

## CABINET

16 July 2019

### HOME TO SCHOOL TRANSPORT TENDERS

#### Report of the Strategic Director for Places

Strategic Aim:	All	
Key Decision: Yes	Forward Plan Reference: FP/290319	
Reason for Urgency:	N/A	
Exempt Information	Appendix A of this report contains exempt information and is not for publication in accordance with Part 1 of Schedule 12A of the Local Government Act 1972. Further details can be seen in paragraph 16.2 below.	
Cabinet Member(s) Responsible:	Mrs L Stephenson, Portfolio Holder for Culture & Leisure, Highways & Transportation and Road Safety	
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#### DECISION RECOMMENDATIONS

That Cabinet:

1. Authorises the award of the home to school transport contracts listed in the results table in Appendix A.
2. Delegates Authority to the Strategic Director Places in Consultation with the Strategic Director of Finance and Deputy Director of Corporate Governance to enter into all necessary contracts for the award.

## 1 PURPOSE OF THE REPORT

- 1.1 To detail the outcome of the recent OJEU procurement of statutory home to school contracts and seek approval to award.

## 2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 Rutland County Council provides a range of transport services including: home to school transport; transport for children with special educational needs; transport for

children looked after; post-16 transport; and public transport services in line with statute and council policy. Alongside provision through the council's in-house commissioned transport fleet, transport is also provided by a number of external organisations via a range of long term, short term and emergency contracts.

- 2.2 For the larger, longer term contracts service requirements are reviewed each year alongside contract expiration dates. This takes place each year because contract requirements change on an annual basis. Some contracts (particularly those for SEND transport where needs can change very regularly) are only awarded for 1 year, whilst others are awarded for up to 5. The contract review takes into account any changes to school location, start or finish times, and school holidays.
- 2.3 The transport team uses admissions data to ascertain which students will be likely to require transport for the next academic year, and their destination. This data is used to decide whether existing routes are appropriate, or whether efficiencies can be realised via route changes and alterations to vehicles. Furthermore, the need for lone transport and passenger assistants on SEND routes is also reviewed to ensure the services specified are what is actually required. This helps to reduce legacy arrangements when service user needs have changed over time and transport can now be delivered in a more economically advantageous way whilst still meeting the needs of service users.
- 2.4 Following this an invitation to tender is issued in adherence with the OJEU process with support from the Welland Procurement Unit. Services usually operated by the council's in-house fleet are also advertised to provide assurance that in-house operation of those service demonstrates best value for money.
- 2.5 The OJEU process also collects "pence per mile" quotes from operators in order that requests for quotations can be sent out to the bidders that are likely to provide the service at the lowest price for new or revised service requirements that occur during the course of the academic year.
- 2.6 Companies must meet qualifying criteria in order to be eligible to tender. The qualifying criteria are subject to change on a contract by contract basis depending on any specific contract requirements, but examples include: being able to meet necessary insurance levels; being able to demonstrate vehicles are adequately maintained; being able to provide staff with appropriate DBS checks and /or having passenger assistants with an appropriate level of training. The power to set qualifying criteria was delegated in the Transport Contract Award criteria report listed in section 16.
- 2.7 Contracts are awarded on the basis of cost. The specification therefore states they will be awarded to the lowest priced bidder that is able to deliver the contract providing they meet any relevant qualifying (pass/fail) criteria that assure quality.

### **3 2019 OJEU TENDER ROUND**

- 3.1 Following the annual review detailed in paragraph 2.2, the required contracts for the 2019/2020 academic year were advertised in Lots via the Official Journal of the European Union (OJEU) in-line with procurement regulations. E-Tender submissions were received and released by the Welland Procurement team.

- 3.2 This year's home to school transport tenders included:
- LOT 1 - Mainstream bus contracts (5)
  - LOT 2 - Specialist transport services (Taxi & minibus contracts) (21)
  - LOT 3 - Pence per mile (Taxis & buses) (2)
- 3.3 The estimated combined value of the contracts over their maximum terms was advertised as £1,122,500 and prices were requested in £s per day of operation. Following the tender process, the actual combined value of the contracts over the maximum terms is £1,350,146 (including the cost of the contracts awarded plus an estimate of the spend at pence per mile rates).
- 3.4 Approval is now required to formally award tenders in-line with the OJEU tender timetable (Table 1) to ensure that required legal contracts are in-place for the start of the academic year.

**Table 1: Tender timetable (key dates)**

Contracts Finders Advert submission	25 <sup>th</sup> April 2019
Deadline to receive questions	7 <sup>th</sup> May 2019
Deadline to respond to questions	10 <sup>th</sup> May 2019
Return of tenders – 12 noon	28 <sup>th</sup> May 2019
Evaluation of tenders	29 <sup>th</sup> May – 7 <sup>th</sup> June 2019
Agree preferred contractors	27 <sup>th</sup> June 2019
Standstill starts	10 <sup>th</sup> July 2019
Standstill ends	22 <sup>nd</sup> July 2019
Formal contract awards	23 <sup>rd</sup> July 2019
Contracts commence	August 2019

- 3.5 113 separate bids including 1 package bid were received by 16 operators. Preferred bids (defined as the lowest priced bid that meets the qualifying criteria and is available to undertake the contract) are detailed in Appendix A. An operator may not be available to deliver a contract despite being the lowest bid because operators bid for more lots than they are able to delivery concurrently to mitigate the risk of not being awarded them all.

- 3.6 Following contract award, operator depot visits and financial health checks of operators take place also copies of company licensing, vehicle licensing, MOTs and references are collected. Any individuals working on Rutland contracts are subject to a clear enhanced adult & child DBS check.

## **4 CONSULTATION**

- 4.1 Developed in consultation with the portfolio holder.

## **5 ALTERNATIVE OPTIONS**

- 5.1 To not award the contracts listed in appendix A. This would require a further procurement exercise which would lead to a significant delay in the commencement of transport services at the beginning of the academic year. This would place the council in breach of its statutory obligation to provide home to school transport services to eligible children.

## **6 FINANCIAL IMPLICATIONS**

- 6.1 The contracts to be awarded will be funded via the existing budget allocations for transportation of mainstream, post-16, special educational needs and children looked after and will not require additional resource allocation.

## **7 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 7.1 Contained within the award process is 16 separate contracts. Many of these contracts would ordinarily fall within the delegated powers to award the smaller contracts. Officers in consultation with the Portfolio holder have chosen not to exercise those powers in this case to ensure that Cabinet is able to fully consider matters and have a full picture when considering whether or not to award.

## **8 DATA PROTECTION IMPLICATIONS**

- 8.1 A Data Protection Impact Assessments (DPIA) has been completed. No adverse or other significant risks/issues were found. A copy of the DPIA can be obtained from Emma Odabas.

## **9 EQUALITY IMPACT ASSESSMENT**

- 9.1 An EIA Screening has been carried out with found that no full assessment is required.

## **10 COMMUNITY SAFETY IMPLICATIONS**

- 10.1 None.

**11      HEALTH AND WELLBEING IMPLICATIONS**

11.1    None.

**12      ORGANISATIONAL IMPLICATIONS**

12.1    None.

**13      CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

14      It is recommended that Cabinet approve the award of home to school transport contracts listed in Appendix A so that home to school transport services can commence in August 2019.

**15      BACKGROUND PAPERS**

15.1    Transport Contract Award criteria (FP/120118), 20th February 2018

**16      APPENDICES**

16.1    Appendix A: Tender results

16.2    Exempt Appendix – Appendix A is marked as “Not For Publication” because it contains exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, namely the lowest prices received for contracts that have not yet been awarded.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.