



**European Union**  
**European Social Fund**  
Investing in jobs and skills

**DWP** Department for  
Work and Pensions

**ESF PROGRAMME 2007 - 2013**

**TENDERING INSTRUCTIONS**  
**FOR BIDDERS – EAST MIDLANDS**  
**LEICESTER CITY**

## **TENDERING INSTRUCTIONS FOR EUROPEAN SOCIAL FUND (ESF) 2007 – 2013 PROVISION**

<b>Date of last Expression of Interest:</b>	<b>Monday 29<sup>th</sup> September 2008</b>
<b>Date for last question from Bidders:</b>	<b>Friday 17<sup>th</sup> October 2008</b>
<b>Time and Date for return of completed Tenders:</b>	<b>12.00 Noon Friday 24<sup>th</sup> October 2008</b>
<b>Preferred Bidder:</b>	<b>w/c 10<sup>th</sup> November 2008</b>
<b>Contract Award:</b>	<b>w/c 1<sup>st</sup> December 2008</b>
<b>Contract commences Delivery:</b>	<b>Monday 12<sup>th</sup> January 2009</b>

### **INSTRUCTIONS**

**In addition to these instructions, organisations should familiarise themselves with the following documents prior to completion of the tender form:**

- **Provider Guidance**, which can be found on the DWP website ([http://www.dwp.gov.uk/supplyingdwp/what\\_we\\_buy/provider\\_guidance.asp](http://www.dwp.gov.uk/supplyingdwp/what_we_buy/provider_guidance.asp)),
- **DWP Standard Terms and Conditions (including schedules)**
- **The Specification for England**
- **The Local Specification**

**All these documents are available on this website, via the links contained within this Competition Notice.**

### **About these instructions**

1. These instructions, together with the specification and all other information to which they refer, are designed to ensure that all interested and eligible organisations are given the opportunity to compete on a fair and equal basis for these contracts. It is important that you provide all the information asked for in the format and the order specified.
2. Bidders should answer all questions as accurately and concisely as possible. Where a question is not relevant to your organisation, this should be indicated, with an explanation.
3. Questions should be answered in English.
4. Failure to furnish the required information, make a satisfactory response to any question, or supply documentation referred to in responses, within the specified timescale, may mean that bidders will not be invited to participate further in this competition.

### **Overview**

5. Through this Invitation to Tender (ItT) the Department for Work and Pensions (DWP) is seeking to identify a Prime Contractor (see paragraphs 13-20 below) to provide services under the ESF Programme 2007 – 2013.
6. DWP is seeking to award one contract for each of the following specifications:
  - EM07 - Leicester City (Leicester & Northants District)
7. The eventual contracts will be for a period from 12 January 2009 to 3 August 2011, with an option to extend for up to a further two years.
8. If you wish to be considered for these contracts you must complete and return the attached ItT Tender Form in accordance with these instructions. You must also complete the Pricing Proposal Documentation in accordance with the guidance supplied.
9. You must ensure that the appropriate Local Specification reference number and title are clearly inserted on both the ItT Tender Form and the Pricing Proposal Documentation.
10. DWP reserves the right to seek independent financial and market advice to validate information declared or to assist in the evaluation of bids. Reference site visits and/or presentations may be requested.

### **Consortia, Joint Ventures and Special Purpose Vehicles**

11. Bidders may choose to submit a tender as part of a consortium, in which case one of the consortium members (who is a legal entity) must take the lead. DWP will look to this consortium leader to be accountable for all aspects of any ensuing contract. Alternatively, consortium members may wish to form a new legal entity.
12. Where a consortium approach is proposed, the proposed consortium leader should complete the tender documentation on behalf of the consortium. Where tender documentation reads 'Prime Contractor', and 'sub contractors', for consortia this should be read as 'consortium leader' and 'consortium members'. Consortium leaders should complete questions relating to sub contractors with information about consortium members.

### **The Prime Contractor – roles and responsibilities**

13. The term " Prime Contractor" is used to describe an arrangement under which DWP contracts with a single organisation to undertake the following **three** main functions:
  - To provide directly a substantial proportion of the specified provision;
  - To sub-contract a proportion of the specified provision to other organisations;
  - To manage and monitor the performance and quality of the sub-contractors as well as all aspects of their own performance.

14. It should be noted that Prime Contractors, if they are private or voluntary sector organisations, will not be required to follow public sector competitive tendering rules for any of the work they propose to sub-contract.
15. There are specific questions in the tender form which are designed to establish your credentials as a potential Prime Contractor. You will also be required to include in your tender form responses, evidence of your knowledge or experience of the customer groups included in the specifications.

**NB** You may bid to provide the entire provision yourself i.e. without using any sub-contractors or other partners if you so wish, and if you believe and can demonstrate that you have sufficient capacity and expertise within your organisation to do so in addition to delivering existing contracts for DWP and for any other organisations.

**Before deciding whether to submit a tender, you should consider carefully the following information**

16. You will be required to state which organisations you will sub-contract work to, and to describe in detail how you propose to manage and monitor the performance and quality of those sub-contractors. DWP particularly welcomes bids which involve the third sector, small and medium enterprises, black and minority ethnic enterprises, women-owned and disabled-owned businesses, supported employment providers and providers of specialist services.
17. You will also be asked to include a signed statement (see Part 4 Annex 2 of the Tender Form) from each proposed sub-contractor to the effect that they have agreed details of the services which they would provide and that they are content with the associated funding arrangements. DWP will not set any limit on the number of sub-contractors that you may use, although the more there are the greater the importance of demonstrating to us your management and monitoring expertise. However, the successful bidder will be required to ensure that sub-contractors do not themselves sub-contract work to other organisations.
18. DWP does not advise or recommend the use of specific sub-contractors. However we reserve the right to veto the use of proposed sub-contractor before, during and after any award of contract.
19. DWP will make all payments for provision direct to the selected Prime Contractor. The Prime Contractor will be required to pay each of its sub-contractors within 30 days of receipt of a valid invoice. The balance of the payments from DWP would be used to cover the Prime Contractor's costs, including the costs of managing its sub-contractors, collecting and collating the management information we require from them.
20. The Prime Contractor will be required to ensure that the terms of its eventual contract with DWP are reflected in the terms of its contracts with all its sub-contractors and that each sub-contractor is bound by the same obligations as will apply to the Prime Contractor. The responsibility for managing and monitoring sub-contractors' compliance with contractual and provider guidance requirements will rest entirely with the selected Prime Contractor. DWP will however seek

evidence throughout the life of the eventual contract that the Prime Contractor is exercising this responsibility effectively and that, where necessary, it agrees continuous improvement plans with its sub-contractors. The successful provider will be required to report annually to DWP the total amount paid in each financial year to its voluntary and community sector sub-contractors and/or partners for the delivery of this contract.

### **Submission of Tender Forms**

21. All Tender Forms, including Pricing Proposal Documentation, must be submitted by a legally constituted organisation. Responses including tables should be completed in Arial font size 12, except for the Organisation Chart requested at Part 9 which may be in a smaller font but must still be clearly legible. Responses should not exceed the maximum number of pages. Any information in excess of what is asked for will not be considered, nor will any supplementary folders, brochures or papers. The Tender Form template should be used in the format supplied, with margins as supplied.

**The responses to Parts 3 to 11 of your Tender Form should not exceed 35 pages.**

#### **This page limit INCLUDES**

- The space taken up by the questions;
- The pen pictures requested in Part 8.

#### **This page limit EXCLUDES the following**

- Copies of QA standards and Ofsted/ALI summaries requested in Part 5;
  - The Organisation Chart requested at Part 9;
  - Part 4 Annex 2 Letters of Support;
  - Part 6 Annex 1, which has a separate limit of 2 pages.
22. The Pricing Proposal Documentation must be completed and returned at the same time as the completed tender form, and must be enclosed within a separate sealed envelope.
23. Envelopes/packages must be plain and bear no reference to the name of the bidding organisation. Franking machines which automatically print the company name must not be used. Tenders submitted in envelopes/packages which identify the bidder may not be considered. Tenders sent by registered mail will be accepted, but the envelope/package must not contain a printed or franked company logo.
24. The completed Tender Form, including Pricing Proposal Documentation should be sent to Val Kearney, at the very latest by **12 noon on Friday 24<sup>th</sup> October 2008**. It is the responsibility of bidders to ensure that their completed tender is delivered no later than the appointed time. DWP does not undertake to consider

bids received after the deadline unless clear evidence of posting is available (i.e. a clear post mark and/or a certificate of posting). Those tenders received before the due date and time will be retained unopened until then.

25. The original completed and signed Tender Form along with two paper copies and a copy on CD Rom or Memory Stick, should be placed in a sealed envelope clearly marked with the contents. A printed and signed version of the completed Pricing Proposal Documentation spreadsheet and a copy on another CD Rom or Memory Stick, should be placed in a separate sealed envelope, again clearly marked with the contents. Both of these envelopes should then be placed in a single envelope for delivery. The delivery envelope should be clearly marked “Private and Confidential”, marked with the Reference Number and Title of the Local Specification and for the attention of Val Kearney. The envelope should also be marked with the deadline date and time. Please ensure that the copies are exact copies of the original Tender Form; if colour coding is used on the original, you need to ensure that it is also used on the copies.

The following is an example:

<p style="text-align: center;"><b>PRIVATE AND CONFIDENTIAL</b></p> <p style="text-align: center;"><b>FOR THE ATTENTION OF Val Kearney</b></p> <p style="text-align: center;">Provisioning Sourcing Team 2<sup>nd</sup> Floor, 2 Duchess Place Hagley Road Birmingham B16 8NS</p> <p style="text-align: center;"><b>NOT TO BE OPENED UNTIL AFTER 12.00 ON 24<sup>th</sup> OCTOBER 2008</b></p>
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### **Incomplete Responses**

26. Responses may be rejected if any of the documents in this ItT pack are altered or if full information is not given by the stated deadline.

### **Evaluation**

27. Your response to this ItT will be used by DWP to form an assessment of your organisation’s ability to deliver this service proposed under the ESF 2007 – 2013 Local Specification to which the Tender Form relates. The following evaluation system will be used in terms of:

- Your ability and capacity to act as a Prime Contractor;
- Your quality assurance record;
- Your performance record;
- Previous experience of effective delivery of services to the specified customer group(s), or evidence of your ability to achieve effective delivery of such services;

- Knowledge and experience of, or proposals for, working with employers to meet local labour market needs;
- Your delivery proposals;
- Your human resource proposals;
- Your management and quality proposals;
- Your premises and facilities proposals;
- Your implementation plan.

DWP's evaluation teams will judge each tender against the above criteria and score them on the following basis:

EXCELLENT Score 5	<p><b>COMPLETELY MEETS THE REQUIREMENT</b></p> <p>The bidder's proposal is comprehensive and demonstrates that they fully understand the requirement. They have supplied clear, detailed information and the evidence is unequivocal. The evaluation team is fully satisfied about the bidder's ability to meet the detailed criteria.</p>
GOOD Score 4	<p><b>ALMOST MEETS THE REQUIREMENT BUT NOT COMPLETELY</b></p> <p>The bidder has demonstrated a good understanding of the requirement. The evidence is clear and convincing with minor reservation(s) in one key area.</p>
FAIR Score 3	<p><b>MOSTLY MEETS THE REQUIREMENT BUT FAILS IN PARTS</b></p> <p>The bidder has demonstrated a reasonable understanding of the requirement. The evidence is fairly clear and convincing with minor reservations in two or more key areas.</p>
DOUBTFUL Score 2	<p><b>MOSTLY FAILS TO MEET THE REQUIREMENT BUT MEETS IN PARTS</b></p> <p>In the majority of the key areas the evidence is unclear and unconvincing but in others the evidence is clear and convincing. The overall response casts doubt on the bidder's ability to deliver the requirement.</p>
POOR Score 1	<p><b>SIGNIFICANTLY FAILS TO MEET THE REQUIREMENT</b></p> <p>In virtually all key areas there is a lack of convincing evidence which casts serious doubt about the bidder's understanding of the requirement.</p>

The weightings attached to each Question are as follows:

- Your ability and capacity to act as a Prime Contractor (or to undertake direct delivery) 4
- Your quality assurance record 3

- Your performance record 5
- Previous experience of effective delivery of services to the specified customer group(s), or evidence of your ability to achieve effective delivery of such services 5
- Knowledge and experience of, or proposals for, working with employers to meet local labour market needs. 4
- Your delivery proposals 5
- Your human resource proposals 3
- Your management and quality proposals 4
- Your premises and facilities proposals 1
- Your implementation plan 1

28. DWP intends to award any contract based on the most economically advantageous tender i.e. that which, in the opinion of DWP, offers the best combination of quality and price.

### **Clarification Process**

29. DWP may wish to clarify or discuss aspects of your response to the ItT. We will send any questions by e-mail or fax to your named contact person, who should e-mail or fax back a written or typed response by the deadline we will give you.

### **Inducements/Collusion**

30. Offering an inducement of any kind in relation to this competition will disqualify your organisation from being considered and may constitute a criminal offence. Also, you must not try to obtain any information about anyone else's proposals before the completion of this competition, or make any arrangements with anyone else about how or whether they should participate. Subject to any discussions which you may need to have with other organisations with whom you intend to submit a joint bid on a consortium basis (paragraphs 11-12 above refer), please note the following requirements, any breach of which will invalidate your tender:

- you must not try to obtain any information about anyone else's tender or proposed tender before the time limit for delivery of tenders; and
- you must not make any arrangements with anyone else about whether or not they should tender.

### **Costs and Expenses**

31. You will not be entitled to claim from DWP any costs or expenses which you may incur in preparing and or submitting your proposals at either stage of this procurement exercise. This applies whether or not your or any other organisation is successful. It also applies to any additional cost you may incur as part of this competition if DWP modifies or amends its requirements. In addition, we reserve the right to cancel this tender exercise if circumstances should arise that would make this necessary.

### **Status of Tenders**

32. DWP does not undertake to accept any tender and reserves the right to accept the whole or any part of any tender, unless you stipulate otherwise.
33. DWP reserves the right to reject a bid if you propose to add to or substitute any terms or conditions which are at variance with, or inconsistent with, our terms and conditions, or are otherwise unacceptable to DWP.
34. A contract **will not** exist and work may not commence until a formal contract has been signed and dated by DWP and by the successful provider.

### **Accreditation**

35. DWP will award contracts only to providers that have been accredited. Accreditation is carried out by Momenta on behalf of DWP. Prior accreditation is not a condition of bidding for contracts, but – unless they already hold a current accreditation from Momenta - providers must be willing to go through the accreditation process if they are selected as preferred bidders. Once a provider has been accredited, the details will be held on a Provider Register and the provider will not be required to submit the information again in order to bid for further contracts during the succeeding 12 months. However, providers will be required to ensure that the information is updated on an annual basis.
36. Accreditation checks will be carried out on the following areas:
  - Legal entity
  - Financial Viability Risk Assessment
  - Proof of insurance
  - Health and Safety
  - Environmental policies
  - Compliance with diversity and equal opportunities policies in respect of Jobcentre Plus customers and providers' staff, including non-discrimination on grounds of gender, ethnicity, disability, religion or belief. This also includes compliance with the requirement to make "reasonable adjustments" within the meaning of the Disability Discrimination Act.
37. Bidders should also take careful note of the terms and conditions of contract relevant to these requirements, and in particular the provisions of Clause 3 and of Schedule 8.
38. FE Colleges in England, Local Authorities, Higher Education Institutions and NHS bodies will not be required to submit financial information (unless the bid involves the use of a separate legal entity set up on a commercial basis).

### **Consistency of Tender Information**

39. Please note that it is your responsibility to ensure that the information you provide remains consistent throughout the competition. Under no circumstances will bidders be permitted to make any amendments to the completed Tender Form after the closing date of the competition.

### **Feedback**

40. Written feedback will be provided to unsuccessful organisations.

### **Confidentiality**

41. DWP is committed to open government and to meeting its responsibilities under the Freedom of Information Act 2000. All information supplied by you as part of this competition will be treated as commercial in confidence until the bid assessment process has been completed and a contract awarded. Subsequently however, all information submitted to DWP may need to be disclosed in response to a request under the Act. If a request is received, we may also be required to disclose details of unsuccessful tenders.
42. We may also decide to include certain information in the publication scheme which we maintain under the Act. If you consider that any of the information included in your tender is commercially sensitive, please identify it and explain (in broad terms) what harm may result from disclosure if a request is received, and the time period applicable to that sensitivity. You should be aware that, even where you have indicated that information is commercially sensitive, we may be required to disclose it under the Act if a request is received. However, we would contact you to discuss any such request that is made.
43. Please also note that the marking of any material you may submit as “confidential” or equivalent, whilst being noted by DWP, may have little weight if the information is requested under the Freedom of Information Act.
44. DWP acknowledges that some elements of a tender may be covered by the Data Protection Act and therefore these would not be disclosed under the requirements of Freedom of Information.

### **Enquiries**

45. If you require any further information at this stage about any aspect of this competition, please contact '[mike.frost1@dwp.gsi.gov.uk](mailto:mike.frost1@dwp.gsi.gov.uk)'
46. Any enquiry must reach us no later than **17.00hrs on Friday 17<sup>th</sup> October 2008**, as it may not otherwise be possible for us to answer it before the date for return of your Tender Form.
47. Please note that any further information provided will normally be published on this website in the form of Question and Answer briefs.