

Hampshire County Council

Open Framework for Skills Development
for Hampshire 2023-2031

ITT Annex 5

Open Framework Governance Document

Ref: HA21827

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1 INTRODUCTION

- 1.1 The purpose of this guide is to provide a simple introduction to the operating principles of the Open Framework ('the Framework') for the provision of Skills Development for Hampshire. It covers the Framework Governance, Management Processes, and mechanisms for call-off competitions.
- 1.2 The Council uses an e-tendering system (In-Tend) to publish information and tendering opportunities relating to this Framework.
- 1.3 To tender for these opportunities, a supplier will first need to be accepted on to the Framework by meeting the standards as set out in the Invitation to Tender and Onboarding Questionnaire. Only Suppliers formally accepted onto the Framework, on the date of issue of any opportunity, will be invited to tender.
- 1.4 As an 'Open Framework' procured under the Light Touch Regime, once published, the Framework remains open for new applications from the date of publishing for the entire duration of the Framework. There are no further opening and closing periods, applications will be evaluated against the requirements as they are received.
- 1.5 From the date the Framework is first published, suppliers can complete an application to the Framework. The Authority will aim to process new applications and notify suppliers of the outcome of their application within 10 working days. During busy periods, this timescale may vary, but the aim will always be to process applications as quickly as possible. These timescales include subsequent applications from suppliers who are initially unsuccessful in a previous application. These suppliers will still need to meet the standards as set out in the Invitation to Tender and Onboarding Questionnaire.
- 1.6 The Authority will endeavour to adhere to the timescales described but will not incur any liability whatsoever for any changes that become necessary. Any changes to these timescales shall be notified to tenderers as soon as is practicable.
- 1.7 Being admitted to the Framework does not guarantee the award of any contract(s). The Framework may use a variety of call-off procedures in order to award contracts. This may include but is not limited mini-competitions, electronic auctions, direct awards. The most commonly used methods are set out within this guide in section 3 'Framework Rules' below.

2 FRAMEWORK GOVERNANCE

- 2.1 Hampshire County Council's Economy & Skills team within the Hampshire 2050 Directorate will own and manage the Framework with a nominated Framework Manager.
- 2.2 The Framework Manager will be the first point of contact for Supplier matters relating to Framework performance and governance. The performance of individual contracts will be managed by the nominated Contract Owner although this may also be the Framework Manager on occasion. Compliance with the Framework agreement and minimum standards will be monitored by the Framework Manager and their team.

3 FRAMEWORK RULES

- 3.1 When a Supplier joins the Framework they will select and join a specific Lot which best matches their organisation type.

Lot Number	Lot Description
1	Further Education Colleges
2	Private Sector Training Providers
3	Higher Education Establishments
4	Academy Schools and other Educational Establishments
5	Voluntary/Community Sector Organisations
6	Other Public Sector Bodies
7	Employer Representative Groups

- 3.2 Suppliers will be able to view all tenders associated with their Lot but may only be able to bid on certain opportunities where they meet any additional project specific requirements. These project specific requirements, including any additional Special Terms and Conditions required as part of any grant conditions, will be set out in the call-off documents.

Sub-Contracting

- 3.3 Where sub-contracting is allowed, information on your sub-contractors will be asked for as part of the Award Stage competition. However please note, most commonly grant funding

conditions do not always allow for sub-contracting so please ensure you carefully read the mini-competition documents for each award as to whether or not sub-contracting is permitted. In a majority of cases, the supplier applying must be able to wholly deliver the training requirements.

Exclusions and Suspensions of Suppliers from the Framework

- 3.4 If a supplier ceases to meet the original exclusion or selection criteria during the life of the Framework it is likely that they may be suspended from taking part in any further competitions, or could be excluded from the Framework, depending on the severity of the matter for a determined or unlimited period at the discretion of the Council. Suppliers will be required to demonstrate they meet the requirements of the Framework prior to any exclusion or suspension being lifted.
- 3.5 All Suppliers will be expected to maintain and meet the minimum standards and onboarding criteria during the life of the Framework. Suppliers must immediately notify the Council of any changes to their original response to the Onboarding Questionnaire and note they may be excluded if they subsequently fail one of the exclusion grounds or minimum standards. The Supplier may be asked to re-confirm that they still meet some or all selection criteria at any point during the life of the Framework as part of ongoing Due Diligence procedures and framework management.
- 3.6 Suppliers should note that in some circumstances under a call-off contract awarded, the Council may at its sole discretion, suspend or exclude a Supplier from the Framework for certain instances of breach of contract as set out in the Framework Agreement.
- 3.7 If a Supplier is suspended from the Framework this means that they will not be able to bid for any tenders until the suspension is lifted.
- 3.8 In cases where a Supplier has previously been excluded from the Framework for reasons which relate to the Safeguarding, the Supplier may have any subsequent Framework application rejected on the grounds of prior contract performance.

Data Protection Privacy Notice

- 3.9 Personal information provided as part of a supplier's application to join the Framework will be used and stored as outlined in the In-tend system Privacy Notice - <https://www.hants.gov.uk/aboutthecouncil/privacy/business-economy/procurement-privacy-notice>
- 3.10 Any additional data protection requirements or terms and conditions which relate to the specific call-off will be provided in the call-off competition documents, as these will vary depending on the funding source and the nature of the data/systems being collected and processed.

Call-off Contracts – Award Process

- 3.11 The tendering processes that the Council will use are outlined below. The award criteria and approach will be detailed in the tender documents for each call-off opportunity. The evaluation approach may vary each time including approaches such as lowest price, price per quality point or both price and quality elements, which will result in an overall weighted score.
- 3.12 Pricing information required will be specified in the call-off process and may also vary from tender to tender.
- 3.13 Details of any specific project requirements, along with any additional/special terms and conditions or considerations will be included in the documents issued as part of the tender.

Options for Award of Contracts under the Framework

- 3.14 The operational nature of this Framework requires a variety of tendering options to be permissible to support contract awards. The Council will utilise the most appropriate tender process from the mechanisms available that enables it to meet the delivery requirements and timescales. All options are outlined below.
- 3.15 **Standard Options for Tendering**

a) **Mini Competition**

Mini competitions will be processed through the Council's In-Tend electronic tendering system.

Specific requirements for training delivery will be outlined within the mini competition document set in addition to those outlined in the Specification. The documents will be visible to all suppliers in the Lot under which the call-off contract mini-competition is issued.

Where operationally possible, or where tenders are evaluated on both price and quality, mini competitions will remain open for a minimum of 10 days, longer where possible. Where the provision is required to be met within more urgent timescales (e.g. due to timing of delivery/grant process timescales) mini-competitions will be open for a shorter time period and this will be notified to suppliers.

Electronic Auctions (Reverse Auctions)

Electronic auctions (e-auctions) may be used where the Council deems this to be the most appropriate method of tendering for provision whereby the requirements are very clearly specified and therefore a price only competition is all that is needed. Full guidance, including a demo video on how to complete the e-auction is available here [In-](#)

[Tend eAuctions Demo.mp4 \(sharepoint.com\)](#) Please also see the e-auction guidance document attached to the Invitation to Tender.

E-auctions will usually be open for a minimum of 10 days but where the business needs require more urgent responses the e-auction may be completed in a shorter time period, but for no less than 72 hours (minimum).

The requirements, in addition to those outlined in the Lot requirements will be outlined within the e-auction document set to ensure suppliers have all the information required to make an informed decision on participation in the e-auction.

b) Direct Award – Failed Tenders

A direct award is permitted to be made directly to a single supplier where no suitable tenders within budget or that meet requirements have been received via either one of the two processes outlined above (mini-competition and E-auction).

c) Direct Award - Timescales

A direct award is permitted where, in the reasonable opinion of the Council, where there are restricted timescales relating to a requirement that if not met, will mean that an opportunity to obtain external funding will be lost. This will only be used where deemed necessary and appropriate by the Council using its' discretion. The Council may approach any supplier on the framework in these circumstances that it deems suitable to deliver the requirement.

Contract Variations

3.16 Where a call-off contract is awarded and a further opportunity for training is required for a similar related requirement, the Council may, at its discretion, approach that supplier, and if both parties agree, a contract variation will be actioned to award the additional delivery to that supplier without the need for further competition.