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Contract

## **Torfaen County Borough Council Schools Information Management System (SIMS)**

Torfaen County Borough Council

F03: Contract award notice

Notice identifier: 2022/S 000-010468

Procurement identifier (OCID): ocds-h6vhtk-032f82

Published 22 April 2022, 12:30pm

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

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

Torfaen County Borough Council

Civic Centre, Pontypool

Torfaen

NP4 6YB

#### **Contact**

Stephen Chambers

#### **Email**

[stephen.chambers@torfaen.gov.uk](mailto:stephen.chambers@torfaen.gov.uk)

#### **Telephone**

+44 1495762200

#### **Country**

United Kingdom

**NUTS code**

UKL16 - Gwent Valleys

**Internet address(es)**

Main address

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

Buyer's address

[https://www.sell2wales.gov.wales/search/Search\\_AuthProfile.aspx?ID=AA0498](https://www.sell2wales.gov.wales/search/Search_AuthProfile.aspx?ID=AA0498)

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

Regional or local authority

**I.5) Main activity**

Education

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## **Section II: Object**

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

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

Torfaen County Borough Council 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: £9,105.44

### **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

- UKL16 - Gwent Valleys

Main site or place of performance

Torfaen

#### **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 9105.44GBP and the lowest value SC is 615.06GBP.

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

Abersychan Comprehensive School

Alternative Home Tuition

Blaenavon Heritage VC Primary School

Blenheim Road Community Primary School

Coed Eva Primary

Croesyceiliog Primary

Croesyceiliog Comprehensive School

Crownbridge Special School

Cwmbran High School

Cwmbran RC Primary School

Cwmffrwdoer Primary School

Garnteg Primary School

George Street Primary & Nursery School

Green Meadow Primary School

Griffithstown Primary School

Henllys JI School

Llantarnam Community Primary School

Llanyrafon Primary School

Maendy Primary School

Nant Celyn Primary School

New Inn Primary School

Padre Pio RC Primary

Penygarn Primary School

Ponthir Church in Wales Primary School

Pontnewydd JI School

St Albans RC Comprehensive School

St Davids RC JI School

West Monmouth Comprehensive School

Woodlands Community Primary School

Ysgol Bryn Onnen

Ysgol Gyfun Gwynllyw

Ysgol Gymraeg Cwmbran

Ysgol Panteg

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**

Quality criterion - Name: Ability to continue to provide SIMS / Weighting: 50

Price - Weighting: 50

#### **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

The FA has no value

Individual SCs have a value between 9105.44.GBP and 615.06GBP

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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 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).

#### **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**

25 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: 1

Number of tenders received by electronic means: 1

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

Telephone

+44 7999709125

Country

United Kingdom

NUTS code

- UKI - London

The contractor is an SME

No

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

Total value of the contract/lot: £9,105.44

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## **Section VI. Complementary information**

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

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. It would take a minimum of 6 weeks to transition from ESS' SIMS product to another product, including implementation, testing, training staff and migration of data. To avoid serious disruption to the school's functions, that transition has to take place over the long summer holidays. ESS served 90 days' notice to terminate the current arrangements, shortly before Christmas 2021. It would therefore not be possible, in the timescales imposed by ESS, 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.

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 of urgency pursuant to Reg. 32(2)(c) of the 2015 Regulations. The provision of an information management system is essential to the running of a school and a school cannot function without it. The notice to terminate the current contracts and the short timescale imposed by ESS were unforeseen by the local authority and the schools. Due to the short notice given by ESS, together with the time it would take to prepare and agree a specification and (following a tender exercise) to transition to a new product, the timescales for the open or restricted procedure, or competitive procedure with negotiation, cannot be complied with in the time available.

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 resulting from such tender to coincide with the end of the 3-year term of the SCs entered into with ESS. Pre-tender market testing is likely to commence in the near future.

(WA Ref:120676)

### **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