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<b>Responsibility:</b>	<b>Deputy Principal</b>

## **SUBCONTRACTING AND TENDERING POLICY**

### **1. SCOPE**

- 1.1 The tendering process covers subcontracts entered into for the delivery of educational programs including ESF contracts. Other tendering arrangements are covered by the College's Financial Regulations.
- 1.2 Subcontracting is subject to the Public Contracts Regulations 2015. Any contracts over the current values in [OJEC thresholds](#) will be subject to formal EU procurement procedures which will be described in the tendering notice.
- 1.3 All subcontracting is subject to approval by the College's Corporation.
- 1.4 Subcontracting will be subject to government and funding agency ([Education and Skills Funding Agency](#), [Office for Students](#)) rules.

### **2. REASONS FOR SUBCONTRACTING**

- 2.1 The College will enter in subcontracts where the subcontract will achieve one or more of the following to support the College's Mission:
  - 2.1.1 Diversify the College's offer either in terms of geographical coverage or curriculum specialism
  - 2.1.2 Enable the College to reach new and different types of learner
  - 2.1.3 Offer provision through a different mode of delivery
  - 2.1.4 Provide high quality learning and teaching.

### **3. APPOINTMENT OF SUBCONTRACTORS AND TENDERING OPPORTUNITIES**

- 3.1 The need for a new subcontract will be agreed by the Deputy Principal in discussion with the relevant manager. Where appropriate, the College will appoint subcontracts by utilising the Crescent Purchasing Consortium (CPC) Framework. Providers wishing to be considered for these opportunities will need to be on the relevant CPC Framework,
- 3.2 Where the CPC Framework does not suit the need of the subcontracting opportunity the College will publish subcontracting opportunities on its website. At any point,

organisations wishing to be considered for future tendering opportunities may express an interest so that the College can notify them when a contract opportunity becomes available.

3.3 Once the need for a new subcontract is agreed, a tender document will be published on the College's [website](#) and on [Contracts Finder](#). This will include:

3.3.1 The specific requirements of the tender e.g. qualifications, sectors, volume, geographical coverage

3.3.2 The timescales for responses

3.3.3 Scoring criteria.

3.4 Further detail is set out in the Appendix.

3.5 Partners and potential partners will be kept on a list of potential partners for three years.

3.6 Each subcontractor must have a valid [UK Provider Registration Number \(UKPRN\)](#). Contracts will only be awarded to registered companies or charities. The status of companies must be recorded as 'active' on the Companies House register.

3.7 In line with funding agency rules, the College will not subcontract with any institution or organisation in the following categories:

- a subcontractor that is inspected in its own right and found to be inadequate or under-performing by Ofsted
- a subcontractor that is subject to intervention by the ESFA
- where the institution is not permitted to recruit 16 to 18 year old students and/or 19 to 24 year old high needs students (HNS), for example, an 11 to 16 school.

#### **4. SUPPORT FOR CONTRACTORS**

4.1 Subcontractors will be allocated a dedicated Partnership Manager who will be responsible for day to day liaison, contract reviews, observations and any follow up support.

4.2 Subcontractors are invited to regular partner briefings and other events throughout the year. Further support is also available as outlined in section 5.

#### **5. IMPROVING THE QUALITY OF TEACHING AND LEARNING**

5.1 The College is committed to providing a high standard of teaching and learning and will employ its existing quality monitoring and improvement processes to ensure that subcontracted provision meets its high quality expectations.

5.2 This will involve business and individual development and support including:

5.2.1 Developmental and/or paired observations of subcontracted provision and analysis of all observations reports to highlight areas of good practice and areas for improvement

5.2.2 Training and development offered through the College's Quality Department

5.2.3 Access to additional specialist support and resources.

## **6. CONTRACTUAL REQUIREMENTS**

- 6.1 Requirements and expectations of subcontracting partners are set out in the contract for partners. These include requirements around health and safety, safeguarding, the Prevent Duty, data protection and environmental issues. Subcontractors will be required to provide Exit Plans in the event of business failure or contract termination.
- 6.2 Subcontractors must not subcontract any part of delivery to other organisations or self-employed individuals.

## **7. FUNDING AND FEES**

- 7.1 To maximise the amount of funding that reaches front line delivery of high-quality learning Subcontractors will be paid the funding value less the costs incurred by the College for managing the subcontractor, quality monitoring activities, and for any other support activities offered by the College to the subcontractor. These costs will be individually itemised and describe how they contribute to delivering high-quality learning. A breakdown of all services and costs will be set out in the contract with the subcontractor.

## **8. PAYMENT TERMS**

- 8.1 The College's standard terms for payment are 30 days from receipt of invoice.

## **9. COMMUNICATION OF THE POLICY**

- 9.1 The policy will be shared through the College's website [www.leicestercollege.ac.uk](http://www.leicestercollege.ac.uk) and any changes communicated to subcontractors through the regular partner briefings and other meetings.

## **10. TIMING OF POLICY REVIEW**

- 10.1 The Policy will be reviewed every two years.

## TENDERING PROCEDURE FOR SUBCONTRACTS

### OPPORTUNITIES FOR NEW DELIVERY SUBCONTRACTORS

1. Where the College is not currently seeking new partners, a statement indicating this is on the College's [website](#) together with details of how an expression of interest can be registered and a copy of the College's Subcontracting and Tendering Policy.
2. Potential partners interested in engaging in a subcontract are requested to complete an expression of interest questionnaire and return it to the dedicated [partnerships@leicestercollege.ac.uk](mailto:partnerships@leicestercollege.ac.uk) email. Potential contractors will be contacted by a member of the Partnership Team within 2 weeks to confirm their registration.
3. The College will hold a list of potential partners for subcontracted delivery for whom due diligence and other necessary checks have been undertaken; providers will be kept on the list for three years. Providers on the list will be informed of any subcontracting opportunities. However, inclusion on the list does not guarantee any future work and any future work will be subject to annual review and satisfactory performance, and will be subject to competitive tendering.

### OPPORTUNITIES FOR TENDERING FOR DELIVERY

4. Where the College wishes to subcontract delivery, it will advertise opportunities on its website and through the [Contracts Finder](#). Partners on the approved list will be alerted to the opportunities directly.
5. Potential subcontracting partners will make their responses in line with the tender document. These will then be scored by a panel using the published criteria.
6. On the basis of the scoring, the College will choose to:
  - Award a contract to the tendering organisation; or
  - Reject the tender but retain the organisation on a list of approved providers; or
  - Reject the tender.
7. Meetings will be held with successful partners. Unsuccessful subcontractors will be informed and feedback given where requested.
8. Where organisations are on the list of potential providers, the College may contact the organisation where a similar tendering opportunity arises, subject to additional checks being required. Inclusion on the list this does not guarantee any future work.
9. All subcontracts will be subject to formal review for quality and delivery; further detail is set out in the subcontract.
10. The diagram below sets out the process.

