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Award

Schools Information Management System (SIMS)

Bridgend Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-010236

Procurement identifier (OCID): ocds-h6vhtk-032e98

Published 19 April 2022, 5:00pm

Section I: Contracting authority/entity

I.1) Name and addresses

Bridgend Council

Bridgend Council

Bridgend

CF32 0QE

Contact

Jo Protheroe

Email

jo.protheroe1@bridgend.gov.uk

Country

United Kingdom

NUTS code

UKL17 - Bridgend and Neath Port Talbot

Internet address(es)

Main address

www.bridgend.gov.uk

Buyer's address

https://www.sell2wales.gov.wales/search/Search_AuthProfile.aspx?ID=AA0417

I.4) Type of the contracting authority

Regional or local authority

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Schools Information Management System (SIMS)

Reference number

B784

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)

Lowest offer: £713.73 / Highest offer: £23,463.84 taken into consideration

II.2) Description

II.2.2) Additional CPV code(s)

- 72260000 - Software-related services
- 72268000 - Software supply services
- 72261000 - Software support services
- 72300000 - Data services
- 72310000 - Data-processing services
- 72320000 - Database services

II.2.3) Place of performance

NUTS codes

- UKL17 - Bridgend and Neath Port Talbot

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 GBP 23463.84 and the lowest value SC GBP 713.73. The schools in the local authority's area whose governing bodies will enter into contracts with ESS are as follows:

Abercerdin Primary School, Afon-y-felin Primary School, Archdeacon John Lewis C in W Primary, Betws Primary School , Blaengarw Primary School, Brackla Primary School , Bryncethin Primary School, Brynmenyn Primary School , Bryntirion Infant School , Careau Primary School , Cefn Cribwr Primary School ,Cefn Glas Infant School , Coety Primary School ,Corneli Primary School , Coychurch Llangrallo Primary School , Croesty Primary School , Cwmfelin Primary School ,Ffaldau Primary School , Garth Primary School, Heronsbridge School, Litchard Primary School, Llangewydd Junior School, Maes Yr Haul Primary School, Mynydd Cynffig Primary School, Nantyyffyllon Primary School, Nantymoel Primary School, Newton Primary School, Nottage Primary School, Ogmores Vale Primary School, Oldcastle Primary School, Pencoed Primary School, Pen-y-Bont Primary School, Pen-y-fai C in W Primary School, Pil Primary School, Plasnewydd Primary School, Portfolio PRU, Porthcawl Primary School, St Marys Patricks RC Primary, St Marys Catholic Primary School, St Roberts RC Primary School, Tondu Primary School, Trelales Primary School, Tremains Primary School, Tynyrheol Primary School, West Park Primary School, Ysgol Bryn Castell, Ysgol Gymraeg Bro Ogwr, Ysgol Gynradd Gymraeg Calon Y Cymoedd, Ysgol Gynradd Gymraeg Cynwyd Sant, Ysgol Y Ferch O'r Sger Corneli, Archbishop McGrath RC Comp Sch, Brynteg School,

Bryntirion Comprehensive School, Coleg Cymunedol Y Dderwen, Cynffig Comprehensive School, Maesteg School, Pencoed Comprehensive School, Porthcawl Comprehensive School, Ysgol Gyfun Gymraeg Llangynwyd,

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.2.11) 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

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 and the governing body of each individual school's position that 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).

The FA has no "monetary value" it acts as an administrative mechanism to manage the transition of contracts from local authorities to schools. It is therefore below the threshold set out in Reg. 5 of the 2015 Regulations and thus Part 2 of the 2015 Regulations does not apply.

The governing body of each individual school is a separate contracting authority and each individual SC is a separate contract. The values of the individual SCs entered into in the local authority's area range between GBP23465.73 and GBP 713.73 in total over the three-year duration of each SC. Each such individual contract is therefore below the threshold set out in Reg. 5 of the 2015 Regulations and thus Part 2 of the 2015 Regulations does not apply.

Further or in the alternative, neither the FA nor the 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. This is because all of the schools in the local authority's area currently use ESS' SIMS product. ESS served 90 days' notice to terminate the current arrangements, shortly before Christmas 2021. It would therefore not be possible in these timescales for schools to tender for and purchase an alternative product and transition to it, without suffering serious disruption to essential services which would affect the ability of schools to continue to function and which may require schools to close. The notice to terminate the current contracts and the short timescale imposed by ESS were unforeseen by the local authority and the schools.

It is intended in the future to advertise a competitive tender exercise for SIMS on an all-Wales basis, with award and transition to the new contracts to coincide with the end of the 3-year term of the SCs entered into with ESS

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

The procurement is covered by the Government Procurement Agreement: Yes

Section V. Award of contract/concession

Contract No

B784

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

1 April 2022

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

Education Software Solutions Limited

11 Kingsley Lodge, 13 New Cavendish Street

London

W1G9UG

Country

United Kingdom

NUTS code

- UKI - London

The contractor/concessionaire is an SME

No

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

Lowest offer: £713.73 / Highest offer: £23,463.84 taken into consideration

Section VI. Complementary information

VI.3) Additional information

NOTE: To register your interest in this notice and obtain any additional information please visit the Sell2Wales Web Site at

[https://www.sell2wales.gov.wales/Search/Search_Switch.aspx?ID=120597.](https://www.sell2wales.gov.wales/Search/Search_Switch.aspx?ID=120597)

(WA Ref:120597)

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