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Award

## **Probation Services Dynamic Framework - Dyfed Powys Women's Services**

Ministry of Justice.

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-008552

Procurement identifier (OCID): ocids-h6vhtk-02a8d9

Published 21 April 2021, 10:55pm

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

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

Ministry of Justice.

102 Petty France

London

SW1H 9AJ

#### **Email**

[probationdynamicframework@justice.gov.uk](mailto:probationdynamicframework@justice.gov.uk)

#### **Telephone**

+44 02033343555

#### **Country**

United Kingdom

#### **NUTS code**

UK - United Kingdom

**Internet address(es)**

Main address

<https://www.gov.uk/government/organisations/ministry-of-justice>

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

Ministry or any other national or federal authority

**I.5) Main activity**

Public order and safety

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## **Section II: Object**

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

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

Probation Services Dynamic Framework - Dyfed Powys Women's Services

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

- 75231240 - Probation services

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

Services

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

The Ministry of Justice (the 'Authority') conducts this procurement under the 'Light Touch Regime'. The Authority has established a probation services dynamic framework ('DF') to purchase services to deliver rehabilitation and resettlement interventions under the 'Light Touch Regime'. The DF contains 14 'Service Categories' based on service user needs and cohorts. Interventions will be delivered via call-off contracts let by the Authority and other public sector commissioners ('Participating Bodies') at different geographical levels in England and Wales. As a result of a number of call-off competition failures under the DF, the MOJ intends to directly award those call-off contracts pursuant to the negotiated procedure without prior publication.

#### **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: £311,722

## **II.2) Description**

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

- 33693300 - Addiction treatment
- 75110000 - General public services
- 75130000 - Supporting services for the government

- 75200000 - Provision of services to the community
- 75230000 - Justice services
- 75231200 - Services related to the detention or rehabilitation of criminals
- 75231230 - Prison services
- 75310000 - Benefit services
- 79611000 - Job search services
- 80000000 - Education and training services
- 80400000 - Adult and other education services
- 80500000 - Training services
- 80521000 - Training programme services
- 80530000 - Vocational training services
- 85000000 - Health and social work services
- 85300000 - Social work and related services
- 85312300 - Guidance and counselling services
- 85312400 - Welfare services not delivered through residential institutions
- 85312500 - Rehabilitation services
- 85312510 - Vocational rehabilitation services
- 85321000 - Administrative social services
- 85322000 - Community action programme
- 98341100 - Accommodation management 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**

The Ministry of Justice (the 'Authority') conducts this procurement under the 'Light Touch Regime'. The Authority has established a probation services dynamic framework ('DF') to purchase services ('Commissioned Rehabilitative Services') to deliver rehabilitation and resettlement interventions under the 'Light Touch Regime'. The DF contains 14 'Service Categories' based on service user needs and cohorts. Interventions will be delivered via call-off contracts let by the Authority and other public sector commissioners ('Participating Bodies') at different geographical levels in England and Wales. As a result of a number of call-off competition failures under the DF, the MOJ now intends to directly award those call-off contracts pursuant to the negotiated procedure without prior publication. Further information about the procedure is provided in section IV.1 below.

#### **II.2.5) Award criteria**

Cost criterion - Name: Most Economically Advantageous Tender / Weighting: 100%

#### **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**

The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020/1319

The Regulation 32 procedure was 'launched' in 2021 when the Authority contacted economic operators in relation to the procedure. As the procedure was launched after IP completion day, this VEAT notice is being published on Find a Tender. For transparency, the Authority has also decided to publish this VEAT notice in the OJEU.

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## Section IV. Procedure

### IV.1) Description

#### IV.1.1) Type of procedure

Negotiated without a prior call for competition

- No tenders or no suitable tenders/requests to participate in response to restricted procedure

Explanation:

Justification

The Authority considers the award of the contracts without prior publication of a contract notice is permitted by Regulation 32(2)(a) of the Public Contracts Regulations 2015 on the basis that no and/or no compliant tenders were received in the 17 call-off competitions run under the DF. No bids were received in the following call-off competitions: seven Police and Crime Commissioner (PCC) areas for Personal Wellbeing (PWB) contracts; seven for Women's Services contracts; and two PCC areas for Young Adults in Wales. No compliant tenders were received for one call-off competition for a Women's Services contract.

Section VI.3 of the Contract Notice for the DF published on 15 June 2020 (see IV.2.1) gave notice that the Authority could directly award a call-off contract pursuant to Regulation 32 of the Public Contracts Regulations 2015 where there is a call-off competition failure.

Accordingly, after due consideration, the Authority has decided to make direct awards in each of these areas pursuant to Regulation 32(2)(a) on grounds of competition failure.

Further, the Authority relies on Regulation 32(2)(c). The Authority undertook extensive market engagement in the design of the DF and engaged with tenderers answering clarification questions after the call-off competitions were launched. Suppliers had indicated via the Dynamic Framework that they would be willing to deliver services in the PCC areas with failed bids. There was no indication that one or more competitions would fail and such failures therefore constitute unforeseeable events. These failures have brought about conditions of extreme urgency as there is insufficient time to comply with the relevant time limits to re-run these competitions and to enable successful tenderers to mobilise in time for service commencement on 26 June 2021, by reason whereof, direct awards are necessary.

The Authority intends to make the contract awards no later than 04 May 2021 to allow sufficient time to mobilise the contracts by 26 June 2021.

The Authority selected the provider to be awarded each contract from those providers that have been successful in securing one or more DF contracts in the relevant Service Category (PWB England; PWB Wales; Young Adults Wales; Women's Services) using a fair and transparent methodology.

The Authority intends to enter into the relevant contract on substantially the same terms originally advertised (in the Personal Wellbeing (both England and Wales) and Young Adults Wales ITTs published on 19 October 2020 and the Women's Services ITTs published on 24 November 2020). The contract term shall be for the delivery of services for 2 years from 26 June 2021.

The Authority approached potential providers pursuant to the above methodology and following further assessment and dialogue made its selection accordingly.

This VEAT notice relates to the proposed contract for Women's Services in Gwent. Further information is provided in section V.

#### **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: [2020/S 114-277986](#)

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

### **Contract No**

ITT\_5217

### **Title**

Women's Services in Gwent

A contract/lot is awarded: Yes

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

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

20 April 2021

#### **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**

The Nelson Trust

Brimscombe, Stroud

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

Yes

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

Total value of the contract/lot/concession: £311,722

#### **V.2.5) Information about subcontracting**

The contract/lot/concession is likely to be subcontracted

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### **Section VI. Complementary information**

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

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

High Court Royal Courts of Justice

Strand

London

WC2A 2LL

Telephone

+44 20794760000

Country

United Kingdom

**VI.4.2) Body responsible for mediation procedures**

High Court Royal Courts of Justice

Strand

London

WC2A 2LL

Telephone

+44 20794760000

Country

United Kingdom

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

High Court Royal Courts of Justice

Strand

London

WC2A 2LL

Telephone

+44 20794760000

Country

United Kingdom

