

<b>Item No.</b> 29.	<b>Classification:</b> Open	<b>Date:</b> 19 September 2017	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Gateway 1 - Procurement Strategy Approval Special Educational Needs and/or Disability (SEND) taxis for children, young people and vulnerable adults	
<b>Ward(s) or groups affected:</b>		All wards	
<b>Cabinet Member:</b>		Councillor Victoria Mills, Children and Schools	

## **FOREWORD – COUNCILLOR VICTORIA MILLS, CABINET MEMBER FOR CHILDREN AND SCHOOLS**

It is important to ensure that we meet our statutory duty to provide a safe and reliable transport service for eligible young persons and adults within Southwark. The costs associated with providing SEND taxi transport is commensurate with the need to secure a high quality, safe and specialist service however, we do also need to ensure that we achieve value for money. The strategy contained in this report provides the framework to achieve these criteria.

### **RECOMMENDATION**

1. The cabinet approve the procurement strategy outlined in this report for the SEND taxis for children, young people and vulnerable adults service which is to undertake a competitive tender process for a four year framework agreement commencing on 1 September 2018 until 31 August 2022, with an estimated annual value of £1.89m and therefore with an estimated total contract value of up to £7.56m.

### **BACKGROUND INFORMATION**

2. The current SEND Taxi Framework commenced on 1 September 2014, following approval of companies onto the Framework for a period of four academic years, from 1 September 2014 to 31 August 2018. The estimated annual value for the Framework was £1.29m, making an estimated total Framework Agreement value of up to £5.2 m.
3. SEND taxis are used by Children's and Adults' Services to support delivery of the council's statutory transport duties to support children with SEND travel to/from school or college assessed as eligible to receive travel support and operates alongside a range of other travel support services which include the SEND school bus transport contract, a six to eight week independent travel training programme and direct payments to families to enable them to organise their own travel arrangements. Officers regularly review travel support provided to individual children/young people with a view to promoting greater travel independence for individuals so that they can travel to and from school safely on their own and also, during their leisure time. Since the beginning of 2016 to date, 28 children/young people have successfully completed the independent travel training (ITT) programme, the aim is to increase this mode of travel support whenever possible to do so, which also helps to extend capacity across the council's travel assistance resources to meet increasing demand. However, it should be noted that ITT is not appropriate for all, some participants start their training but are not successful or

need to be withdrawn as it is not safe for them to continue. Steady and positive progress is being made with delivery of the council's ITT programme.

4. Three companies were awarded contracts at the commencement of the Framework in 2014, Olympic South Limited (trading as Health and Transport Services (HATS)), London Hire Limited and Access Mobility Limited. However, during the second year of operation, London Hire Limited informed the council that it was no longer able to meet all requirements of the framework and asked to be removed.
5. Companies on the framework provide vehicles of up to 8 seats, wheelchair accessible where required plus a driver (with or without a passenger assistant), to take children, young people and vulnerable adults with a range of physical/learning disabilities, emotional/mental health needs, safely to their place of education throughout the academic year. The framework provides regular scheduled rounds, and also has a facility for provision of short-term ad hoc rounds where a vehicle is only required for a few weeks/months to cover an exceptional circumstance - for example, where a child has broken a leg and is unable to use TfL buses or walk to school.
6. Transport journeys/rounds are allocated to providers according on the Taxi Framework Agreement mini-competition rules, where requests for quotes are sent out and the round is allocated to the Provider who gives the lowest price. During the 2016/17 academic year, 122 children and 55 young people (on average, weekly) were passengers on the SEND taxi service.
7. A fully integrated Children's and Adults' SEND travel assistance service is now in place for children and young people up to the age of 25 following changes to legislation contained in the Children and Families Act 2014. This led to an increase of 55 passengers (aged 16 to 25) being transported under the Framework during 2016 to 2017 and increase to annual costs by an additional £600k for the year taking the spend academic year from £1.29m to £1.89m. HATS had 63 school rounds (83%) and 17 college rounds (68%), whilst Access Mobility had 13 school (17%) and 8 college (32%). The number of post 16 passengers, travelling to college in vehicles will significantly reduce for the 2017 academic year as following a robust assessment to determine entitlement, many are supported by the travel assistance team to access alternative forms of travel for example, independent travel training and sign posting to Transport for London's free travel mentoring scheme.
8. As at 14 August 2017 there were 130 children and young people confirmed to travel via the SEND taxi transport service from the start of the September 2017 academic year. Most of these children travel to Southwark mainstream schools or to special schools/colleges outside of Southwark. Young people, post 16 using SEND taxis are predominantly individuals with learning difficulties who due to their needs are unable to access other forms of travel assistance or to travel independently, they require SEND taxis to travel to colleges, day centres or other facilities.
9. The remaining two companies on the framework have been able to meet the demands of the service effectively, provide a sufficiently flexible service to meet needs of children and young people using the service, prices have remained competitive.
10. This procurement will put in place a new framework with a start date of 1 September 2018.

## **Summary of the business case/justification for the procurement**

11. There is an ongoing need for the council to meet its statutory duty to provide travel assistance for children, young people and adults that meet the relevant criteria.
12. Eligibility for travel assistance is assessed for children and young people up to the age of 25 under a single, travel assistance policy. The service is coordinated for all service users by the travel assessment team, within the children's and adults' service which provides a departmental approach to management of the service. This fully integrated service enables purchasing/booking/invoicing systems, comprehensive service monitoring, performance management and a rationalisation of routes to be achieved.

## **Market considerations**

13. The market is made up mainly of private sector companies with local and regional reach.
14. The market for the provision of supported transport is mature and competitive and it is anticipated that a sufficient number of quality bids will be received for this procurement. However, as with previous transport procurement run by the council, a comprehensive assessment of each company's ability to deliver the services to the required standards consistently and remain solvent will be put in place.

## **KEY ISSUES FOR CONSIDERATION**

### **Options for procurement route including procurement approach**

15. A project board has been in operation to oversee development of the SEND taxi framework procurement. The project board considered the following options to ensure that market challenge and competition could be demonstrated in the procurement of the SEND taxi transport for children and adults:
  - Option 1: Do nothing – this is not an option open to the council as the council has a statutory obligation to provide transport services for eligible children, young people and vulnerable adults. Failure to fulfil the statutory duty would cause considerable disruption to those eligible children and vulnerable adults and damage the council's reputation. Not putting in place medium to long term travel arrangements for these client groups will inevitably result in escalating costs to the council. Taxis provide a necessary form of transport when school buses are not possible/ practical.
  - Option 2: Competitive tender to award one or more contracts – this option could provide the service requirements however, it is less likely to provide value for money over the life of the contract and also, lacks flexibility to manage provider withdrawal. The framework agreement by its nature ensures ongoing competitive tension between providers which, it is hoped, will achieve better value for money for the council. With varying factors such as fuel and insurance costs a mechanism that can test prices in a competitive environment is considered a better way forward.
  - Option 3: Participate in an existing framework agreement for taxi services – whilst this is potentially an option, research confirmed that there is no local framework in place which the council can access. There are other frameworks

in place however these are not local and therefore would potentially be a more expensive solution.

- Option 4: Undertake a joint tender with other local authorities - This is an approach the council could explore in the future it will need significant coordination and lead in time. Currently the council's timeline for procuring these services is not aligned to neighbouring boroughs and/or, options to extend existing arrangements to Southwark are not available. This option would need careful consideration to ensure that the service provided could remain local enough to be flexible and not be compromised for example by delays due to extra travel time across borough boundaries.
- Option 5: Bring service in house. The nature of the service is not a viable option for the council to deliver, it would not be viable for the council to have a fleet of vehicles used for short periods of the day for school runs then unused for the rest of the day.
- Option 6: Competitive tender to form a framework agreement with more than one service provider - this option has worked well for the last four years and has delivered a high quality service with manageable costs through the competitive tendering of rounds (where appropriate) each year with a number of suppliers. It is anticipated that this would continue to deliver best value for the council and it allows greater flexibility in accordance with the fluctuating nature of demand and provides greater protection in relation to provider failure or market exit.

### **Proposed procurement route**

16. The council proposes that this procurement undertakes a restricted tender process. The evaluation stages of that procedure are detailed further in paragraphs 33 - 35 of this report.
17. The outcome of the procurement route adopted will be to:
  - establish a multi-provider framework agreement;
  - allocate (on the basis of prices submitted during the tendering exercise) a majority of the rounds for the first year; and
  - establish a mechanism to allocate new or additional rounds by way of a mini-competition under the framework agreement.
18. A round will consist of passenger/s and their specific requirements e.g. with wheel chair access and/or passenger assistant. Following the allocation of rounds for the first year of the framework agreement in accordance with paragraph 17 above, the council's intention is to conduct, on an annual basis, mini-competitions for all new rounds. The council will identify the rounds ensuring efficiency where possible to promote lower bids, that will need to be delivered during the following year and providers appointed to the framework agreement will be given the opportunity to bid for these rounds. In exceptional circumstances e.g. where a change in provider may have an adverse effect on the passenger/s the round may not be reallocated through mini-competition.
19. It is envisaged that the framework will attract both small companies and large companies to bid competitively for work and it is envisaged that a good mix of

companies will be achieved to deliver the service in accordance with the service specification.

20. This taxi framework procurement approach will provide a service delivery model that will enable:

- joined up approach across Children's and Adults' Services department
- a flexible SEND taxi transport service for eligible children, young people and adults
- value for money – all new rounds will be awarded based on competitive price and there will be an annual price review
- monitoring and management of the contracts with clear performance standards and targets.

### **Identified risks for the procurement**

21. A risk register of the key risks identified is set out in the table below. The project board will regularly review these risks. Actions being taken to mitigate risks are identified in the right hand column of the table.

No	Risk	Likelihood	Risk Control
1	Lack of market interest	Low	Comprehensive review and development of the process to be followed and a clear communication strategy with bidders will be in place. The scoring and evaluation will be designed to encourage bids from all providers in the market.
2	Lack of sufficient quality bids to form a framework.	Low	A robust approach to assessment of bids taking on board lessons learned from the process implemented four years ago and through service delivery since then.
3	Not enough time to deliver procurement process and ensure continuity of service.	Low	Robust governance arrangements in place to track progress of project.
4	Council unable to manage implementation and delivery of the taxi framework service due to complexity and/or limited resources.	Low	The current taxi framework has been successfully introduced and managed by the council's Travel Assistance team, this will continue with the new Framework.

## **Key/non-key decisions**

22. This is a key decision.

## **Policy implications**

23. This contract will enable the council to fulfil its statutory duty to provide transport services to eligible children and young people as set out in the Education Act 1996 and in the Education and Inspection Act 2006 and will support delivery of the Southwark School Travel Assistance Policy.
24. For adults, the contract will enable the council to fulfil its duties, under the NHS and Community Care Act 1990, National Assistance Act 1948, Health Services and Public Health Act 1968, the Chronically Sick and Disabled Persons Act 1970, the National Health Services Act 1977 and the Mental Health Act 1983, to provide services to meet the needs of vulnerable adults. This includes a duty to provide appropriate travel assistance to meet the welfare needs of adult clients assessed as needing assistance with transport.
25. The contract assists the council in meeting its statutory public sector equality duty (PSED) under 149 of the Equality Act 2010 and also supports the council's published approach to equalities.

## **Procurement Project Plan (Key Decisions)**

26. To allow for the necessary mobilisation and TUPE consultation for a contract start date of 1 September 2018, the award decision will need to be made no later than 4 June. Evaluation of tenders are scheduled to be completed by 26 March 2018 which will be followed by our internal Gateway 2 reporting process, so the proposed award date is achievable, and will be referred to the cabinet for decision at its meeting on 5 June 2018.
27. The procurement plan is outlined below and the project board will keep these dates under constant review.

<b>Activity</b>	<b>Complete by:</b>
Forward Plan (September)	August 2017
DCRB Review Gateway 1	09/08/17
CCRB Review Gateway 1	17/08/17
Brief relevant cabinet member	15/08/17
Notification of forthcoming decision –	11/09/17
Approval of Gateway 1: Procurement strategy report	19/09/17
Scrutiny Call-in period and notification of implementation of Gateway 1 decision	29/09/17
Completion of tender documentation	06/11/17
Publication of OJEU notice	13/11/17
Publication of opportunity on Contracts Finder	14/11/17
Closing date for expressions of interest	15/12/17
Completion of short-listing of applicants	12/01/18
Invitation to tender	19/01/18
Closing date for return of tenders	22/02/18
Completion of evaluation of tenders	26/03/18
DCRB Review Gateway 2:	18/04/18
CCRB Review Gateway 2:	26/04/18
Notification of forthcoming decision	25/05/18
Approval of Gateway 2: Contract Award Report	05/06/18
Scrutiny Call-in period and notification of implementation of Gateway 2 decision	14/06/18
Alcatel Standstill Period (if applicable)	22/06/18
Contract Award	22/06/18
TUPE Consultation period (if applicable)	22/06/18- 31/08/18
Place award notice in Official Journal of European (OJEU)	22/06/18
Place award notice on Contracts Finder	22/06/18
Contract start	01/09/18
Contract completion date	31/08/2022

## **TUPE/pensions implications**

28. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) will apply on a service provision change where activities cease to be carried out by a contractor on the council's behalf and are instead carried out by another contractor on its behalf, where there is an organised grouping of employees whose principal purpose is the carrying out of that activity, and where the activity is to be carried out otherwise than in connection with a single specific event or task of short-term duration. Only those employees assigned to the transferring activity will transfer.
29. There are no TUPE nor pensions implications for the council as an employer because the council does not deliver these services directly. TUPE will not apply on the appointment of any contractor to the new framework but may apply on the allocation of a round (a call-off contract) under that framework. Whether TUPE will apply in relation to the current contractors is unclear at this stage and will depend primarily on the allocation under the new framework of any continuing routes which result in a change in the identity of the contractor. Due diligence of the current contractors' workforce will also need to be carried out before the tender process commences as its results need to be included in the tender pack. Tenderers will be directed in the tender documentation to seek their own independent advice and no warranties will be given as to the application of TUPE.

## **Development of the tender documentation**

30. The tender documentation required to set up the framework will be developed by the project team which includes officers from the council's legal, finance and corporate procurement teams.
31. The project board will oversee all elements of the procurement process and sign off all the relevant tender documentation ((Official Journal of the European Union (OJEU) notice, standard selection questionnaire (SQ), invitation to tender (ITT), service specification and the quality and price evaluation methodologies). The project board will report to the SEND Governance Board which is chaired by the Director of Education.

## **Advertising the contract**

32. The tender will be advertised in a number of ways:
  - Notice in OJEU
  - Publication of notice on Contracts Finder
  - Advertisement published on the council's website
  - Existing and other taxi transport providers known to the council will also be alerted to the advert placed on the council's website.

## **Evaluation**

33. The contract will be awarded using a restricted tender process consisting of 3 stages– SQ, ITT and allocation of rounds:
  - Stage One – the purpose of the SQ is to create a short list of organisations who have demonstrated that they have sufficient financial and economic standing, and technical capacity and capability to deliver the services at the

standard required. SQs will be evaluated in accordance with requirements of the Public Contract Regulation 2015 and will comprise of both pass fail style questions, as well as technical questions which will require evaluation and scoring. For the financial assessment, in order to ascertain risk, a credit check, minimum turnover check, and a check of accounts will be undertaken to provide assurance of the continuity of the organisation. Method statements will be used to assess the technical section, allowing bidders to be scored and ranked. Only those tenderers who achieve a technical score which places them in the top ten bidders and pass all other sections will be invited to tender. The final SQ evaluation methodology will be signed off by the project board and advised to tenderers.

- Stage Two – method statements will be used to evaluate tenders against key quality criteria such as quality of resources, approach to service delivery, management of information and approach to service improvement. Only tenders meeting the quality threshold will then be assessed on price.
  - Stage Three – allocation of rounds will be based on prices submitted in the tenders for the first year.
34. The evaluation panel will be made up of representatives from finance, home to school transport, adults' social care, health and safety, sustainability and equalities.
35. It is envisaged that in the event of any minor changes to a round during an academic year e.g. change in the number of passengers/pick ups the price will stay the same within an agreed range. Therefore tolerances for change will be included and these will be agreed as part of the tender documentation.

### **Community impact statement**

36. This is a specialist service that is likely to be delivered annually to approximately 150 children and young people with special educational needs and/or physical disabilities each year. Service users representing a wide range of communities, including families and individuals with English as an additional language, receive support through SEND transport services. This transport service, supports this cohort to fully engage with educational and/or community activities e.g. to be able to attend school or their local community centre, which they would otherwise be unable to do. The provision of this service will support children and young people to access education and vulnerable adults to lead independent lives.
37. A comprehensive review of children's and adults' transport services was carried out during 2012. The consultation included focus group sessions with SEND transport service users including parents and carers of children with disabilities as well as children/young people travelling on the service to and from school. This consultation enabled us to obtain a much greater understanding of what the community wanted from this service. The feedback received was used to develop the council's travel assistance policy and was central to determining the specific expectations of the service. A second consultation targeted at current users of the taxi service ended on 11 August 2017. The consultation asked questions relating directly to satisfaction levels of the taxi service and quality of staffing, responses were positive across the board in this area. Wider questions were included to ascertain families' views towards moving to alternative travel assistance solutions including making their own travel arrangements with direct payments and, learning to travel independently, this generated a mixed response and will be developed further with families in a more

direct way in the future. All responses will be considered and feedback will be incorporated into this procurement process where appropriate to do so.

38. As SEND taxis are used by some of the most vulnerable members of the community, it is essential that the service is of a high standard and is able to meet the needs of all passengers. The SEND transport service specification will include details of the specific requirements of community needs which are based on community consultation feedback and therefore, will be able to deliver services in accordance with direct requirements highlighted by service users from the community. All potential providers will be required to demonstrate their commitment to diversity and equal opportunities.

### **Social value considerations**

The Public Services (Social Value) Act 2012 requires that the council considers, before commencing a procurement process, how wider social, economic and environmental benefits that may improve the well being of the local area can be secured. The details of how social value will be incorporated within the tender are set out in the following paragraphs.

### **Economic considerations**

39. Local companies will be able to bid for inclusion on this framework and if successful, will help to promote local jobs to local people in delivering these transport services.

### **Social considerations**

40. The council has made a commitment to ensure that the London Living Wage (LLW) benefits were extended to not only the councils directly employed staff but also those who work for the council through contracts. Since the introduction of this commitment in 2012, the LLW has been included in all relevant procurements and in some cases to existing contracts.
41. For this procurement the council will stipulate the LLW requirement for all employees, workers and sub-contractors engaged by the provider on the contract. It is recognised that with taxi and mini cab providers, a range of business models are in operation, especially with regard to the engagement of self-employed drivers. The tenderers' support of the council's LLW commitment will be tested fully through the procurement process. The council will need to be satisfied that, where there are any business models with self-employed components, self-employed workers are paid the LLW or, in the case of genuinely self-employed independent contractors, paid fees which support the council's Fairer Future Procurement Strategy.

### **Environmental/sustainability considerations**

42. Environmental policies will be assessed at SQ stage. As a minimum providers will be expected to use and source green, environmentally friendly vehicles whenever it is possible to do so.

### **Plans for the monitoring and management of the contract**

43. As this framework arrangement will be in place across the Children's and Adults' Services department appropriate monitoring and management arrangements to facilitate this change will be required. The current school travel service team has significant experience in managing transport contracts, route planning and

passenger support which will be used as a basis for developing this in-house resource.

44. Day to day monitoring of the contract will be achieved through monthly review meetings between officers and the transport provider. The contract will be monitored and managed in respect of:
  - compliance with the specification and contract terms and conditions
  - the performance of the contractor
  - cost
  - user satisfaction
  - risk management and
  - key performance indicators.
45. Annual awards of rounds will include an element of performance assessment. It is envisaged that poor performance will not lead to continued levels of work being secured through the framework.

### **Staffing/procurement implications**

46. There is a cross departmental project team tasked with delivering this procurement. There are governance arrangements in place to oversee the progress of the procurement and to make necessary decisions during the process.
47. Monitoring arrangements and contract management of this taxi framework arrangement has been carried out effectively by the council's travel assistance team for the lifetime of the current taxi framework. Six monthly reports to the Children's and Adults' Board alongside annual reports on the anniversary of the commencement of the contract service to the Corporate Contracts Review Board, will be made with details of the performance and management of the sufficient resources are currently in place to manage this taxi service for the life of the framework.

### **Financial implications: CAS17/003**

48. The home to school transport budget has continued to be under significant strain due to the growth in numbers of SEND children requiring transport. The service has seen a steady rise in the number of SEND children transported each year; with an 'in-year' increase of SEND children requiring a service of 35, a 26% rise in academic year September 2016 to July 2017 from the 2015-16 academic year. As stated in para 7 above, the inclusion of transport services for young people from 16 to 25 years from September 2017 is likely to increase forecast overspends even further dependent on how many of the additional 55 current users are re-assessed to qualify for a taxi service.
49. To support the home to school transport budget a £1.3m contribution is now being allocated from DSG notwithstanding this a £613k overspend is currently forecast. The 2017-18 financial forecast at M3 is shown in the table below and this is after allowing for the £1.3m DSG contribution.

<b>Education Access Budget</b>	<b>Total Budget (£000's)</b>	<b>Total Spend to date (£000's)</b>	<b>Projected Outturn (£000's)</b>	<b>Variance (£000's)</b>
Home 2 School Transport (vehicles)	2,476	1,862	3,462	986
Home 2 School Transport (direct staff)	909	131	536	- 373
<b>Total</b>	<b>3,385</b>	<b>1,993</b>	<b>3,998</b>	<b>613</b>

50. The taxi framework put in place in 2014-15 had seen the service initially benefit from a fall in costs of transported children due to removal of mini-bus rounds into the main bus contract, however over the following years as the absolute numbers of SEND children have increased, correspondingly so has their transportation costs.

<b>SEND taxi transport</b>	<b>2014/15 Outturn</b>	<b>2015/16 Outturn</b>	<b>2016/17 Outturn</b>
Cost (£000's)	1,002	1,042	1,422
Number of SEND children with taxi transport	88	95	130

51. Adult (post 16) clients are offered personal budgets (personalisation), and encouraged to make their own care arrangements, including those for transportation, subsequently resulting in reductions in client transportation costs for adults'. However a core of adult clients who are unable make their own transport arrangements has remained and continue to use the transport contracts for vulnerable adults
52. The total forecast cost of taxi services to vulnerable adults and SEND children for the proposed contract duration is £7.56m (£1.89m p.a.) from 1 September 2018 to 31 August 2022. This will need to be met from service budgets, the transport budget is funded via core and DSG budgets which have challenges due to reductions in resources or the restrictions in their use. The increases in the taxi framework value will require additional funding through one of these resources, the level of which will become clear once the number of adult taxi users are known and the forecast will be adjusted accordingly, nonetheless the risk of an enlarged funding shortfall is apparent, consequently there will be a budget pressure that will require a plan for funding.
53. As noted in financial standing orders, 'Following approval by the council of the annual revenue estimates, strategic directors may spend within the agreed budget for their departments. They must ensure that the net expenditure for their departments does not exceed the approved budget'.

### **Legal implications**

54. Please see concurrent from the director of law and democracy.

### **Consultation**

55. The current SEND taxi framework service has been in operation since 1 September 2013. A consultation with key stakeholders/users of the service was carried out in July through a questionnaire developed with input from the Parents Consortium. The results of the consultation will be used to shape the taxi framework tender process which will include, changes to the service specification and key aspects of

the taxi service requirements that service users had informed us were important to them. There are plans in place to include parents and service users in the assessment stages of the procurement process.

#### **Other implications or issues**

56. None.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Strategic Director of Finance and Governance (CAS17/003)**

57. The financial implications are identified within paragraphs 49-54. There are identified in year budget pressures for this service flowing from SEND demand pressures, cost pressures and also the transfer of 18-25 responsibilities. Whilst these pressures are common across local authorities these will need to be managed in year and a funding plan brought forward to contain them.

#### **Head of Procurement**

58. This report seeks the cabinet's approval of the procurement strategy for the provision of SEND taxis for children, young people and vulnerable adults by way of the establishing of a framework agreement spanning a total of 4 years. With an estimated contract value of £7.56m this procurement represents a strategic decision and as such approval is reserved for cabinet.
59. Currently children and vulnerable adults, who are assessed as being eligible to receive support with their travel requirements, are serviced by two organisations working on behalf of Southwark Borough Council under an existing framework agreement. This framework is due to come to an end on the 31 August 2018 and as such there is a need to procure a new service which can meet the council's statutory requirements in relation to SEND transport. The report clarifies the options that have been explored for future delivery of the SEND taxis service and concludes that a framework contract involving a number of suppliers would provide the best outcome in terms of both quality and value for money.
60. Paragraphs 13 and 14 confirm that the market for supported transport is mature and competitive, and comprised mainly of private sector suppliers. As such it is anticipated that a sufficient number of quality bids will be received.
61. Paragraph 37 states that consultation has taken place involving service users to ensure that the service being procured meets the needs of the community.
62. The report confirms in paragraph 33 that, due to the value of the contract exceeding EU procurement thresholds, an OJEU compliant two stage, restricted tender process will be completed to ensure best value. Paragraph 33 confirms that the evaluation of tender submissions will be split into two stages, both focussing on quality, with work being allocated to successful bidders through mini-competitions based on price once the contract has been awarded.
63. The report confirms in paragraph 46 that the procurement will be governed by way of a cross departmental project board.

## **Director of Law and Democracy**

64. This report seeks the cabinet's approval to the procurement strategy for the SEND taxis for children, young people and vulnerable adults by establishment of a 4-year framework for this service. At an estimated value exceeding £4m, this is a strategic procurement under contract standing orders, and approval is therefore reserved to the cabinet.
65. The nature and value of this service means that this procurement is subject to the full tendering requirements of the Public Contract Regulations 2015. As noted in paragraph 16, the framework will be established following a restricted procedure in accordance with those EU procurement regulations, and will be advertised through OJEU. Regulation 33 sets out specific requirements which must be met when establishing a framework, for example that the framework period should not, save in exceptional circumstances, exceed 4 years. Officers from the contracts team in legal services will work with the project team to ensure that the framework is established in accordance with those EU requirements.
66. The cabinet's attention is drawn to the Public Sector Equality duty (PSED General Duty) under the Equality Act 2010, and when making decisions to have regard to the need to (a) eliminate discrimination, harassment, victimisation or other prohibited conduct, (b) to advance equality of opportunity and (c) foster good relations between persons who share a relevant protected characteristic and those who do not share it. The relevant characteristics are age, disability, gender reassignment, pregnancy and maternity, race, relation, religion or belief, sex and sexual orientation. The duty also applies to marriage and civil partnership but only in relation to (a). The cabinet is specifically referred to the community impact statement at paragraphs 36 and 38 setting out the consideration that has been given to equalities issues which should be considered when approving this procurement strategy, and at each stage of the process.
67. The cabinet is also referred to paragraph 37 and 55 which set out the consultation that has taken place. The cabinet should take into account the outcome of that consultation when approving this procurement strategy.

## **BACKGROUND DOCUMENTS**

<b>Background Documents</b>	<b>Held At</b>	<b>Contact</b>
None		

## **APPENDICES**

<b>No</b>	<b>Title</b>
None	

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Victoria Mills, Children and Schools
<b>Lead Officer</b>	David Quirke-Thornton, Strategic Director Children's and Adults' Services
<b>Report Author</b>	Glenn Garcia, Head of Education Access 0-25
<b>Version</b>	Final
<b>Dated</b>	7 September 2017
<b>Key Decision?</b>	Yes

### CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER

Officer Title	Comments Sought	Comments included
Head of Procurement	Yes	Yes
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Contract Review Boards</b>		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	7 September 2017	