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Contract

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

Flintshire County Council

F03: Contract award notice

Notice identifier: 2022/S 000-009323

Procurement identifier (OCID): ocds-h6vhtk-032b06

Published 7 April 2022, 9:01am

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

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

Flintshire County Council

County Hall, Mold

Flintshire

CH7 6NA

#### **Email**

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

#### **Telephone**

+44 1352701814

#### **Country**

United Kingdom

#### **NUTS code**

UKL23 - Flintshire and Wrexham

**Internet address(es)**

Main address

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

Buyer's address

[https://www.sell2wales.gov.wales/search/Search\\_AuthProfile.aspx?ID=AA0419](https://www.sell2wales.gov.wales/search/Search_AuthProfile.aspx?ID=AA0419)

**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: £417,665.07

## **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

- UKL23 - Flintshire and Wrexham

Main site or place of performance

Flintshire

### **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 29,269.29 GBP and the lowest value SC is 868.80 GBP (values are for 3 year contract period and exclude any annual inflationary rises).

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

Abermorddu County Primary School 6642084

Alun School 6644006

Argoed High School 6644042

Broughton Primary School 6642268

Bryn Coch Primary School 6642062

Bryn Deva Primary School 6642052

Bryn Garth Primary School 6642013

Bryn Gwalia Primary School 6642068

Bryn Pennant Primary School 6642046

Brynford Primary School 6642065

Carmel Primary School 6642049

Castell Alun High School 6644017

Connahs Quay High School 6644022

Cornist Park County Primary School 6642091

Derwen Primary School 6645200

Drury Primary School 6642089

Elfed High School 6644011

Ewloe Green Primary School 6642012

Flint High School 6644021

Glan Aber Primary School 6642002

Glanrafon Primary School 6642028

Golftyn Primary School 6642077

Gronant County Primary School 6642237

Gwernymynydd Primary School 6642056

Gwynedd Primary School 6642015

Hawarden High School 6644000

Hawarden Village VA Primary School 6643333

Lixwm Church in Wales Voluntary Aided School 6643334

Mountain Lane Primary School 6642063

Nannerch Primary School 6643002

Nercwys Primary School 6643332

Northop Hall Primary School 6642032

Penarlag Community Primary School 6642093

Portfolio PRU 6641102

Queensferry Primary School 6642061

Saltney Ferry Primary School 6642078

Sandycroft Primary School 6642053

Sealand Primary School 6642041

South Down Primary School 6642085

St Anthonys RC Primary School 6643311

St Davids High School 6644013

St Davids RC Primary School 6643308

St Ethelwolds Primary School 6643330

St Johns the Baptist V.A. Primary School 6643331

St Marys RC Primary School 6643306

St Richard Gwyn RC High School 6644600

St Winefride's RC Primary School 6643307

Sychdyn Primary School 6642043

Trelawnyd Primary School 6643316

Venerable Edward Morgan RCP School 6643312

Wepre Primary School 6642086

Westwood Primary School 6642004

Whitford Primary School 6643320

Wood Memorial CP School 6642040

Ysgol Cae'r Nant 6642269

Ysgol Croes Atti Primary School 6642257

Ysgol Derwenfa 6642092

Ysgol Estyn 6642024

Ysgol Gwenffrwd 6642082

Ysgol Gymraeg Mornant 6642021

Ysgol Gynradd Trelogan Pri Sch. 6642044

Ysgol Maes Garmon 6644018

Ysgol Maes Glas 6642018

Ysgol Maes Hyfryd 6647021

Ysgol Maes Y Felin 6642272

Ysgol Merllyn 6642003

Ysgol Myndd Isa 6642267

Ysgol Owen Jones 6642094

Ysgol Parc-y-Llan 6642266

Ysgol Pen Coch 6647020

Ysgol Pennyffordd 6642270

Ysgol Rhos Helyg 6642050

Ysgol Terrig 6642051

Ysgol Treffynnon 6644012

Ysgol Ty Ffynnon 6642271

Ysgol Y Foel Primary School 6642064

Ysgol Yr Esgob 6643303

Ysgol-y-Waun 6642081

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 868.80 GBP and 29,269.29 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

- UKL23 - Flintshire and Wrexham

The contractor is an SME

No

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

Total value of the contract/lot: £417,665.07

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## **Section VI. Complementary information**

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

(WA Ref:120230)

### **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