



**Subcontract Requirement
for the delivery of
Adult Education Budget in Non Devolved Areas
6th September 2021 – 31 July 2022**

TENDER SPECIFICATION & GUIDANCE

Tender Ref: NHC-AEB-2021/22-01

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1. INTRODUCTION

Background

North Hertfordshire College is a medium sized general Further Education college with campuses located in Stevenage and Hitchin. North Hertfordshire College is a General Education College delivering education and training from entry level to level 6 (degree level) for those aged over 15 years old in a wide range of vocational subjects, general subjects and academic pathways.

The College offers Higher Education, full-time courses, part-time courses and apprenticeships, training local students to gain the qualifications they need to further their career prospects. The College is committed to offering its learners a curriculum which meets the aspirations of the community and needs of the local economy through comprehensive pathways into employment, careers and further study from Entry level to Higher Education qualifications. The College is also committed to helping close skills gaps in the local economy by meeting employer skills and training needs, particularly in relation to Care, Construction and the Tech/Digital industries.

Adult Education Budget

The College has a recent history of engagement with subcontractors to deliver Adult Education Budget (AEB) outcomes and wishes to continue to issue a flexible contract or contracts of a total funding value up to £1,000,000, from 6th September 2021 to 31 July 2022, with suitable training providers to deliver qualifications and/or programmes eligible for funding under the College's AEB funding contract on its behalf, under the following general rules:

- All the provision must be delivered in the 2021/22 funding year; there is currently no scope to carry forward any funding to 2022/23. All the learning aims and learners must be eligible for Education Skills and Funding Agency (ESFA) ESFA AEB funding in 2021/22.
- The delivery target group is solely adults who live in non-devolved funding areas of England. The College will not fund any learners who are aged under 19 and/or live in the Greater London Authority (GLA) or other devolved funding areas.
- Providers wishing to apply for this opportunity must be registered on the Register of Training Organisations (ROTO) and they must have a track record of successful sub-contract delivery of qualifications.
- The training must be delivered in full by the contracted training provider, i.e. only one level of sub-contracting is permitted and no second level subcontracting is permitted.
- The Subcontractor, if awarded the contract, will be responsible for the recruitment of all learners, the delivery of training, the premises and resources required to deliver the training, awarding body accreditation and associated fees.
- The Quality of provision will be paramount as the College will retain responsibility to the Education and Skills Funding Agency and OFSTED for programme quality.
- The management fee retained by the College will typically be 20%.

2. APPLICATION PROCESS AND TIMESCALES

To apply for the contract to deliver the full amount, or part thereof, as stated in Section 1, applicants must submit, by **30th July 2021 @ 12:00 noon.**, the following:

- **The completed Tender Application Form** and
- **The completed Achievement and Planning Spreadsheet**
- **The completed Health & Safety Questionnaire Review**
- **The Safeguarding Staff Certificate No List**
- **Any supporting documents**

The **assessment criteria grid** which will be used to score the applications is set out within this tender specification document.

A decision on the successful applicant(s) will be announced by **27th August 2021**.

Date	Action
Tuesday 13th July 2021	Tender Issued
Thursday 22nd July 2021 12:00 noon	Deadline for requests for clarification to be received via email at: bids@nhc.ac.uk
Friday 30th July 2021 12:00 noon	End of advertising period & deadline for the submission of the bids by email* to bids@nhc.ac.uk
Friday 27th August 2021	College makes a decision and informs successful and unsuccessful applicants
Monday 6th September 2021	Completion of process and issue of the Contract.

* For further details on an alternative submission format if applicable see Section 7 below.

3. WHAT WE ARE LOOKING FOR

Goods or Services Required

The **only** provision fundable under this agreement will be those qualifications/programmes eligible for funding under the College funding contracts for Adult Education Budget to **adults living in non devolved areas of England** and compatible with the College's curriculum strategy. The College will request a specific risk assessment for such delivery and reserves the right to reject such recruitment.

The College requires documentation as specified throughout the Tender Application Form to be submitted along with the Tender Application Form and the Achievement and Planning Spreadsheet.

Ability to Deliver

The documentation requirements specified throughout the Tender Application Form include but are not limited to evidence that in the event of a contract being awarded, the subcontractor will be able to submit the following documentation whilst delivering the programme(s) as required:

- Accurate and completed enrolment forms and learning agreements for individual students
- Confirmations of the documentation that has been seen and checked to confirm eligibility for funding
- Delivery of appropriate number of guided learning hours
- Register of attendance for each course
- Copy of achievement certificate for individual students
- Completed pro forma showing examination entries, by group
- Completed pro forma showing examination results, by group

All programmes shall:

- be education having the primary learning objective of the attainment of each listed course for those students who successfully complete the Programme.
- consist of the individual course syllabus and a minimum of the listed guided learning hours for the individual courses and modules inclusive.
- be delivered solely by an agreed list of assessors and trainers, agreed in writing with the College prior to the outset of the programme.
- be delivered solely on the premises agreed between the College and the collaborator, agreed in writing with the College prior to the outset of the programme.
- be eligible for AEB Funding
- comply with the learning agreement.

Funding eligibility

All qualifications funded within this contract must be eligible for Adult Education Budget funding.

Quantity

The gross contract value is up to £1,000,000, split over the period from 6th September 2021 to 31st July 2022 of the College's non devolved Adult Education Budget. The contract may be awarded to a number of suppliers. The College reserves the right to subcontract the whole amount to one applicant, or to split the subcontract amount two or more applicants and / or to subcontract to a value lower than the full amount advertised.

Outcomes

All courses must deliver at least 90% achievement rate or the National Average achievement rate, whichever is higher.

Failure to meet the agreed achievement rate will result in financial penalties, claw-backs or termination of the contract.

Quality

The Subcontractor must have processes in place to ensure appropriate quality of programme delivery. These include but are not limited to:

- Lesson observations
- Standardisation meetings
- EV reports & evidence of Direct Claim Status
- Process for supporting learners with ALS needs
- Process for learner surveys and for acting on survey outcomes

Other Specification Criteria

The supply of staff to deliver this Contract must be consistent; changes in delivery staff will have a negative effect on students.

Regular meetings will be held. Attendance at these is compulsory for a senior representative of the tendering Tenderer.

College will audit the quality of delivery at any time of the College's choosing. Contractors will be required to respond to Action Plans in an agreed and timely manner. College have the right to audit course record keeping, existence records, and all associated course and learner materials.

The learners must be resident in non devolved areas of England.

4. MONITORING AND EVALUATION ON-CONTRACT

The College is committed to providing high quality learning opportunities, excellent learning and progression opportunities for all its learners, whether they are enrolled on direct or subcontracted delivery.

The College will, as a Lead provider, expect the Subcontractor(s) who is/are awarded the present contract to work closely with the College to enable it to meet the quality, audit and funding compliance requirements by the external bodies. Full details will be outlined in the Contract. The following is the summary of key requirements, in addition to and above the basic programme delivery requirements already mentioned in Section 3.

Quality compliance and monitoring

As a minimum, the College will expect the Subcontractor to:

- Participate in monitoring review meetings with the College (face to face or telephone, typically quarterly)
- If requested by the College, submit an Evaluation report at the end of the contract to an agreed format
- Provide evidence of lesson observations or – if the delivery is distance learning – of quality monitoring of inductions and tutor feedback, carried out for the programmes delivered on behalf of the College
- Invite College representatives to standardisation meetings and provide the College with minutes of standardisation meetings if required
- Provide the College with evidence of collecting learner feedback and acting on it

Audit compliance

The College will expect the Subcontractor to comply with the audit requirements as per the ESFA funding guidance.

5. WHO WE WILL SUBCONTRACT TO

Providers wishing to apply for this opportunity must:

- a) Be registered on the Register of Training Organisations (ROTO)
- b) Have a track record of successful delivery, as a Subcontractor to an FE college, of the specific qualifications included in its delivery proposal
- c) Have the capacity to deliver at least 20% of the total contract value, or, demonstrate a very strong rationale for why we should consider an application for a lower allocation.

The College **will not** consider any applicants that do not meet the criteria above.

When assessing the applications, the College will also look for evidence that the provider is financially stable and has a proven track record of good performance.

The contract, if awarded, must be delivered solely by the Subcontractor(s) to whom the College contract is awarded, i.e. the Subcontractor must not engage in any second-level subcontracting to deliver the contract as the College will not fund it.

The College reserves the right to subcontract the whole amount to one applicant or to split the subcontract among two or more applicants.

6. WHAT WE WILL SUBCONTRACT FOR

This contract is for the delivery of provision funded by AEB budget in non devolved areas.

This means that the learners must be aged 19+, must be residing outside GLA and other devolved areas in England.

All provision must be delivered within the academic year 2021/22. This means that all learners must complete by 31/07/2022. The Subcontractor must provide all evidence to the effect by agreed timescales before the R14 submission, and there is no scope for carry forward of funding – whether On Programme or Achievement – into 2022/2023.

The provision, i.e. both the learning aims and individual learners, must be eligible for ESFA AEB funding in accordance with ESFA 2021/22 funding regulations. The College will not pay the provider for ineligible learning aims nor for unfunded learners.

The total funding amount that the College wishes to subcontract for is up to £1,000,000 but will accept proposals for lower amounts provided they are for a minimum of 20% of the total funding value (or you demonstrate a strong rationale for the proposal of a lower allocation). The College reserves the right to subcontract the whole amount to one applicant, or to split the subcontract amount between two or more applicants and / or to subcontract to a value lower than the full amount advertised.

The College will retain a management fee to be assessed at contracting, but our typical fee is 20%.

The College will pay the Subcontractor in monthly instalments, which will be calculated from ILR actuals from each month (i.e. including any On Programme and Achievement funding generated and evidenced to date).

7. GUIDANCE FOR SUBMITTING APPLICATIONS

To apply for the contract to deliver the full amount, or part thereof, as stated in Section 1, applicants must submit, by **30th July 2021 @ 12:00 noon**, the following to bids@nhc.ac.uk:

- **The completed Tender Application Form** and
- **The completed Achievement and Planning Spreadsheet**
- **The completed Health & Safety Questionnaire Review**
- **The Safeguarding Staff Certificate No List**
- **Any supporting documents**

Instructions to Tenderers and Conditions of Tender Submission

1. These Instructions and Conditions apply to the tendering process for this Framework Agreement to ensure that all tenderers are treated equally and fairly and to provide for compliance with other relevant legal requirements. Failure to comply with these Instructions and Conditions may invalidate your tender.
2. References to “the College” mean North Hertfordshire College.
3. Only organisations who are registered on the ESFA’s Register of Training Organisations (ROTO) are invited to apply (<https://www.gov.uk/government/publications/register-of-training-organisations>).
4. Only organisations who are registered on the Government’s procurement platform as Suppliers are invited to apply (<https://www.gov.uk/contracts-finder>)
5. Only organisations who have a previous track record of delivering provision as a subcontractor on behalf of a ‘prime’ provider are invited to apply.
6. The agreement and subsequent contract will be subject to the College’s general conditions of contract and also to any special conditions of contract which may be included within the tender document, which will reflect the requirements of the ESFA guidance on subcontracting. Where the standard conditions are inconsistent with the special conditions, the special conditions will prevail.
7. The agreement together with any other documents expressed to be incorporated therein, constitutes the entire understanding between the College and the tenderer relating to the subject matter of this tender and supersedes all prior writings, negotiations or understandings with respect thereto.
8. A submitted tender is an irrevocable offer by the tenderer and the tenderer separately undertakes with the College that the tender will remain open for acceptance by the College for a period of 3 calendar months calculated from the day following the closing date for receipt of tenders.
9. The College does not bind itself to accept the lowest or any offer, and reserves the right to accept tenders in whole or in part.
10. Only the information contained within this Tender Specification & Guidance document, within the Tender Application Form, or otherwise communicated in writing to tenderers with direct reference to this tender should be considered by tenderers when making their offer.

11. Where estimated volumes are stated they are for guidance purposes only and do not form a contractual commitment.
12. The submission of false or incorrect information or declaration(s) will invalidate your tender and, if not identified by the College until after the award of the contract, will be considered a fundamental breach of the contract. Such a submission may also be taken into account when future tenders are considered.
13. Tenderers are expected to check all tender documents thoroughly prior to submission and keep the resubmission of revised versions of tender documents to an absolute minimum. In the exceptional event that a tenderer needs to submit a revised version of any of the previously submitted tender documents, it is the tenderer's responsibility to submit the revised version before the submission deadline and with a clearly marked Version Number in the filename. The College reserves the right to exclude resubmitted revised versions of previously submitted tender documents from consideration if they are not submitted by the deadline and/or not clearly marked as revised versions upon submission.
14. Tenders must be submitted with the official Tender Application Form provided with the tender documents. The Tender Application Form must be completed in all material respects. Tenders not complying with these requirements may be rejected.
15. To enable us to assess your organisation's suitability, we require you to provide all of the information requested. Failure to complete the form in full or to provide any of the documents requested may result in your application being rejected. Rather than leaving answer spaces blank, if the question does not apply to you please write 'Not applicable' or 'N/A'. If you do not have / know the answer please write 'Not known' or 'N/K'.
16. If there is insufficient space to complete your answers please submit them on separate sheets clearly cross referencing to the appropriate section of the ITT. If completing the document electronically you may enlarge the answer boxes to ensure you have sufficient space to respond. However, you must not alter or amend the questionnaire in any other way and under no circumstances should the questions be altered in any way as doing so will result in your application being rejected.
17. Where supporting documents are requested, these should be clearly cross referenced to the appropriate section of the Tender Application Form, by starting the file name with the numeric reference to the relevant section of the application form, e.g. "2.1.a_Environmental Policy". Except where specifically requested, no additional supporting documents are required. The College does, however, reserve the right to ask for further evidence or copies of such documents at any stage during the procurement process.
18. The College reserves the right to seek clarification, after tenders have been received, from any tenderer, on any aspect of their tender.
19. Written acceptance by the College of this tender, (or part of this tender), shall create or constitute an agreement between the College and the tenderer, expressly incorporating the Tender Application Form, the Conditions of Contract, any Special Conditions of Contract, the Specification, the Proposal (where applicable), the Declarations and Certificates and any Contract Drawings or similar.
20. The College is required to publish details of the successful contractor and the total contract value to the ESFA on a regular basis.

21. Should there be any doubt or confusion as to the meaning of any provision contained in the tender documentation, you should obtain clarification prior to the submission of your tender. All tenderers will be informed of any points of clarification and the College's response. The identity of the tenderer requesting clarification will not be disclosed.

All requests for clarification should be made via e mail only to: -

Lindsey Sherring, Director

Email: bids@nhc.ac.uk

Requests for clarification will be accepted until **12:00 Noon 22nd July 2021**. No clarification requests received after this point will be responded to.

22. Where reference is made within this tender to any UK standard or legislation and you are not currently subject to UK standards or legislation, you are required to provide details of any equivalent standards or legislation that apply to your organisation. It is the tenderers' responsibility to demonstrate that any alternative standards are equivalent to the standards specified.
23. The College will not be liable for any costs or expenses incurred by applicants in completing and submitting their tender whether or not it is successful.
24. The Tenderer agrees to notify the College and provide additional information if at any stage after submitting the Tender Application Form and other documents requested for the tender submission any information contained in it becomes no longer true or accurate
25. The College reserves the right to retain all and any of the information supplied to it by the Tenderer(s) for a period of 6 months after the closing date and for the duration of the contract if successful.
26. The Tenderer must ensure that the people processing that data are subject to a duty of confidence, and must take appropriate measures to ensure the security of the data. Any sub-processors must only be engaged with prior written consent of the College. The College must be notified of any personal data breaches and be provided with subsequent impact assessments. The Tenderer must delete or return all personal data to the College as requested at the end of the contract.
27. The College reserves the right to amend its tender documents in any respect at any time prior to the closing date and time for receipt of tenders. Any such amendment will be notified to all tenderers before the closing date and time. You must confirm in writing when you submit your tender that it provides for compliance with all amendments so notified.
28. The College may at its discretion extend the closing date and time for receipt of tenders by written notice to all tenderers.

29. Tender Document and submission Format

Supporting documents, where requested, should be clearly cross referenced to the appropriate section of the Tender Application Form, by starting the file name with the numeric reference to the relevant section of the application form, e.g. "2.1.a_Environmental Policy".

The College has no dedicated drop box for the tender but you can submit the Tender Application form, the Achievement and Planning Spreadsheet, and any supporting documents in the following ways:

29.1. Either as email attachments.

29.2. Or via a drop box link set up at your end, to which you would give the College **access**. In that case, you must:

- 29.2.1 email the drop box link to our tender mailbox before the tender submission deadline.
- 29.2.2 set the drop box link expiry date to Friday 13th August 2021.
- 29.2.3 make sure that it is evident from the document properties in the drop box that they were uploaded in your drop box prior to the submission deadline.

30. When considering tenders the following criteria will be applied

The Tender Application Form and the Achievement and Planning Spreadsheet must be completed in full and with satisfactory answers, and satisfactory supporting documents must be attached, to progress to the tender award stage. An acceptable answer must be given to mandatory requirements or the tenderer may be excluded from the process.

Mandatory Requirements are clearly marked in the Tender Application Form and will be scored as Pass / Fail.

All other questions will be scored as highlighted below.

Score Given	Description*
4	Excellent
3	Good
2	Adequate
1	Poor

A Pass of all mandatory requirements and a minimum average score (unweighted) of 2.5 is required to pass the initial supplier selection and be considered for the framework.

Tender Award Stage Weighting

Section No.	Headline	Weighting
1	Organisation Information (<i>not scored but Pass/Fail</i>)	n/a
2	Finance and legal	20%
3	Quality of your provision	30%
4	Policies	20%
5	Delivery proposal	30%
6	Conditions	n/a
7	Declaration and Certificates (<i>not scored / not weighted but if not signed and dated can lead to disqualification</i>)	n/a
	Total	100%

Tenderers should note that in the event that the College considers a bid to be fundamentally unacceptable on a key issue, regardless of its other merits, that bid may be rejected.

Where two tenders score the same the contract will be awarded to the supplier deemed to have the best cultural fit with the College.

The College reserves the right to award contracts to more than one supplier to ensure optimal delivery of this requirement. Awarded volumes and values will be contained within each supplier contract.

- 31.** The tender should be submitted electronically to Lindsey Sherring, Director, via email bids@nhc.ac.uk
by 12:00 noon on 30th July 2021

The email should be entitled:

Tender Submission – Subcontracting – NHC-AEB-2021/22-01

- 32.** The College reserves the right to ask clarification questions of the suppliers at the tender award stage in order to better understand the answers given and explore the validity of them. The answers to these questions will be used in assessing the bid in line with the scores and weightings listed above. These questions will enhance the answers given and be used to justify scores, any questioning will not be scored in isolation.