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Awarded contract

Probation Services Dynamic Framework - Cumbria Personal Wellbeing Services

Ministry of Justice.

F15: Voluntary ex ante transparency notice

Notice reference: 2021/S 000-008562

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

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

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Probation Services Dynamic Framework - Cumbria Personal Wellbeing 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: £365,379

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.

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 Personal Wellbeing Services in Cumbria. 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](#)

Section V. Award of contract/concession

Contract No

ITT_5205

Title

Personal Wellbeing Services in Cumbria

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 Growth Company Ltd

Manchester

Country

United Kingdom

NUTS code

- UK - United Kingdom

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: £365,379

V.2.5) Information about subcontracting

The contract/lot/concession is likely to be subcontracted

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