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Award

Schools Information Management System (SIMS)

Caerphilly County Borough Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-025889

Procurement identifier (OCID): ocds-h6vhtk-0368ac

Published 15 September 2022, 10:25am

Section I: Contracting authority/entity

I.1) Name and addresses

Caerphilly County Borough Council

Penallta House, Tredomen Park, Ystrad Mynach

Hengoed

CF82 7PG

Contact

Jessica Thomas

Email

thomaj11@caerphilly.gov.uk

Telephone

+44 1443863161

Fax

+44 1443863167

Country

United Kingdom

NUTS code

UKL16 - Gwent Valleys

Internet address(es)

Main address

www.caerphilly.gov.uk

Buyer's address

https://www.sell2wales.gov.wales/search/Search_AuthProfile.aspx?ID=AA0272

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

CCBC/PROC71/22/JT

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: £378.48 / Highest offer: £36,233.10 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

- UKL16 - Gwent Valleys

Main site or place of performance

Caerphilly County Borough

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 36,233.10 GBP and the lowest value SC is 378.48 GBP.

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

Glanynant Learning Centre (PRU)

Cwm Glas Infants School

Rhydri Primary School

Deri Primary School

Fochriw Primary

Cwmaber Junior School

Ty Isaf Infants School

Fleur-De-Lys Primary

Park Primary

Crumlin High Level Primary

Llanfabon Infants School

Cwmaber Infants School

Phillipstown Primary School

Ynysddu Primary School

Pentwynmawr Primary School

Bryn Awel Primary School

Penllwyn Primary

Llancaeath Junior School

Ysgol Gymraeg Gilfach Fargod

Hendre Infants School

Tiryberth Primary

Bedwas Infants

Upper Rhymney Primary School

Bryn Primary

Bedwas Junior

Maesycwmmer Primary School

Graig-Y-Rhacca Primary

Derwendeg Primary School

Hengoed Primary

Machen Primary School

Hendre Junior School

Waunfawr Primary

Markham Primary

Trinant Primary

Ysgol Bro Sannan

Gilfach Fargoed Primary

Greenhill Primary

Ysgol Y Lawnt

Ysgol Gynradd Gymraeg Cwm Derwen

Pantside Primary

Trinity Fields School

Coed-Y-Brain Primary

Ysgol Gymraeg Trelyn

Cwmfelinfach Primary

Pengam Primary

Tyn-y-Wern Primary

Ysgol Penalltau

Pontllanfraith Primary School

Nant Y Parc Primary School

White Rose Primary School

Hendredenny Park Primary

Ysgol Gymraeg Cwm Gwyddon

Aberbargoed Primary School

Glyn-Gaer Primary School

St Helens Rc Primary

Cwmcarn Primary School

Cwm Ifor Primary School

Ysgol Ifor Bach

Abercarn Primary School

Cefn Fforest Primary

Tynewydd Primary School.

Ysgol Gymraeg Bro Allta

St James Primary School

Risca Primary

Plasyfelin Primary School

Cwrt Rawlin Primary School

Libanus Primary

St Gwladys Bargoed School

Blackwood Primary

Ysgol Gymraeg Caerffili

Y G G Y Castell

Ystrad Mynach Primary

Twyn Primary

Ty Sign Primary School

Rhiw Syr Dafydd Primary School

Heolddu Comprehensive School

Lewis School Pengam

Risca Community Comprehensive

Lewis Girls' Comprehensive School

Bedwas High School

Idris Davies School 3 to 18

Blackwood Comprehensive School

Newbridge School

Islwyn High School

St Cenydd School

Ysgol Gyfun Cwm Rhymni

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

II.2.14) Additional information

Contract duration: 36 months

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 pursuant to Reg. 93(2), (3) and (4) of the PCR 2015. It is published on a voluntary basis and without prejudice to the LAs and governing body of each school's position that no prior publication of a contract notice and no competitive tender exercise was required in respect of the Facilitation Agreement (FA) and the individual Schools Contracts (SC). Neither the LA nor the governing body of the schools listed above accepts that the FA and SCs are within the scope of application of Part 2 of the PCR 2015 (as amended). The FA has no value but simply puts in place a mechanism to manage the transition of contracts from LAs to schools. It is therefore below the threshold set out in Reg. 5 (as reviewed pursuant to Reg. 5A) of the 2015 Regulations and Part 2 of the 2015 Regulations does not apply. The governing body of each school is a separate contracting authority and each SC is a separate contract. Due to the value each contract being below the threshold set out in Reg. 5 (as reviewed pursuant to Reg. 5A) of the 2015 Regulations and Part 2 of the 2015 Regulations does not apply. Neither the FA nor the SCs are subject to a requirement to carry out prior publication of a contract notice and any form of competitive tender, as the services can only be provided by one supplier (ESS), as competition is absent for technical reasons pursuant to Reg. 32(2)(b)(ii) of the 2015 Regulations. This is because most schools in the local authority's area use ESS' SIMS product. It would take a minimum of 6 weeks to transition from ESS' product to another, including implementation, testing, training and migration of data. To avoid serious disruption to school's functions the transition has to take place over the long summer holidays. ESS served 90 days' notice to terminate current contracts Christmas 2021. It would not be possible in the timescales imposed by ESS, for schools to tender 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 may require schools to close. Neither the FA nor the 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 and a school cannot function without it.

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

CCBC/PROC71/22/JT

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: £100 / Highest offer: £1,000 taken into consideration

Section VI. Complementary information

VI.3) Additional information

(WA Ref:120648)

VI.4) Procedures for review

VI.4.1) Review body

High Court of England and Wales

Royal Courts of Justice, The Strand

London

WC2A 2LL

Telephone

+44 2079477501

Country

United Kingdom