

**United Kingdom-Huddersfield: Secondary education services**

OJ S 9/2018 13/01/2018

Contract notice

Services

**Legal Basis:**

Directive 2014/24/EU

**Section I: Contracting authority**

---

**I.1. Name and addresses**

Official name: The Council of the Borough of Kirklees

Postal address: Civic Centre 1

Town: Huddersfield

NUTS code: UKE44 Calderdale and Kirklees

Postal code: HD1 1BY

Country: United Kingdom

Contact person: Graham Crossley

E-mail: [graham.crossley@kirklees.gov.uk](mailto:graham.crossley@kirklees.gov.uk)

Telephone: +44 1484221000

**Internet address(es):**Main address: <https://www.kirklees.gov.uk>Address of the buyer profile: <https://www.yortender.co.uk>**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://www.yortender.co.uk>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted to the abovementioned address

Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at: [www.kirklees.gov.uk](http://www.kirklees.gov.uk)

**I.4. Type of the contracting authority**

Regional or local authority

**I.5. Main activity**

General public services

**Section II: Object**

---

**II.1. Scope of the procurement****II.1.1. Title**

Dynamic Purchasing System for the Provision of Placements for children with Social, Emotional and Mental Health ("SEMH") Difficulties

Reference number: KMCCYP-119

**II.1.2. Main CPV code**

80200000 Secondary education services

### **II.1.3. Type of contract**

Services

### **II.1.4. Short description**

In accordance with Regulation 34 (Dynamic purchasing systems) under the Public Contracts Regulations 2015 (SI 2015/102) (the "Regulations"), the contracting authority is seeking to establish a dynamic purchasing system ("DPS") on which to appoint a range of economic operators who are able to provide meaningful, effective and innovative local based provision for children with social emotional and mental health difficulties ("SEMH"). The contracting authority is committed to ensuring there is adequate provision across the area of Kirklees in its entirety, providing all parents and carers of children and young people with SEMH difficulties the opportunity to access a meaningful education, in an accessible locality. Please refer to procurement documents for further details, which are available to download at: <https://www.yortender.co.uk/procontract/supplier.nsf>

### **II.1.5. Estimated total value**

Value excluding VAT: 9 800 000,00 GBP

### **II.1.6. Information about lots**

This contract is divided into lots: yes  
Tenders may be submitted for all lots

## **II.2. Description**

### **II.2.1. Title**

The provision of education for pupils (mixed sex) between years 8 and 11  
Lot No: 1

### **II.2.2. Additional CPV code(s)**

80200000 Secondary education services, 80210000 Technical and vocational secondary education services, 80211000 Technical secondary education services, 80212000 Vocational secondary education services, 80310000 Youth education services, 80410000 Various school services, 80490000 Operation of an educational centre

### **II.2.3. Place of performance**

NUTS code: UKE44 Calderdale and Kirklees  
Main site or place of performance: Various locations within the boundaries of Kirklees.

### **II.2.4. Description of the procurement**

In accordance with Regulation 34 (Dynamic purchasing systems) under the Regulations, the contracting authority is seeking to establish a DPS on which to appoint a range of economic operators who are able to provide meaningful, effective and innovative local based provision for children with SEMH difficulties.

The contracting authority is committed to ensuring there is adequate provision across the area of Kirklees in its entirety, providing all parents and carers of children and young people with SEMH difficulties the opportunity to access a meaningful education, in an accessible locality. The DPS for the provision of SEMH placements will be initially 53 months in length), commencing on 26.2.2018 and ending on 31.7.2022, with 3 further optional 12 month extension periods, subject to the provision of available funding and the strategic priorities of the contracting authority and/or the use of eligible economic operators continuing to meet the requirements and demands of the service.

The contracting authority intends to establish the DPS to enable all relevant economic operators to apply to be admitted to an approved list of economic operators, members of

which who shall be invited from time to time to compete for the award of specific contracts to supply the services through further competitions under this lot relevant to specific Category's described below.

Due to the nature of the requirement, the allocated commissioning budget fluctuates for the provision of SEMH placements under this lot, and as a result we the contracting authority cannot give definitive estimates for annual requirements through the DPS. There is a growing demand for placements with SEMH needs and the contracting authority Council needs to develop a flexible approach to meet this.

The contracting authority is currently carrying out a review of high needs provision to evaluate current provision for children and young people in Kirklees with complex special educational needs and/or disability ("SEND") and will publish a strategic plan by 31.3.2018, which will cover all special education provision from early years to Post 16, including mainstream and special schools. SEMH provision will be a key feature. The contracting authority currently have an Academy SEMH special school for Kirklees pupils (Key Stages 2-4). It currently provides education for boys only, although is registered as a mixed sex school. This current model results in the placement of girls with an Education, Health and Care Plan ("EHCP") for SEMH out of area at significant expense. The school is currently at capacity, resulting in the further requirement for external placement of pupils.

The contracting authority Council is therefore seeking to secure appropriate arrangements for the provision of education to meet this gap and growing need. In 2017, 132 young people are placed in this type of provision. Economic operators should note that information provided is given for guidance only and the contracting authority shall not be bound by such estimates. Admission onto the DPS will be subject to Economic operators satisfying the contracting authority's minimum selection criteria as set out in the Selection Questionnaire Document Request to Participate Submission Document set out in Appendix A of the procurement documents.

Please refer to procurement documents for further details, which are available to download at: <https://www.yortender.co.uk/procontract/supplier.ns>

#### **II.2.5. Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **II.2.6. Estimated value**

Value excluding VAT: 1 500 000,00 GBP

#### **II.2.7. Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months: 53

This contract is subject to renewal: yes

Description of renewals:

The DPS is anticipated to commence on 26.2.2018 for an initial period of 53 months ending on 31.7.2022, with an option for the contracting authority to extend the operation of the DPS for a further period or periods of up to 36 months, subject to the provision of available funding and the strategic priorities of the contracting authority.

#### **II.2.10. Information about variants**

Variants will be accepted: no

#### **II.2.11. Information about options**

Options: no

#### **II.2.13.**

## Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds:  
no

### II.2.14. Additional information

#### II.2. Description

##### II.2.1. Title

The provision of education for pupils (girls) between years 8 and 11  
Lot No: 2

##### II.2.2. Additional CPV code(s)

80200000 Secondary education services, 80210000 Technical and vocational secondary education services, 80211000 Technical secondary education services, 80212000 Vocational secondary education services, 80410000 Various school services, 80310000 Youth education services, 80490000 Operation of an educational centre

##### II.2.3. Place of performance

NUTS code: UKE44 Calderdale and Kirklees

Main site or place of performance: Various locations within the boundaries of Kirklees.

##### II.2.4. Description of the procurement

In accordance with Regulation 34 (Dynamic purchasing systems) under the Regulations, the contracting authority is seeking to establish a DPS on which to appoint a range of economic operators who are able to provide meaningful, effective and innovative local based provision for children with SEMH difficulties.

The contracting authority is committed to ensuring there is adequate provision across the area of Kirklees in its entirety, providing all parents and carers of children and young people with SEMH difficulties the opportunity to access a meaningful education, in an accessible locality. The DPS for the provision of SEMH placements will be initially 53 months in length), commencing on 26.7.2018 and ending on 31.7.2022, with 3 further optional 12 month extension periods, subject to the provision of available funding and the strategic priorities of the contracting authority and/or the use of eligible economic operators continuing to meet the requirements and demands of the service.

The contracting authority intends to establish the DPS to enable all relevant economic operators to apply to be admitted to an approved list of economic operators, members of which who shall be invited from time to time to compete for the award of specific contracts to supply the services through further competitions under this lot relevant to specific Category's described below.

Due to the nature of the requirement, the allocated commissioning budget fluctuates for the provision of SEMH placements under this lot, and as a result we the contracting authority cannot give definitive estimates for annual requirements through the DPS. There is a growing demand for placements with SEMH needs and the contracting authority Council needs to develop a flexible approach to meet this.

The contracting authority is currently carrying out a review of high needs provision to evaluate current provision for children and young people in Kirklees with complex special educational needs and/or disability ("SEND") and will publish a strategic plan by 31.3.2018, which will cover all special education provision from early years to Post 16, including mainstream and special schools. SEMH provision will be a key feature. The contracting authority currently have an Academy SEMH special school for Kirklees pupils (Key Stages 2-4). It currently provides education for boys only, although is registered as a mixed sex school. This current model

results in the placement of girls with an Education, Health and Care Plan (“EHCP”) for SEMH out of area at significant expense. The school is currently at capacity, resulting in the further requirement for external placement of pupils.

The contracting authority Council is therefore seeking to secure appropriate arrangements for the provision of education to meet this gap and growing need. In 2017, 132 young people are placed in this type of provision. Economic operators should note that information provided is given for guidance only and the contracting authority shall not be bound by such estimates. Admission onto the DPS will be subject to economic operators satisfying the contracting authority’s minimum selection criteria as set out in the selection questionnaire document request to participate submission document set out in Appendix A of the procurement documents.

Please refer to procurement documents for further details, which are available to download at: <https://www.yortender.co.uk/procontract/supplier.nsf>

#### **II.2.5. Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **II.2.6. Estimated value**

Value excluding VAT: 1 050 000,00 GBP

#### **II.2.7. Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months: 53

This contract is subject to renewal: yes

Description of renewals:

The DPS is anticipated to commence on 26.2.2018 for an initial period of 53 months ending on 31.7.2022, with an option for the contracting authority to extend the operation of the DPS for a further period or periods of up to 36 months, subject to the provision of available funding and the strategic priorities of the contracting authority.

#### **II.2.10. Information about variants**

Variants will be accepted: no

#### **II.2.11. Information about options**

Options: no

#### **II.2.13. Information about European Union funds**

The procurement is related to a project and/or programme financed by European Union funds: no

#### **II.2.14. Additional information**

##### **II.2. Description**

##### **II.2.1. Title**

The provision of education for pupils (boys) between Years 8 and 11  
Lot No: 3

##### **II.2.2. Additional CPV code(s)**

80200000 Secondary education services, 80210000 Technical and vocational secondary education services, 80211000 Technical secondary education services, 80212000 Vocational secondary education services, 80310000 Youth education services, 80410000 Various school services, 80490000 Operation of an educational centre

### **II.2.3. Place of performance**

NUTS code: UKE44 Calderdale and Kirklees

Main site or place of performance: Various sites within the boundaries of Kirklees.

### **II.2.4. Description of the procurement**

In accordance with Regulation 34 (Dynamic purchasing systems) under the Regulations, the contracting authority is seeking to establish a DPS on which to appoint a range of economic operators who are able to provide meaningful, effective and innovative local based provision for children with SEMH difficulties.

The contracting authority is committed to ensuring there is adequate provision across the area of Kirklees in its entirety, providing all parents and carers of children and young people with SEMH difficulties the opportunity to access a meaningful education, in an accessible locality. The DPS for the provision of SEMH placements will be initially 53 months in length), commencing on 26.2.2018 and ending on 31.7.2022, with 3 further optional 12 month extension periods, subject to the provision of available funding and the strategic priorities of the contracting authority and/or the use of eligible economic operators continuing to meet the requirements and demands of the service.

The contracting authority intends to establish the DPS to enable all relevant economic operators to apply to be admitted to an approved list of economic operators, members of which shall be invited from time to time to compete for the award of specific contracts to supply the services through further competitions under this lot relevant to specific category's described below.

Due to the nature of the requirement, the allocated commissioning budget fluctuates for the provision of SEMH placements under this lot, and as a result we the contracting authority cannot give definitive estimates for annual requirements through the DPS. There is a growing demand for placements with SEMH needs and the contracting authority council needs to develop a flexible approach to meet this.

The contracting authority is currently carrying out a review of high needs provision to evaluate current provision for children and young people in Kirklees with complex special educational needs and/or disability ("SEND") and will publish a strategic plan by 31.3.2018, which will cover all special education provision from early years to Post 16, including mainstream and special schools. SEMH provision will be a key feature. The contracting authority currently have an Academy SEMH special School for Kirklees pupils (Key Stages 2-4). It currently provides education for boys only, although is registered as a mixed sex school. This current model results in the placement of girls with an Education, Health and Care Plan ("EHCP") for SEMH out of area at significant expense. The school is currently at capacity, resulting in the further requirement for external placement of pupils.

The contracting authority Council is therefore seeking to secure appropriate arrangements for the provision of education to meet this gap and growing need. In 2017, 132 young people are placed in this type of provision. Economic operators should note that information provided is given for guidance only and the contracting authority shall not be bound by such estimates. Admission onto the DPS will be subject to economic operators satisfying the contracting authority's minimum selection criteria as set out in the selection questionnaire document request to participate submission document set out in Appendix A of the procurement documents.

### **II.2.5. Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

### **II.2.6.**

## **Estimated value**

Value excluding VAT: 6 300 000,00 GBP

### **II.2.7. Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months: 53

This contract is subject to renewal: yes

Description of renewals:

The DPS is anticipated to commence on 26.2.2018 for an initial period of 53 months ending on 31.7.2022, with an option for the contracting authority to extend the operation of the DPS for a further period or periods of up to 36 months, subject to the provision of available funding and the strategic priorities of the contracting authority.

### **II.2.10. Information about variants**

Variants will be accepted: no

### **II.2.11. Information about options**

Options: no

### **II.2.13. Information about European Union funds**

The procurement is related to a project and/or programme financed by European Union funds:  
no

### **II.2.14. Additional information**

#### **II.2. Description**

##### **II.2.1. Title**

The provision of post -16 learning

Lot No: 4

##### **II.2.2. Additional CPV code(s)**

80200000 Secondary education services, 80300000 Higher education services, 80400000 Adult and other education services, 80410000 Various school services, 80430000 Adult-education services at university level, 80490000 Operation of an educational centre

##### **II.2.3. Place of performance**

NUTS code: UKE44 Calderdale and Kirklees

Main site or place of performance: Various locations within the boundaries of Kirklees.

##### **II.2.4. Description of the procurement**

In accordance with Regulation 34 (Dynamic purchasing systems) under the Regulations, the contracting authority is seeking to establish a DPS on which to appoint a range of economic operators who are able to provide meaningful, effective and innovative local based provision for children with SEMH difficulties.

The contracting authority is committed to ensuring there is adequate provision across the area of Kirklees in its entirety, providing all parents and carers of children and young people with SEMH difficulties the opportunity to access a meaningful education, in an accessible locality. The DPS for the provision of SEMH placements will be initially 53 months in length), commencing on 26.2.2018 and ending on 31.7.2022, with 3 further optional 12 month extension periods, subject to the provision of available funding and the strategic priorities of the contracting authority and/or the use of eligible economic operators continuing to meet the requirements and demands of the service.

The contracting authority intends to establish the DPS to enable all relevant economic operators to apply to be admitted to an approved list of economic operators, members of which who shall be invited from time to time to compete for the award of specific contracts to supply the services through further competitions under this lot relevant to specific category's described below.

Due to the nature of the requirement, the allocated commissioning budget fluctuates for the provision of SEMH placements under this lot, and as a result we the contracting authority cannot give definitive estimates for annual requirements through the DPS. There is a growing demand for placements with SEMH needs and the contracting authority Council needs to develop a flexible approach to meet this.

The contracting authority is currently carrying out a review of high needs provision to evaluate current provision for children and young people in Kirklees with complex special educational needs and/or disability ("SEND") and will publish a strategic plan by 31.3.2018, which will cover all special education provision from Early Years to Post 16, including mainstream and special schools. SEMH provision will be a key feature. The contracting authority currently have an Academy SEMH special school for Kirklees pupils (Key Stages 2-4). It currently provides education for boys only, although is registered as a mixed sex school. This current model results in the placement of girls with an education, Health and Care Plan ("EHCP") for SEMH out of area at significant expense. The school is currently at capacity, resulting in the further requirement for external placement of pupils.

The contracting authority Council is therefore seeking to secure appropriate arrangements for the provision of education to meet this gap and growing need. In 2017, 132 young people are placed in this type of provision. Economic operators should note that information provided is given for guidance only and the contracting authority shall not be bound by such estimates. Admission onto the DPS will be subject to Economic operators satisfying the contracting authority's minimum selection criteria as set out in the Selection Questionnaire Document Request to Participate Submission Document set out in Appendix A of the procurement documents.

#### **II.2.5. Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **II.2.6. Estimated value**

Value excluding VAT: 1 400 000,00 GBP

#### **II.2.7. Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months: 53

This contract is subject to renewal: yes

Description of renewals:

The DPS is anticipated to commence on 26.2.2018 for an initial period of 53 months ending on 31.7.2022, with an option for the contracting authority to extend the operation of the DPS for a further period or periods of up to 36 months, subject to the provision of available funding and the strategic priorities of the contracting authority.

#### **II.2.10. Information about variants**

Variants will be accepted: no

#### **II.2.11. Information about options**

Options: no

#### **II.2.13.**

## **Information about European Union funds**

The procurement is related to a project and/or programme financed by European Union funds:  
no

### **II.2.14. Additional information**

## **Section III: Legal, economic, financial and technical information**

---

### **III.1. Conditions for participation**

#### **III.1.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions:

The economic operators' Request to Participate on this DPS will be assessed against their responses to the minimum selection criteria within the selection questionnaire ("SQ") in the Request to Participate Submission Document (i.e. Appendix A of the procurement documents, which is available to download at: <https://www.yortender.co.uk/procontract/supplier.nsf> or is available at the address set out in Sections I.1) and I.3) of this Notice above).

In accordance with:

- (i) Article 57 to 60 of Directive 2014/24/EU of the European Parliament and of the European Council and
- (ii) Regulations 57 to 60 of the Regulations, which require or permit the contracting authority not to select or to treat as ineligible, economic operators, the contracting authority reserves the right to exclude any economic operator from participating in the DPS whom they deem to not satisfy any of the minimum selection criteria outlined within this document.

#### **III.1.2. Economic and financial standing**

Selection criteria as stated in the procurement documents

#### **III.1.3. Technical and professional ability**

Selection criteria as stated in the procurement documents

### **III.2. Conditions related to the contract**

#### **III.2.3. Information about staff responsible for the performance of the contract**

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract

## **Section IV: Procedure**

---

### **IV.1. Description**

#### **IV.1.1. Type of procedure**

Restricted procedure

#### **IV.1.3. Information about a framework agreement or a dynamic purchasing system**

The procurement involves the setting up of a dynamic purchasing system

#### **IV.1.8. Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: no

### **IV.2. Administrative information**

#### **IV.2.2.**

## **Time limit for receipt of tenders or requests to participate**

Date: 31/07/2025 Local time: 23:59

### **IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates**

### **IV.2.4. Languages in which tenders or requests to participate may be submitted**

English

## **Section VI: Complementary information**

---

### **VI.1. Information about recurrence**

This is a recurrent procurement: no

### **VI.2. Information about electronic workflows**

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

### **VI.3. Additional information**

The DPS is anticipated to commence on 26.2.2018 for a period of 53 months up to 31.7.2022, with a provision to extend the DPS for up to 3 further 12 month periods (the "DPS Period"), and therefore the time limit for receipt of Requests to Participate is 31.7.2025 (subject to all extensions being taken). However, in order to be considered for the first call-off contracts placed under the DPS, the initial deadline for the receipt of Requests to Participation is Friday 29.1.2018 at 13:00 GMT and MUST include ALL supporting documents as required by the Request to Participate Documents.

The contracting authority considers that this contract may be suitable for economic operators that are small or medium enterprises (SMEs). However, any selection of tenderers will be based solely on the criteria set out for the procurement.

The economic operator can submit a request to participate as a single legal entity.

Alternatively, you can work together with other legal entities to form a Group of Economic Operators. If you do, we ask the group of economic operators to choose a lead member who will submit the bid on behalf of the Group of Economic Operators and you will have to identify what each of the parties is contributing to the bid.

Economic operators will be assessed on the minimum selection and criteria information provided in response to their request to Participate for a place on the DPS. The DPS will be hosted on the contracting authority's electronic tendering system ([www.yortender.co.uk](http://www.yortender.co.uk) ("YORtender")). The contracting authority will post all of the necessary documentation on YORtender which shall from the date of publication of this Notice until the expiry of the DPS Period (subject to any extensions), including full instructions on how to apply for admission on to the DPS, the SQ, and the overarching Operating Rules of the DPS, together with any other documents. Applications for admission onto the DPS can be submitted electronically via the internet using YORtender at any time during the DPS Period. To participate in this Procurement, participants must first be registered to use YORtender. For all queries regarding the technical aspects of the YORtender (for example, problems uploading/viewing documents etc.) please contact the Proactis Support Team:

(i) To log a support request: <http://proactis.kayako.com/procontractv3/Core/Default/Index>

(ii) By Email: [ProContractsSuppliers@proactis.com](mailto:ProContractsSuppliers@proactis.com) All queries regarding the DPS should be directed through the Messaging function within YORtender. Any queries concerning the use of YORtender should be directed to Kirklees Procurement Service:

(i) By Telephone: 01484 221000,

(ii) By Email: [procurement@kirklees.gov.uk](mailto:procurement@kirklees.gov.uk)

The DPS shall be operated by the application of the operating rules set out within the DPS Rules (see Appendix B of the procurement documents, which are available download at: <https://www.yortender.co.uk/procontract/supplier.nsf>). The DPS Rules set out terms and conditions for economic operators satisfying the contracting authority's minimum selection criteria and therefore accepted onto the DPS and for the Council when awarding Specific Contracts throughout the entire duration of the DPS Period. Economic operators must note that by submitting a request to participate on the DPS, the economic operator is accepts the DPS operating rules set out within the DPS Rules.

If the contracting authority decides to source its service requirements through this DPS, then it will award its service requirements in accordance with the procedure in call for competition procedure set out in DPS Schedule 4 of the DPS Rules, along with the requirements of the Regulations and the Guidance.

For these purposes, "Guidance" shall mean any guidance issued or updated by the UK Government from time to time in relation to the Regulations. Further information regarding the call for competition procedure can be found in the procurement documents.

#### **VI.4. Procedures for review**

##### **VI.4.1. Review body**

Official name: High Court of England and Wales

Town: N/A

Country: United Kingdom

##### **VI.4.3. Review procedure**

Precise information on deadline(s) for review procedures:

Economic operators who are unsuccessful at the SQ stage shall be informed by the contracting authority as soon as possible after the decision is made as to the reasons why the application to join the DPS was unsuccessful. If an economic operator requires any additional information following this initial de-briefing, this should be requested from the address at Section I.1 of this Notice. If an appeal regarding the decision to award a position the DPS has not been successfully resolved, then the Public Contracts Regulations 2015 (SI 2015/102) provide for aggrieved parties who have been harmed or are at risk of harm by a breach of the rules to take action in the High Court (England, Wales and Northern Ireland). Any such action must be started within 30 days beginning with the date when the aggrieved party first knew or sought to have grounds for starting the proceedings had arisen. The Court may extend the time limited for starting proceedings where the Court considers that there is a good reason for doing so, but not so as to permit proceedings to be started more than 3 months after that date. Where a position on the DPS or a specific contract called off thereunder has not been entered into, the Court may order the setting aside of the award decision or order for any document to be amended and may award damages, make a declaration of ineffectiveness, order for a fine to be paid, and/or order the duration of the contract to be shortened. If however the contract has been concluded, the Court may only award damages or, where the contract award procedures have not been followed correctly, declare any decision relating to any request to participate on the DPS or any specific contract awarded under the DPS to be ineffective.

##### **VI.5. Date of dispatch of this notice**

11/01/2018