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Contract

## **Schools Information Management System (SIMS)**

Denbighshire County Council

F03: Contract award notice

Notice identifier: 2022/S 000-009322

Procurement identifier (OCID): ocds-h6vhtk-032b05

Published 7 April 2022, 8:54am

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

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

Denbighshire County Council

Wynnstay Road

Ruthin

LL15 1YN

#### **Email**

[procurement@denbighshire.gov.uk](mailto:procurement@denbighshire.gov.uk)

#### **Telephone**

+44 1824712612

#### **Country**

United Kingdom

#### **NUTS code**

UKL13 - Conwy and Denbighshire

**Internet address(es)**

Main address

[www.denbighshire.gov.uk](http://www.denbighshire.gov.uk)

Buyer's address

[https://www.sell2wales.gov.wales/search/Search\\_AuthProfile.aspx?ID=AA0280](https://www.sell2wales.gov.wales/search/Search_AuthProfile.aspx?ID=AA0280)

**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**

Schools Information Management System (SIMS)

**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)**

Value excluding VAT: £210,000

## **II.2) Description**

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

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

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

NUTS codes

- UKL13 - Conwy and Denbighshire

Main site or place of performance

Denbighshire

### **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 19,000.00 GBP (3 years) and the lowest value SC is 255.00 GBP (3 years).

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

Name DfE Number

Betws Gwerfil Goch Primary School 6632214

Bodfari Primary School 6632070

Bodnant Community School 6632265

Borthyn Primary School 6633050

Cefn Meiriadog Primary School 6632124

Christ Church C P School 6632038

Christ the Word Catholic School 6635902

Denbigh High School 6634026

Dinas Bran High School 6634027

Frongoch Junior School 6632125

Gellifor Primary School 6632164

Henllan Primary School 6632127

Hiraddug Primary School 6632011

Llanbedr Primary School 6633044

Penmorfa Primary School 6632059

Pentrecelyn Primary School 6632168

Prestatyn High School 6634014

Prion Primary School 6633057

Rhos Street CP School 6632255

Rhyl High School 6634003

St Asaph Infant School 6633024

St Brigids Secondary 6635901

Trefnant Primary School 6633316

Twm O'R Nant County Primary School 6632134

Ysgol Bro Cinmeirch 6632261

Ysgol Bro Dyfrdwy 6632267

Ysgol Bro Elwern 6632219

Ysgol Bro Famau 6632262

Ysgol Bryn Clwyd 6632135

Ysgol Bryn Collen 6632234

Ysgol Bryn Hedydd 6632072

Ysgol Brynhyfryd 6634031

Ysgol Caer Drewyn 6632216

Ysgol Carreg Emlyn 6632268

Ysgol Carrog C.P. School 6632215

Ysgol Clawdd Offa 6632264

Ysgol Dewi Sant 6632066

Ysgol Dyffryn Ial 6633061

Ysgol Emmanuel 6632060

Ysgol Esgob Morgan C.I.W. Voluntary Controlled Primary School 6633062

Ysgol Llanfair Dyffryn Clwyd 6633045

Ysgol Llywelyn 6632039

Ysgol Melyd 6632067

Ysgol Pen Barras 6632256

Ysgol Pendref 6632266

Ysgol Plas Brondyffryn 6637010

Ysgol Plas Cefndy 6631100

Ysgol Tir Morfa 6637000

Ysgol Tremeirchion Primary School 6633020

Ysgol Uwchradd Glan Clwyd 6634020

Ysgol Y Castell 6632037

Ysgol y Faenol 6632057

Ysgol Y Gwernant 6632263

Ysgol Y Llys 6632227

Ysgol Y Parc Infant School 6632136

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

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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:

This contract award notice is intended to be a relevant contract award notice pursuant to Reg.93(2),(3)and(4) of the Public Contracts Regulations 2015. It is published on a wholly voluntary basis and without prejudice to the local authority's (LA) and the governing body of each individual school. 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) as neither are within the scope of application of Part 2 of the Public Contracts Regulations 2015 (as amended) due to the following reasons: - The FA has no "value" but simply puts in place an administrative mechanism to transition contracts from LA to schools. It is therefore below the threshold set out in Reg. 5 (as reviewed pursuant to Reg.5A) of the 2015 Regulations. - The governing body of each individual school is a separate contracting entity and each individual SC is a separate contract, each of the individual SCs in the LA's area ranging between 255.00 GBP and 19,000 GBP in total over the three-year duration of each SC. Each individual contract is therefore below the threshold set out in Reg.5 (as reviewed pursuant to Reg.5A) of the 2015 Regulations. Further or in the alternative, neither the FA nor individual SCs are subject to a requirement to carry out prior publication of a contract notice and/or any form of competitive tender, because; - the services can only be provided by one particular economic operator (ESS), because competition is absent for technical reasons pursuant to Reg. 32(2)(b)(ii) of the 2015 Regulations. All of the schools in the LA currently use ESS' SIMS product. It would take a minimum of 12mths to transition from ESS'SIMS product to another product. ESS served 90 days notice to terminate the current arrangements mid December 2021, therefore not possible in the timescales for schools to tender and purchase an alternative product and transition to it. - urgency pursuant to Reg. 32(2)(c) of the 2015 Regulations. The provision of SIMS is essential to the running of a school and a school cannot function without it. Due to the short notice given by ESS timescales did not allow for the open or restricted procedure, or competitive procedure with negotiation to be undertaken. It is intended to advertise a competitive tender for SIMS on an all-Wales basis. Award and transition of new contracts to coincide with the end of the 3yr term of the SCs with ESS.

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

The procurement is covered by the Government Procurement Agreement: Yes

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

A contract/lot is awarded: Yes

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

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

31 March 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: 0

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

- UKL13 - Conwy and Denbighshire

The contractor is an SME

No

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

Total value of the contract/lot: £210,000

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## **Section VI. Complementary information**

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

(WA Ref:120150)

### **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