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Award

HMPPS Higher Education

Ministry of Justice

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-041327

Procurement identifier (OCID): ocds-h6vhtk-04cc71

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Section I: Contracting authority/entity

I.1) Name and addresses

Ministry of Justice

102 Petty France

London

SW1H 9AJ

Contact

Abriti Regmi

Email

mojcommercialreset@justice.gov.uk

Telephone

+44 02033343555

Country

United Kingdom

Region code

UK - United Kingdom

Internet address(es)

Main address

<https://www.gov.uk/government/organisations/ministry-of-justice>

I.4) Type of the contracting authority

Ministry or any other national or federal authority

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

HMPPS Higher Education

II.1.2) Main CPV code

- 75231230 - Prison services

II.1.3) Type of contract

Services

II.1.4) Short description

Contract for HMPPS Higher Education, for the provision of support to apply for and access higher education courses and funding in secure environments.

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: £3,340,000

II.2) Description

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

II.2.4) Description of the procurement

To provide a service supporting students in a secure environment to apply for, access funding for and complete, higher education courses. Support should be available for a minimum of 300 new enrolments per year. Support for new enrollers will continue for subsequent years until course completion or release. This support must include:

Ensuring that a range of courses are adapted for delivery in a secure environment, compliant with HMPPS standards and regulations, approved by security and available for delivery in a secure environment.

Production of a prospectus of courses available in a secure environment. To protect student choice this must cover the following minimum range of levels and subject areas:

Levels:

Certificate level 4, Diploma level 5, Undergraduate degree level 6

Subject areas:

English Language, English Literature, Mathematics, Psychology, Business Management, Geography, Art history, Politics, Criminology, History, Economics, Spanish, French, German, Classical Studies, Law, Sociology, Sports, fitness and coaching, Religion, Health & Social care and Combined Science

Marketing and promoting to prisoners the uptake of Higher education in prisons and other secure environments.

Offering information, advice and guidance to prisoners on the types of course they could apply for and which course would be most suitable.

Support in registering for and applying for courses.

Support in registering for and applying for student loans.

Supporting tutors to enable them to deliver to students in secure environments.

Providing support for any course exams to be conducted in a secure environment.

Deliver award/graduation ceremonies in secure environments for students who complete courses whilst incarcerated.

II.2.11) Information about options

Options: Yes

Description of options

Initial term: 24 months

Option 1: 12 months

Option 2: 12 months

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

The initial term of the contract is for 24 months with an option to extend for a further period of 12 months and then a further 12 months after the first extension. The Authority intends to develop the market for this service.

The estimated contract value is based on an annual spend of £835k, over the entire maximum contract length of 48 months, assuming the full options to extend are exercised.

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Negotiated without a prior call for competition

- The works, supplies or services can be provided only by a particular economic operator for the following reason:
 - absence of competition for technical reasons

Explanation:

MoJ considers that the award of this contract is permitted pursuant to Regulation 32(2)(b)(ii) of the Public Contracts Regulations 2015 for the following reasons.

a) Open University is the only supplier able to meet MoJ's requirement for a minimum acceptable number of courses (as per II.2.4 above) to be delivered in secure environments by the go live date of April 2025, due to technical reasons.

Having sought advice from internal and external stakeholders, with experience of higher education and education in a secure environment, the estimated timeframes needed for courses to be adapted by alternative suppliers are:

- 6 months for suppliers to develop relationships with higher education (HE) institutions for course delivery (where not delivering the services directly).
- 3 months for HE Institutions to engage with MOJ on understanding its security requirements.
- 12 - 18 months per course to adapt all course content and material for delivery in secure environments.

Furthermore, time would be needed for HMPPS to sign off suitability of degrees to be delivered as part of the services and for MoJ to conduct a procurement for a supplier to deliver the services. Accordingly, alternative suppliers' courses would not be ready for delivery by April 2025.

b) Open University already has distance learning courses available, is the only supplier able to meet the minimum acceptable subject range in secure environments, and no reasonable alternative or substitute exists.

MoJ publicised its requirements as part of pre-market engagement, advertising them on Contracts Finder, through a Prior Information Notice on Find a Tender Service and Find a Grant, plus directly inviting HE institutions. This provided suppliers the opportunity to engage with MoJ as part of its consideration as to whether alternative suppliers who could meet MoJ's requirements exist. During market engagement (from December 2023 to February 2024) one-to-one meetings were arranged with six interested suppliers that could potentially deliver some of the services (aside from the Open University). Of these suppliers, the supplier with the most courses currently available for delivery in secure environments had two Level 4 (L4 equivalent to minimum HE courses) courses available for delivery through partnership with a HE institution. No suppliers had full degree (Level 6) courses available for delivery in secure environments. No other suppliers had any HE courses at levels 4, 5 or 6 available for delivery in a secure environment.

c) Over 100 different undergraduate level courses are currently being offered to students in secure environments. In the interest of opening up competition and to ensure no artificial narrowing down of the parameters of the procurement, MoJ determined the minimum acceptable range of courses (as per section II.2.4 above) that must be available for delivery in a secure environment from April 2025 in order to protect student choice.

The contract award:

- mitigates risks of students taking out loans for undeliverable courses;
- delivers continuity of service; and
- allows time to develop potential digital solutions.

The authority will continue to engage with the market and reassess capability prior to exercising options to extend the contract.

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

The procurement is covered by the Government Procurement Agreement: No

Section V. Award of contract/concession

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

19 March 2024

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

The Open University

Walton Hall, Kents Hill

Milton Keynes

MK7 6AA

Country

United Kingdom

NUTS code

- UK - United Kingdom

Internet address

<https://www.open.ac.uk/>

The contractor/concessionaire is an SME

No

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

Initial estimated total value of the contract/lot/concession: £1,670,000

Total value of the contract/lot/concession: £3,340,000

V.2.5) Information about subcontracting

The contract/lot/concession is likely to be subcontracted

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

High Court

Royal Courts of Justice, Strand

London

WC2A 2LL

Telephone

+44 20794760000

Country

United Kingdom

VI.4.2) Body responsible for mediation procedures

High Court

Royal Courts of Justice, Strand

London

WC2A 2LL

Telephone

+44 20794760000

Country

United Kingdom

VI.4.4) Service from which information about the review procedure may be obtained

High Court

Royal Courts of Justice, Strand

London

WC2A 2LL

Telephone

+44 20794760000

Country

United Kingdom