

23/02/23

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Dea [REDACTED]

Freedom of Information Request: 392022

Following your email, dated 27th January 2023 requesting the following:

Would you be able to support with an FOI request for the following information:

1. Are the structured and flexible funds still in operation CITB?
2. If no to Q1, how does an organisation access funds to run a project for CITB?
3. What are Commissioned Projects? And are they the same as the funded projects?
 - a. Are these projects all on this link?
<https://www.citb.co.uk/levy-grants-and-funding/funded-projects/funded-projects-library/>
 - b. Or is there another place on your website with Commissioned projects?
4. In the last 5 years, how many projects have been funded through an open tender?
5. Under what circumstances does CITB run an open tender for funding projects?
6. How many projects have been directly awarded without a wider opportunity for other suppliers to access funds?
7. Under what circumstances does CITB directly award funding for projects?

The response is as follows:

1. Are the structured and flexible funds still in operation CITB?
Flexible and Structured funds ceased to operate as part of CITBs Vision 20/20 re-structure
2. If no to Q1, how does an organisation access funds to run a project for CITB?
Organisations can access funds through open Commissions, Grant funding, and Skills & Training Funds. Please note that a new fund is also currently being developed for 2023. Further details of any new funds will be published through CITBs website and various webinars nearer to the launch.

CITB currently offers various funding opportunities such as the Skill & Training Fund which is available for businesses with up to 250 employees, this fund enables businesses to undertake training projects to upskill their workforce and prepare for future challenges. The details of this fund are advertised on the CITB website along with the application form and an overview of the assessment process and eligibility criteria.

We also offer a Leadership and Management fund which is available for businesses with over 250 employees, this fund enables businesses to develop the leadership skills of their supervisors and managers by running in-house or bespoke leadership programmes. Again, the details of this fund are advertised on the CITB website along with the application form and an overview of the assessment process and eligibility criteria. This fund is a short term offer and the application deadline is 31 May 2023.

Another fund is currently in development and will be launched in April at which time full details will be added to our CITB website.

3. What are Commissioned Projects? And are they the same as the funded projects?

Commissioned projects are similar to funded projects but the main differences are that commissioned funds have the requirement set out by CITB Strategy after industry engagement, research etc and are published through the Delta e sourcing platform. Organisations will then bid through the Delta platform for the relevant commissioned project. Contracts are also advertised on Contract finder. The mechanism for awarding the tenders is detailed in the individual invitation to tender (ITT) documents. Please note that CITB also operates an open tender procurement process through its Contracts department via its outsourcing partner SSCL.

a. Are these projects all on this link?

<https://www.citb.co.uk/levy-grants-and-funding/funded-projects/funded-projects-library/>

The link above is correct to access the data base but please note that the funding directory also includes legacy projects from the flexible and structured fund.

b. Or is there another place on your website with Commissioned projects?

Commissioned project opportunities are advertised through the link provided and are also advertised through a series of webinars both internal and external as well through CITB other media channels such as LinkedIn etc <https://www.citb.co.uk/levy-grants-and-funding/funded-projects/current-opportunities/>

4. In the last 5 years, how many projects have been funded through an open tender?

48 Commissions projects have been awarded through open tenders.

Skills and Training funding opportunities operate via an application process, not a tender process.

5. Under what circumstances does CITB run an open tender for funding projects?

CITB's preferred route to market is via an open tender which allows anyone to submit a tender to supply the goods or services that are required. Generally, an advert will be placed giving notice that the contract is being tendered, offering an equal opportunity to any organisation to submit a tender.

Skills and Training funding opportunities operate via an application process, not a tender process.

6. How many projects have been directly awarded without a wider opportunity for other suppliers to access funds?

3 Projects have been awarded directly by Commissioning.

7. Under what circumstances does CITB directly award funding for projects?

Prototypes and development

This circumstance relates to research and development contracts, where the production or supply concerns a specific prototype, or “novel” goods and services which the contracting authority has commissioned for development. The goods or services concerned must have been produced for one or more of three specified purposes; namely, testing their suitability, researching whether their production at scale would be viable, and any other research, experiment, study, or development.

Single suppliers

This circumstance is used where there is only one supplier capable of delivering a requirement. It can be used where the requirement is the creation or acquisition of a unique work of art or performance, where there are distinct intellectual property or exclusive rights to production, or merely where there is a complete absence of competition. Note that the exceptions in relation to IP rights and absence of competition both require that there must be no reasonable alternative to those goods, services, or works that might enable competition.

Additional or repeat goods, services or works by existing suppliers.

There are two separate elements under this justification.

- First, where the supply of goods, services, or works by an existing supplier is required as an extension to or partial replacement of those already in place. This is permitted where the sourcing of alternative goods, services, or works would result in an incompatibility with the existing goods, services, or works. Note that this will usually relate to specific technical reasons regarding their operation or maintenance. Mere incompatibility is not enough. It must amount to causing “disproportionate” technical difficulties to enable the justification.
- The second element relates to the supply of similar goods, services, or works by an existing supplier awarded a contract following a competitive tendering process. This justification can only be used if: (a) the original contract was awarded within the period of five years).

Switching to direct award where no suitable tenders have been received.

Provided a supplier is not an excluded supplier, a contracting authority can award it a public contract directly if it has run a competitive tendering process but has received no suitable tenders or requests to participate. Unlike the current provision in Regulation 32(2)(a) of the PCR 2015, Section 42 does not contain an express requirement that the initial conditions of the contract are not substantially altered. This requirement ensured equal treatment by preventing authorities from making changes in a directly awarded contract which, had they been part of the initial award procedure, would have allowed for different tenderers to participate or different tenders to be accepted. It is therefore arguably implied by the overarching duty to treat suppliers equally. There is also no requirement to submit a report to the Cabinet Office or equivalent body in the devolved administrations if they request one.

If you are unhappy with this response, or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied, then you may apply for an independent internal review by contacting Adrian Beckingham, Corporate Performance Director, CITB, Sand Martin House, Bittern Way, Peterborough, PB2 8TY or email adrian.beckingham@citb.co.uk.



If you remain unhappy following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Further details of the role and powers of the Information Commissioner can be found on the Commissioners website: <https://ico.org.uk/>

Yours sincerely

Jonathan Francis
Information Risk & Data Governance Manager