

Sandwell Metropolitan Borough Council

Exemption in accordance with Procurement and Contract Procedure Rules

Sandwell and Family Learning – Learning Environment

1. Summary Statement

1.1. Exemption being sought

1.2. This exemption is sought to accept a single quotation following a procurement exercise which failed to secure the required three bids.

1.3. Summary

1.4. Sandwell Adult and Family Learning (SAFL) currently operates under an external contract from the Education and Skills Funding Agency (ESFA) and from September 2019 West Midlands Combined Authority under the Adult Education Budget (AEB).

1.5. Under this contract the Council will deliver a wide variety learning opportunities to residents of Sandwell in subjects ranging from English and maths to sewing and dressmaking. The current ICT network does not meet the requirements of the contract and can no longer be supported by Sandwell MBC's corporate ICT department. Therefore, a procurement exercise was undertaken obtain quotations for an external company to create and maintain the learning environment to go live in August 2019.

1.6. The opportunity was publicly advertised and quotations sought from suitably qualified and experienced providers. However, following the quotation deadline only one valid bid was received. The return in question has met the requirements of the quotation specification and has offered an enhanced cloud-based offer. They have also submitted their quotation within the constraints of the budget and this has been approved SAFL governing body. The Supplier in question are specialists in the delivery of education ICT solutions.

- 1.7. The project support officer from ICT, Mike Goodwin has advised throughout the quotation process and was part of the panel who reviewed the bid. Feedback is that there are no risks to accepting the bid and agrees that it meets the requirements laid out in the quotation specification.
- 1.8. The Procurement Services Business Partner has been consulted and their advice is an exemption is required in order to comply with Sections 8.11 and 15 of Procurement and Contract Procedure Rules.
- 1.9. In accordance with the Council's Procurement & Contract Procedure Rules (Rule 15) an Exemption from any rule for a contract between £50,000 and £250,000 must be approved by the relevant Chief Officer and Chief Finance Officer (S151) following endorsement by the Procurement Services Manager. An Exemption request can only be approved by the Chief Finance Officer (S151) where they are independent from the original decision-making process. Where the exemption applies to a service that is the responsibility of the Chief Finance Officer then the exemption must be approved by the Chief Executive in his or her place.

2 Recommendation

- 2.1 That a contract be awarded to NETbuilder Education for the period 1st July 2019 to 30th June 2022 with the option to extend for a further one year period until 30th June 2023 at a value of £63,393 to deliver the SAFL Learner environment.
- 2.2 That any necessary exemptions be made under the Council's Procurement & Contract Procedure Rules to enable the course of action referred to in 2.1 above to proceed.

I confirm that the action(s) recommended above comply with the Council's Procurement and Contract Procedure Rules (Rule 15):



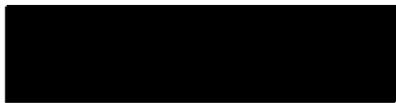
Andy Jukes

Procurement Business Partner

Date: 14th June 2019

In accordance with the Council's Procurement and Contract Procedure Rules (Rule 15), I approve the action(s) recommended above:

I do/do not have an interest to declare in this matter



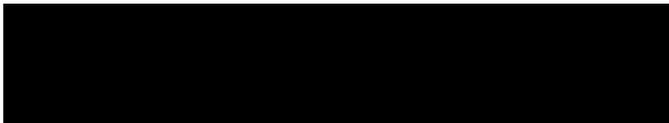
Chris Ward

Title: Director of Education, Skills and Employment

Date: 14 June 2019

In accordance with the Council's Procurement and Contract Procedure Rules (Rule 15), I approve the action(s) recommended above:

I ~~do~~/do not have an interest to declare in this matter



Darren Carter

Executive Director - Resources (S151 Officer)

Date: 27-6-19

Contact Officers

Kerry Davison

Senior Lead Officer – Central Operations

0121 569 4118

3 Procurement Implications

3.1 Although a procurement exercise was undertaken and publicly advertised, only once response has been received. However,

this has been technically and financially checked to ensure it is a compliant bid. In order to accept this bid, an exemption is required to ensure compliance with Sections 8.11 and 15 of Procurement and Contract Procedure Rules.

4 Legal and Statutory Implications

- 4.1 Not applicable. Contract value does not exceed £100,000.

5 Background Details

- 5.1 Sandwell Adult and Family Learning (SAFL) currently operates under an external contract from the Education and Skills Funding Agency (ESFA) and from September 2019 West Midlands Combined Authority under the Adult Education Budget (AEB).
- 5.2 Under this contract the Council will deliver a wide variety learning opportunities to residents of Sandwell in subjects ranging from English and maths to sewing and dressmaking. The current ICT network does not meet the requirements of the contract and can no longer be supported by Sandwell MBC's corporate ICT department. SAFL have therefore sought to obtain quotations for an external company to create and maintain the learning environment to go live in August 2019. The contract will be for a three (3) year period with the option to extend for a further one (1) year.
- 5.3 The procurement opportunity was advertised publicly via the Council's eTendering portal and appeared in Think Sandwell and Contracts finder. Despite twenty potential suppliers expressing an interest in the project, only one bid was received upon the quotation closure deadline.
- 5.4 The bid received from NETbuilder Education was assessed by officers from SAFL and ICT Services to ensure it fully met the requirements of the specification and costs were within allocated budget. There are no reservations in accepting this bid.

5.5 If this exemption is not approved and the contract not awarded SAFL will not be able to deliver its adult education programme.

6 Alternative Options

6.1 The opportunity could be re-advertised but there is no guarantee that any more quotations would be received. There were twenty initial expressions of interest for this exercise but it only translated in to one submission. This would also cause a delay in having the system in place for the go live date of August 2019. It is the opinion of Procurement Services that it is highly unlikely that this course of action would be of any benefit.

7. Source Documents