Document (i.e. Schedule 1), which is available to download at: <https://yortender.eu-supply.com> as set out in Sections I.1) and I.3) of this Notice above.

The Applicant must supply any one of the documents listed in section 4.1 (a) to (c) with its completed RTP in order to demonstrate financial standing as required under this section 4. Failure to supply any one of the documents listed in section 4.1 (a) to (d) may result in your RTP on to the EMP being rejected.

With regards to section 4.2, potential suppliers will Pass or Fail on the basis of being financially viable for the Services tendered for.

HOWEVER, all Applicants must acknowledge and accept that at the point of their admission on to the EMP they will be assigned an upper financial limit at 0.666 times their annual turnover. This limit will be communicated to the Applicant at the point of their admission onto the EMP. This limit will be re-calculated on an annual basis thereafter, therefore Members must submit their financial information annually.

All further competitions will be made available to all members on the relevant EMP Category.

Members can apply for any amount of work specified under each General Further competition. However, prior to any Contract award the authority will consider existing Contracts and their collective values and check these against the submitted turnover information for that year. If the Member is successful under a Further Competition, the value of the award(s) will be deducted from their upper financial limit and the Contract will be duly awarded.

Should any potential awards result in the Member's upper financial limit being exceeded, this may result in the award value being reduced or non-award of the Contract.

In addition, any answers to section 4 which leads the authority, acting reasonably, to conclude (considering the risk that the relevant answer suggests about your ability to properly perform the Services under the EMP) that it would be inappropriate to select the

Applicant organisation on this occasion, may result in your exclusion from the remainder of the procurement process.

PASS - The Applicant has provided EITHER:

1. at least one example of a previous contract that meets the minimum requirements set out in Section 6, and demonstrates to the reasonable satisfaction of the Council that the Applicant possesses the relevant general technical expertise and professional experience to be entrusted with the Council's Contract;

OR

2. a satisfactory reason as to why the applicant is unable to provide any examples of previous contracts that are relevant to the Contract's requirements under this procurement that meets the minimum requirements set out in Question 6.3.

3. Please use a minimum of 200 words to describe your experience for each contract.

HOWEVER, Applicants are asked to note that:

(i) If it needs to use more than one example to demonstrate that it possesses the relevant general technical expertise and professional experience, it may do so up to a maximum of three (3) examples.

(ii) The Council reserves the right to confirm the accuracy of any information provided in response to Section 6 with any named customer contact(s).

(iii) Any replies from any named customer contact(s) which lead the Council, acting reasonably, to doubt any significant representations made in its responses to Section 6 may result in exclusion.

FAIL - The Applicant:

1. has failed to provide any examples of any previous contracts in response to Section 6, AND has failed to provide a satisfactory reason as to why they were unable to provide any examples;

OR

2. the examples given in response to Section 6 do NOT demonstrate to the satisfaction of the Council that the applicant possesses the relevant general technical expertise and professional experience to be entrusted with the Councils Contract.

Where 6.3 has been completed, the Council may choose to undertake site visits to

determine suitability and will look at relevant documents including policies and procedures, support plans and risk assessments to confirm whether the Applicant has the necessary processes and procedures in place to undertake a contract under this EMP.

Insurance - See Section 8 of the SQ

Economic operators are asked to self-certify whether they already have, or can commit to obtaining, prior to the commencement date of the Contract, the levels of insurance cover indicated below:

a) Employer's (Compulsory) Liability Insurance £10,000,000 (in relation to any one claim or

series of claims);

b) Public Liability Insurance, including Product Liability Insurance £10,000,000 (in relation to any one claim or series of claims); and

c) Professional Indemnity Insurance £250,000 (in relation to any one claim or series of claims).

Failure to indicate 'Yes' will result in the rejection of this RTP.

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Form of procedure**

Open procedure

### **IV.2) Administrative information**

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

Date

16 May 2022

Local time

1:00pm

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

English

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## **Section VI. Complementary information**

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

The Council of the Borough of Kirklees (the "Council") is conducting this procurement exercise, in accordance with the Light Touch Regime of the Public Contracts Regulations 2015 (SI 2015/102), and intends to establish an Electronic Market Place ("EMP")

The EMP is anticipated to commence on 1 June 2022 for a period of five (5) years up to 31 May 2027.

The time limit for receipt of Requests to Participate is 28 February 2027. HOWEVER, in order to be considered for the first call-off contracts placed under the EMP, the initial deadline for the receipt of Requests to Participation is Monday 16 May 2022 at 13:00 GMT and MUST include ALL supporting documents as required by the Request to Participate Documents.

The contracting authority considers that this contract may be suitable for economic operators that are small or medium enterprises (SMEs). However, any selection of tenderers will be based solely on the criteria set out for the procurement.

The economic operator can submit a request to participate as a single legal entity. Alternatively, you can work together with other legal entities to form a Group of Economic Operators. If you do, we ask the group of economic operators to choose a lead member who will submit the bid on behalf of the Group of Economic Operators and you will have to identify what each of the parties is contributing to the bid.

Economic operators will be assessed on the minimum selection and criteria information provided in response to their request to Participate for a place on the EMP. The EMP will be hosted on the contracting authority's electronic tendering system "YORtender". The contracting authority will post all of the necessary documentation on YORtender which shall from the date of publication of this Notice until the expiry of the EMP Period. Any values provided in this Notice or any of the other procurement documents are estimates only. The contracting authority cannot guarantee to economic operators any business through the EMP.

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

### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

Economic operators who are unsuccessful at the SQ stage shall be informed by the contracting authority as soon as possible after the decision is made as to the reasons why the application to join the EMP was unsuccessful. If an economic operator requires any additional information following this initial de-briefing, this should be requested from the address at Section I.1 of this Notice. If an appeal regarding the decision to award a position the EMP 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 a contract has not been entered into, the Court may order the setting aside of the award decision or order for any document to be amended and may award damages, make a declaration of ineffectiveness, order for a fine to be paid, and/or order the duration of the contract to be shortened. If however the contract has been concluded, the Court may only award damages or, where the contract award procedures have not been followed correctly, declare the contract to be ineffective.