

The Learning and Skills Council's Qualified Provider Framework: e-Tendering Portal

Specification



Leading learning and skills

Introduction

The Learning and Skills Council exists to make England better skilled and more competitive with a single goal of improving the skills of England's young people and adults to ensure a workforce of world-class standard.

The LSC is a non-departmental public body responsible for planning and funding high quality education and training for everyone in England other than those in universities. The LSC's 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.

Procurement of Education and Training Provision in the LSC

Every year, the LSC procures a proportion of its education and training provision via open and competitive tendering. This allows the LSC to fill gaps in provision, address market failure, drive up quality and ensure that high quality learning providers not currently engaged in LSC activity have an opportunity to pre-qualify to receive tenders.

Tendering for education and training at the LSC is managed through an e-Tendering portal that was first launched in November 2006. The approach has two stages, a Pre-Qualification Questionnaire (PQQ) followed by an Invitation to Tender (ITT) issued to successful PQQ applicants. The first LSC PQQ was issued in January 2007.

The LSC continues to develop its commissioning approach to reflect best practice, to respond to changes to legislation and to take account of feedback from stakeholders, existing providers and previous applicants. The launch of the Qualified Provider Framework and incorporation of the e-Tendering portal for education and training services streamlines processes, reduces bureaucracy and addresses our legal obligations.

The e-Tendering Portal

The e-Tendering portal is the system used by the LSC to procure education and training via open competition. The LSC may choose to competitively tender in the following circumstances:

- To fill any gaps in delivery of training and education that have not been satisfied through negotiation with existing contract holders
- To fill gaps in delivery where funding has been withdrawn due to the application of our minimum levels of performance policy and that has not been satisfied through negotiation with existing contract holders

- To cater for new or niche provision

To satisfy European Social Fund (ESF) requirements
This procurement process outlined in this specification only relates to education and training, it does not cover any other services or activities that would be described as "Priority" under OJEU definitions.

Which Organisations Should Apply to Pre Qualify

- 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.
- 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.

- 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

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.

What should existing providers do?

Existing providers who wish to receive tenders will fall into one of two categories as described below:

- Where a provider completed a pre qualification questionnaire relating to the 2008/09 academic year, in either the August 2007 or January 2008 PQQ rounds and wishes to continue to receive tenders, they will need to log on to the LSC's e-Tendering Portal to check their details are correct.

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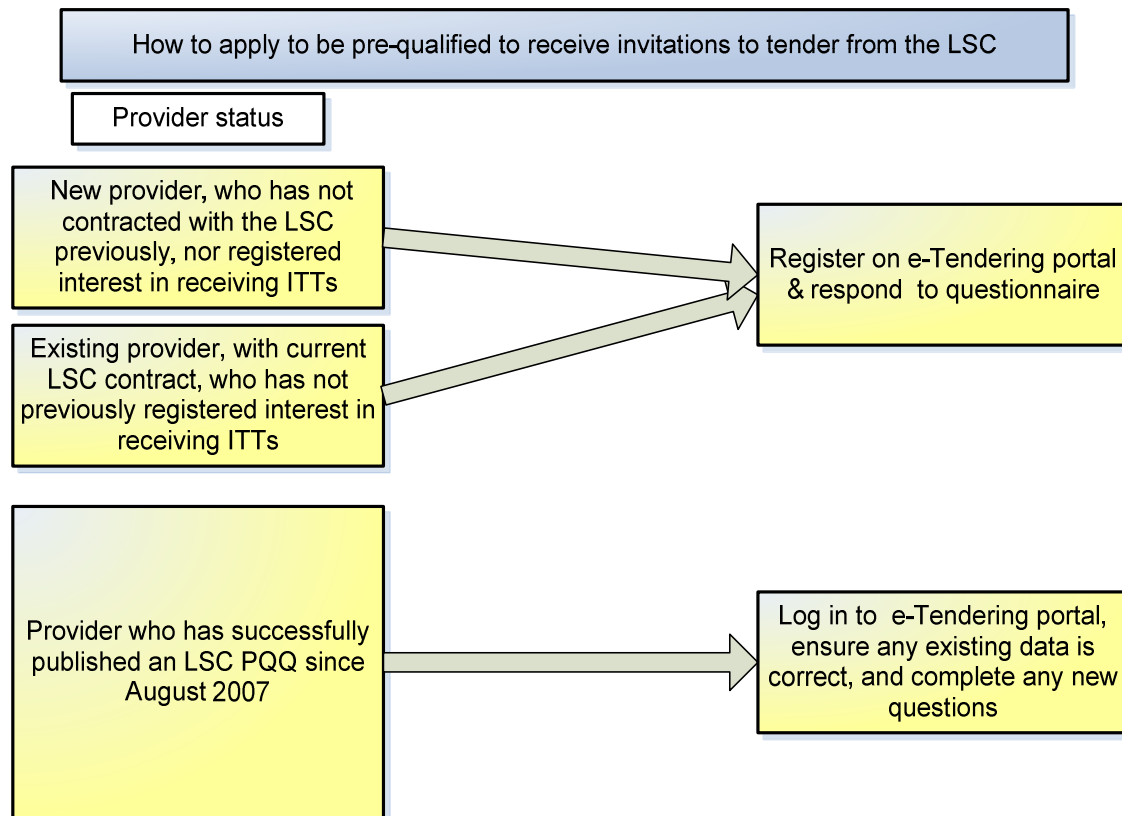
To reduce bureaucracy for these providers, the LSC will pre populate the new PQQ with answers already supplied in previous rounds. This means that where a question remains the same, providers will simply have to confirm that their answer is correct. Where the answer is no longer accurate, providers will of course, be able to change it. Where there are new questions, providers will be asked to submit new answers.

If these providers wish to receive tenders in January they will need to make these changes / confirm their answers by the freeze date on the 10th December. Alternatively, they can apply to pre-qualify at any point during the year and if successful, will be included in subsequent tendering rounds.

- Where a provider has not submitted a PQQ response in either the August 2007 or January 2008 PQQ rounds, and they wish to receive tenders from the LSC, they will need to log on to the e-Tendering portal and apply to pre-qualify.

If these providers wish to receive tenders in January they will need to apply to pre-qualify before the freeze date on the 10th December. Alternatively, they can apply to pre-qualify at any point during the year and if successful, will be included in subsequent tendering rounds.

Existing providers who have no interest in receiving invitations to tender do not need to take action. The LSC will continue to negotiate for existing provision with these providers; however the LSC is an ESF co-financing organisation and may need to tender for existing provision in some cases.



Statutory requirements

All organisations who want to be invited to tender must annually update the following details:

- Annual accounts or financial statement
- Health and Safety
- Quality Assurance, e.g. new OfSTED Inspection results

How to gain access

The LSC's e-Tendering Portal can be accessed via the internet. It is a managed service as part of the Office of Government Commerce (OGC), Buying solutions contract with Bravo Solution. In order to gain access organisations must first register with Bravo Solution to receive a user name and password. Access is free of charge to organisations.

The e-Tendering Portal is supported by a message board that is managed by appropriately skilled LSC personnel to provide advice and support.

Any organisation who experience difficulties in accessing or "up-loading" information should in the first instance read the supplier guides which can be found on the front page of the e-Tendering Portal.

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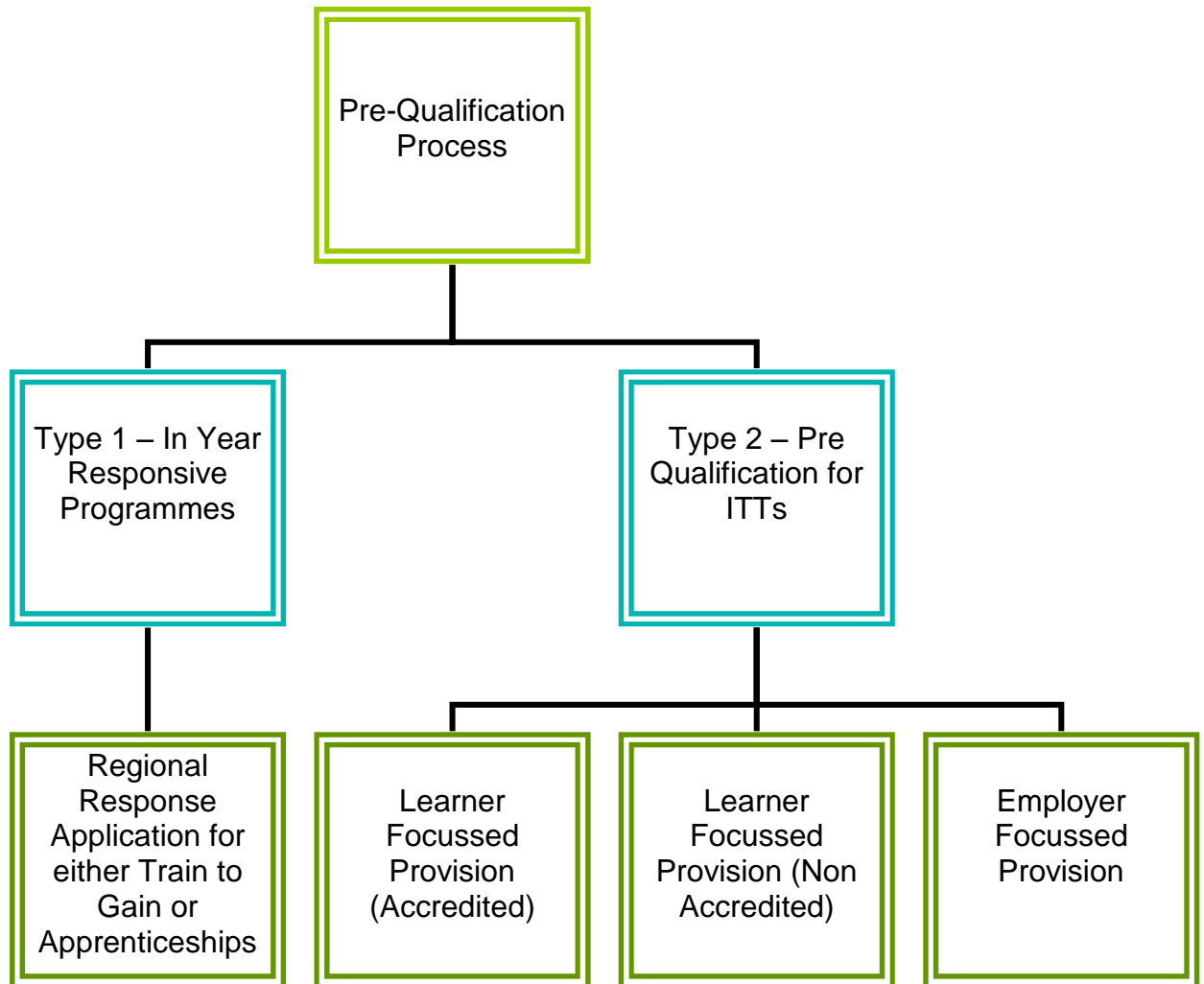
If you are still experiencing difficulty you can email your concerns to; procurement2@lsc.gov.uk together with a screen shot depicting any error message you may have received.

Timescales

QPF open for business and PQQ launched	31 st October 2008
First 'freeze' date – providers must have submitted a pre-qualification questionnaire or updated their existing data on the LSC e-Tendering portal by this date to receive tenders in January	10 th December 2008
Invitations to tender issued by the LSC	January 2009 *
Provider briefings on the content of invitations to tender	February 2009 *
Invitations to tender returned to the LSC	March 2009 *
Invitations to tender evaluated by the LSC	March 2009 *
Contract award	April 2009 *

* these dates will be confirmed at a later date. The LSC reserves the right to change these dates,

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, but **will not** result in an accredited Qualification should complete the **Learner Focussed Provision (Non Accredited)** questionnaire. This could include provision that will result in, for example, progression into work or training.

- Any organisation that wishes to receive Tenders for provision that is learner focussed, **and will** result in an accredited Qualification for some or all learners should complete the **Learner Focussed Provision (Accredited)** questionnaire. This could include provision that will result in, for example, Basic Skills qualifications or NVQs.
- Any organisation that wishes to receive Tenders for provision that is employer focussed, should complete the **Employer Focussed Provision** questionnaire.

What should Organisations do if they want to receive tenders under more than one category?

- Where an organisation wants to pre qualify for more than one category, it will simply need to complete the category tree by checking the appropriate check boxes and then publishing a response to the appropriate PQQs, associated to that categorisation. There is no limit on how many categories an organisation can pre qualify for. There are additional on screen prompts to support users as they apply across more than one category.
- To reduce any repetition for organisations applying to pre qualify in more than one category, any common data will be automatically copied from one category questionnaire to the next. The organisation will simply have to confirm that it is correct for that category or correct / amend it before publishing the response to the LSC.
- To support the Integrated Employment and Skills initiative, it is likely, but not compulsory, that most organisations will choose to apply for prequalification in more than one category.

Standards of Operation

To deliver best practice the LSC needs to ensure that it evaluates organisations Capability, Capacity and Resource at the pre-qualification stage. The LSC is committed to ensuring the both the PQQ and the ITT process is evaluated in an open, fair and transparent way

The LSC reserves the right to remove providers that do not meet minimum performance standards, including quality, finance and health and safety. The following list outlines the circumstances that may prevent providers on the list receiving tenders:

- Financial failure;
- Emerging financial issues;
- Inadequate overall inspection;
- Satisfactory overall inspection but inadequate in one or more key areas;

- Breach of (or risk of breach) of funding conditions;
- Failure to meet legislation or guidelines in relation to vulnerable learners;
- Minimum levels of performance below threshold;
- Evidence of serious misuse of public funds, fraud or deception;
- Failures in management that result in immediate serious risk to learner health, safety and welfare;
- Evidence of serious breakdown in employee relations within the institution because of the misuse of authority, which threatens its ability to deliver education and training.

Data Protection Act 1998

All data submitted to the LSC through the e-Tendering portal will be handled in accordance with the requirements of the Data Protection Act 1998.

Health and Safety at Work Act 1974

All organisations with whom the LSC contracts will be subject to the appropriate sections of the Health and Safety at Work Act.

Equality Act 2006

All organisations with whom the LSC contracts will be subject to the appropriate sections of the Equality Act 2006.

Details of the LSC specific requirements of training providers can be found on www.lsc.gov.uk (the information on this website is subject to alteration and amendment as necessary)

This includes information on:

- Funding
- Performance measures (including Framework for Excellence)
- Audit arrangements
- Data handling
- Equality and Diversity

Procedure for Complaints

If following your submission is evaluated as unsuccessful you have the following options:

1) You can request a debrief as to why you were unsuccessful and on receipt take appropriate action and resubmit your response, subject to the published rules of engagement in the read me first document.

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2) If you are still dissatisfied with the decision you can follow the LSC
Complaints procedure which can be accessed via www.lsc.gov.uk