

INVITATION TO TENDER (ITT) TO DELIVER THE INTEGRATED OFFENDERS' LEARNING AND SKILLS SERVICE (OLASS) Phase Three

READ ME FIRST

INTRODUCTION

Invitation to Tender to Deliver the Integrated Offenders' Learning and Skills Service Phase Three in all Learning and Skills Council Regions of England for Adults and Young People in Custody

I would like to thank you for completing the pre-qualifying expression of interest questionnaire to provide the above Service.

I am pleased to inform you that your organisation, along with others, is invited to submit an on-line tender for the delivery of the Integrated Offenders' Learning and Skills Service in **custodial settings only**. This is the third phase of OLASS procurement, following the initial Invitation to Tender in 2005. The service has developed significantly since then and there have been many changes to the policy landscape for learning and skills and for criminal justice, which are described in the Policy and Background document of this ITT. Over that period of time, we have refined our priorities for offender learning and these are set out in this ITT, so that prospective providers are clear about our aims for OLASS provision.

The ITTs to provide OLASS Phase Three for Adults and Young People in juvenile custody are issued separately. Tendering organisations should note that they may submit a tender for provision for both adults and young people, but that a separate response for each area of activity and each unit of procurement is required. As an example, some regions have more than one unit of procurement. You will need to download the questionnaire, complete offline, one for each unit of procurement and then upload all completed questionnaires.

The ITT to deliver an Information, Advice and Guidance (IAG) service for Adults in Custody will be issued separately and will be subject to the EU Procurement Regulations.

The information contained in the Invitations to Tender for OLASS Phase 3 for Adults and Young People in custody is correct at the date of issue. However, tendering Organisations should be aware that there may be changes to policy direction or the conditions/requirements described in these documents during the course of the tender period.

Tendering organisations are restricted to tendering for the regions they specified in the Pre-Qualification Questionnaire and single tender submissions covering more than one unit of procurement will not be accepted.

Organisations need not currently be based in the area in which they wish to bid. However, organisations that are awarded a contract will need to demonstrate within their responses to the questions that they will offer a senior manager, and significant physical presence, based in the relevant locality, who will be accountable for managing delivery.

You are required to use the LSC e Tendering Solution for submission of your tender and for further information about the electronic tendering system LSC e Tendering Solution process. Other essential background information concerning the procurement process is also contained in this READ ME FIRST document and the Policy and Background Document. Please make full use of these important documents as they will assist you in preparing your tender to meet OLASS requirements.

Please read the instructions on the procedures carefully. Failure to comply with these instructions may invalidate your tender.

The closing date for online submissions of tenders for Adults and Young People in Custody is **12 December 2008 at 17.00 hours**.

The issue date for the ITT for information, advice and guidance services (IAG) is the **17 November 2008** and the closing date for online submissions of tenders for IAG Services is **9 January 2009 at 17.00 hours**. A separate Tender Roadshow is planned for the **20 November 2008** at the Aston Villa Football Stadium in Birmingham.

Please refer to the appropriate (adults or young people) Specification Documents for details of your submission.

Your responses to the questions (one set for each of the units of procurement for which you are bidding) will form the substantive part of your tender submission.

Contact

It is not appropriate to contact the Learning and Skills Council National, Regional or Local offices by any means other than via the LSC e Tendering portal messaging service. Information about contacts and submission of questions are contained in the Specification document.

Neither should establishments nor current OLASS providers be contacted directly.

Thank you for your interest. I look forward to receiving your responses.



Jon Gamble

Director for Adults and Lifelong Learning

READ ME FIRST

Tendering for OLASS Phase Three Provision for Adults and Young People in Custody

- 1 References to the “Council” throughout these documents refer to the Learning and Skills Council and the Integrated Offenders’ Learning and Skills Service will be referred to as the “Service”.
 - 2 These instructions and information are designed to ensure that tenders are given equal and fair consideration. It is important therefore that you provide all the information asked for in the specified format and order. The details relating to the units of procurement, curriculum areas, funding methodology and questions that you will need to answer are contained in the documents entitled **OLASS Phase Three Specification for Adults in Custody and OLASS Phase 3 Specification for Young People in Custody**.
 - 3 It is important that you read and understand the content of the Background and Policy Document, which provides essential information on the wider context underpinning the tender specification. The document applies equally to the ITT for adults and young people aged 15-17 years of age in custody, including prisoners on remand. Responses to the ITT must demonstrate that you understand the background and contextual issues for offender learners.
 - 4 The LSC requirements with which your organisation must comply relating to this group of learners are contained later in this document. Organisations will need to reassure LSC that they can comply with these as part of their tender submission – evidence of compliance will be required at later stages.
 - 5 Since issuing the PQQ in January 2008 for delivery of OLASS in custody, policy changes (detailed in the Background and Policy Document) have dictated a split of activities for procurement – you will thus find that three separate ITTs now cover the range of Services initially covered in one PQQ. This implies:
 - Providers who were successfully evaluated at PQQ for the delivery of Services for adults and young people in custody may proceed with responding to the ITT as initially planned, following the timetable provided in the respective Adults and Young People Specification documents (the timetable is identical for both).
 - For the delivery of IAG Services, a separate ITT will be issued.
- Tenders for OLASS provision can be accepted only via the online process as described in the Question Section of the OLASS Phase Three Specifications.**
- 6 **Organisations should note that all the attachments will need to be downloaded from the LSC e Tendering portal, completed offline, uploaded back to the LSC e Tendering portal as part of their response to this tender.**
 - 7 Your submission, to be fully considered, will need to contain:
 - A completed Declaration for each unit of procurement

- A completed Tender Response, addressing each of the questions set out in each specification (as appropriate)
 - Completed pro formas as attachments to your completed Tender Response for each unit of procurement.
- 8 Details relating to completing the pro formas can be found in the Specification documents. Please note that no other document will be accepted on the system other than those listed above. Organisations should provide the information in the format required on the LSC e Tendering portal.
- 9 Each answer has a restriction on the number of characters that can be used, indicated in the questions section. The answer boxes are blocked for organisations not to exceed the character limits.
- 10 Equally, pasting documents into these answer boxes is not possible and will not be accepted.
- 11 **In the following sections of this READ ME FIRST document you will find information on the following:**

Part 1: Essential Tendering Information, including:

- Procurement Timetable
- Questions
- Bidding Information
- Roadshow Events
- Tender Assessment
- Visits to Prisons/YOIs by Tendering Organisations

Part 2: Mandatory Requirements, including:

- Contract
- Management and Co-ordination of Services, including Sub-Contracting
- TUPE and Pensions
- Security Clearance
- Workforce Competency
- Centre Approval Status
- Data Requirements
- MIAP OLASS Learner Plan
- Offenders' Learning Journey
- Quality Assurance and Quality Improvement
- ICT and Capital Equipment
- LSC – Legal Context for Tendering Process

- 12 Please read both sections carefully as tender organisations will be required to adhere to these requirements for their tender to be considered for this work.

PART 1 - ESSENTIAL TENDERING INFORMATION

Timetable

- 13 The **proposed timetable** for this procurement of adult and young people's learning and skills provision is as follows:

Issue ITT	W/c 6 October 2008
Tender Roadshows	21-23 and 28-30 October 2008
Return of Tenders	By 17:00, 12 December 2008
Assessment of Tenders which will include interviews of short-listed tendering organisations	19 January 2009 to 20 March 2009
Notification to Successful Organisations	By 31 March 2009
Contracts Signed	By 30 June 2009
Service Commences	1 August 2009

- 14 Tendering organisations should assume that this timetable is fixed and cannot be changed in any respect. They should therefore satisfy themselves that they can meet the relevant deadlines.
- 15 However, the Council reserves the right to vary the timetable should circumstances dictate. Any changes of timetable will be notified through the LSC e Tendering portal via email alert.

Submitting Questions

- 16 Any questions must to be submitted via the LSC e Tendering message board.
- 17 The LSC will respond to queries up to **10 December 2008 at 17.00** (48 hours before the closing date for the completion of the on-line documents). A response is not guaranteed after this time. We strongly urge organisations to complete the on-line documentation **as soon as possible** and not leave it to the last minute. This will allow you sufficient time to ensure that any questions you may have are answered.
- 18 Points of clarification or information requested during the tender period, together with responses provided, will be e-mailed to all bidders via the message board. The LSC will endeavour to respond within 48 hours of receipt of questions.
- 19 If you are experiencing difficulty or need technical assistance in completing your on-line tender, you may access the on-line "Supplier Tips" shown on the opening page of the LSC e Tendering portal, or e-mail the e-tendering Technical Helpdesk at help@bravosolution.co.uk together with "screen shots" depicting the error messages.

Bidding Information

- 20 The timelines are set out in the table above and you must comply with these in order for your tender to be assessed.
- 21 Late or incomplete responses will not be considered. The LSC will not contact tendering organisations to alert them of incomplete responses.
- 22 Separate tenders must be produced for each unit of procurement in a region for which the organisation is tendering. Please ensure that you respond to the specific needs of offender learners within each unit of procurement. The information contained in the regional profiles within the ITTs for Adults and Young People in custody is provided to give tendering organisations an indication of:
- the economic overview of each region
 - future changes
 - specific regional issues and initiatives
 - description of the unit of procurement
 - description of establishment and YOIs

This information should not be used for detailed planning purposes.

You will not be entitled to claim from the Council any costs or expenses which you may incur in the preparation of your tender(s).

- 23 Tenders must remain valid until 12 July 2009 (seven months after submission date)

Roadshow Events

- 24 The Roadshows will address questions about the tendering process for both specifications - Adults in Custody and Young People in Custody. We will hold Roadshow events in six regions on the following dates:

ROADSHOW LOCATIONS	Date	Regional Focus
York Racecourse York North Yorkshire YO23 1EX www.yorkracecourse.co.uk	21 October 2008	North East & Yorkshire and the Humber
Ramada Manchester Piccadilly Piccadilly Plaza Portland Street Manchester M1 4PH www.ramadajarvis.co.uk/hotel/overview.asp?hotel_id=87	22 October 2008	North West & Yorkshire and the Humber
Aston Villa Trinity Road Birmingham B6 6HE www.avhe.co.uk	23 October 2008	West Midlands & East Midlands
Holiday Inn Peterborough West Thorpe Wood Peterborough Cambridgeshire PE3 6SG www.ichohotelsgroup.com	28 October 2008	East of England & East Midlands
Park Plaza Riverbank 18 Albert Embankment London SE1 7JT www.parkplaza.com	29 October 2008	London & South East
Bristol City Football Club Ashton Gate Stadium Bristol BS3 2EJ	30 October 2008	South West & South East

- 25 Notification of dates has been sent to all organisations who have been invited to tender for this work. Agendas for the Roadshows will be sent out nearer the date. Attendance at the Roadshow events will be limited to **two** people from each tendering organisation at each event.
- 26 Tendering organisations may attend more than one Roadshow. If you have not already done so please confirm as soon as possible by email to the OLASS Learning and Skills Team at olassroadshow@lsc.gov.uk whether you intend to attend the Roadshow event for the LSC region for which you are submitting a tender.
- 27 Once you have read the tender, in order to help us make the Roadshow events as useful to you as possible, would you please send a message via the LSC e Tendering portal message board with any issues that you would like discussed at the events. This will help us provide answers to some of your specific questions on the day, although some questions may need further consideration and responses will then be sent to all organisations via the message board.
- 28 Your questions must be received no later than five working days prior to the Roadshow event your organisation is scheduled to attend.

Tender Assessment

- 29 For this tender, the LSC will undertake the following tender assessment process:

Assessment Panels

- 30 Assessment panels will be formed from key staff from the Council and designated personnel from partner organisations, where no conflict of interest occurs.
- 31 The decision of the assessment panel is final and there will be no appeals process.
- 32 The assessment panel members at each interview will consist of LSC and National Offender Management Service (NOMS) personnel, a member of the regional procurement team and representation from local authorities, where appropriate.

Debriefing

Following the notification of intention to award contracts, feedback will be available to unsuccessful tendering organisations at the earliest opportunity. Debriefing requests by unsuccessful tendering organisations must be made using the LSC e Tendering portal messaging service.

Assessment Criteria

- 33 The criteria against which tenders will be evaluated will include:
 - Delivery of the service
 - Partnership working

- Employability agenda
 - Value for money
 - Added value to the learner and the Service
- 34 Organisations should note that all criteria have equal weighting for evaluation purposes.
- 35 We reserve the right to use the information organisations have provided in their pre-qualification responses for the evaluation of tenders. The assessment criteria are common to all areas.

Visits by Tendering Organisations to Prisons and Young Offender Institutions

- 36 As part of the tendering process for the procurement of the Offenders' Learning and Skills Service Phase Three, site visits are timetabled to take place in prison establishments during the tender preparation period. Requests to visit prison establishments, in the locations where organisations are offering to deliver the Service, must be submitted via the LSC E Tendering portal message board **on or before 31 October 2008**.
- 37 All visits will be coordinated by an LSC regional contact from the region(s) into which tendering organisations are offering to deliver the Service. Visits may be arranged to include several tendering organisations at one time.

Purpose of Site Visits

- 38 Visits to prison establishments are designed to ensure that tendering organisations have a reasonable opportunity to view:
- The location
 - Prison routines
 - The range of settings in which the learning and skills service is to be delivered
 - The access / searching arrangements in place
 - The typical accommodation to be made available for teaching and learning
 - The typical equipment and materials available to support learning
 - The typical accommodation available for management and administrative functions
- 39 Subjects that cannot be discussed are:
- Staffing
 - Existing learning and skills provision
 - Existing budget allocations for learning and skills

Range of Site Visits

- 40 LSC and NOMS will agree a sufficient sample of site visits to ensure that tendering organisations are able to view the range of settings in that region. A timetable of visits will be made available to all tendering organisations.

- 41 There should be at least one visit to a prison/YOI in each region made available to tendering organisations.

Conduct of Visits

- 42 Visits will be led by an LSC member of staff and facilitated by the host organisation. In prisons, it would be expected that the Head of Learning & Skills (HoLS) would facilitate the visits.
- 43 Visits may occur during operational hours and, under these circumstances, tendering organisations are required to ensure that they do not communicate with existing contractors' staff unless authorised by the LSC.

Recording and Distribution of Information obtained during visits

- 44 The LSC will be responsible for the recording of all questions asked during a visit and the answers given. Where questions cannot be answered during the course of the visit, these will be recorded and written answers will be provided subsequently. All questions and answers will be made available from all visits to all tendering organisations via the message board.
- 45 Individuals are required to arrive 15 minutes before the notified start time and to provide suitable identification in order to gain entry to prisons, usually in the form of a passport or a photo driving licence.
- 46 Individuals are advised to carry with them only essential items avoiding mobile phones and any sharp objects and to expect to be searched. It should be noted that, in exceptional circumstances, visits can and may be refused.

PART 2 – MANDATORY REQUIREMENTS

- 47 This section outlines LSC potential provider contract requirements. Tendering organisations must comply with these.
- 48 Tendering organisations need to be aware that they will be required to comply with the requirements described in this section. Evidence of compliance will be requested by the assessment panel at the interview stage for shortlisted organisation. Organisations failing to demonstrate compliance may be disqualified.

Contract

- 49 Provision of OLASS in custody will be subject to the LSC's Terms and Conditions
- 50 Any FE College who is successful will be funded via a separate schedule to their Financial Memorandum.
- 51 All other organisations who are successful in this process will be funded via a Contract for Services – Education & Training. A copy of the Contract for Services – Education & Training is included in the ITT as an attachment for you to download, read and sign your acceptance as part of your declaration requested in the Technical Questionnaire.
- 52 Tendering organisations should be aware that the OLASS budget is allocated solely for the delivery of the service and may not be used for any other purpose. However, lead providers may leverage in extra funds during the course of the contract in order to add value to OLASS provision to the benefit of offender learners.
- 53 The Offender Learning Journey for adults (OLJ) and the Offender Learning Journey for young people placed by the Youth Justice Board in Young Offender Institutions sets out requirements identifying how delivery of quality provision might be achieved. It will form an element of the contract post August 2009 and underpins the delivery of all aspects of OLASS Phase Three. Originally published in 2004, the OLJ for adults and young people have recently been revised. The elements set out below align with the requirements outlined in the OLJ documents.
- 54 The information relating to the contract applies **across** the individual delivery strands for Adults, and Young People's services in custody.

Adults in Custody

- 55 Successful tendering organisations will be invited to contract with the Council for the Integrated Offenders' Learning and Skills Service for three years plus two years from 1 August 2009 to 31 July 2014, subject to an annual review of satisfactory performance and the relevant funds being agreed by Parliament.

Young People

- 56 Successful tendering organisations will be invited to contract with the Council for the Integrated Offenders' Learning and Skills Service for three years plus two years from 1 August 2009 to 31 July 2014. This is subject to an annual review of satisfactory performance and the relevant funds being agreed by Parliament. The government recently announced changes to commissioning and funding for pre and post-19 learning, and this included plans to place local authorities in the lead for commissioning learning for young people in custody. Subject to the passage of legislation, for young people in YOIs this is scheduled to take place from September 2010.
- 57 Further information on the contracting arrangements for the services for Young People in Custody can be found in the Specification for Young People in Custody.
- 58 Tendering organisations submitting tenders for units of procurement for adults in custody may also wish to submit a tender to deliver OLASS for a particular unit of procurement for young people, in the same region. However, the contracting arrangements for young people will require a distinct schedule within the contract which can be separated out for transfer to local authority control, at the time of the transfer of the contract to the host local authority.

Expansions and Re-rolls

- 59 The LSC is not responsible for the planning and funding of learning and skills in privately managed prisons (the contracted estate), but it will assume responsibility for planning and funding learning and skills in any newly established privately managed prisons that are created as part of the National Offender Management Service (NOMS) Prison Capacity Programme.
- 60 Within the duration of the contracts running from August 2009, the LSC is seeking to tender for education services in two new privately managed prisons which will open in Maghull, Merseyside, and Belmarsh West, East London. It is expected that tendering organisations that successfully secure contracts with the LSC to deliver in the units of procurement where these new establishments will be located, will also assume responsibility for delivery in these establishments.
- 61 Additionally, expansion in establishments, or re-rolls, will also be a feature of OLASS for the duration of the contracts commencing in August 2009. Providers will be expected to work with the LSC to ensure that offender learner needs continue to be met.

Management and Coordination of Services, Including Sub-Contracting

- 62 The Council wishes to select a lead provider to manage and deliver the Offenders' Learning and Skills Service as defined in this Specification for each of the units of procurement listed for Phase Three in the Specification Document. The lead provider is defined as the lead organisation under whose name the tender is submitted, and whose signature appears on the duly signed

Declaration and who will be solely responsible for ensuring delivery of the service. The lead provider must be a legal entity.

- 63 To ensure the delivery of services across the unit of procurement, the lead provider may wish to appoint a sub-contractor or sub-contractors to ensure comprehensive delivery of services. Details of sub-contracted proposals, together with relevant information about proposed sub-contractor/s, must be provided, by completing the appropriate pro forma, which is included as an attachment for you to download, complete offline and upload as part of your response. You also need to pay attention to those questions relating to sub-contractors as detailed in the Specification document.
- 64 Where the lead provider wishes to appoint a new sub-contractor or sub-contractors during the life of the contract, this must follow a fair and transparent process and full details of the new organisation(s) will need to be submitted and agreed with the Council in writing. The Council reserves the right to refuse to accept an organisation as a sub-contractor.
- 65 It should be noted that only one level of sub-contracting is permissible. It should also be noted that the lead provider will be responsible for all communication with the Council in relation to all aspects of the contract and delivery of the service.
- 66 Successful tendering organisations proposing to work with sub-contractors or in partnerships may be required to provide the LSC with a copy of any sub-contract they have entered into.

Sub-Contractors Information pro forma

- 67 You are required to detail who your proposed subcontractors are and to supply confirmation from them that they have agreed to be subcontractors. If this information is not fully available at the time of submission of your tender, it will be required before award of contract. There is one pro forma for each unit of procurement - therefore you need to complete and return one for each unit of procurement for which you are bidding
- 68 The lead provider must be responsible for direct delivery of at least 51% (in hours) of the contract awarded in each unit of procurement. If intending to appoint sub-contractors to support up to a maximum of 49% of the delivery of the service, the lead provider nevertheless remains accountable and responsible for:
- collation and timely and accurate submission of management information from sub-contractors
 - payment of sub-contractors
 - performance management of sub-contractors (including meeting quality requirements)
 - sub-contractors meeting their performance targets including volumes and impact measures
 - provision of training and CPD across all sub-contractors and other partners
- 69 Where the proposed lead provider is a special purpose vehicle or holding company, information should be provided of the extent to which it will call upon

the resources and expertise of its members. Parent company guarantees may be required.

- 70 The lead provider must have significant physical presence in the region for which they will be responsible for the delivery of services. If they have not already done so, lead providers will need to demonstrate how they intend to achieve this in their Tender Response.
- 71 With this in mind, organisations responding to the tender are asked to declare that they will adhere to the above requirements concerning the percentage of delivery offered by all parties in the tender and the management of subcontractor(s).

TUPE & Pensions

- 72 Organisations are advised that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply where the contract awarded is for the provision of services currently being carried out by an existing provider.
- 73 Organisations must take their own legal advice on the application of TUPE.
- 74 Organisations need to be aware of the specific requirements which apply to transfer of public sector employees and should refer to:
- *The Cabinet Office Statement of Practice (COSOP) on staff transfers in the public sector*, January 2000
(<http://www.civilservice.gov.uk/documents/pdf/employment/stafftransfers2.pdf>)
 - *'Fair Deal for Staff Pensions: procurement of bulk transfer arrangements and related issues'*, June 2004
<http://www.civilservice.gov.uk/publications/doc/btapublicfinal.doc>
 - *The Code of Practice on Workforce Matters in the Public Sector*, March 2005
(http://archive.cabinetoffice.gov.uk/opsr/workforce_reform/code_of_practice/index.asp)
- 75 One of the requirements in relation to public sector employees is to provide a broadly comparable pension. Tendering organisations will be required to submit details of their current pension arrangements relating to staff if the proposed transfer relates to staff from the public sector. This information must then be included in the pro forma provided as an attachment for you to download, complete offline and upload as part of your tendering response.

Pension details pro-forma

- 76 You are required to detail headline information on your comparable pension offer. Should you be successful in your tender and move to the presentation stage you will be expected to provide full information on your Pension offer. There is only one of these pro formas on each ITT therefore you only have to complete it and upload it once regardless of the number of units of procurement for which you are bidding

- 77 If tendering organisations are unable to demonstrate that they can provide pension comparability, as certified by the Government Actuary's Department (GAD) or an equivalent appropriate authority, the LSC will not award a contract.
- 78 Tendering organisations **may** submit bids on the basis that TUPE does not apply but will be required to demonstrate how the Service they propose to deliver is significantly different from the Service previously delivered, and in such a way that it requires different skills, experience and equipment.
- 79 Requests for information about staff currently employed to carry out the Service for the purposes of putting together a TUPE tender must be made using the LSC e Tendering message board. Tendering organisations should be aware that, even though anonymised, this information remains confidential and must not be passed to third parties.

Security Clearance

- 80 Tendering organisations should take particular note of information regarding the security clearance of staff. Enhanced CRB checks are a requirement for all staff as well as those working one-to-one with vulnerable people in both the adult and young peoples' estate.

Code of Practice

- 81 Any staff who work in prison establishments need to comply with the stated aims of the National Offender Management Service (NOMS).
- 82 Staff need to be aware of, and comply with, all current Prison Service Orders (PSOs), and Prison Service Instructions (PSIs) applicable to their duties. Staff should also comply with any general legislation laid down in Law.
- 83 Staff must treat all other staff, prisoners and visitors with respect and decency at all times, and abide by national and local prison policies.
- 84 Particular attention should be paid to the following:
- National and Local Security Instructions set out in the National and Local Security Frameworks (see PSO 1000)
 - Equal opportunity and diversity policies (PSO 2800 and PSO 8010)
 - Health and safety requirements (PSO 8010)
 - Unauthorised articles (PSO 1100) and the requirements of the Offender Management Act 2008
 - Professional standards and appropriate conduct (PSO 1215)
 - Local Violence Reduction Strategy (PSO 2750)

The full list and content for PSOs and PSIs can be found via:

<http://www.hmprisonservice.gov.uk/resourcecentre/psispsos/psopsiindexes/>

- 85 The Governing Governor has absolute right and discretion to exclude any member of staff from entering the establishment. This may be due to exclusion on grounds of issues concerning unprofessional or inappropriate conduct. Usual practice will be to advise the member of staff's parent organisation of the

exclusion in advance, where appropriate and feasible. Any unprofessional, inappropriate or criminal conduct may be subject to internal or external investigation. Governors will normally seek to provide details of reasons for exclusion as far as possible, subject to the needs of both organisations and provided that no investigation is compromised, and the identity of any third party is protected.

Workforce Competency

- 86 The lead provider will be accountable for ensuring that all staff involved in the delivery of the Offenders' Learning and Skills Service are competent to do so, either within their own organisation or in a sub contracted organisation(s). The lead provider will also be required to demonstrate how it will build and maintain the capacity of the workforce to ensure that delivery responds flexibly to changes within the offer for the duration of the contract. The Annual Performance Review process will request information to evidence this.
- 87 The lead provider will ensure that all staff involved in Offenders' Learning and Skills Service delivery hold qualifications appropriate to the role they are undertaking. These qualifications should reflect the new service delivery arrangements outlined in the tender information documents and adhere to the reforms to the training, qualifications and continuing professional development of teachers, trainers and instructors. Guidance on the reforms is now available at: www.lifelonglearninguk.org
- 88 The guidance is aimed at those who are responsible for the management of organisations that receive funding from the Learning and Skills Council (LSC) to deliver Personal and Community Development learning (PCDL), Offender Learning, and learning in the Third Sector.
- 89 The new General Professional Recognition Learning and Skills (England) scheme has been open to Skills for Life teachers since November 2007. However, it now encompasses all individuals who deliver learning in any capacity. The scheme is designed to enable competent but unqualified teachers, tutors and trainers in the lifelong learning sector to apply to have their skills and experience formally recognised. This places them in the same position as a qualified colleague in respect of being able to begin the process of Professional Formation prior to applying for the new professional status QTLS/ATLS. For further details, see the LLUK web-site: www.lifelonglearninguk.org
- 90 All lead providers must have in place a staff competency framework, which includes:
- mapping existing staff competencies against current service needs
 - plans for continuous professional development
 - areas of service development where competency requirements will need to be addressed, for example:
 - recent reforms to qualifications
 - researching, using and applying labour market information
 - developing individual employability

- flexible delivery (including working with groups)

91 Details of tendering organisations' staff competency is a requirement which organisations have to evidence in their tender response.

Staff Qualifications Information pro forma

- 92 You are required to provide information with regard to the number of staff and their qualifications who will be delivering the service. Additionally, their working hours status (full time, part time, sessional) and in which LSC region they will be delivering the service. If this information is not fully available at the time of submission of your tender, it will be required before award of contract. There is only one of these pro formas on each ITT therefore you only have to complete it and upload it once regardless of the number of units for which you are bidding
- 93 Lead providers and sub-contractors must support any national or regional development objectives for improving the competence and capacity of the workforce in future.

Centre Approval Status

- 94 Tendering organisations must ensure that their relevant Awarding Body Centre Approval Status is current. You must confirm this in the Declaration for this tender.

Data Requirements

- 95 It is a requirement that contracted providers submit data on each individual learner, in accordance with the data collections framework set out in the '*Specification of the Individualised Learner Record For 2008/09*' and subsequent annual revisions.

<http://www.theia.org.uk/downloads/ilrdocuments/>

- 96 This may include other data returns as specified by the Council.
- 97 Successful tendering organisations must ensure that they have the resources and expertise available to ensure the accuracy and completeness of the ILR and other such data returns as set out in the contract. Failure to comply will be considered a serious breach by LSC contractual definition.

MIAP OLASS Learner Plan

- 98 As detailed in the Background and Policy Document for this ITT, the Managing Information Across Partners Programme (MIAP) aims to streamline the collection, handling and sharing of information on learning and achievement for education and training organisations.
- 99 Any LSC recognised UK Learning Provider can register with MIAP and gain access to the system. See the MIAP Website for further details of the registration process <http://www.miap.gov.uk/>
- As part of delivery OLASS Phase Three, all Organisations must be registered on the UK Register of Learning Providers in order to access the Learning Plan and to issue offender learners with a Unique Learner

Number. Failure to obtain a UKPRN from the UKRLP will mean that the LSC will not award a contract. In the majority of cases an Organisation has to be registered on the UKRLP before they can become a MIAP Learner Registration Body.

- Organisations will need to demonstrate capacity to handle these systems, and Annual Performance Reviews under this contract will request evidence of compliance.

Quality Assurance and Quality Improvement

- 100 The quality of learning and skills provision, whether inside or outside a custodial setting, will be critical to the resettlement of an offender, and whether they can secure sustainable employment and contribute positively to society in the future. The quality of the Offenders' Learning and Skills Service is an important contributor to the Government's target of significantly reducing re-offending.
- 101 Learning providers are expected to deploy resources effectively and efficiently, to achieve and be able to demonstrate Value for Money. Value for Money forms part of the criteria against which tenders will be assessed for this contract, as detailed in Part 1 of this document. Organisations are required to demonstrate how they intend to maintain value for money throughout the duration of their contract. Evidence of continuous efforts will form part of the Annual Performance Review process.
- 102 **Indicative rate pro-forma** – we are seeking information with regard to the indicative rate you would expect for aspects of your delivery. You must complete and return the pro forma detailing the **indicative** rate for each unit of procurement for which you are bidding.

ICT and Capital Equipment in Establishments

- 103 The current contractors (OLASS Phase 1 & 2) are responsible for the refresh and maintenance of new ICT equipment purchased in 2007/08 through the LSC funded ICT Refresh Project and Capital Equipment Project.
- 104 The ICT and capital equipment purchased through this initiative and the equipment must be used solely for the delivery of OLASS provision to OLASS 'in scope' Learners.
- 105 Successful tendering organisations will be responsible for the refresh and maintenance of inherited ICT equipment for the duration of their contract.
- 106 On expiry of the current contract for any reason, the ownership and responsibility for this existing equipment will be passed to the incoming contractor who will be bound by the same conditions as described above. Current contractors are required to make best endeavours to hand over the equipment in good order allowing for depreciation of the asset, in so far as it is practicable to do so.

The LSC – The Legal Context for the Tendering Process (OLASS Phase Three)

- 107 The Council reserves the right to modify, amend or provide further clarification on the on-line tender documents at any time prior to the deadline for completion, by notification either direct to each organisation or as a broadcast message to all organisations on the message board. Where such modifications constitute a significant change, the Council may, at its discretion, extend the deadline for completion of the on-line documents.
- 108 You are advised that nothing in this on-line document or its appendices and any other communication made between the Council, and any other part thereof, shall be taken as constituting a contract, agreement or representation between the Council and any other party (save for the award of a contract made by the Council), nor shall it be taken as constituting a contract, agreement or representation that any contract shall be offered in accordance herewith or at all.
- 109 The Council's purchasing strategy is designed to promote fair and open competition, and constructive co-operation between the Council and suppliers. The Council is also fully committed to supporting the Government's drive to integrate environmental considerations into public sector procurement. The Council's procurement policy is to achieve continuing improvement in value for money based on whole life costs and quality, which includes environmental issues such as running costs, recyclability and cost of disposal.
- 110 Only tendering organisations that state acceptance of the Council's terms and conditions for the basis of any contract will be considered. The Council reserves the right to add or substitute conditions that are more consistent with the offer or are otherwise more acceptable to the parties to any contract.
- 111 The Council is subject to the Freedom of Information Act 2000 (FOI Act). Under the FOI Act the Council is obliged to provide information it holds in response to a request made in accordance with the FOI Act, including information about third parties.