

OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. This is attached at Annex 2.

Decision Ref. No:

RE17 0094

Box 1

DIRECTORATE: Regeneration & Environment

DATE: 21 June 2017

Contact Name: Kim Holdridge

Tel. No.: 01302 737219

Subject Matter: The creation of a Dynamic Purchasing System Contract for Home to School/College and Social Care Transport

Box 2

DECISION TAKEN:

To approve the creation and award of a new Dynamic Purchasing system contract with effect from November 2017 for Home to School/College and Social Care Transport. This Contract will run for an initial period of 4 years until 2021 with an option to extend in 12 monthly intervals on an ongoing basis providing that this continues to be fit for purpose.

Box 3

REASON FOR THE DECISION:

The Council has a statutory responsibility to provide home to school transport and to meet the transport needs of special needs pupils.

The current Home to School/College and Social Care Framework Contract expires on 31 December 2017. In order to ensure that we continue to meet our statutory obligation and continue to transport children to school and continuity of service there is a need for a new contract to be in place before the expiry of the old one.

The creation of a new Dynamic Purchasing System Contract will also allow new operators the opportunity to become a party to this and bid for transport work thereby increasing competition and securing the best price possible.

The Contract will go out to open tender and, as the combined value of the contract is above the EU threshold an advert will also be placed in the appropriate European Journal.

Box 4**OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:**

There were no other options considered with regards to the creation of a new contract as this is essential for the Council to continue to meet its statutory obligation to provide transport assistance for Home to School Transport.

However the option of either a Framework Agreement or a Dynamic Purchasing System was considered and ultimately it was decided that a Dynamic Purchasing System would provide the service with the most flexibility and maintain levels of competition as new providers can be added to this contract at any time during its existence providing that they pass the same qualifying criteria and meet the same standards as Contractors who are already a party to the Contract.

Box 5**LEGAL IMPLICATIONS:**

The Council has a duty pursuant to the Education Act 1996 to provide suitable travel arrangements for eligible children to facilitate their attendance at school.

Section 1 of the Localism Act 2011 provides the Council with the power to do anything which an individual may generally do.

S111 Local Government Act 1972 states that a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

The Public Contract Regulations 2015 permit the Council to use a Dynamic Purchasing System (DPS) for commonly used purchases generally available on the market that meet the Council's requirements.

The Council must comply with its Contract Procedure Rules and the DPS must be operated in accordance with the Public Contract Regulation 2015. Any deviation from the requirements of the Regulations carries a risk of legal challenge from unsuccessfully applicants for participation on the DPS or participants who bid on contracts awarded under the DPS.

Legal Services have been instructed to prepare the Dynamic Purchasing System Agreement. Legal advice should continue to be sought throughout the life of the DPS on any legal or contractual issues that may arise.

Name: __Rebecca Brookes_ Signature: __By Email _ Date: _21/06/17_____

Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6**FINANCIAL IMPLICATIONS:**

The total contract value (excluding VAT) for the initial four years is expected to be approximately £12m (£3m/year). This will be funded from Home to School Passenger Transport budgets.

Name: Lisa Sullivan **Signature:** by email **Date:** 22nd June, 2017
Signature of Assistant Director of Finance & Performance
(or representative)

Box 7**HUMAN RESOURCE IMPLICATIONS:**

No HR implications.

Name: __J Carter__ **Signature:** ____ **Date:** 22/06/17__
Signature of Assistant Director of Human Resources and Communications (or representative)

Box 8**PROCUREMENT IMPLICATIONS:**

The Council is intending to utilise the use of a Dynamic Purchasing System (DPS) in the pursuit of tendering for home to school transportation services.

The use of DPS's is an effective and flexible route to market which will provide the council with a list of suitable firms, which have all passed a minimum quality criteria before being invited to tender for individual routes.

The benefits of a DPS also enables new firms to be admitted on to the agreement, enabling the Council to maintain a fluid and up to date list of providers throughout its life. This is of benefit over a more traditional framework (FW) approach which, following the initial tender process, would lock in those who were successful on being admitted to the FW but exclude any new providers until the provision was re-tendered.

The service area is currently working closely with colleagues from the SPT & Legal services teams in preparing the necessary tender documentation with a firm "go live" date for the DPS fixed for November this year.

Name: S Duffield **Signature:** **Date:** 22/06/17
Signature of Assistant Director of Finance & Performance
(or representative)

Box 9

ICT IMPLICATIONS:

There are no direct ICT implications at this time. However, any requirement for new, enhanced or replacement technology in support of the delivery of Home to School/College and Social Care Transport must follow the agreed ICT governance processes.

In commissioning any new provider(s), due consideration needs to be given to:-

- How information is shared between the Council and the provider(s) and
- Any IT systems requirements to support monitoring and tracking of performance.

Pupil Support and Transport should engage with ICT early in the process of identifying any new provider(s) to consider any arising IT implications.

Name: Peter Ward (ICT Strategy Programme Manager)

Signature: **Date:** 21/06/17

Signature of Assistant Director of Customers, Digital & ICT (or representative)

Box 10**ASSET IMPLICATIONS:**

There are no implications arising from the recommendations of this report that impact on the use of DMBC assets.

Name: Gillian Fairbrother (Assets Manager, Project Co-ordinator)

Signature: By email **Date:** 21st June, 2017

**Signature of Assistant Director of Trading Services and Assets
(or representative)**

Box 11**RISK IMPLICATIONS:****To be completed by the report author**

There is a significant risk in not creating a new contract at this time as the current contract will expire at the end of the year with no facility to extend this. This would lead to the Council not being able to meet its statutory obligation to provide transport assistance to pupils who require this.

(Explain the impact of not taking this decision and in the case of capital schemes, any risks associated with the delivery of the project)

Box 12

EQUALITY IMPLICATIONS:**To be completed by the report author**

There are some attainment inequalities amongst young people especially those living in some of the poorest parts of the borough, those from different ethnic backgrounds, those who have special educational needs, and young people in care (Equalities and Inclusion Plan 2014-2017)

The provision of transport for children and young people accessing schools and colleges across the borough and beyond contributes towards the Council's Equality Objectives by providing transport assistance where a need is identified.

**Name: _Kim Holdridge_ Signature: K Holdridge
(Report author)**

Date: 21 June 2017

**Box 13
CONSULTATION****Officers**

Jane Mills, Children's Commissioning Lead: Learning and Opportunities

Contractors

Stakeholder events held 19th June to advise new and existing Contractors of the creation of a Dynamic Purchasing System and discuss the key requirements of this.

**Box 14
INFORMATION NOT FOR PUBLICATION:**

It is in the public's interest to be aware of this decision record under the Freedom of information Act 2000, therefore this decision will be published in full, redacting only signatures.

**Name: Joan L'Amie Signature: Joan L'Amie Date: 27th June 2017
Signature of FOI Lead Officer for service area where ODR originates**

Box 15

Signed: Steve Lowther **Date: 27/6/17**
Steve Lowther, Acting Assistant Director Trading Services and Assets

Signed: _____ Date: _____
**Additional Signature of Chief Financial Officer or nominated
representative for Capital decisions.**

Signed: _____ Date: _____
**Signature of Mayor or relevant Cabinet Member consulted on the above
decision (if required).**

- **This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.**
- **A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.**
- **A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.**
- **A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox**