

Approved College and Training Organisation Register (ACTOR)

Briefing Note

Date of issue 22 February 2011
Audience External

1. This briefing note provides an overview of Approved College and Training Organisation Register (ACTOR), summarising its purpose, functionality and how it will be used by the Skills Funding Agency to procure publicly funded education and training provision.

Aims of ACTOR

2. ACTOR is the Agency's new on-line e-tendering application for the procurement of education and vocational training services. ACTOR has replaced all of the previous procurement processes.
3. The aim of ACTOR is to provide a more streamlined and simple process for all potential delivery organisations, reducing the bureaucracy and allowing quicker and more effective procurement by the Agency of education and training. All of this is set in the context of European Union procurement rules and the need for the Agency to account for large sums of public funding.

Background to the New System

4. ACTOR has been introduced over the last year, with all existing and potential delivery organisations required to submit basic and extensive information about their organisation and capability in January 2011. This initial phase of establishing the new system has been onerous to some organisations, but once complete will require much less on-going maintenance by the delivery organisations.
5. In the first half of 2011 the Agency is using ACTOR and its revised procurement processes to procure new European Social Fund (ESF) programmes; this is the first time we have used it so there is some confusion about how it works. This note is part of the communications to ensure that the processes are better understood.

Skills Funding Agency

Cheylesmore House Quinton Road Coventry CV1 2WT
T 0845 377 5000 www.skillsfundingagency.bis.gov.uk
An agency of the Department for Business, Innovation & Skills

6. Because it is a new process, the Agency has started to review how well it is working. A reference group of colleges and training organisations from across the sector will meet with the Agency to help review the new system and contribute to its development.

Registering on ACTOR

7. To be registered on ACTOR, organisations must have passed a due diligence Pre-Qualification Questionnaire (PQQ) and have submitted *at least one* ACTOR on-line Invitation to Tender (ITT) for all of the programmes/areas for which they want to obtain a contract/funding for 2011/12.
8. The following three ITTs are currently available on ACTOR:
 - General workplace and classroom based provision (this is labelled as the Adult Skills Budget (ASB) and incorporates provision which is made up of elements of the historic programmes: Adult Learner Responsive, Skills for Life, Apprenticeships, Train to Gain, and Programmes for the Unemployed).

This is the ITT we would expect to use to procure ESF-funded provision (apart from any which clearly came within one of the other ITTs);
 - Adult and Community Learning; and
 - Provision for Learners with Learning Difficulties and/or Disabilities for Independent Specialist Providers (on behalf of the YPLA).
9. Organisations looking for specific-ESF related ITTs should note that the ITTs refer to the *type* of provision, not necessarily the funding source.

How it Works

10. ACTOR is a register of colleges and training organisations that are eligible to be considered for funding from the Agency to deliver education and vocational training. (Please note though, being registered on ACTOR does not guarantee that an organisation will receive Agency funding.)
11. All organisations must be registered on ACTOR in order to be considered for funding. Once on the register, organisations may be considered in the procurement exercises that the Agency carries out, without having to submit additional lengthy, onerous bids. The Agency can do this because the information required is already recorded in ACTOR.
12. This enables a more streamlined approach, so that the procurement process is simpler and reduces the need for organisations to respond to multiple individual tenders. This change represents an improvement for the sector in terms of simplicity and reduced bureaucracy. At the same time it will ensure that the Agency is able to carry out its functions of funding and regulating the sector more efficiently and effectively.

13. ACTOR will achieve a number of things, in summary it will:

- Establish a register of approved colleges and training organisations, for consideration of the receipt of public (Agency) funding.
- Ensure all approved colleges and training organisations have appropriate quality and financial management systems in place.
- Simplify and streamline procurement arrangements so that, once approved, all colleges and training organisations are eligible to be considered for Agency routed funds (including ESF), without the need to go through lengthy tendering processes.
- Ensure that the Agency complies with all relevant procurement regulations and delivers good value for money, with public funds.
- Ensure high quality delivery, with all existing and new providers clear of what they need to do to secure Agency funding.
- Enable the Agency to assess and manage risk to learners and public funds.
- Provide a clear and transparent route for new providers to enter the market.
- Enable a diverse range of high quality providers.

14. It is the responsibility of tendering organisations to refresh and resubmit their information on an annual basis, (although they will be able to do this at several points during the year). This is essential, the Agency needs to be confident, in awarding public monies, that all information is up to date and valid. Organisations will receive an annual reminder to update their PQQ information however they will be able to access their submissions in year and update when any information already recorded has changed.

15. The Agency currently contracts with over 1,500 organisations for education and vocational training. These organisations plus a further 910 that were registered on the previous Qualified Provider Framework (QPF), but did not receive funding from the Agency in 2010/11, were given an automatic pass to the PQQ due diligence section in ACTOR for 2011/12. Any of these organisations that wish to remain registered in 2012/13 will be required to provide this information in advance of the January 2012 freeze date.

How the Agency will use ACTOR

16. As stated above, ACTOR is a *register* of organisations that are eligible to be considered for funding.

17. For the majority of the education and training funding that the Agency distributes, it will continue to apply the funding allocation process as set out in published [Guidance Notes](#). These Guidance Notes also confirm that funds will be redistributed to existing colleges and training organisations through its performance management protocols.

18. This means ACTOR will be used to procure provision using additional funds. This includes provision which is co-financed by ESF. The Agency will use this register to identify organisations that can be considered for funding/contracts in 2011/12 and beyond.

19. The Agency will assess two key areas: Firstly due diligence information, via the PQQ. This is mandatory and seeks to ensure that the financial health and management of an organisation is proportionate and sufficiently robust to deliver a publicly funded contract on behalf of the Agency. Organisations will either pass or fail this checkpoint.
20. Secondly, an ITT which focuses on the **type** of provision an organisation wants to deliver on behalf of the Agency. ITTs request information on an organisations' capacity and their expertise, based on their delivery history and the quality of their provision. It also asks organisations to register their interest in any other area that they wish to deliver.
21. With this in mind, it should be noted that the flexibilities afforded by the new ASB mean that, in many cases, we have had to check that organisations are both interested in, and have the capability to deliver all types of workplace and classroom based training as for some organisations, this could mean delivering in new geographical or thematic areas.
22. Where possible ITT questions have been designed to enable responses to be made by selecting from a range of multiple choice options. This is both to streamline input and to enable responses to be automatically scored. (These scores may be amended through a moderation process which will seek to corroborate some or all of the responses.)
23. Information from both the PQQ and relevant ITT will be stored on ACTOR and used after each formal freeze date (which will be published in advance) in the appropriate selection process as outlined below.

Process for Selection

24. There are 3 protocols in place through which the Agency will identify and select from eligible colleges and training organisations:
 - Direct Selection
 - Mini Competition
 - Full Competition

Direct Selection

25. To reduce the need for an organisation to submit multiple tenders, the Agency is committed to using the information collected through ACTOR as the main means of selecting providers to deliver additional areas of provision (including that which is co-financed by ESF).
26. The ITT sections focus on provision type. Using the ITT questions, (mainly the ASB ITT at this point in time given its breadth of content), the Agency will select and weight appropriate questions. This will ensure that the information selected is tailored to the provision requirements. This work will be done by

the Agency staff with the overall policy lead in conjunction with regionally based colleagues.

27. This criterion, when applied to the overall register, will produce a ranked shortlist of organisations that are deemed to have the capacity, capability and the interest in delivering the provision required.
28. This ranked shortlist will then be shared and reviewed by locally/regionally based staff within the Agency. They will make recommendations for funding allocations/contract award levels. In some cases this will be determined by a recommended funding limit for a provider.
29. A national panel will review and moderate all recommendations. It's role will be to endorse recommendations and/or request elements of ITTs to be corroborated by an organisation before a contract is awarded. Where information cannot be supported or is found to be false, the Agency reserves the right to terminate a contract/withdraw an offer.
30. As activity co-financed by ESF aligns with the national Skills Strategy and thus mainstream activities (e.g. Apprenticeships, provision for the unemployed etc) in most cases, separate ITTs will not need to be issued to procure ESF provision.
31. For example, where organisations submitted information in the Programmes for the Unemployed section of the ASB ITT in January, the Agency will use this information to identify and select those providers that can deliver ESF funded co-financed provision which targets unemployed individuals from April 2011
32. Given the breadth of the ASB ITT and the fact that the Agency will select on provision type rather than funding stream, organisations that have not already done so, who are interested in delivering ESF provision can submit the relevant information in the ASB ITT. This can be done at any point when ACTOR is open, however only information submitted before formal freeze dates (which will be notified in advance) will be used for the published procurement exercise.

Mini Competition

33. In some circumstances the information on an ITT in ACTOR may not be sufficient to determine who should be funded for a specific type of activity. Also the results from the moderation of the above process may result in a list of organisations from which it is not possible to differentiate for selection (e.g. where a number of providers have equal weighted scores).
34. In these circumstances the Agency will issue a shorter, bespoke ITT. This will be in the form of a 'mini competition' available to all organisations that completed the existing ITT.
35. The timescale for this exercise will be published in advance via the e-tendering portal, and will be proportionate to the level of information required.

Organisations that have registered will receive automatic notification of the procurement exercise through this route.

Full Competition

36. The Agency will issue a new full ITT for any activity or provision that it wishes to procure which has not already been covered in part by an existing ITT (e.g. in the ASB ITT).
37. Details of any new full competitions will be published via the e-tendering portal, and the Agency's website and Update Newsletter. This will provide organisations (new and those already registered) the opportunity to submit a tender (ITT) for activity.
38. Following the closure of the submission deadline, the standard ACTOR processes and protocols for selection will be applied to the responses (as described above).

When will the Agency procure provision?

39. Information taken from submissions made by the first freeze date of ACTOR, the 14 January 2011, will be used to secure several types of provision, including that which targets individuals that are unemployed and those at risk of redundancy.
40. This will be co-financed by ESF and will enable provision to commence from April 2011 for 16 months. It has been necessary to undertake this procurement activity early in 2011 so that the Agency can ensure the continued availability of support for the unemployed following the end of existing funding provision in March 2011. Any organisation which is short listed for this activity will be contacted in March 2011.
41. Because the ACTOR system is so new, the Agency will run further ESF procurement rounds this year to ensure that all delivery organisations have the opportunity to be considered. Some provision will be sought over the spring/summer, for activity to start from August 2011. This will include workplace learning provision and related Apprenticeships activity. We anticipate using the direct selection process (described above) for these activities, using information taken from ACTOR following the April 2011 freeze date. Further information on this specific exercise will be communicated during March 2011. The Agency will then continue to communicate appropriately as and when further tendering opportunities arise.
42. Information on contracts awarded will be published on the official Government website [Contracts Finder](#).

Can new organisations register on ACTOR?

43. New organisations can register on ACTOR. They must complete a Due Diligence Pre-Qualification Questionnaire (PQQ) in its own right and as part of its submission provide a Costed Business Plan (in lieu of Financial Accounts). This Costed Business Plan should include as an Annex a list of the members of the new organisation and any proposed subcontractors/partners, thus enabling the Agency to make a fair assessment of track record of member organisations forming any new entity.
44. The new organisation must also complete one or more of the ITTs covering those areas of provision for which it is seeking consideration for funding.

Will the procurement process be too simple now?

45. Whilst every effort has been made to simplify the process and ensure that a fair and transparent system is applied consistently to all types of providers, the Agency acknowledges that there is scope for further improvement and it is committed to reviewing the system with sector representatives to evaluate the implementation of ACTOR for the 2011/12 funding year.

Complaints and Challenges

46. All Agency procurements comply with the appropriate EU Procurement Directives. As such all aspects of the process including the right to challenge the outcome are covered by these EU Directives. Full instructions for organisations wishing to challenge the outcome of a procurement process are contained within the [EU Remedies Directives](#).
47. If however, organisations wish to challenge the process (rather than the outcome); they can make use of the Agency's Complaints Procedure which can be accessed via the [Skills Funding Agency website](#).
48. The process for any requests for information under the Freedom of Information Act is also accessible on the [Skills Funding Agency website](#).

Date created 22 February 2011
Version 1