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Contract

Extended Services (Short Breaks) Provision for Children and Young People with SEND

Rotherham Metropolitan Borough Council

F03: Contract award notice

Notice identifier: 2024/S 000-014279

Procurement identifier (OCID): ocds-h6vhtk-045708

Published 2 May 2024, 9:39pm

Section I: Contracting authority

I.1) Name and addresses

Rotherham Metropolitan Borough Council

Financial Services

ROTHERHAM

S601AE

Contact

Angela Wilson

Email

Angela-proc.Wilson@rotherham.gov.uk

Telephone

+44 1709334551

Country

United Kingdom

Region code

UKE31 - Barnsley, Doncaster and Rotherham

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

www.rotherham.gov.uk

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

Extended Services (Short Breaks) Provision for Children and Young People with SEND

Reference number

23-197

II.1.2) Main CPV code

- 85000000 - Health and social work services

II.1.3) Type of contract

Services

II.1.4) Short description

Extended Activities including after school clubs, and school holiday provision (Short Breaks) for children and young people with Special Educational Needs and Disabilities (SEND).

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: £734,050

II.2) Description

II.2.2) Additional CPV code(s)

- 80340000 - Special education services
- 80410000 - Various school services
- 85100000 - Health services
- 85320000 - Social services

- 98000000 - Other community, social and personal services

II.2.3) Place of performance

NUTS codes

- UKE31 - Barnsley, Doncaster and Rotherham

Main site or place of performance

Rotherham

II.2.4) Description of the procurement

Extended activities including after school clubs, and school holiday provision (short breaks) for children and young people with Special Educational Needs and Disabilities (SEND) for 3 years with an option to extend up to a further 2 years.

The total contract value indicated excludes vat and is based on the maximum contract duration of 5 years being taken. The value indicated also excludes uplifts due in years 4 & 5 which are index based if the contract is extended.

II.2.5) Award criteria

Price

II.2.11) Information about options

Options: Yes

Description of options

Option to extend for up to 2 years after the initial 3 year contract period.

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 services can be provided only by a particular economic operator for the following reason:
 - protection of exclusive rights, including intellectual property rights

Explanation:

The Council in good faith considers that the award of the contract without prior publication of a contract notice is permitted by Part 2 of the Public Contracts Regulations 2015 (as amended)

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The Council's justification is that, it considers the services to be delivered under the contract can only be provided by a particular economic operator (i.e. the provider) for the following reason: protection of exclusive rights under Regulation 32(2)(b)(iii) of the Public Contracts Regulations 2015.

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Rotherham's Special Educational Needs students require after school clubs in specialist settings ideally where students are already situated due to their school placement. This avoids huge disruption in a child's day in relation to negating the need to transport them to another provider. This is particularly important for children and young people with Autistic Spectrum Disorder (ASD) and Social Emotional and Mental Health (SEMH) related needs who may struggle with change and/or transport.

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The provider is a multi-academy trust which encompasses a number of Rotherham schools for children with special needs including facilities for children with complex needs.

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The provider holds exclusive rights and the intellectual property to their schools and utilises their experienced and specialist workforce to deliver a service that meets the needs of this cohort.

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The provider has access to specialist equipment and accessible buildings detailed and environments that can meet children and young people's needs and has built into their employment contracts the requirement to support the staffing in after school clubs. As such there is a ready-made bank of experienced staff with the specialist skills required to support the young people (many of whom they already know).

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The opportunity to provide the services and the transaction exists solely because of the exclusive rights of the provider.

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The provider is also able to deliver a range of holiday clubs and activities to the children and young people in their schools in settings that are specialised and familiar to this cohort of young people.

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The absence of competition is not a result of artificial narrowing down of the parameters of the procurement by the Council.

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For the technical reasons stated above and given that the provider would not permit an alternative service to be delivered from its premises, it is understood that competition would be absent.

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There is no reasonable alternative route to acquire the required services.

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

Contract No

23-197

Title

Extended Services (Short Breaks) Provision for Children and Young People with SEND

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

28 March 2024

V.2.2) Information about tenders

Number of tenders received: 1

The contract has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor

Nexus Multi Academy Trust

Enterprise Works, 300 Meadowhall Way.

Sheffield

S9 1EA

Country

United Kingdom

NUTS code

• UKE31 - Barnsley, Doncaster and Rotherham

Companies House

10075893

The contractor is an SME

No

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

Total value of the contract/lot: £734,050

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

The High Court of Justice

London

Country

United Kingdom