



Leading learning and skills

Learning and Skills Council

Read Me First

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Statement of requirement and instructions for potential providers of education and training provision to be tendered from 2009 to 2012 (this excludes all managing agent activities)

PLEASE READ THIS DOCUMENT BEFORE ATTEMPTING TO COMPLETE THE ON-LINE EXPRESSION OF INTEREST OR THE PRE-QUALIFICATION QUESTIONNAIRES.

Contents

Introduction..... 1

The Requirement..... 1

 Description of the required provision 5

 Funding limits 6

Procurement Approach & Timetable..... 6

 Which organisations should apply to pre-qualify? 7

 Organisations wishing to qualify to be invited to tender 7

 Organisations that Pre-qualified to receive tenders for 2008/9 8

 Consortia and Subcontracting..... 8

 Deadline for submission of expressions of interest and responses to the PQQ..... 8

 Invitations to tender..... 9

 Pre-qualified Status..... 9

 Open suppliers' meetings..... 10

 Submission of tenders..... 10

 Service offering discussions 10

 Contractual discussions 10

 Award of contracts 10

 Summary of the planned procurement timetable 10

Completing the PQQ - User TipsAppendix 1

The Pre-Qualification Categories.....Appendix 2

Introduction

The Learning and Skills Council exists to make England better skilled and more competitive.

We have a single goal: to improve the skills of England's young people and adults to ensure we have a workforce of world-class standard.

The LSC is a non-departmental public body which began work in 2001, taking over the roles of the former Further Education Funding Council and Training and Enterprise Councils.

 [About the LSC](#) (49KB)

Download this document to find out more about how the LSC is transforming the Further Education (FE) system for England,

We are responsible for planning and funding high quality education and training for everyone in England other than those in universities. We have a national office in Coventry and nine regional offices overseeing the work of local partnership teams throughout the county.

The LSC's major tasks are to:

- raise participation and achievement by young people
- increase adult demand for learning
- raise skills levels for national competitiveness
- improve the quality of education and training delivery
- equalise opportunities through better access to learning
- improve the effectiveness and efficiency of the sector.

Our vision is that by 2010, young people and adults in England have knowledge and skills matching the best in the world and are part of a truly competitive workforce. Has this been updated?

Scope

- 1 This pre qualification process is for the tendered procurement of education and training services – a residual service as defined by OJEU.(The Official Journal Of The European Union), It will not pre qualify any organisation to receive any tenders for any other residual services or any priority services as defined by OJEU e.g. brokerage Services. Please note that managing agent activities will not be procured under this process.

The Requirement

The LSC may, from time to time, in response to published triggers wish to tender for education and training services.

2 The categories for which we wish to potentially procure provision are:

a **Learner Focussed Provision, including**

- o Foundation Learning Tier
- o Specialist provision for learners with learning difficulties and/or disabilities
- o Specialist provision to engage young people who are currently not in education, employment or training
- o Provision for individuals to prepare them for sustainable employment
- o Skills for Jobs
- o Basic Skills and Employability provision for Jobcentre Plus customers
- o A range of enhanced skills and employment activities
- o Specific areas of provision identified in Regional LSC Commissioning Statements.

b **Employer Focussed Provision, including**

- o Apprenticeships, Work Based Learning [16-24 year olds]
- o Apprenticeships for Adults, Work Based Learning [25+]
- o Train to Gain training provision (including Skills for Life, level 2 and level 3 learning).
- o Specific areas of provision identified in Commissioning Statements.

We will tender for provision in the categories above and also for packages of provision that constitute more than one of the categories.

3 A detailed process flow chart at Annex 2 describes how organisations can ensure they have pre qualified for the type of provision that they wish to receive tenders for.

4 Providers wishing to be considered to receive Invitations To Tender for the Provision Types detailed above **MUST** complete two PQQs answering questions that correspond with the type of Provision they intend to offer, therefore to be considered for Regional Responsive providers **must fully complete both the Complete Me First Questionnaire and the Type 1 – Regional Responsive Questionnaire**. To be considered for all education and training tenders providers **must fully complete both the Complete Me First Questionnaire and the Type 2 Questionnaire**. It is unlikely that a provider will complete both the type 1 and the type 2 process at the same time. If in doubt about the process to follow, please use the LSC eTendering Portal message board linked to the Complete Me First PQQ explaining your circumstances and the types of provision your wish to offer.

5 The LSC is interested in receiving expressions of interest and, where appropriate, responses to its pre-qualification questionnaires from organisations who are already, or have been in the past, in receipt of LSC funds and also those that wish to access LSC funds for the first time. Further guidance for organisations already in receipt of LSC funding can be found at paragraph 34. Organisations that do not wish to tender for additional areas of provision do not need to pre-qualify to maintain their existing contractual relationship with the LSC for the delivery of high quality provision. .

- 6 In the Invitations to Tender we will set out the volumes and funding we wish to let against each category of provision in each region and we will also set out our expectation of the approximate number of organisations we are looking for to meet this need. We will ask all organisations at Invitation to Tender stage to let us know the minimum, maximum and optimum numbers of places they could provide in any areas that are being let. We may also ask for Organisations to indicate their anticipated start date and if appropriate the minimum level of Award acceptable if partial Contract awards are deemed appropriate for the type of Provision offered.
- 7 The LSC intends to let contracts for provision in 2009/10, 2010/11, and 2011/12. However, the value of these contracts is dependent on the availability of funding and also on organisation's performance and compliance with the terms and conditions of contract.
- 8 Note that when there are further opportunities to bid for provision within this four year period these will be published well in advance on the LSC website, the e-tendering portal and via the TED website (Tenders Electronic Daily), ensuring that interested providers have the opportunity to pre-qualify.
- 9 Note that the LSC intends to retain an element of funding to enable it to respond to employer choice in year (Regional Response Fund) for Apprenticeships and Train to Gain provision. That is, to award new contracts for provision in addition to any let as a result of this procurement, where employers select quality providers of their choice. For the first time, this response fund will be accessed via the e-tendering portal. See Appendix 2 for details.

Description of the required provision

- 10 To apply for all types of provision described below, providers will be required to complete the Complete Me First and Type 2 Questionnaire. Please note this is a change in process for the re-launch of the QPF. Prior releases of the QPF required providers to select from Learner Focussed (Accredited), Learner Focussed (Non Accredited) and Employer Focussed. These changes have been made to improve the process and are based on provider feedback.

Learner Focussed Provision

- 11 This provision will include all learning programmes where employer involvement is not a requirement for the programme. That is where the learner is not normally required to be employed to participate. Examples of eligible programmes are:

Foundation Learning Tier

- 12 The Foundation Learning Tier (FLT) is a new programme of work at Entry Level and Level 1, designed to help learners progress to a Level 2 qualification. It aims to develop a more focused and strategic approach to Entry Level and Level 1 within the Qualifications and Credit Framework in order to raise participation, achievement and progression amongst learners at these levels.
- 13 The programme is made up of progression pathways including three components: vocational knowledge, skills and understanding; functional skills and personal and social development.
- 14 The FLT includes provision for those with learning difficulties and/or disabilities. Adult Safeguarded Learning (including Personal and Community Development Learning, Family Literacy, Language and Numeracy, and Neighborhood Learning in Deprived Communities are out of the scope of the programme.

Skills for Jobs

- 15 The Skills for Jobs programme supports the integration of employment and skills services for an individual. The Skills for Jobs programme will consist of a range of services and programmes to increase skills interventions in the form of new services or extend existing good practice. The key aim of Skills for Jobs will be to help individuals gain sustainable employment through support, learning and achievement of qualifications.

Employability Skills Programme

- 16 The Employability Skills Programme (ESP) is a key component of the LSCs flexible and responsive provision under the *Skills for Jobs* umbrella of activities. ESP offers basic (literacy, language and numeracy) and employability skills and qualifications to Jobcentre Plus customers. All Jobcentre Plus customers aged 18 and over with basic skills needs are eligible to be referred to an LSC-funded provider for an assessment of needs. Both qualifications and job outcomes are recognised outcomes for funding purposes. A key aim of the Programme is that learners who go into jobs continue in learning to complete and achieve relevant qualifications in order to support sustainable employment.

Employer Focussed Provision

This provision will include all provision where employer involvement is a requirement for the programme that is where the learner is normally required to be employed to participate. Examples of eligible programmes are Apprenticeships and Train to Gain:

An Apprenticeship is not a qualification in itself, but contains a knowledge based element in the form of a technical certificate, a competence based element typically assessed via an NVQ, key skills and employment rights and responsibilities. The framework for each Apprenticeship is designed by the relevant Sector Skills Council. See <http://www.apprenticeships.org.uk/>.

Train to Gain – training provision

- 17 Train to Gain is a national skills service to support employers of all sizes and sectors to improve the skills of their employees as a route to improving their business performance. An element of the service to employers is publicly funded training at Levels 2 and 3 and Skills for Life.
See <http://www.traintogain.gov.uk/>.

Funding limits

- 18 In common with other organisations the LSC assesses individual providers' financial health to help determine the extent to which funding may be awarded. Such assessments are made as part of the LSC's wider assessment process when awarding funding for learner provision. In this way the LSC seeks to manage risk and also to provide an assessment of a provider's ability to service and grow provision of a suitable standard. The aim is to safeguard public funds together with the interests of the LSC, the provider, and learners. Financial health is one of a range of criteria the LSC assesses in deciding whether to fund organisations.
- 19 A financial health assessment is made for each organisation based on the information provided in the pre-qualification questionnaire. This assessment identifies a maximum recommended limit for the annual value of funding agreements with each organisation. The funding limit does not mean that funding of this value will be awarded as a result of the ITT process. As part of the award of funding process, the LSC will interpret the funding limit in the light of factors designed to mitigate financial risk.

Procurement Approach & Timetable

- 20 As of 31st October 2008, the LSC has opened a Qualified Provider Framework for providers of education and training services. The Qualified Provider Framework is a maintained list of all organisations from which the LSC will secure education and training services. This list will incorporate those organisations with whom the LSC will negotiate and/or invite to tender.
- 21 The Qualified Provider Framework will streamline the way the LSC commissions and contracts for provision and will remove barriers for new organisations wishing to work with the LSC. This now suggests there are no barriers....
- 22 Organisations that wish to be eligible to receive invitations to tender can apply to be pre-qualified at any time during the year. This 'always open' approach will allow organisations to apply at a time convenient to them and which suits their business need.
- 23 When the LSC identifies a need to tender for provision, it will temporarily freeze the list to new applicants in order for the tendering process to begin. The dates that the list will be frozen will be published well in advance; ensuring organisations have sufficient opportunity to apply to pre-qualify.

Which Organisations Should Apply to Pre Qualify

- 24 Any organisation that wishes to be **invited to tender** for education and training services must successfully pre-qualify, via the e-tendering portal. This includes organisations with existing contracts with the LSC (if they wish to tender) and organisations with no current and/ or prior contracts with the LSC.

- 25 Where an organisation holds a current contract with the LSC, they will be invited to continue that contract and the associated provision into the new academic year via negotiation; **they will not normally be required to tender to keep existing levels of provision and therefore need not pre qualify via the e-tendering portal.**

The only exception to this would be if the LSC as an ESF co-financing organisation needs to tender some of its existing provision to meet its obligations. However, if the organisation wishes to be invited to tender for new provision e.g. a different programme or a new initiative, they need to pre qualify via the e-tendering portal.

- 26 Any new organisation (one that does not hold a current contract with the LSC) that wishes to contract for education and training services **MUST** pre qualify to receive tenders via the e-tendering portal.

Organisations wishing to qualify to be invited to tender

- 27 Potential organisations that are not yet qualified to receive invitations to tender should complete the on-line PQQs which can be found at the LSC's e-tendering portal (the portal): <https://lsc.bravosolution.co.uk>.
- 28 The LSC will examine responses to the PQQs to select potential organisations to be invited to tender. The criteria to be used to judge which potential organisations receive invitations to tender are:
- a Business Standing
 - b Quality Assurance – Assessment of the competences of the organisation in the area of quality.
 - c Capacity, Capability and Resource – Assessment of the organisations technical ability to deliver provision.
 - d Equality & Diversity - Assessment of the competences of the organisation in the area of equality & diversity.
 - e Health & Safety - Assessment of the competences of the organisation in the area of health & safety.
 - f Financial Health of the provider- Assessment of the organisation's financial position. This may entail independent financial checks.
- 29 Note that you must complete in full the on-line documentation and comply with the requirements. **Failure to comply with or fully respond to any of the questions may result in the LSC not proceeding further with your submission.**
- 30 Note that some organisations will not qualify because they do not match the evaluation criteria for qualification.
- 31 Those organisations that do qualify will be invited to tender for all areas in which they express an interest.

Organisations that Pre Qualified to Receive Tenders for 2008/09 Academic Year

- 32 Where an organisation successfully completed and published a pre qualification questionnaire to receive tenders in the 2008/09 academic year, some of their organisation's data will already be held on the e-tendering portal. This could include contact details or the answers to questions that have not changed for the new PQQ. Where this is the case, the data will be available to the organisation as they login to the new PQQ to avoid duplication of effort.
- 33 In order to apply to pre qualify for future tender rounds, these organisations will be required to confirm the existing data are correct and then provide responses to any

new questions in the PQQ s which correspond to their intended Provision type(s).(See Above).

Consortia and Sub-Contracting

- 34 Expressions of interest, and tenders if so invited, may be submitted by consortia, but if a consortium is to be awarded a contract then one member (an identifiable legal entity) must be the contract holder, responsible for the performance of the contract, with the others as subcontractors.
- 35 The LSC is unable to contract through the QPF with any organisation that delivers less than 51% of the contract directly. This means that no more than 49% of provision can be sub-contracted. A subcontractor is described as any organisation that is delivering any part of the contract but has not got a direct contractual arrangement with the LSC. This may include consortia in some instances. This is because the QPF has been established for services described by OJEU as 'Residual Services', i.e. education and training. To comply with the European Directives activity that does not comply with these rules must be procured using an alternative procurement route described as 'Priority Services'.
- 36 Where a consortium or subcontracting approach is proposed, all information requested should be given in respect of the proposed contract holding legal entity or consortium leader. Relevant information should also be provided in respect of consortium members or subcontractors who will play a significant role in the delivery of services under any ensuing contract including the proportion of delivery that each member will be delivering. Responses must enable the LSC to assess the overall offering from the consortium.
- 37 We will not accept applications for Managing Agents or other Priority Services through the Qualified Provider Framework.

Deadline for submission of expressions of interest and responses to the PQQs

- 38 **Expressions of interest and, where required, responses to the PQQ should be submitted, using the portal, in accordance with the published (maintained) timetable.**
- 39 As described above, in advance of each round of ITTs, the LSC will freeze the QPF to new applicants in order to administer an ITT launch. To achieve this, the LSC will publish a deadline for pre qualification applications to be submitted. Where an application is received after the published deadline, it will be scored and if successful the organisation will be added to the list of organisations to be invited to subsequent ITT rounds.
- 40 **The next 'freeze' date is 5pm on Thursday 9th April 2009.**
- 41 As the pre qualification process is always open, any unsuccessful organisation can re-apply, at a later date within the 4 year cycle, for re-assessment after updating their application. The only restriction to this is during the periods when the LSC has announced that the list will be frozen to new applications. Between the date that the notification of a proposed freeze period is issued and the published PQQ submission date (freeze date) an organisation will only be able to submit one PQQ for assessment. This applies even if the LSC evaluates the application in a shorter period of time and informs the organisation of the outcome. Re-applications can still be made and will be linked to FUTURE tender rounds.

Please note that the LSC will evaluate your response as soon as it has been published.

Accordingly, you should not make any changes to this published response prior to being informed of the outcome of the assessment.

- 42 If:
- a you have any doubts about what is required in your expression of interest or in your response to the PQQ or
 - b you are unable to provide information in the form required
- then please contact the LSC as soon as possible using the messaging service available on the portal. The LSC will respond to your enquiry during business hours as quickly as possible. The LSC reserve the right to tell other organisations your question (anonymised) and our answer to help others with the same query.
- 43 If you experience any technical difficulties with the portal then please contact the e-tendering help desk at procurement2@lsc.gov.uk, where possible providing them with a “screen dump” of the error message you are receiving.
- 44 To ensure that technical difficulties do not prevent you submitting a response, please try to load any required documents in the Technical Questionnaire section using the Add Technical Attachment link, and complete and publish your on-line responses well before the deadline. This new ‘always open’ approach enables the LSC to begin to process your application as soon as you publish your responses.
- 45 Organisations should note that when uploading attachments they will be expected to upload them in the correct position ie alongside the question asking for them. Plus they will only be able to upload one attachment each time. If for example you need to supply us with more than one attachment you should create a folder for these load all of them into the folder “zip” the folder and then upload that to the correct space on the PQQ
- 46 Organisations will be notified of any target launch date for ITTs via the portal. The dates of subsequent rounds of ITTs will be published well in advance, allowing an organisation that has not already pre qualified the opportunity to publish a response.

Pre Qualified Status

- 47 Once an organisation has successfully pre qualified, they will be entitled to receive tenders for up to 4 years subject to them complying with the following:
- o Data submitted in the pre qualification questionnaires is kept current via an annual refresh of data. E.g. annually submitted updated accounts and the results of recent inspections and Self Assessments will be provided. All historical data will be available for review and amendment; organisations will not be completing a new PQQ.
 - o The organisation conforms to the standards laid out in the Pre Qualification Status – Standards document. This will be published on the LSC website and maintained during the life of the QPF: e-Tendering Portal in accordance with LSC policy.

Submission of tenders

- 48 The required response to the ITT will be defined in the ITT, as will the final date for the receipt of tenders by the LSC.
- 49 The LSC will examine the tenders received and use the criteria to be defined in the ITT to select organisations to offer contracts to.

Service offering discussions

- 50 During tender evaluation of the ITT the LSC may wish to discuss particular aspects of an organisation's tender to clarify aspects of it or improve the LSC's understanding of the offer. Visits to referees or presentations by, or interviews of organisations may be required at this stage.

Contractual discussions

- 51 The contract documents to be enclosed with the ITT will contain the terms and conditions and outline contract schedules which will apply. By responding to the ITT you are accepting the terms and conditions of contract.

Award of contracts

- 52 Note that the LSC reserves the right not to award contracts in any or all categories as a result of this procurement.

Completing the PQQs – User Tips

- 53 When completing those parts of the PQQs that have a limit of 2000 characters, please ensure you do not exceed this as we will only evaluate up to this limit. Please note that in this instance a character is any or all of the following:
- a A letter
 - b A number
 - c A punctuation mark
 - d A character space
 - e A line space
- 54 Please ensure that if you have drafted your response in a Word processing document before copying and pasting it into the e-tendering portal, the whole answer has copied across. If the text being copied is larger than 2,000 characters, your answer will be cut off. It is worth noting that use of the return button in a word processing document equates to 10 characters on the portal.
- 55 If you are using a mouse with a tracking wheel on the top to navigate around the questionnaire, please be aware that you will need to “click out” of any drop down boxes before you attempt to navigate. If you do not “click out of” you may alter your answer when you move the wheel on your mouse.**
- 56 These instructions are designed to ensure that all organisations are given fair and equal consideration. **It is important that you provide all the information asked for in the format and order specified.** If you have any doubts as to the requirements, or you have difficulty in providing the information requested, please make use of the messaging service which is available on the e-tendering portal. We will endeavour to respond to your query within 48 hours and will reserve the right to respond to either all responders or individuals dependent upon the nature or content of the message.
- 57 If you are experiencing difficulty or need assistance in completing your on-line pre-qualification questionnaire you should contact the e-tendering Helpdesk at procurementhelp@lsc.gov.uk supplying a “screen dump” depicting error messages you have received
- 58 It is not appropriate to contact the Learning and Skills Council by any means other than by using the messaging service on the portal as this may compromise the procurement process.
- 59 The LSC reserves the right to modify, amend or request/provide further clarification on the on-line pre-qualification questionnaire and associated documents at any time prior to the deadline for completion, by notification either direct to each respondent or on the e-tendering portal. Where such modifications constitute a significant change, the LSC may, at its discretion, extend the deadline for completion of the on-line documents.
- 60 Organisations are advised that nothing in this document or any other communication between the LSC, or any part thereof, and another party shall be taken as constituting a contract, agreement, or representation between the LSC and any party (save for an award of a contract made by the LSC) nor shall it be taken as constituting a contract, agreement or representation that any contract shall be offered in accordance herewith or at all.
- 61 Organisations are further advised that the LSC cannot guarantee that any of the requirements listed in this document will be included in the tender at the second stage of the procurement process. All requirements listed in the document are therefore provisional at this stage and subject to actual need and confirmation of funding.

Bidding Restrictions

- 62 Organisations need not currently be based in the region in which they wish to tender. However organisations that are successful in qualifying to receive an invitation to tender will need to demonstrate their capability to deliver in their tender.

Costs of expressing an interest and completing the PQQs

- 63 Note that you are required to bear all costs incurred by you in expressing an interest and completing the PQQs.

Feedback on the qualification stage

- 64 Following the completion of the pre-qualification response evaluation, written feedback can be provided on request, via the message service on the portal.

Freedom of Information

- 65 The LSC is subject to the Freedom of Information Act 2000 (FOIA). Under the provision of the FOIA the LSC is required to provide information it holds in response to a request made in accordance with the FOIA. This includes information about third parties. Organisations are referred to the Learning and Skills Council's Freedom of Information Policy available on its website www.lsc.gov.uk.

Further Information

- 66 Please see <http://www.lsc.gov.uk/Providers/funding-policy/> for information on LSC funding policy.

Contextual information – ALI and Ofsted Inspections

There have been two cycles of inspection, based upon the Common Inspection Framework (CIF), since the LSC's inception. Inspections have been, and are, performed by two statutory inspectorates: ALI and Ofsted. The second inspection cycle saw the merger of the two organisations.

The two versions of the CIF mean that there are different terminology and grading processes in place. A brief outline is below:

Ofsted/ALI – Inspection Cycle 1 (2001-05) uses grading 1 to 5.

Ofsted/ALI – Inspection Cycle 2 (2005-09) uses grading 1 to 4.

ALI merged with Ofsted April 2007.

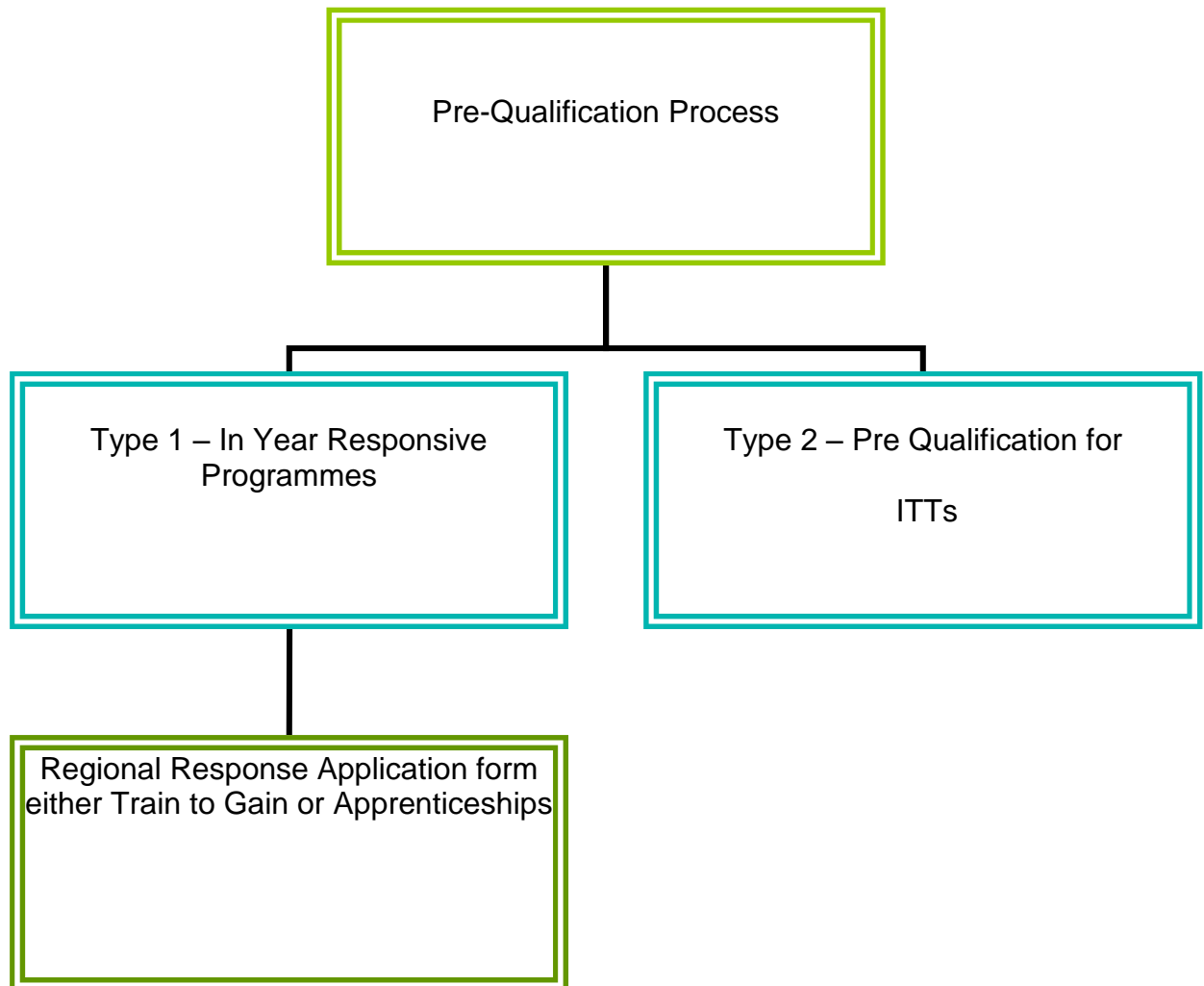
Grade	Descriptors: 2001-05	Descriptors: 2005-present
1	Outstanding or Excellent	Outstanding or Excellent
2	Good	Good
3	Satisfactory	Satisfactory
4	Unsatisfactory	Inadequate
5	Inadequate/Very Weak/Weak	N/A

Only grades awarded in the second cycle of inspection will be gathered using this pre qualification process. Where an organisation was inspected in Cycle 1 (pre September 2005) they will be asked to complete the narrative questions in the Quality Assurance Section of the questionnaire.

This approach has been adopted for 3 reasons:

- Organisations that hold a current contract and DO NOT wish to grow in to new areas of provision will NOT be completing this questionnaire, so there is no unnecessary provider burden.
- Organisations that do hold a current LSC contract but are pre qualifying for a new area of provision may not have had the new area assessed during their inspection.
- It delivers open and fair process for all organisations.

The Pre Qualification Categories



Which Category Should An Organisation Apply For?

- An organisation that has a named employer and planned delivery of Train to Gain or Apprenticeships, which could begin immediately, should complete the **Type 1 – In Year Responsive** questionnaire. Please note that organisations with existing LSC contracts should first contact their LSC contract manager to discuss the delivery of either programme.
- Any organisation that wishes to receive Tenders for provision that is learner focussed (accredited or non accredited) or employer focussed, but **will not** result in an accredited Qualification should complete the **Type 2** questionnaire. Please note this is a change in process for the re-launch of the QPF. Prior releases of the QPF required providers to select from

Learner Focussed (Accredited), Learner Focussed (Non Accredited) and Employer Focussed.

- **NOTE: PROVIDERS SHOULD ENSURE THAT THEY COMPLETE ALL RELEVANT QUESTIONNAIRES. AS A MINIMUM THIS WILL INCLUDE THE 'COMPLETE ME FIRST' PLUS OTHER QUESTIONNAIRES (E.G. 'REGIONAL RESPONSIVE' OR 'TYPE 2')**