

**T Levels ITT – Invitation to tender**

 **INVITATION TO TENDER**

**T LEVEL**

**AWARDING ORGANISATIONS PROCUREMENT**

**ITT REFERENCE NUMBERS:**

ITT 30405 Standard Selection Questionnaire

ITT 30408 LOT 1 Education

ITT 30409 LOT 2 Design, Surveying and Planning

ITT 30410 LOT 3 Digital Production, Design and Development

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1. Documents for this Procurement
	1. The following documents form part of this Invitation to Tender:

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| **INVITATION TO TENDER DOCUMENTS** |
| **Invitation to Tender***This document provides an introduction to the Procurement, signposts key information and provides instructions to Potential Suppliers.* *This ITT document also includes:****Appendix 1****: Glossary of terms used throughout the ITT and attachments.****Appendix 2****: Additional useful information in relation to the Procurement.****Appendix 3****: Q&A following the market engagement.* |
| **Attachment 1 – Terms of Participation** *This attachment sets out the rights and obligations which apply respectively to the Potential Supplier and the Authority during this Procurement.* |
| **INFORMATION AND GUIDANCE** |
| **Attachment 2 – Service Requirements***This attachment provides a detailed description of the Services that the Supplier will be required to provide to the Authority and Providers. This attachment will form part of the Contract.* |
| **Attachment 3 – Contract (including Schedules)***This attachment sets out the terms and conditions and the schedules that will govern the relationship between the Authority and the Supplier.* |
| **Attachment 4 – Evaluation Methodology and Guidance***This attachment describes the evaluation methodology and selection and evaluation criteria that will apply to the evaluation of Tenders.* |
| **Attachment 5 – Bravo e-Sourcing Portal Guidance***This attachment describes how to use the e-Sourcing Portal.* |
| **DOCUMENTS TO COMPLETE AND RETURN BY THE TENDER SUBMISSION DEADLINE** |
| **Attachment 6 – Tender Response Document – Part 1 – Selection Questionnaire***This attachment contains the selection questions which the Potential Supplier is required to respond to.* |
| **Attachment 6 – Tender Response Document – Part 2 – Award Questionnaire***This attachment contains the award questions which the Potential Supplier is required to respond to or complete.* *Certain responses in this attachment will form part of the Contract with the Supplier.* |
| **Attachment 7 – Pricing Schedule and Guidance***This attachment is to be completed by the Potential Supplier setting out the requested pricing details in compliance with the guidance notes included as part of this attachment.* *Award Questionnaire question 10.1 must also be answered within this attachment.**Certain parts of this attachment when completed will form part of the Contract with the Supplier.* |
| **Attachment 8 – Conflicts of Interest declaration***This attachment is to be completed by the Potential Supplier setting out details of any known Conflicts of Interest and the steps the Potential Supplier will take to eliminate or mitigate them.*  |
| **Attachment 9 – Commercially sensitive information***This attachment is to be completed by the Potential Supplier setting out details of any information forming part of the Potential Supplier’s Tender which the Potential Supplier believes to be confidential and/or commercially sensitive.* *This attachment when completed will form part of the Contract with the Supplier.* |

1. Introduction
	1. This Invitation to Tender (“**ITT**”) follows the PIN Notice published in the OJEU on 31st August 2018 with reference 2018-041813. This ITT sets out details of the procurement process being run by the Department for Education on behalf of the Institute for Apprenticeships (to be renamed the Institute for Apprenticeships and Technical Education) to select a supplier to design, implement and deliver the Technical Qualification component of the first three T Levels to be launched.
	2. This ITT and its attachments contain information and instructions that will facilitate your submission of a compliant Tender. Words in this ITT and its Attachments which are capitalised have definitions either in the paragraph in which they appear or in the Glossary at Appendix 1 to this ITT.
	3. Please read the information and instructions carefully because non-compliance with the instructions may result in disqualification of your Tender from this Procurement.
	4. If you are participating in this Procurement and plan to use sub-contractors and/or bid as a consortium, please read the guidance in paragraph 13 of this ITT (Contracting Arrangements (Sub-Contractors and Consortia)).
	5. The Authority is using a Bravo Solutions e-sourcing portal (“**e-Sourcing Portal**”) to manage this Procurement and to communicate with Potential Suppliers. No hard copy documents will be issued and all communications with the Authority (including the submission of Tenders) will be conducted via the e-Sourcing Portal. To ensure all communications relating to this Procurement are received, you must ensure that the point of contact you nominate in the e-Sourcing Portal is accurate at all times as the Authority will not be under any obligation to contact any other point of contact apart from the one that you have named in the e-Sourcing Portal. Guidance on how to use the e-Sourcing Portal can be found in the Bravo e-Sourcing Portal Guidance (Attachment 5).
	6. Please ensure that you submit your notice of intent to Tender, via the on-line message board forming part of the e-Sourcing Portal, by the date specified in paragraph 10 below. See paragraph 2.11 below for further details.
	7. Your Tender(s) comprising the documents set out in paragraph 16.2 of this ITT must also be submitted via the e-Sourcing Portal, by the deadline specified in paragraph 10 below.
	8. You are welcome to ask questions or seek clarification regarding this Procurement. See paragraph 12 (Questions and Clarifications) below for details on how to do so. You must read all the information contained within this ITT and the Attachments on the e-Sourcing Portal thoroughly so that questions or clarifications are not raised unnecessarily.
	9. This Procurement is being conducted under the Concession Contracts Regulations 2016 (“**Regulations**”). As the Services which are the subject of the Procurement fall within Schedule 3 of the Regulations, the Procurement is subject to lighter regulation in accordance with Regulation 19. Accordingly, whilst the Authority intends to conduct this Procurement as a form of open procedure, it shall only be bound by those obligations referred to in Regulation 19.
	10. This ITT is launched following a market consultation exercise earlier in 2018 including the publication of a draft ITT. There have been a number of important changes to this ITT, and you should read this ITT carefully and ensure that you respond to this version of the ITT and its attachments. The Authority has prepared a number of Q&As to assist Potential Suppliers in response to various issues raised during the market consultation exercise, and these are attached at Appendix 3 to this ITT.
	11. **To assist the Authority in the management of the Procurement,** **Potential Suppliers should notify the Authority of their intent to submit a Tender for one or more Lots. Such notification should be submitted by the date specified in paragraph 10 below, via the on-line message board of the e-Sourcing Portal and state which Lot(s) the Potential Supplier intends to submit a Tender in respect of.** Whilst this notification does not bind a Potential Supplier and late and/or amended notifications will be considered, Potential Suppliers are encouraged to confirm their intention by the date specified in paragraph 10 wherever possible.
2. Background

**Introduction to the T Levels Programme**

* 1. The report of the Independent Panel on Technical Education (“**the Sainsbury Report**”) recommended a new system of technical education that would introduce a high quality technical option alongside an academic option for students aged 16 and above. In the Government’s Post-16 Skills Plan, the Government committed to these recommendations, which were enacted through the Technical and Further Education Act 2017.
	2. The Government’s aim is to reform the post 16 education system so that options for 16 year olds are radically simplified. Students will be able to choose from an academic study programme (primarily through A levels), or a technical option (primarily through a T Level study programme or an apprenticeship).
	3. All young people will have access to high quality education programmes that give them the chance to succeed, wherever their aspirations lie. The Government is unashamedly ambitious for the new technical education system. The Government is not setting out to make incremental improvement, but rather to make a transformational change to the quality of the system, achieving parity of esteem between academic A levels and technical education routes. The Government will achieve this by simplifying the options available to students, promoting high quality provision, and removing poor quality provision.
	4. As set out in the Department’s Action Plan published in October 2017, A levels and T Levels will exist as high quality, rigorous, level 3 study programmes. Although A levels and T Levels will support entry to degree level higher education, T Levels will primarily support entry to skilled employment in technical occupations at level 3 and above. They will also support progression to higher education options including higher technical qualifications, higher apprenticeships, degree apprenticeships, and technical degrees, including through Institutes of Technology and National Colleges. Both A levels and T Levels will be prestigious programmes for ambitious students who want to progress into rewarding careers.
	5. T Levels are a classroom-based technical study programme. They will be available alongside apprenticeships as one half of a high quality technical education offer. Both T Levels and apprenticeships will provide in depth technical training via two different routes. Apprenticeships are employment with training, and apprentices specialise in one occupation as they learn on the job. T Levels will be primarily studied at an education or training provider. Students will study a broad occupational area before specialising, and will have the opportunity to apply their knowledge and skills on a substantial industry placement.
	6. As set out in the Technical and Further Education Act 2017, approved Technical Qualifications (which will form part of T Levels) and apprenticeships will be based on the same set of employer-designed Standards. The Institute approves and manages the development of Standards and will in turn approve Technical Qualifications and determine the additional steps towards occupational competence that together will make up the T Level Programme.
	7. The Department wants Students who complete T Levels to be able to progress onto apprenticeships at level 4 and above, though in some routes, Students may need additional training on a level 3 apprenticeship prior to doing so. Students should also be able to progress to further technical study at level 4 and above, including at FE colleges, new Institutes of Technology (IoTs) and universities.
	8. T Levels will provide Students with in-depth, technical knowledge and skills, and the Department want Students who take them to be highly sought-after by employers. T Levels will be valued as highly as apprenticeships and academic programmes and will improve social mobility, enabling Students from all backgrounds to reach their potential. They will also benefit employers, who will have access to more highly skilled young people across different areas of our economy. The Department ultimately want a variety of T Levels to be available to all Students, regardless of where they live. Our intention is for T Levels to replace most current technical qualifications available to post 16 students: the Sainsbury Report highlighted that many of these qualifications are not understood or valued by employers.
	9. The introduction of T Levels must simplify the existing complicated qualifications system. In future, as T Levels are introduced, the Department expects the majority of funding for post 16 students studying level 3 qualifications to be directed to T Level and A level programmes. The Department recognises that there may be a need to fund some other qualifications in addition to A levels and T Levels but is keen to ensure that the system is as simple as possible and that other qualifications offer young people the best possible opportunities. Therefore, the Department will review the range of qualifications currently funded by Government, including the role of Applied General Qualifications. In the Implementation of T Level programmes consultation, the Department proposes that the review should be guided by three key principles in assessing continued funding for qualifications:
		1. they have a distinct purpose, and are truly necessary in the new simplified system;
		2. they are good quality; and
		3. they support progression to good outcomes.

The Department will set out more detail about these principles, and the process for the review in due course.

**The components of the T Level programme**

* 1. T Levels will follow a study programme format, designed to deliver the skills, knowledge and behaviours required for skilled employment. T Levels will each follow the same broad framework. Each programme will consist of five components:
		1. an approved Technical Qualification, which is the subject of this Procurement;
		2. an industry placement, which will be put in place by Providers for each of their Students;
		3. level 2 maths and English requirements, which the Provider shall arrange to be separately assessed for each of their Students;
		4. any other occupation-specific requirements and/or qualifications, as set out by the relevant T Level Panel, and to be delivered by the Provider; and
		5. any further employability, enrichment and pastoral (“**EEP**”) provision (as required in all study programmes) to be delivered by the Provider.
	2. The Authority expects that each T Level will, on average, consist of 1,800 hours over two years. T Levels will differ in size to reflect the requirements of different occupations. The Authority expects that the total time for the Technical Qualification will fall between 900 and 1,400 hours. The remainder of the programme time will be made up of the other components listed above.
	3. An Occupational Map has been developed for each occupational Route. This Occupational Map breaks the Route down into a number of Occupations, and closely-related Occupations are grouped together into Pathways. Further details are available here: <https://www.instituteforapprenticeships.org/about/occupational-maps/>

**The process for developing T Levels**

* 1. The Institute will manage the process of developing content for new T Levels. T Level Panels managed by the Institute will set out the knowledge, skills and behaviours required for each T Level, based on the Standards developed by employers and others – the Outline Content for each Technical Qualification forming part of this Procurement is published as part of this ITT.
	2. Employer-led T Level Panels use a consistent process to develop T Level content. This follows the following principles:
		1. T Level Panels use the approved Standards, which have been developed by apprenticeship trailblazer groups, as a basis for Outline Content, and the Authority will ensure that this process is responsive to new and revised Standards;
		2. the content of Technical Qualifications will vary depending on the requirements of the occupations relevant to each T Level. For the 3 T Levels taught from September 2020, the scope of each Technical Qualification will be at Pathway level. T Level Panels determine the title of overall T Levels and ensure that the Outline Content meets employer expectations so that a Student has the skills needed to secure skilled employment. The Outline Content has also been reviewed by delivery and assessment experts to ensure that it is deliverable and capable of being assessed. This will also help identify the typical planned hours needed to complete the Technical Qualification;
		3. T Level Panels also advise on broader programme requirements. This includes the study of further qualifications where needed (e.g. mandatory licence to practise qualifications that cannot be incorporated into the Technical Qualification) and the maths and English requirements and other transferable and employability skills required to secure skilled employment; and
		4. the Institute is responsible for overseeing and giving approval to the work of the T Level Panels.

**The T Level Technical Qualification**

* 1. Each T Level will include a new, substantial Technical Qualification based on content devised by T Level Panels and Standards approved by the Institute. This Technical Qualification will be the largest component of the T Level and will provide the Student with technical knowledge and skills.
	2. The purpose of the Technical Qualification within the T Level is to ensure Students have the knowledge, skills and behaviours needed to progress into skilled employment or higher level technical training relevant to the T Level. To achieve this, each TQ must:
		1. provide reliable evidence of Students’ attainment in relation to:
			1. the core knowledge and skills relevant to the Route and occupational specialist component(s) covered by the TQ; and
			2. the knowledge, skills and behaviours required for at least one occupational specialist component relevant to the TQ;
		2. be up-to-date, ensuring the knowledge, skills and behaviours needed for the Occupations have continued currency among Employers and other end-users;
		3. ensure maths, English and digital skills are developed and applied where they are essential to achieve occupationally relevant outcomes;
		4. ensure the minimum pass grade standard for occupational specialist components attests to threshold competence, meets Employer expectations, and is as close to full occupational competence as possible;
		5. allow end users to accurately identify Students’ level of attainment and effectively differentiate their performance;
		6. provide a clear and coherent basis for development of suitably demanding high-quality level 3 courses, which enable Students to realise their potential;
		7. provide Students with the opportunity to manage and improve their own performance; and
		8. support fair access to attainment for all Students who take the TQ, including those with special educational needs and disabilities (“**SEND**”).
	3. In designing a Technical Qualification, the selected Potential Supplier will need to ensure the Outline Content produced by T Level Panels is properly covered within the Technical Qualification.
	4. The Sainsbury Report recommended that the Technical Qualification included core content followed by specialisation. In line with this, the content for each Technical Qualification is assessed through separate components:
		1. **the core** which will develop underpinning knowledge, skills and behaviours relevant to the overall occupational route. This component will have two parts:
			1. knowledge and understanding of contexts, concepts, theories and principles relevant to the T Level; and
			2. a coherent set of core skills relevant to the T Level that will support progression, adaptability and movement between different job roles once in work; and
		2. **one or more occupational specialisms** focussed on developing occupationally specific knowledge, skills and behaviours to achieve ‘threshold competence’ in the occupational specialism.
	5. Achievement of threshold competence signals that a Student is well-placed to develop full occupational competence, with further support and development, once in employment. Threshold competence is as close to full occupational competence as can be reasonably expected of a Student studying the Technical Qualification in a classroom-based setting (e.g. in the classroom, workshops and simulated working environments). This will differ according to the Pathways.
	6. Some occupational specialisms will be too large to allow a Student to successfully study all specialisms within a Technical Qualification. For example, it would take longer than two years to learn all the trades in construction. Therefore, where necessary, Students will be able to select one or more specialisms from a defined set.
	7. In designing the Technical Qualification, the Authority would encourage Potential Suppliers to ensure much of the core is delivered before Students are assessed on their occupational specialism(s).

**Assessment**

* 1. The content of the Technical Qualification (e.g. knowledge, skills, behaviours, attitudes, understanding) will inform the method of assessment used.
	2. It is expected that:
		1. the underpinning knowledge and understanding of the core component is assessed through one or more external examinations, set and marked by the appointed awarding organisation. This will ensure breadth of knowledge and understanding is covered in sufficient depth;
		2. core skills are assessed through practical employer-set projects, to ensure a motivating and authentic work-relevant focus to how they are applied; and
		3. for occupational specialisms, Students will need to demonstrate threshold competence through being assessed on the knowledge and skills needed to carry out tasks that relate to specific occupations i.e. through practical assignments. For example, Students might need to find and fix faults in an electrical system, deliver a learning plan or create a software application.

**Scope of this Procurement**

* 1. This Procurement is to select a Potential Supplier to provide the Services in respect of the Technical Qualification for each of the following T Levels being launched for first teaching in September 2020:

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| --- | --- |
| **Route** | **Pathway** |
| Education and Childcare | Education |
| Construction | Design, Surveying and Planning |
| Digital | Digital Production, Design and Development |

* 1. Potential Suppliers may submit a Tender in respect of the Technical Qualification for one or more of the above T Levels. A Potential Supplier must submit a separate Tender for each Technical Qualification they wish to be considered for. The Tenders for each Technical Qualification will be evaluated separately and it is the Authority’s intent that the Supplier offering the most economically advantageous Tender for the relevant Technical Qualification (as determined taking into account both quality and price in accordance with the Evaluation Guidance) will be awarded the Contract in relation to the Technical Qualification for that T Level.
	2. The following elements of the T Level are out of scope of this Procurement and will not form part of the Services:
		1. arranging, operating and/or assessing industry placements;
		2. assessing the requirement for level 2 maths and English (although the elements of maths and English forming part of the Technical Qualification are within scope);
		3. any occupation-specific requirements and/or qualifications set out by the relevant T Level Panel which do not form part of the Outline Content; and
		4. employability, enrichment and pastoral (“**EEP**”) provision for T Level Students.
1. Contracts
	1. This Procurement will result in the conclusion of Contracts with the Potential Suppliers that are successful in this Procurement.
	2. The Contract is based on the Crown Commercial Service’s Core Terms, which have been amended to be appropriate for this Procurement. It is important that you review the Contract carefully to understand the rights and obligations it confers on the parties. A summary of some of the key principles reflected in the contract is provided in paragraph 5 of this ITT.
	3. The Contract is non-negotiable, whether during the Procurement or post award. However, you may seek clarification of any points of ambiguity or apparent error in relation to the Contract throughout the clarification period (see paragraph 12 (Questions and Clarifications) of this ITT).
	4. Following the award decision to conclude the Contracts, they will be updated to incorporate the Service Requirements (Attachment 2), the relevant parts of the winning Tender (i.e. the relevant parts of Part 2 of Attachment 6), the Pricing Schedule (Attachment 7) and the content of Attachment 9 (Commercially sensitive information).
	5. Any description in your Tender of a service that you will provide under the Contract must be within the scope of the Services.
2. Key contract principles summary
	1. This summary is provided to assist Potential Suppliers. Full details are set out in the Contract, and Potential Suppliers must review the Contract in detail before submitting their Tender.

**Contracting parties**

* 1. The Contract will be entered into between the Supplier and the Institute. In the event that for any reason the Institute is unable to execute the Contract at the point of award, the Department will execute the Contract and the Contract will be novated to the Institute.

**Guarantee**

* 1. A guarantee will be required where the Supplier has relied on the financial strength of another consortium member / group company to pass the selection stage of the Tender evaluation. The guarantor must execute the guarantee in accordance with the Contract.

**Lots**

* 1. There are three Lots, one for each of the Technical Qualifications for the T Level in respect of each Pathway forming part of this Procurement (as described in paragraph 3.24). Potential Suppliers can bid for (and win) any number of Lots.

**Contract term**

* 1. Following Contract award (anticipated to be in March 2019), the appointed Supplier will have a period to develop the Technical Qualification and to prepare Providers in readiness for teaching the Technical Qualification from September 2020.
	2. Suppliers will be appointed to deliver the Services in respect of 4 Cohorts of Students (with the expected duration of 2 years of teaching for each Cohort), with the right for the Authority to extend the Contract by a further Cohort.
	3. Suppliers will have the exclusive right to offer the relevant Technical Qualification for the relevant T Level for the Cohorts in respect of which they are appointed.
	4. Suppliers will be expected to continue to offer post-qualification Services such as appeals and re-sits for the period of two years following the end of the second year of teaching of the final Cohort.
	5. Therefore the total Contract term is expected to be from March 2019 until August 2027 (or, if extended, August 2028).

**Geographical scope**

* 1. The Procurement covers the Technical Qualification for T Levels to be offered to Providers in England. The Supplier(s) may be entitled to use content developed for the T Levels Technical Qualification in qualifications to be made available outside England as set out in paragraph 5.18 below.
	2. Following an expression of interest process operated by the Education and Skills Funding Agency, a number of Providers have been selected (as set out at https://www.gov.uk/government/publications/providers-selected-to-deliver-t-levels-in-academic-year-2020-to-2021/providers-selected-to-deliver-t-levels-in-academic-year-2020-to-2021) who may offer the 2020 Cohort one or more of the three T Levels which are the subject of this Procurement. The number of eligible Providers will be increased over the Contract term for each of the remaining three Cohorts.

**Pricing approach**

* 1. There are four revenue streams covering all obligations of the Suppliers in respect of the delivery of the Services (including meeting all regulatory conditions), as set out below:
		1. Qualification development fee. The Authority will pay the Supplier(s) a fixed fee for the initial development of the TQ[[1]](#footnote-1). The qualification development fee will be paid in instalments on three milestones during the development process. Details of the milestones are set out in Annex 7 of the Service Requirements and delivery of the relevant requirements for Interim Milestone 1, Interim Milestone 2 and the Final Approval Milestone respectively represent 20%, 20% and 60% of the qualification development fee. The final milestone occurs at the point at which the TQ is approved by the Authority.
		2. Entry fee. The Supplier(s) will charge a per-Student entry fee to Providers covering all of their assessment and support services.
		3. Fees for additional services. A menu of additional services which Providers can purchase from the Supplier(s) on an “as and when needed” basis.
		4. Fees for changes to the TQ.The Authority will pay the Supplier(s) for making changes requested by the Authority to the TQ where these are defined as Exclusive TQ Changes in the Contract. The basis for calculation of the fees for Exclusive TQ Changes is set out in the Contract. The Supplier is otherwise responsible for keeping the TQ up to date during the Contract term at no extra cost to the Provider or the Authority.
	2. Fees (other than the qualification development fee) may be subject to increase by the Supplier(s) once annually during the Contract term (as set out in the Contract) provided that any proposed increase shall not exceed the relevant annual increase in the Consumer Price Index. No separate fee may be charged for Provider approval services.

**Sub-contracting**

* 1. The Supplier may sub-contract certain elements of its delivery of the Services with the Authority’s consent. More detail around how this will be addressed as part of the Procurement process is set out in paragraph 13 below.

**Intellectual property**

* 1. The Authority has the right under the Act to take a statutory transfer of all rights in copyright in all course documents for the TQ which the Authority considers necessary for the purposes of its remit. The Authority will take a contractual assignment of copyright and other intellectual property rights in Key Materials, at appropriate stages leading to the Authority’s approval of the TQ, in order to secure that rights in the necessary materials for the TQ are available on approval. The Authority will determine on approval the materials which are relevant course documents to which any statutory transfer of copyright will apply.
	2. The Authority will also acquire a licence of certain ancillary materials to which the Authority and/or a future TQ supplier would require access for its administration and related activities in relation to the TQ and the procurement, implementation and/or operation of the TQ by a future supplier.
	3. Suppliers will be granted an exclusive licence to use the Key Materials assigned or transferred to the Authority, in the implementation and operation of the TQ for the duration of the Contract, subject to certain rights retained by the Authority.
	4. Suppliers may offer the TQ outside England subject to certain restrictions. Suppliers may continue to offer and update their current qualifications and may re-use content developed for the TQ within another qualification, both within and outside England. Suppliers must not offer or promote their other qualifications as being identical to a TQ or demonstrating the same level of occupational competence as the TQ.
	5. Suppliers will be licensed to use the name “T Level” for their T Level material for the Contract term, and prohibited from using the name “T Level” or any confusingly similar name outside the Authority’s approved T Level Programme. Use of the name “T Level” will be subject to compliance with branding guidelines issued by the Institute.
	6. Suppliers may use their own branding on materials used in connection with the TQ, including Student or employer facing materials (e.g. exam papers) required for the T Level, subject to meeting the specified rules on joint branding aimed at ensuring that the T Level brand remains a distinct brand, and that a T Level (and any TQ forming part of it) is clearly seen to be part of a T Level Programme run by the Authority, and to be the same T Level when offered by a future supplier.

**Performance management**

* 1. Once the TQ has been approved by the Authority, key performance indicators will apply to the delivery of the services to Providers. Suppliers will be required to monitor their own performance against a number of the KPIs (and provide other management information) and will be required to report back to the Authority on a regular basis.

**TUPE**

* 1. TUPE is not expected to apply at the start of the Contract. TUPE may apply at the end of the Contract term and Suppliers should seek their own legal advice in relation to this.

**Cooperation**

* 1. Suppliers will be required to cooperate with other T Level suppliers, the Authority and other stakeholders to promote efficient delivery of the T Levels Programme (including agreeing assessment dates and results dates).

**Ofqual recognition**

* 1. It is a requirement that Suppliers must be recognised by Ofqual to deliver the TQ at the point of Contract award. Details are set out in paragraph 15 of the Evaluation Guidance.
1. Student volumes
	1. T Levels are brand new study programmes and their take up by Students will be influenced by various factors. As a result, the numbers of T Level entrants per Pathway expected over the Contract term are difficult to estimate with certainty. The volumes provided in this Invitation to Tender are an estimated order of magnitude, rather than precise predictions of expected T Level entrants. Potential Suppliers will need to ensure their business model is robust to changes in actual volumes, whilst maintaining levels of customer service.
	2. The table below provides estimated magnitudes of potential T Level entrants, by Cohort, for the Pathways that are the subject of this Procurement, based on the information currently available to the Department. These estimates are the outcome of a review and refinement of the assumptions underpinning their calculation, carried out after the market engagement events in June and August of this year. Figures are rounded to the nearest 100:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Pathway** | **Cohort 1 2020/21** | **Cohort 2 2021/22** | **Cohort 3 2022/23** | **Cohort 4 2023/24** | **Cohort 5 2024/25[[2]](#footnote-2)** |
| Education | 900 | 1,800 | 3,800 | 6,200 | 6,400 |
| Design, Surveying & Planning | 400 | 700 | 1,000 | 1,800 | 1,800 |
| Digital Production, Design & Development | 1,200 | 2,800 | 5,700 | 7,900 | 8,100 |

* 1. To derive these estimates, a number of modelling assumptions have been made about key factors that the Department believes are uncertain at this stage, which are explained below. All the estimated T Level entrants in the above table are caveated and subject to change.
	2. The estimates are based on the numbers of Students in England currently studying technical and vocational qualifications in similar subject areas that correspond to the relevant T Level Pathways. The qualifications are from the [Section 96 list of qualifications](https://www.gov.uk/guidance/section-96-qualifications). The relevant Student figures are from the [Individualised Learner Records (“**ILR**”) database](https://www.gov.uk/government/collections/individualised-learner-record-ilr#2018-to-2019-individualised-learner-record-(ilr)-data).
	3. Identifying qualifications that correspond to the T Level Pathways is not intended to be a comprehensive analysis of which existing qualifications overlap with T Levels. The Department has taken this approach as it gives a reasonable indication of the level of Student and Provider interest in the relevant subject areas. It does not prejudice future decisions about continued funding of the relevant existing qualifications and should not be taken to indicate the qualifications that will fall within the scope of the planned review of qualifications at level 3 and below, nor the intended or assumed outcome of this review. In late 2018, the Department intends to consult on the principles, scope and broad process of the review.
	4. In May 2018, the Department published the list of Providers selected to deliver T Levels in academic year 2020/21. The estimated entrants for this academic year are the indicative numbers that the 2020 Providers submitted to the Department in July 2018. These figures are the Department’s best current estimates of potential T Level entrants for academic year 2020/21. By October 2018, the Department will announce the outcome of the subsequent call for expressions of interest for additional Providers to deliver the Design, Surveying and Planning Pathway in academic year 2020/21. The estimated T Level entrants for academic year 2020/21 are subject to change as Providers complete their implementation plans and refine their expectations over time. The number of 2020 Providers may also change before T Levels go live in September 2020.
	5. Beyond the first Student Cohort, the speed of rollout and future adoption of T Levels by Providers is unknown at this time, so the estimated entrants are based on assumptions about the magnitudes of Students who may take T Levels over time. The Department cannot yet confirm the number of Providers expected to offer wave one T Levels in each year over the Contract term, but expects to be able to confirm the criteria for selecting Providers for academic year 2021/22 in early 2019.
	6. For the Pathways subject to this Procurement, the estimates assume a phased rollout and that these Pathways become available to all Providers by academic year 2023/24. Figures for Cohorts 4 and 5 are estimates of all entrants in these annual Cohorts that are potentially in scope for the wave one T Levels. A smooth growth in entrants between academic years 2020/21 and 2023/24 is currently assumed, as the number of Providers delivering the Pathways is expected to increase each year.
	7. The estimates include assumptions about future population growth for 16-18 year olds, which are based on population projections published by the [Office for National Statistics](https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections).
	8. Given the uncertainties in estimating future T Level entrants, the Department and/or the Institute cannot guarantee the volumes stated in this Invitation to Tender. The key modelling assumptions have been explained so that Potential Suppliers can better understand the estimates and their rationale, and can take this information into account in developing their Tender response.
1. Service Requirements
	1. A detailed description of the Services and associated deliverables required from the Supplier is set out in the Service Requirements (Attachment 2).
2. e-Sourcing Portal
	1. Any supporting documentation in relation to this Procurement (to include all relevant attachments to this ITT) will be available via the e-Sourcing Portal (as referred to at paragraph 2.5 above).
3. Procurement contacts
	1. All contact with the Authority in relation to this Procurement must be via the e-Sourcing Portal.
	2. The Authority will issue communications relating to this Procurement through the e-Sourcing Portal, therefore please ensure that the mailbox of the individual who is the primary contact for the Potential Supplier is reviewed on a regular basis.
4. Procurement timetable
	1. The timetable for the Procurement is set out in the table below.

|  **DATE** | **ACTIVITY** |
| --- | --- |
| 31 August 2018 | Submission of PIN Notice to the OJEU for publication |
| 3 September 2018 | Issue of ITT |
| 12 September 2018 | Deadline for registering to attend Potential Supplier days (“**Registration Deadline**”) |
| 17 September 2018, 10am – 12.30pm, Education17 September 2018, 2 – 4.30pm, Digital Production, Design & Development18 September 2018, 2 – 4.30pm, Design, Surveying & Planning19 September 2018, ITT half day sessions | Potential Supplier days (see paragraph 11 below) |
| 21 September 2018 | Date for submitting confirmation of intent to bid (“**Confirmation of Bid Deadline**”) |
| 2pm on12 October 2018 | Deadline for the receipt of ITT clarifications **(“Tender Clarifications Deadline”)** |
| 19 October 2018 | Final responses to ITT clarifications to be published |
| 2pm on 26 October 2018 | Tender to be submitted **(“Tender Submission Deadline”** |
| Weeks commencing 26 November 2018 and 3 December 2018 – dates to be confirmed via the e-Sourcing Portal | Presentation meetings (see the Evaluation Guidance for more details)  |
| February 2019 | Potential Suppliers notified of award decision and Standstill Period observed |
| March 2019 | Contract commencement |

* 1. The Authority may, at any time and for any reason, amend the Procurement timetable. Potential Suppliers will be informed through the e-Sourcing Portal in the event that any such changes are made.
1. Potential Supplier days
	1. The Authority intends to run Potential Supplier days to provide support to Potential Suppliers in responding to this Procurement.
	2. Two types of Potential Supplier day will be offered by the Authority:
		1. a half-day session for each T Level to take Potential Suppliers through the Outline Content for the relevant Technical Qualification; and
		2. a half-day session to go through the ITT with Potential Suppliers – the Authority intends to run two half-day sessions (with the same content) on the same day.
	3. Details of the Potential Supplier days (and the number of available sessions) will be communicated through the e-Sourcing Portal.
	4. A maximum of two (2) representatives of each Potential Supplier (or the Lead Supplier in the case of a Group of Economic Operators) may attend the Potential Supplier days.
	5. Potential Suppliers must register their interest in attending any of the Potential Supplier days through the e-Sourcing Portal by the Registration Deadline shown in the Procurement timetable in paragraph 10 above.
2. Questions and clarifications
	1. Potential Suppliers may raise questions or seek clarification regarding any aspect of this Procurement at any time prior to the Tender Clarifications Deadline. Questions must be submitted using the online message board forming part of the e-Sourcing Portal, and in the format required by such message board.
	2. The Authority will only answer questions submitted via the e-Sourcing Portal.
	3. If a Potential Supplier believes that its question is commercially sensitive, then it must indicate this when it submits the question via the e-Sourcing Portal message board. The Authority will consider the sensitivity of the question and if it considers the question not to be commercially sensitive it will give the Potential Supplier the opportunity to either retract the question without receiving an answer or confirm that that the question is not commercially sensitive and that the response may be circulated to all Potential Suppliers. If the Authority considers a question to be commercially sensitive and that providing a response only to the relevant Potential Supplier would not favour or dis-favour any Potential Supplier nor distort competition, then it may respond only to that Potential Supplier.
	4. To ensure that all Potential Suppliers have equal access to information regarding this Procurement, the Authority will publish all its responses to questions (in an anonymised format) raised by Potential Suppliers via the e-Sourcing Portal only.
	5. The Authority’s objective is to respond to clarification questions within five (5) business days. If for any reason a response will take longer than this, the Authority will notify the Potential Supplier that submitted the question.
3. Contracting arrangements (Sub-Contractors and consortia)
	1. The Authority welcomes Tenders from Potential Suppliers collaborating as a Group of Economic Operators or sub-contracting elements of their obligations. Where one of these approaches is adopted the remaining provisions of this paragraph 13 must be followed.
	2. It is important that Tenders clearly explain how Potential Suppliers will satisfy the Authority’s minimum requirements for legal, economic, technical and professional capacity as set out in the Tender Response Document. Potential Suppliers should also explain how their Tenders are structured in terms of organisations contributing to them.

**Sub-Contracting Proposals**

* 1. Subject to the provisions of the Contract, only Sub-Contractors identified in the Tender will be able to provide Services through the Contract. Subject to paragraph 13.5, any organisation, group company, subsidiary, parent company, holding company, associated company, franchise or fellow franchisee, strategic partner or organisation in any other relationship with the Potential Supplier must be identified as a Sub-Contractor in the Tender.
	2. Subject to paragraph 13.5, where Potential Suppliers propose to use one or more Sub-Contractors, they should complete question 1.2(b) in the Selection Questionnaire with the relevant details of the Sub-Contractors.
	3. The Authority does not require all sub-contractors to be disclosed and to be named in response to question 1.2(b) of the Selection Questionnaire. Only those sub-contractors who directly contribute to the ability of the Potential Supplier to meet its obligations under the Contract must be disclosed and must be named in response to question 1.2(b) in the Selection Questionnaire. There is no need to specify sub-contractors supplying general services to the Potential Supplier (such as window cleaners, lawyers etc.) or sub-contractors who are providing contingent labour on an ad hoc basis, or are individuals working through personal service companies.
	4. Potential Suppliers must clearly identify in responses to questions in their Tender any instances in which they are relying on the capability and/or experience of one or more Sub-Contractor(s) to demonstrate the Potential Supplier’s technical and professional ability to provide the Services, and explain the role, capability and experience of the Sub-Contractor(s) as the context of the question requires.
	5. Where a Potential Provider or Group of Economic Operators as applicable is proposing to use Sub-Contractors, an additional copy of the Selection Questionnaire must be completed and submitted in respect of any Sub-Contractor that is expected to be assigned 25% or more of the contractual obligations under the Contract (by value of the relevant services). The Authority reserves the right to require other Sub-Contractors to complete a copy of the Selection Questionnaire.

**Group of Economic Operator proposals**

* 1. If a Group of Economic Operators wishes to act jointly to provide the Services, it may do so. However, it is a requirement that the Authority contracts with a single legal entity, and the Authority may therefore require the Group of Economic Operators to assume a specific legal form for the purposes of concluding the Contract. This may be either: (a) a joint venture company or special purpose vehicle to be established by the Group of Economic Operators which will then enter into the Contract with the Authority; or (b) a prime / lead contractor and sub-contractor arrangement with one member of the Group of Economic Operators taking the role of prime / lead contractor and entering into the Contract with the Authority. In the case of a joint venture company or special purpose vehicle being established, the Authority may require the members of the Group of Economic Operators to nominate a Guarantor (or Guarantors) for the single legal entity’s performance of the Contract. Following such requirement, the Authority reserves the right to request and assess information on the economic and financial standing of the proposed guarantor(s) and to disqualify a Group of Economic Operators from further participation in this Procurement in the event that the Group of Economic Operators do not nominate a guarantor(s) that resolves any Authority concerns in relation to the economic and financial standing of such single legal entity, or in relation to the technical and professional ability of the same. In the case of a prime / lead contractor arrangement it will be the financial standing of the prime / lead contractor which will be assessed by the Authority for the purposes of the selection stage of the Tender evaluation.
	2. A Lead Supplier should be nominated to lead the bidding process and to complete the Tender on behalf of all the members of the Group of Economic Operators. Potential Suppliers should set out details of the members of the proposed Group of Economic Operators and the percentage of contractual obligations assigned to each member in their responses to question 1.2(a) in the Selection Questionnaire.
	3. Potential Suppliers must clearly identify in responses to questions in their Tender any instances in which they are relying on the capability and/or experience of one or more members of their Group of Economic Operators to demonstrate the Potential Supplier’s technical and professional ability to provide the Services, and explain the member’s role, capability and experience as the context of the question requires.
	4. Where a Lead Supplier is bidding on behalf of a Group of Economic Operators, an additional copy of the Selection Questionnaire must be completed and submitted in respect of any member of a Group of Economic Operators that is expected to be assigned 25% or more of the contractual obligations under the Contract (by value of the relevant services). The Authority reserves the right to require other members of a Group of Economic Operators to complete a copy of the Selection Questionnaire.

**Changes to the contracting arrangements**

* 1. The Authority recognises that arrangements in relation to sub-contracting and Groups of Economic Operators may be subject to future change, and may not be finalised until a later date. However, Potential Suppliers must promptly tell the Authority about any changes to the proposed sub-contracting or to the relevant Group of Economic Operators by notifying the Authority via the e-Sourcing Portal. The Authority will assess the new information provided and reserves the right to exclude the Potential Supplier at any time prior to any award of Contract.
	2. Failure to notify the Authority of any changes in accordance with paragraph 13.12 may lead to a Potential Supplier being disqualified from the Procurement.
	3. The Authority reserves the right to require Potential Suppliers to put in place such appropriate arrangements as the Authority may require in order to provide additional reassurance to the Authority in circumstances of change in their Sub-Contractors or members of Groups of Economic Operators such as those described in paragraph 13.12.
1. Conflicts of Interest
	1. The concept of a Conflict of Interest includes (but is not limited to) any situation where relevant member of Staff of the Authority involved in this Procurement has, directly or indirectly, a financial, economic or other personal interest, which might be perceived to compromise their impartiality and independence in the context of the Procurement procedure and/or affect the integrity of the Contract award. It also includes the situation referred to in paragraph 4.4 of the Terms of Participation (Involvement in multiple tenders).
	2. Where the Potential Supplier is aware of any circumstances giving rise to a Conflict of Interest or has any indication that a Conflict of Interest exists or may arise, it should inform the Authority of this as soon as possible (whether before or after it has submitted a Tender). Details of the relevant Conflict of Interest should be included in Attachment 8 – Conflicts of Interest Declaration together with details of the steps the Potential Supplier proposes to take to eliminate or mitigate the impact of the potential Conflict of Interest.
	3. Potential Suppliers should remain alert to the possibility of Conflicts of Interest arising at all stages of the Procurement and should update the Authority if any new relevant circumstances or information arises, or there are any changes to information already provided to the Authority. Failure to do so, and/or to properly manage any Conflicts of Interest may result in a Tender being rejected.
2. Terms of participation
	1. Potential Suppliers must accept the Terms of Participation (Attachment 1) in order to participate in this Procurement process, and submission of a Tender shall constitute acceptance by the Potential Supplier of the Terms of Participation.
	2. The Authority requires single entity Potential Suppliers or Lead Suppliers to confirm any Sub-Contractor and/or member of a Group of Economic Operators has read, understood and complied with all of the statements contained within the Terms of Participation (Attachment 1).
3. Completing and submitting a Tender
	1. Potential Suppliers are strongly advised to read through this ITT and all associated documents to ensure that they understand the Authority’s requirements in order to facilitate submission of a compliant Tender. Failure to be compliant with any requirements in this ITT may result in disqualification of the Tender.
	2. Potential Suppliers must complete and submit separately via the e-Sourcing Portal a completed copy of each of the following documents by the Tender Submission Deadline:
		1. Attachment 6 – Tender Response Document – Part 1 – Selection Questionnaire (together with required attachments as set out in the Selection Questionnaire) – a copy of this must be submitted in respect of each entity which is required to complete the document (see the guidance in the Selection Questionnaire);
		2. Attachment 6 – Tender Response Document – Part 2 – Award Questionnaire (together with required attachments as set out in the Award Questionnaire);
		3. Attachment 7 – Pricing Schedule and Guidance;
		4. Attachment 8 – Conflicts of Interest declaration; and
		5. Attachment 9 – Confidential and commercially sensitive information.
	3. Each Potential Supplier is allowed to submit a Tender for any number of Lots: for one Lot only, for any two or for the three Lots / Pathways in this Procurement. The ITT documentation is exactly the same for each Lot. However, the Outline Content is specific to each Pathway covered by the relevant Lot.
	4. Where a Potential Supplier wishes to submit a Tender for multiple Lots, the Potential Supplier must submit via the e-Sourcing Portal:
		1. a single copy of Attachment 6 – Tender Response Document – Part 1 – Selection Questionnaire, in respect of each entity which is required to complete the document (see the guidance in the Selection Questionnaire). Only one copy of the Selection Questionnaire is required in respect of each entity regardless of the number of Lots the Potential Supplier wishes to bid for; and
		2. a separate copy of all of the other documentation set out in paragraph 16.2 for each Lot for which the Potential Supplier wishes to submit a Tender. Such documentation will have to be complete (i.e. save for the Selection Questionnaire, no reference to the response provided in another Tender will be accepted in lieu of a response for a particular Lot).
	5. Potential Suppliers must respond in the format presented in the above Attachments, with all responses made within the appropriate space provided, which may be expanded as required. Answers given must not exceed the character limit specified in relation to the relevant question. Potential Suppliers should note that the e-Sourcing Portal character count can differ from the character count stated by word processing packages, and Potential Suppliers are advised to check the applicable character count within the e-Sourcing Portal in sufficient time to make changes if needed to reduce the length of the relevant response.
	6. Where the Tender Response Document specifically states that it is necessary to provide information/documentary evidence in a separate attachment, Potential Suppliers must ensure that they have completed the box beside the question and that each separate attachment is clearly marked with the name of their organisation and the section/question to which it refers.
	7. Tenders may be deemed to be non-compliant if they do not:
		1. provide the required information in the format requested;
		2. provide a response to all questions; or
		3. supply all documentation referred to in the responses.
	8. All text within the Tender should be in 12 point, Arial font.
	9. Potential Suppliers are advised of the following:
		1. Save as provided in the Terms of Participation at paragraph 4.4 (*Involvement in multiple tenders*), each Potential Supplier may only submit one Tender for each Contract in its own right and name.
		2. It is your responsibility to ensure that you have submitted a fully compliant Tender. Variant Tenders will be regarded as non-compliant and may be rejected.
		3. You should ensure that you are referring to the latest versions of the ITT and the associated documents, as this documentation may be updated from time to time in the e-Sourcing Portal.
		4. Any incomplete or incorrectly completed Tender submission may be deemed non-compliant, and as a result you may be unable to proceed further in the Procurement process.
		5. Allow plenty of time for the entering of responses in relation to your Tender into the documents in the e-Sourcing Portal and for uploading the requested attachments. It is advised that this activity commences as soon as possible and is not left until the day of the Tender Submission Deadline.
		6. Failure to submit a fully compliant Tender prior to the Tender Submission Deadline may result in the disqualification of your Tender.
	10. For technical guidance on how to complete questions and tender fields, and how to upload any requested attachments, please see the Bravo e-Sourcing Portal Guidance (Attachment 5).
	11. Potential Suppliers should name each file submitted via the e-Sourcing Portal which forms part of their Tender in accordance with the following:

[*Potential Supplier name*]\_[*Lot number*]\_[*Document name*]

For example: *ABC Limited\_Lot 1\_Attachment 6 Part 1*

**Price**

* 1. Prices should be submitted in pounds sterling inclusive of all expenses but should exclude VAT.
	2. For this Procurement, Potential Suppliers are required to complete the Pricing Schedule and Guidance (Attachment 7), following the guidance contained within that document.
1. Tender validity
	1. Tenders must remain valid and capable of acceptance by the Authority for 9 months following submission.
2. Tender evaluation
	1. The Evaluation Methodology and Guidance (Attachment 4) sets out how the Authority will evaluate Tenders.
	2. Following submission of Tenders, the Authority may request any Potential Supplier to clarify any aspect of its Tender as described in the Evaluation Guidance.
	3. As part of the evaluation of Tenders, the Authority may invite Potential Suppliers to a presentation meeting. If required this will take place between receipt of Tenders and announcement of the successful Potential Supplier(s). Potential Suppliers should refer to the Evaluation Guidance for further details.
3. Contract award
	1. The Authority intends to award the Contract to the Potential Supplier that offers the Most Economically Advantageous Tender (“**MEAT**”) in the opinion of the Authority (as determined taking into account both quality and price by the application of the Evaluation Methodology).
	2. Contract award is subject to the formal approval process of the Authority. Until all necessary approvals are obtained and the standstill period completed, no Contract will be entered into.
	3. Once the Authority has reached a decision in respect of a Contract award, it will notify all Potential Suppliers of that decision in accordance with Regulation 47 and will provide for a minimum ten (10) calendar day standstill period ending on a business day (“**Standstill Period**”) before entering into the Contract.
4. Armed Forces Covenant
	1. The Armed Forces Covenant (**“the Covenant”**) is a public sector pledge from Government, businesses, charities and organisations to demonstrate their support for the armed forces community. The Covenant was brought in under the Armed Forces Act 2011 to recognise that the whole nation has a moral obligation to redress the disadvantages the armed forces community face in comparison to other citizens, and recognise sacrifices made.
	2. The Covenant’s two principles are that:
		1. the armed forces community should not face disadvantages when compared to other citizens in the provision of public and commercial services; and
		2. special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.
	3. The Authority encourages all Potential Suppliers, and their Sub-Contractors, to sign Armed Forces Covenant Pledge, declaring their support for the armed forces community by displaying the values and behaviours set out therein.
	4. Guidance on the various ways you can demonstrate your support through the Covenant is provided at <https://www.gov.uk/government/publications/corporate-covenant-pledge>.
	5. If you wish to register your support you can provide a point of contact for your company on this issue to the Armed Forces Covenant Team at the address below, so that the Ministry of Defence can alert you to any events or initiatives in which you may wish to participate. The Armed Forces Covenant Team can also provide any information you require in addition to that included on the website.

 Email address: covenant-mailbox@mod.uk

 Address: Armed Forces Covenant Team, Zone D, 6th Floor, Ministry of Defence, Main Building, Whitehall, London, SW1A 2HB

* 1. Paragraphs 20.1 to 20.5 above are not a condition of working with the Authority now or in the future, nor will this issue form any part of the tender evaluation, contract award procedure or any resulting Contract. However, the Authority very much hopes you will want to provide your support.

**ITT Appendix 1 – Glossary**

|  |  |
| --- | --- |
| Accreditation  | means Ofqual’s statutory authorisation process for individual qualifications under section 139 of the Act; |
| Act | means the Apprenticeship, Skills, Children and Learning Act 2009 (as amended by (amongst others) the Technical and Further Education Act 2017); |
| Additional Services | has the meaning given to it in the Contract; |
| Attachment | means a document made available to Potential Suppliers via the e-Sourcing Portal in relation to this Procurement and forming part of this ITT;  |
| Authority | means the Institute and/or as the context permits, the Department acting on behalf of the Institute in relation to this Procurement; |
| Award Questionnaire  | means Attachment 6 Part 2, being the document titled ‘Award Questionnaire’ forming part of the Tender Response Document, which contains the award questions which the Potential Suppliers are required to respond to or complete as part of their Tender;  |
| Awarding Organisation | has the meaning given to it in the Contract; |
| Cohort | has the meaning given to it in the Contract; |
| Conditions of Recognition | has the meaning given to it in the Contract; |
| Confirmation of Bid Deadline | means the date set out in paragraph 10 of this ITT by which the Potential Supplier should notify the Authority of their intent to submit one or more Tender(s); |
| Conflict of Interest | means any conflict of interest arising in relation to the Procurement, Tender or Contract. This includes (but is not limited to) where: (a) the Supplier’s interests in any activity undertaken by the Supplier, on its behalf, or by a member of its Group have the potential to lead the Supplier to act contrary to the Supplier’s interests in the development, delivery and award of the TQ in accordance with the Conditions of Recognition;(b) a person who is connected to the development, delivery or award of the TQ by the Supplier has interests in any other activity which have the potential to lead that person to act contrary to his or her interests in that development, delivery or award in accordance with the Conditions of Recognition, or(c) an informed and reasonable observer would conclude that either of these situations was the case;It also includes, for the purpose of the Procurement, any of the situations referred to in paragraph 14 of this ITT; |
| Consolidated Score | means the Technical Score and the Price Score (each as calculated in accordance with the Evaluation Guidance), added together to give a Consolidated Score, as set out in the Evaluation Guidance; |
| Contract | means the terms of contract (including schedules) set out at Attachment 3 of this ITT to be entered into between the Authority and the successful Potential Supplier in each Lot at the conclusion of this Procurement, or the contract as concluded with the successful Supplier as applicable; |
| Covenant | means the covenant from the public and private sectors that those who serve or have served in the armed forces, and their families, will be treated fairly, as more particularly set out in the Armed Forces Covenant published and available at <https://www.gov.uk/government/publications/an-explanation-of-the-armed-forces-covenant>; |
| Data Protection Legislation | has the meaning given to it in the Contract; |
| Department / DfE | means the Secretary of State for Education; |
| EIRs | has the meaning given to it in the Contract; |
| Evaluation Guidance  | means the detailed guidance provided to Potential Suppliers in respect of the Authority’s assessment and evaluation of a Tender in Attachment 4 - Evaluation Methodology and Guidance; |
| Evaluation Methodology | means the methodology and criteria which will be used by the Authority to evaluate the Tenders, as more particularly set out in the Attachment 4 - Evaluation Methodology and Guidance;  |
| Exclusive Cohort | has the meaning given to it in the Contract; |
| e-Sourcing Portal  | means the Bravo Solutions online tender management system which is being used by the Authority for this Procurement which can be found at <https://education.bravosolution.co.uk/web/login.shtml>;  |
| Final Score | means the overall final score achieved by a Tender at the conclusion of the evaluation calculated in accordance with the Evaluation Guidance; |
| FoIA | has the meaning given to it in the Contract; |
| GCoR | means the General Conditions of Recognition set by Ofqual; |
| GDPR | has the meaning given to it in the Contract; |
| Glossary | means this glossary of capitalised terms and expressions in the ITT; |
| Group | means in relation to a company, that company, any subsidiary or holding company from time to time of that company, and any subsidiary from time to time of a holding company of that company. Holding company and subsidiary shall mean a “holding company” and “subsidiary” as each are defined in section 1159 of the Companies Act 2006; |
| Group of Economic Operators | means a Group of economic operators acting jointly and severally to provide the Services; |
| Guarantor | means any person nominated and/or appointed to guarantee the responsibilities and obligations of the Supplier(s) as set out under the Contract; |
| Institute | means the Institute for Apprenticeships (to be renamed the Institute for Apprenticeships and Technical Education on commencement of the relevant provisions of the Technical and Further Education Act 2017); |
| Invitation to Tender and ITT | means the suite of documentation comprising of the Invitation to Tender, the Appendices, Attachments and all other documents referred to in the ITT and published by the Authority through the e-Sourcing Portal in relation to this Procurement; |
| Key Materials | has the meaning given to it in the Contract; |
| Lead Supplier | means the member of the Group of Economic Operators who is authorised in writing by each of the other members of that Group of Economic Operators to provide the responses to the ITT and to submit the Tender on behalf of the Group of Economic Operators;  |
| Level 3 Qualification  | means a UK qualification described as level 3, which currently includes those qualifications listed at <https://www.gov.uk/what-different-qualification-levels-mean/list-of-qualification-levels>;  |
| Lot | means a discrete sub-division of the Services which are the subject of this Procurement as described in the PIN Notice; |
| Most Economically Advantageous Tender (MEAT) | means the Tender which the Authority considers demonstrates the most economically advantageous solution to deliver the Services taking into account both quality and price, as determined in accordance with the Evaluation Guidance; |
| Occupation  | means a set of jobs where the main tasks and duties are characterised by a high degree of similarity, where a “job” is a role connected to a specific employment contract in a workplace; |
| Occupational Map | means, for each Route, a map which groups Occupations according to where there is a requirement for shared technical knowledge, skills, and behaviours, and identifies the Occupations for which Standards exist; |
| Ofqual | means the Office of Qualifications and Examinations Regulation; |
| Outline Content | means the knowledge, skills and behaviours identified by T Level Panels, and based on the relevant standards, that each TQ should cover, as published in respect of each TQ by the Institute; |
| Pathway  | means a sub-set of a Route, which groups common sets of Occupations into a number of occupational clusters together; |
| PIN Notice | means the prior information notice as defined in Recital (A) of the Contract and published in the Official Journal of the European Union, which provided notice of this Procurement and invited the submission of Tenders;  |
| Post-16 Skills Plan | means the report prepared by the Department and the Department for Business Innovation and Skills, published in July 2016 and available at: <https://www.gov.uk/government/publications/post-16-skills-plan-and-independent-report-on-technical-education>; |
| Potential Supplier | means an economic operator or Group of Economic Operators participating in this Procurement with a view to providing the Services to the Authority; |
| Pricing Schedule  | means the document titled ‘Pricing Schedule and Guidance’ set out at Attachment 7 to this ITT, which contains a template for Potential Suppliers to set out their price and cost details for supplying the Services and guidance for Potential Suppliers on how to complete the template; |
| Procurement | means the process used to establish Contract(s) that facilitate the supply of the Services to the Authority for each Lot as described in the PIN Notice; |
| Provider | means organisations that have a grant agreement and/or a contract for services with the Education and Skills Funding Agency to provide education and training services to Students aged 16 to 19 or that provide such services on a privately funded basis; |
| Quality Score | means the total score obtained by a Potential Supplier for their responses to the Award Questionnaire, as more particularly set out in the Evaluation Guidance; |
| Rate Card | means the rate card to be completed by Potential Suppliers as set out in the Pricing Schedule; |
| Recognition | means recognition by Ofqual’s statutory process under section section 132 of the Act for authorising awarding organisations before they can provide any qualifications regulated by Ofqual;  |
| Registration Deadline | means the time and date set out in paragraph 10 of the ITT for the latest registration to attend the Potential Supplier days; |
| Regulations | means the Concession Contracts Regulations 2016; |
| Route  | means the broadest category of Occupations in an Occupational Map, typically covering an industrial area; |
| Route Panel | means the panel of employers convened by the Institute which approves the Outline Content, the Standards and the TQ; |
| Sainsbury Report  | means the report prepared by The Independent Panel on Technical Education, chaired by Lord Sainsbury, published in April 2016 and available at: <https://www.gov.uk/government/publications/post-16-skills-plan-and-independent-report-on-technical-education>; |
| Selection Questionnaire  | means Attachment 6 Part 1, being the document titled ‘Selection Questionnaire’ forming part of the Tender Response Document, which contains the selection questions that Potential Suppliers are required to answer as part of their Tender; |
| SEND | means Special Educational Needs and Disabilities, sometimes known as LDD (Students with learning difficulties and disabilities) in post-16 education; |
| Service Requirements  | means the document titled ‘Service Requirements’ set out at Attachment 2 to this ITT, which contains a detailed description of the services that the Supplier(s) will be required to supply to the Authority under the Contract(s); |
| Services | means the services that may be provided by a Potential Supplier as set out in the Service Requirements; |
| Small Medium Enterprise or SME | means an economic organisation falling within the category of micro, small and medium-sized enterprises defined by the European Commission’s Recommendation of 6 May 2003. See also: <http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/>; |
| Staff | means directors, officers, employees, agents, consultants and contractors; |
| Standards  | means the description of the Occupation and the outcomes (knowledge, skills and behaviours) which a Student will be expected to attain to successfully achieve competence in that Occupation, as approved and published by the Institute; |
| Standstill Period | has the meaning as set out in paragraph 19.3 of this ITT; |
| Student | has the meaning given to it in the Contract; |
| Study Programme  | means a study programme for which 16 to 19 year-old Students are funded by the Education and Skills Funding Agency. Each study programme combines qualifications and other activities, tailored to each Student’s prior attainment and career goals. Study programmes include a core aim which mainly be the study of a substantial, technical, applied or academic qualification(s) or preparation for employment; |
| Sub-Contractor | means any sub-contractor a Potential Supplier may nominate, or appoint, to supply any part of the Services, as identified as such in its Tender; |
| Supplier | means a Potential Supplier with whom the Authority has concluded a Contract under this Procurement; |
| Technical Education  | means education that focusses on progression into skilled employment and require the acquisition of both a substantial body of technical knowledge and a set of practical skills valued by industry. Technical education draws its purpose from the workplace rather than an academic discipline; |
| Technical Qualification or TQ  | means the Technical Education qualification which if approved by the Institute under section A2DA of the Act will form part of the T Level; |
| T Levels | means the Technical Education Study Programme known as a T Level made up of the TQ and other steps towards occupational competence to be determined by the Institute under section A2DB of the Act (such as a work placement); |
| T Level Panel  | means the advisory groups of employers, professionals and practitioners that will advise on the content of T Levels, drawing on their own experience of the common knowledge, skills and behaviours required for Occupations; |
| T Level Programme | means the programme to establish and operate the T Levels of which this Procurement forms part, as described in more detail in the ITT; |
| Tender | means the Potential Supplier’s formal offer in response to the Service Requirements and this ITT which must include the documents set out in paragraph 16.2; |
| Tender Clarifications Deadline | means the time and date set out in paragraph 10 of this ITT as the deadline for the submission of clarification questions in relation to this Procurement;  |
| Tender Response Document | means the form of response template to be completed by Potential Suppliers comprising two parts, the Selection Questionnaire and Award Questionnaire as set out in Attachment 6 (Part 1) and Attachment 6 (Part 2); |
| Tender Submission Deadline | means the time and date set out in paragraph 10 of the ITT for the latest uploading of Tenders;  |
| Terms of Participation | means the binding terms of participation of a Potential Supplier in this Procurement in Attachment 1;  |
| Voluntary Community Social Enterprise or VCSE | means a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives. |

**ITT Appendix 2 – Additional useful information**

• Sainsbury Report: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/536046/Report_of_the_Independent_Panel_on_Technical_Education.pdf>

• Post-16 Skills Plan: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/536043/Post-16_Skills_Plan.pdf>

• Government response to the T Level consultation: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/711472/Implementation_of_T_Level_programmes-Government_consultation_response.pdf>

• Technical annex to the government response: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/711475/Technical_Annex_-_Technical_Qualification_Design.pdf>

• Introduction of T Levels:

<https://www.gov.uk/government/publications/introduction-of-t-levels/introduction-of-t-levels>

• Occupational maps:

<https://www.instituteforapprenticeships.org/occupational-maps/>

• Response to the consultation on occupational maps: <https://www.instituteforapprenticeships.org/about/occupational-maps/>

• Outline content for the first three T Levels: <https://www.instituteforapprenticeships.org/about/outline-content-for-first-new-t-levels/>

• Standards that have been approved or are in development: <https://www.instituteforapprenticeships.org/apprenticeship-standards/>

• Providers delivering T Levels in 2020: <https://www.gov.uk/government/publications/providers-selected-to-deliver-t-levels-in-academic-year-2020-to-2021/providers-selected-to-deliver-t-levels-in-academic-year-2020-to-2021>

• T Level Panels:

<https://www.gov.uk/government/publications/t-level-panels-membership>

**ITT Appendix 3 – Q&A following market engagement**

**Important notes:**

* **Please note that this Q&A is provided to assist Potential Suppliers and is intended to reflect the Authority’s position following consideration of the feedback received on the draft ITT.**
* **This Q&A is intended as a summary only of the relevant position, and does not supersede any statements made elsewhere in this ITT.**
* **Potential Suppliers should refer to the relevant sections of the ITT and Contract for the final and detailed position on the issues set out below.**
* **Potential Suppliers must read the ITT pack carefully, as non-compliance with the instructions may result in your disqualification from this Procurement.**

***Changes from the draft ITT***

**Q1. How has the ITT been changed from the draft ITT document set published in July?**

*A number of changes have been made to take into account feedback provided through the market engagement exercise, the outcome of the Ofqual consultation, and other changes to improve clarity and to reflect the Department and Institute’s final position on relevant issues. Potential Suppliers should ensure that they carefully review and respond to this final version of the ITT.*

***Contracting parties***

**Q2. Can a Supplier be part of several consortia or a consortium and still submit an individual Tender for the same Contract/TQ?**

*Please see paragraph 4.4 of the Terms of Participation (Attachment 1) of the ITT.*

**Q3. Can Suppliers form a regional consortium?**

*The Authority welcomes Tenders from Potential Suppliers collaborating as a Group of Economic Operators or sub-contracting elements of their obligations. Subject to the requirements of paragraph 13 of the ITT, Potential Suppliers are free to organise themselves in a manner they see fit to deliver the Services as long as they can deliver the Services across England*.

**Q4. Who bears the contractual responsibility in a consortium?**

*Please see paragraph 13 of the ITT.*

**Q5. Who bears the recognition responsibility in a consortium?**

*Please see paragraph 15 of the Evaluation Guidance.*

**Q6. What is the expectation for the identification of Sub-Contractors?**

*Please see the details set out in the Selection Questionnaire.*

***Changes to the T Level Technical Qualification during the term of the Contract***

**Q7. Will successful Suppliers be required to keep the TQ materials up to date during the Contract?**

*Yes. It is crucial that the TQ remains up to date to ensure industry and Student confidence. There are two types of change envisaged under the Contract.*

*Inclusive TQ Changes: Suppliers will be required to keep TQ content and materials under review and update them as necessary – for example, to reflect feedback from Providers, statutory or regulatory change, or changes to good industry practice – on an ongoing basis for the Contract term. The Authority may publish an annual note highlighting such changes to TQ content and materials it deems necessary. The high level schedule for implementing such changes is outlined in Annex 6 to the Service Requirements. These changes are considered routine changes necessary to ensure that the TQ remains current. The Supplier will be required to implement such changes without additional charge. The Supplier will also be required to notify the Authority of any such changes it identifies, and the Authority must agree to such changes before they are implemented. The intent of the Authority is that implementation of Inclusive TQ Changes will be consistent with the level of effort required from Suppliers acting in accordance with good industry practice in keeping a qualification up to date.*

*Exclusive TQ Changes: Where the Authority requires a TQ change to be made as a result of a revision to a standard arising from a statutory review of a standard carried out by the Authority, or as a result of the Authority requiring a new occupational specialism be added to a TQ, the Authority will notify the Supplier in line with the high level schedule in Annex 6. The Authority and the Supplier will follow the applicable variation procedure under clauses 8 and 27 of the Contract in respect of any such changes, and will agree a separate charge relating to the implementation of such changes. Such changes to the TQ will require approval by the Authority (as described in the Contract).*

***The role of Ofqual***

**Q8.** **What will be Ofqual’s role in evaluating Tenders?**

*Ofqual will not be involved in evaluating Tenders but will conduct its recognition process in parallel to the evaluation of Tenders. For further details, please see the Evaluation Guidance.*

**Q9. How will the collaborative Institute / Ofqual arrangement work for Suppliers in terms of their engagement? There is a risk of duplication between Institute and Ofqual in terms of information requests and monitoring requirements – how will this be managed?**

*The Institute and Ofqual are fully committed to the delivery timeline for T Levels, and will work collaboratively throughout the approvals process. When information is required by both entities, they will work together to ensure the information is shared between the two, to avoid duplicate requests.*

*Once TQs are approved and available in the market, Suppliers will engage with the Institute through the Contract management and monitoring process, and with Ofqual through standard procedures such as Notification of Adverse Effects (Event Notifications) as specified in the General Conditions of Recognition.*

*The Institute and Ofqual will work collaboratively to monitor risk and will be actively sharing information to support the quality assurance process. Again, where a Supplier has to submit the same or similar information to both parties, the Institute and Ofqual will work together to minimise burden for the Supplier.*

*It is important to note that it is a condition of the Contract that, following approval of the TQ, a Supplier must remain compliant with Ofqual Conditions of Recognition throughout the Contract.*

***T Level design***

**Q10. Is there a generic core across all Pathways? If not, who is responsible for developing the core content and what will it cover?**

*Each T Level follows the same broad framework including a new substantial TQ. The content of the core component and occupational specialisms, which comprise the TQ, is based upon Outline Content devised by T Level Panels specific to each occupational Pathway and will be developed by the Supplier. Each Supplier will therefore be responsible for developing the core content for the TQs for which they are responsible.*

**Q11. How will Suppliers develop content for the Technical Qualification to meet the Outline Content ?**

*In developing and designing a TQ, Suppliers must ensure the Outline Content produced by T Level Panels is appropriately covered by the TQ so that the quality standard for approval set out in legislation can be met. In developing full TQ content, Suppliers may also need to elaborate on the Outline Content, providing further detail to ensure Providers are clear about what needs to be taught and what will be assessed. Any material added must be faithful to the Outline Content for the occupational route covered by the T Level.*

*The content for each TQ must be assessed through two separate components: a core component that assesses underpinning knowledge, understanding and core skills relevant to the occupations covered by the T Level, and occupational specialism components focussed on assessing specific knowledge, skills and behaviours relevant to each Occupation covered by the T Level. When developing the full detailed content, Suppliers must ensure that content is validly and reliably assessed through the above assessment components. This will include the specific requirement to develop assessment objectives for the employer-set project.*

**Q12. How does the Education T Level meet licence to practise requirements?**

*In developing Outline Content, T Level Panels have been tasked with incorporating any ‘licence to practise’ requirements wherever possible. Where this happens, the Authority would expect the requirements to be reflected in the TQ that is developed by the Supplier.*

*In the case of the Education T Level, the T Level Panel has ensured that the* [*Early Years Educator criteria*](https://www.gov.uk/government/publications/early-years-educator-level-3-qualifications-criteria) *have been met in the Level 3 “Early years education and childcare” occupational specialism. This is confirmed in the Outline Content.*

*In addition, the Authority expects the Industry Placement for the Education T Level to exceed the minimum expectation of 45 days, and the Authority is considering how to take this forward.*

**Q13. Why is the TQ purpose statement in the ITT different to the purpose statement cited in Ofqual’s TQ conditions and guidance?**

*The purpose statement in the ITT includes the full range of the Authority’s aims for the TQ, whereas the purpose statement in the TQ conditions and guidance includes just those elements which relate to Ofqual’s regulatory requirements.*

**Q14. Why does the product description for the Assessment Strategy in the Service Requirements differ to the requirements for an assessment strategy in Ofqual’s TQ Conditions and Guidance?**

*You’ll note that all of Ofqual’s assessment strategy requirements in the TQ Conditions and Guidance are covered by the Service Requirements. The Service Requirements also include other additional elements. Awarding Organisations must ensure, when developing their Assessment Strategy, that all of the requirements have been appropriately covered.*

**Q15.** **What happens if a Supplier does not have sufficient resources to deliver the qualification within the given timeline?**

*The capacity and resources of all Potential Suppliers will be carefully considered as part of the assessment of Tenders. For further details, please see the Evaluation Guidance.*

**Q16. Who is responsible for sourcing and/or securing the industry placements?**

*Providers are responsible for ensuring every Student has an appropriate industry placement. However, the Authority would encourage Students that want to play an active role in sourcing their own placements (with Provider support where necessary) as this activity mirrors the real life job search scenario and employers welcome the Student initiative. Where Students source their own placements, Providers should take over the arrangements, and carry out the due diligence checks on the employer, agree timings and learning aims for the Student.*

**Q17. How will the industry placement be assessed?**

*Industry placements must be occupationally specific and focussed on developing the practical and technical skills required for the profession or trade that the Student is studying for. The Authority expects employers to be involved in determining the structure of the placement and help to define the learning objectives so that the workplace learning reflects industry requirements and the set tasks are relevant. The Provider will be responsible for reviewing the Student’s progress against their agreed learning objectives, but industry placements will not be formally assessed. However, the Authority asks that employers provide an appraisal of the Student’s performance during the placement in the form of an employer reference.*

***Approval of T Levels***

**Q18. What is the timescale for approving qualifications and accreditation once the Contract has been signed by successful Suppliers?**

*Suppliers must submit their complete TQ for approval and accreditation by 16 December 2019. The approval and accreditation process is expected to conclude by March 2020.*

**Q19. When can Suppliers charge entry fees to Providers?**

*Providers should register all Students on the TQ by the end of November in a given academic year, and entry fees can be invoiced to Providers following registration.*

**Q20. What happens when a Student leaves the course before completion?**

*If a Student leaves before the end of January within the same academic year as registration, Suppliers must provide a full refund to the Provider. If the Student leaves after the end of January, the Supplier is not obliged to give a refund*.

***T Level Student volumes***

**Q21. Why are the estimated T Level Student numbers lower than those in the draft ITT published in July?**

*The Department said at the market engagement events, in June, that the Department’s estimates of T Level Student volumes are subject to change. Since those events and the publication of the draft ITT in July, the Department has collected new data from the Providers that will deliver T Levels in 2020, on their own indicative T Level Student volumes. The Department has reviewed and updated our estimates in light of this new information. The Department has selected a relatively small number of high performing Providers for first delivery to ensure T Levels are a high quality product from the very start and this is reflected in the low volumes in the early stages.*

**Q22. Will there be a contractual expectation that Suppliers would secure minimum numbers of Students per cohort?**

*There is no contractual expectation for Suppliers to secure a minimum number of Students per cohort.*

**Q23. What will happen if Student numbers are lower than the Department has estimated?**

*Potential Suppliers will need to ensure that their business model is robust to accommodate any changes in actual Student volumes.*

***Roll out of T Levels***

**Q24. Will the Providers selected for 2020 offer all three Pathways for the first Wave?**

*To meet the criteria to be selected as a 2020 Provider, each Provider must be currently delivering a relevant qualification (i.e. one similar to the T Level) to a minimum of 10 Students.*

*Not every 2020 Provider currently delivers relevant qualifications for all three Pathways for the first Wave, but even where they do, they do not have to deliver all three T Level Pathways. Providers can choose which Pathway(s) they want to deliver from those where they have current delivery in that subject.*

*Some Providers will deliver one Pathway, some will deliver two, and some will deliver all three. We are currently in the process of confirming with Providers which Pathways they will deliver.*

**Q25. Could you provide more details regarding the number of Providers that will be offering T Levels for the 2021 roll out?**

*The Department has not finalised the criteria for selecting Providers for 2021. The Department expects to be able to confirm this in early 2019. However, there is an expectation that the number of Providers will increase each year.*

**Q26. Could the number of 2020 Providers increase before first teach in September 2020?**

*The Department does not expect substantial changes to the number of 2020 Providers already selected. We have recently closed an Expression of Interest exercise for Providers who meet the criteria to deliver the Design, Surveying and Planning Pathway from September 2020. We are considering all of the Expressions of Interest received and will announce the successful Providers shortly.*

**Q27. When will you announce the timetable for the rollout of the remaining Pathways post 2020?**

*The Department hopes to provide more information on its plans for phasing T Levels rollout in late 2018.*

**Q28. Will the Department and Institute support the marketing of T Levels?**

*The Department is putting in place a support package for Providers, but we also want Suppliers to use their expertise to help Providers too, and the ITT sets out what is expected in terms of marketing support.*

***Working with employers***

**Q29. How are Suppliers expected to collaborate with employers in the design and delivery of the employer set project?**

*The project briefs provided by Suppliers for the employer set project must be endorsed by relevant employers, that is, those who employ staff working in occupations relevant to the T Level. The Authority does not wish to prescribe how Suppliers should go about engaging with employers to ensure this happens. The Authority will take an active interest in proposals for how Suppliers will deliver this requirement for the duration of the Contract.*

**Q30. How many briefs will need to be provided for the employer set project?**

*The Authority does not wish to prescribe how many briefs should be set, that is, depending on how they are written a single brief may cover more than one occupational specialism. The Authority will take an active interest in proposals for how Suppliers will ensure sufficient briefs are set to accommodate the breadth of occupational specialisms relevant to the T Level, for the duration of the Contract.*

***Results and certification***

**Q31. What are the arrangements for results and certificates for T Levels?**

*The Authority’s focus is on ensuring that Students get their results in a timely manner and with a level of detail that gives them a clear picture of their T Level achievements. As such, Suppliers will be required to provide a breakdown of marks for the TQ, typically in the form of a results slip that is passed on to Students by Providers. This will give Students clear information about their TQ attainment and will allow them to make informed decisions about applications for marking reviews and/or appeals and about re-takes.*

*The T Level certificate will be issued to Students who achieve or attain all of the required T Level components and will state on it the name of the Supplier that has delivered the TQ component. For others, a T Level statement of achievement will list all the components that a Student has achieved, including the TQ and the name of the Supplier that has delivered it.*

*The T Level certificate and statement of achievement are not issued by the Supplier, but will be issued by the Department, or the function may be delegated to the Institute.*

***Qualifications review and Applied General Qualifications***

**Q32. Do you have further information on the review of qualifications at level 3 and below?**

*The T Level consultation response confirmed that the Department will proceed with the review of post-16 qualifications at level 3 and below. At level 3, the Department wants the system to be as simple as possible and for all qualifications to have a distinct purpose, and offer the best possible opportunities for young people. As T Levels are introduced, the Department expects the majority of funding for 16 to 19 year old Students to be directed to T Level and A level programmes.*

*The Department will also proceed with the review of qualifications at level 2 and below, taking account of the wide variety of Student needs, including those with SEND. The Department recognises that provision at level 2 (and below) is a valuable route directly into employment for some Students. The review will also consider the qualifications that provide suitable preparation for T Levels or other level 3 qualifications, alongside the development of the Department’s proposals for a transition offer.*

*The Department intends to undertake a two-stage consultation process to engage widely, working closely with schools, colleges and others who will be affected by the review. In late 2018, the Department intends to consult on the principles, scope and broad process of the review. In 2019, the Department intends to consult on the proposed criteria to determine the qualifications’ suitability for public funding.*

**Q33. When will the Department for Education stop funding AGQs?**

*The Department will be reviewing post-16 level 3 qualifications to decide which qualifications should continue to receive public funding alongside T Levels and A levels. All qualifications continuing to receive funding will need to have a distinct purpose, be high quality, and allow for good progression. As part of this review, we will be looking at the role of Applied General Qualifications. The Department recognises concerns about the removal of well-established qualifications, such as AGQs, and will be talking to stakeholders in the early stages of the review.*

***Intellectual property rights and branding***

**Q34: What IP will be transferred to the Institute as part of the development of the TQ?**

*The Institute will acquire ownership of the IP which falls within the definition of “Key Materials” in the Contract.*

**Q35: What happens if Suppliers use their existing IP in relation to a TQ?**

*If such IP forms part of the Key Materials, it will be assigned to the Institute. Otherwise, the relevant IP will remain with the Supplier and IP falling within the definition of “Ancillary Materials” in the Contract will be licensed to the Institute, with a right for the Institute to sub-licence such IP. Suppliers can continue to use such licensed IP for other purposes.*

**Q36: What happens if a Supplier uses third party IP in relation to a TQ?**

*The position is essentially the same as for a Supplier’s existing IP. Suppliers will need to ensure, in relation to Key Materials, that they have the right to agree to the relevant IP being assigned to the Institute, and in relation to Ancillary Materials, that they have acquired the right for the Institute to use and sub-licence the IP.*

**Q37: Can Suppliers continue to run their existing qualifications if they win a T Level Contract?**

*Yes. Suppliers can continue to run and update any existing qualifications (including technical qualifications). Suppliers must not offer or promote any existing qualification as being a TQ or T Level, having identical content or assessment requirements to a TQ or T Level, or demonstrating the same level of occupational competence as a T Level.*

**Q38: Can Suppliers use content they have included in a TQ in other qualifications?**

*Yes, provided the other qualification is not the same as the TQ, Suppliers may re-use content they have included in the TQ without the need for Institute approval.*

*In the case of re-use of the whole of the TQ in a materially un-amended form, Suppliers can only re-use it (other than for the services under the Contract):*

*(i) outside the UK (except in jurisdictions which the Institute notifies Suppliers are excluded);*

*(ii) for a qualification in Wales, Scotland or Northern Ireland, with the specific consent of the Institute; and*

*(iii) for a qualification in England which is marketed outside the 16-19 age group, with the specific consent of the Institute.*

*Suppliers must ensure that any such re-use does not breach the T Level Branding Guidelines as issued and updated by the Institute, and Suppliers must not market or promote any other qualification as being a TQ or T Level, having identical content or assessment requirements to a TQ or T Level, or demonstrating the same level of occupational competence as a T Level.*

**Q39: Can Suppliers use their brand on TQ materials?**

*Yes, but use of a Supplier’s brand on TQ materials is subject to the Use of Supplier Brand Guidelines as issued and updated by the Institute.*

**Q40: Can Suppliers publish a TQ textbook and who will own it?**

*Yes, if Suppliers wish to do so. The Institute will not acquire rights in the textbook unless it falls within the definition of Key Materials (and textbooks and other teaching support materials are generally not Key Materials).*

**Q41: Can Suppliers use TQ content in a TQ textbook?**

*Yes, if Suppliers wish to do so they may use TQ content they have provided to the Institute in a TQ textbook or other supporting materials for use in relation to the TQ. This right will continue following the end of the Contract.*

**Q42: Can Suppliers use the T Level brand on a TQ textbook?**

*Yes, subject to not misrepresenting the content and meeting the T Level Branding Guidelines.*

**Q43: Can other Awarding Organisations use the T Level brand on their own TQ textbook for the TQ operated by the Supplier?**

*Yes, but they will not be formally licensed by the Institute to do so, and will therefore only be able to use “T Levels” descriptively to refer to the T Level in question and not as a “brand” for the textbook or in any way which suggests that the textbook is associated with or endorsed by the Institute and/or the Department.*

**Q44: Can other Awarding Organisations use in a textbook the content of the TQ that the Supplier has developed?**

*Only if either:*

*(i) the relevant content owner has given them permission to use the content; or*

*(ii) they win a future contract to run the TQ (in which case the Institute will give them permission to use the content).*

**Q45: Can Suppliers use the TQ content they have developed internationally (outside the UK)?**

*Yes. Suppliers can offer a qualification the same as the TQ outside the UK (subject to any excluded jurisdictions) and may also re-use content from the TQ in another qualification to be offered outside the UK. Suppliers must not refer to any TQ outside the UK as a T Level, or imply in any marketing that it is equivalent to a T Level.*

**Q46: Will the Institute own the underlying systems and platforms on which the Supplier runs the TQ?**

*In general, no. IP in such systems and platforms does not transfer to the Institute, provided that the content or data held by such systems and platforms can be extracted for the use of a future TQ supplier. The Institute may require access to such systems and platforms on a temporary basis in the event of any unplanned exit from the TQ contract. Suppliers must try where possible to ensure that TQ content is transferable and not tied to a particular system or platform. Potential Suppliers should refer to clause 12.20, the definition of Key Materials and paragraph 4.3 of Schedule 12 in the Contract.*

**Q47: Will Supplier branding be used on the T Level certificate or statement of achievement?**

*The Supplier’s name as the responsible Supplier for the TQ will be included on the relevant T Level certificates and on relevant statements of achievement, but logos or branding will not be used. The T Level certificate and statement of achievement are not issued by the Supplier, but will be issued by the Department, or the function may be delegated to the Institute.*

**Q48: Can Suppliers put their branding on the TQ results slip?**

*Yes, Suppliers can include their name, logo and/or branding on the results slip issued by the Supplier. The results slip must make it clear that it is not a T Level certificate or statement of achievement.*

1. Further details of what may be included in the development fee are set out in paragraph 10.4 of the Evaluation Guidance. [↑](#footnote-ref-1)
2. This cohort will only be included in the Contract in the event of an extension to the Contract term by the Institute. [↑](#footnote-ref-2)