

Item No. 12.	Classification: Open	Date: 26 June 2018	Meeting Name: Cabinet
Report title:		Gateway 2 – Contract Award Approval Special Educational Needs and/or Disability (SEND) taxis for children, young people and vulnerable adults	
Ward(s) or groups affected:		All	
Cabinet Members:		Councillor Jasmine Ali, Children, Schools and Adult Care	

FOREWORD – COUNCILLOR JASMINE ALI, CABINET MEMBER FOR CHILDREN, SCHOOLS AND ADULT CARE

It is important that we have a safe, reliable and efficient special needs and disability transport for our most vulnerable children and young people. This is one of our statutory duties. The costs associated with providing the SEND taxi travel look right for a specialist service of appropriate quality. We have worked hard to achieve good value for money through our specification and choice of delivery model for this service.

RECOMMENDATIONS

1. That Cabinet approve the appointment of the following companies:
 - Olympic South Limited (trading as Healthcare and Transport Services (HATS))
 - Access Mobility Transport Limited

to the Framework Agreement for the provision of Special Educational Needs and/or Disability (SEND) taxi for children, young people and vulnerable adults for a period of four years commencing on 1 September 2018 at an estimated annual value of £1.70m, making an estimated total Framework Agreement value over the four years of £6.81m.
2. That Cabinet approve the award of Call Off Contracts (these values are included in the framework value above) for the first year in respect of SEND taxi transport based on the expected levels of activity as follows:
 - Olympic South Limited (HATS), 54 transport rounds, £1,113,594
 - Access Mobility Transport Limited, 20 transport rounds, £590,064
3. That Cabinet note that the value of these Call Off Contracts may be subject to changes due to finalisation of operational detail as noted in para 41 and agrees that any changes will be agreed by the director of education.
4. That Cabinet note that in-year changes to call off contracts or award of new rounds will be awarded without the need for a separate gateway report in line with the Adult and Children's scheme of management.

BACKGROUND INFORMATION

5. A Gateway 1 report for this service was approved by Cabinet on 31 October 2017, and is a background document to this report.
6. Southwark has a current SEND taxi framework in place which will end on 31 August 2018, this report seeks approval to implement and award a new framework agreement which will replace the existing provision. The framework is 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 and vulnerable adults assessed as eligible to receive travel support to access community services.
7. There are currently 145 children and young people up to 25 years of age, using the existing service and new requests for transport will continue to be received over the summer. Most children transported in taxis travel to Southwark mainstream schools or to special schools outside of Southwark. Transport needs are reviewed each year but in many cases, the service continues for children throughout their school career. Young people aged between 19 and 25, predominantly individuals with learning difficulties, require SEND taxis to travel to colleges, day centres or other facilities, with individual travel needs being reviewed on an annual basis.
8. The tender process followed the procurement plan outlined in the Gateway 1 report with minor adjustments to the timescales, for full details of this tender timeline please see the table below.

Procurement project plan (Key Decision)

Activity	Completed by/Complete by:
Forward Plan (If Strategic Procurement) Gateway 2	01/04/2018
Briefed relevant cabinet member (over £100k)	15/08/2017
Approval of Gateway 1: Procurement Strategy Report	31/10/2017
Invitation to tender	23/02/2018
Closing date for return of tenders	04/04/2018
Completion of evaluation of tenders	24/04/2018
DCRB/CAB Review Gateway 2:	02/05/2018
CCRB Review Gateway 2:	10/05/2018
SEND operations Board Review Gateway 2	23/05/2018
Notification of forthcoming decision – despatch of Cabinet agenda papers	04/06/2018
Approval of Gateway 2: Contract Award Report	26/06/2018
End of Scrutiny Call-in period and notification of implementation of Gateway 2 decision	05/07/2018
Alcatel Standstill Period (if applicable)	09/07/2018

Activity	Completed by/Complete by:
Contract award	10/07/2018
Add to Contract Register	11/07/2018
TUPE Consultation period (if applicable) 10/7 to 31/08	31/08/2018
Contract start	01/09/2018
Publication of award notice in Official Journal of European (OJEU)	11/07/2018
Publication of award notice on Contracts Finder	12/07/2018
Contract completion date	31/08/2022

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

9. The council has operated a SEND taxi framework successfully since 1 September 2014 comprising two companies – Olympic South Limited (trading as Healthcare and Transport Services, HATS) and Access Mobility Transport Limited. All transport rounds are allocated based on the lowest price through a competitive bidding process between the companies on the framework.
10. Cabinet made a recommendation on the Gateway 1 report, which requested that officers explore extending Southwark's SEND taxi framework to other boroughs and that the decision then be taken by the Strategic Director for Children's and Adults' Services through delegated authority. Before proceeding with procurement of a new SEND taxi framework, an invitation was provided to other local authorities to express their interest in joining Southwark's Framework which would attract a one-off joining fee. There was insufficient interest from local authorities, no clear financial/efficiency benefits demonstrated and a considerable amount of additional work would have been required to set up a shared Framework. The extension of the Framework was not seen as a viable opportunity for Southwark. The Strategic Director considered officers findings and agreed that the Southwark SEND taxi framework for 2018 should not be extended to other local authorities to join at the time.
11. Officers also explored alternative options for the procurement of this service including, opportunities to work more closely with neighbouring boroughs. Discussions took place with transport leads for Lewisham and Lambeth, each borough has its own taxi contract arrangement in place, neither are due to expire anytime soon making a joint procurement at this time impractical. Our three travel/transport teams already work closely across boroughs and make arrangements to share travel rounds when at all practical/cost effective to do so.
12. Both Lambeth and Lewisham use a significantly higher number of taxi companies for the provision of their SEND services. When compared, prices for comparable journeys were similar to Southwark's however, operational efficiency and quality assurance was more challenging to achieve due to working with a larger number of taxi companies.
13. Proactive steps to engage with the market took place before issue of the Standard Questionnaire (SQ), local companies were informed that Southwark

would be launching a tender for SEND taxi services through an open procurement process. All guidance in relation to market engagement was followed.

14. This procurement process has enabled the council to test the market and achieve best price and quality.
15. Following the tender evaluation process, which is noted in paragraphs 18 to 31, two companies have achieved the required quality standards and are recommended for appointment to the Framework Agreement.

Policy implications

16. This Framework Agreement will assist 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.
17. The Framework Agreement will assist the council in meeting its statutory public sector equality duty (PSED), under S149 of the Equality Act 2010 and also, supports the council's published approach to equalities.

Tender process

18. To oversee the Tender process, a SEND taxis project board was established, chaired by the Head of Education Access with senior representatives from Legal, Procurement, Finance, Commissioning and Transport.
19. Recommendations of the project board were then taken to the SEND operations board, chaired by the director of education for information and ratification.
20. The evaluation of bids at SQ and ITT stages were completed by a team with experience of passenger transport as managers or users of the service, finance, health & safety and commissioning. Each stage of evaluation was overseen by a Procurement team lead to ensure that the process was robust and strictly adhered to the criteria set out in SQ and ITT documentation. Evaluators of the SQ and ITT comprised the following:
 - Head of service
 - Transport service manager
 - Senior commissioning officer
 - 2 x Senior Finance officers
 - 2 x Parent/service user representatives
 - Health and Safety Manager
 - Fleet and Transport Manager (advisory)
21. On 22 December 2017, a notice was placed in the Official Journal of European Union (OJEU) to advertise the tender. The tender was advertised on Contracts Finder, and the London Tenders Portal (which is now the recognised location for advertising local authority services out for procurement). Existing contracted, and other local taxi transport providers known to the council were informed about the tender through a circular email. A competitive tender process was followed which consisted of two stages, Standard Questionnaire (SQ) and Invitation to Tender (ITT).

22. As anticipated there was a significant initial interest in the tender – 13 companies expressed interest in the tender and requested the Standard Questionnaire (SQ).
23. All 13 companies were each sent an SQ pack for completion which once submitted, would be scored based on three separate criteria:
 - Compliance
 - Economic and Financial standing
 - Technical and professional ability
24. In order to progress to ITT stage applicants needed to pass each of the three stages listed above.
25. Out of the initial 13 companies, one chose to opt out prior to the closing date leaving 12 - three of the 12, failed to submit a completed application on time, the remaining nine submitted their responses.
26. All nine of the applicants passed the compliance criteria.
27. Three applicants were identified as representing a high level of financial risk, as such these applicants were disqualified on the basis of their financial evaluations which were designed to evaluate the sustainability of each bidding company.
28. Within the technical/quality evaluation of the SQ the council reserved the right to reject any bid that scored below the minimum score of 18 out of 40, or who scored lower than 3 out of five on questions 6.4.2 and questions 6.4.3. The council chose not to exercise its right on these grounds as it was considered that the quality of the remaining six applications was sufficient to require further testing at ITT stage.
29. As such six bidders were invited to submit a response at ITT.
30. A total of three bids were returned via the portal by the closing date, 4 April 2018 for evaluation, this number was lower than expected. Reasons given by the three companies that did not submit their bids at ITT stage included, inability to comply with the service requirements, TUPE requirements too onerous and difficulty in recruiting suitably qualified staff in time to mobilise the contract
31. At this point, a special meeting of the SEND taxi project board was convened to consider options including, whether or not it was feasible to continue with the process due to the lower than expected return. It was considered that the council had done all that it could to attract interest in this procurement, including advertising through OJEU, Contracts Finder and notification to known providers. It was decided that the tender process that was underway was the most robust and effective way to engage and test the market, whilst also ensuring that the council complied with its own contract standing orders and the Public Contract Regulations. It was considered that other approaches were unlikely to result in a higher number of bids whilst also providing a robust process that result in achieving value for money. It was also recognised that our current framework operates efficiently with only two providers. It was therefore agreed to proceed with the evaluation stage of the process.

Tender evaluation

32. This procurement was based on a 70% price 30% quality ratio for determining entry onto the Framework. As part of their tender submission, companies were required to submit their prices for all rounds (return journeys from home to school/college) that will be required from September 2018 (the "Initial Rounds"). Subject to the mechanisms set out in the Ordering Procedure and any financial risk limitations imposed on individual companies, the rounds for year 1 will be awarded to the Framework Provider that has quoted the lowest price for the round.
33. The prices submitted with the tender will be used for the award of rounds in the first year of the four year framework. Framework Providers will need to submit their prices for new rounds that occur before the start of each academic year or during the year. Tenderers were also required to provide a cost breakdown for a sample of six current rounds to give the council confidence that round prices were sustainable and to enable the council to control the price methodology used by each company throughout the life of the framework.
34. Tender submissions from the three companies, for evaluation of quality, comprised of responses to 17 method statement questions, each with a priority weighting of 1 (low), 2 (medium) or 3 (high) to help tenderers understand the council's highest priority areas and to prepare their responses accordingly.
35. Tenders were considered by individual quality evaluators then through an evaluation panel meeting to reach consensus scores. Evaluators considered each tender, and gave a score using a 0-5 system - each evaluator gave an individual score for each method statement response. As set out in the council's evaluation methodology, the council reserved the right to reject any tender that:
 - Failed to score 3 or more on any questions with a 3 (high) weighting, and/or
 - Received 3 or more scores of 1 (poor)
36. For the quality evaluation, two companies gained scores that were satisfactory or above in all areas, with minimum scores achieved or exceeded on those questions requiring a 3 as a minimum, which was required on seven questions in total. In addition, neither company scored 1 for any question. The third bidder did not meet the required quality standard, receiving scores of less than 3 in six of the seven areas where 3 was required as a minimum and also having a total of six questions scoring only 1. This equated to a failure on the quality section. Details of this are given in the closed report.
37. The council also reserved the right to reject any tender that did not achieve the minimum of 25 as their sustainability of price score. The price evaluation and passenger assistant rates have been calculated to ascertain the stability of tendered rounds over the life of the framework. Six typical sample rounds were used to compare cost tendered by each bidder with the current costs of the round. Comparisons were undertaken with TfL Pricing & Forecasting and Taxi Fare and Tariff benchmarks, which supply mileage costs for licenced taxis across London.
38. Access Mobility Limited and Olympic South Limited, achieved pass scores above 25 for their sustainability of price as they have provided breakdowns of mileage rates that demonstrate consideration to all the relevant components costs.

39. The outcome of the consensus scores for quality and finance evaluations resulted in two companies meeting the required standards for award to the Framework

Company	Quality Score (% weighted score) Max=30%	Finance Score (% score) Max=70%	Combined Score	No. of 1 scores (Maximum allowed = 3)	No. of scores less than 3 on questions where 3 is the minimum required (7 questions in total)
Access Mobility	18.62%	60%	78.62%	0	0
Olympic South Limited (T/A HATS)	22.77%	57%	79.77%	0	0

40. Access Mobility Transport Limited and Olympic South Limited (HATS) have reached the required quality and price standards for the Framework¹.

Plans for the transition from the old to the new contract

41. Companies were asked to submit their most competitive price (with and without TUPE costs) for SEND transport journeys (known as rounds) expected to be in place from 1 September 2018 - these will become the call off contracts. All journey prices used to determine round allocations are on the higher TUPE price, the lower, nonTUPE price will be used instead to any round where TUPE does not apply during the mobilisation of the contract which would then reduce the overall price of the contracts. There may also need to be adjustment to these contracts where the transport needs change due to addition of new passengers, change of destination/home address or any other factor altering the route, before the start of the new term in September. Any new transport rounds will be subject to a mini competition where companies on the framework will be asked to submit their most competitive price and will be allocated to the lowest price.
42. Following approval of the recommendations in this report and award of call off contracts the Travel Assistance Team will liaise with Framework Providers to ensure that they have all relevant information about service users, policies and procedures in order to achieve smooth and effective mobilisation of the SEND taxi service and transition to the new arrangements.
43. The council considers that TUPE could apply in respect of employees currently engaged by the existing taxi provider in the provision of services which are awarded to another contractor. The project plan provides a period of 6 weeks from the award of the initial call-off contracts to the commencement date of the service to enable each company time to comply with their obligations to inform and consult should TUPE apply. At the end of each call-off contract (order)

¹ Both successful bidders passed the SQ stage without the need for any discretion to be applied.

entered into under the framework agreement with the council, the relevant framework provider will be required to supply details of its workforce engaged on the service so that this information can be used in the mini-competitions.

Plans for monitoring and management of the contract

44. The Travel Assistance team has significant experience in managing transport contracts for children and young people aged up to 25 years, the team has effectively managed the current SEND taxi framework for the last four years.
45. Monitoring of the Framework Agreement will be achieved through monthly review meetings between officers and the Framework Providers. The Framework Agreement will be monitored and managed in respect of:
 - compliance with the service specification and Framework Agreement including Call-Off Contract's terms and conditions
 - the performance of the contractor including any day to day matters
 - spot check/visits
 - risk assessment/risk management
 - customer feed back
46. Particular focus on performance of the framework agreement will be around two critical points for the service – lateness and risk assessment of journeys (vehicle, route and passenger needs)– which are linked to the performance mechanism.
47. Performance on this contract will be monitored closely throughout each year, and managed through the performance mechanism which has clear timeframes and measures to reach improvement. Poor performance may lead to a discontinuation of work through the framework. Under the framework agreement the council reserves the right to cancel a mini-competition at any time, not to award call-offs and to alter any round.
48. On the anniversary of the framework each year, an annual performance review (APR) report will be taken to the Children's and Adults Board and the Corporate Contract Review Board for their information and comments.

Identified risks for the new contract

49. A risk register of the key risks identified is set out in the table below:

No	Risk	Likelihood	Risk Control
1	Difficulties/delays to the process caused by implementation of TUPE requirements.	Low	<ul style="list-style-type: none"> • All providers are fully aware that there are staff identified for TUPE and have previous experience with TUPE transition. Officers managing this process have experience in managing the administration of TUPE and any transfers arising.
2	Failure to establish close	Low	<ul style="list-style-type: none"> • Working with a small number of

No	Risk	Likelihood	Risk Control
	working relationship between Southwark and taxi framework providers.		companies on the framework enables officers to hold regular monitoring meetings and establish strong working relationships.
3	Companies getting into financial difficulties.	Low	<ul style="list-style-type: none"> The terms and conditions of the Framework Agreement provide the council with appropriate remedies. All companies have had Mint checks undertaken to determine the level of financial risk to the council. Effective contract monitoring and management, which will include regular communication and early alerts of any issues which may affect the service.
4	Service not delivered to the expected standards	Low	<ul style="list-style-type: none"> Companies on the Framework have passed quality assessment and there is an effective contract monitoring and management in place, including Performance Mechanism.

Community impact statement

50. This is a specialist service that is likely to be delivered to around 150 children and young people with special educational needs and/or physical disabilities annually. 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.
51. Southwark's Parents' Consortium and SEND operations board which specialises in the development and review of services for children and young people with SEND, have received regular progress updates on this procurement throughout its development and contributed to a consultation which gathered feedback from Service Users in July 2017. This feedback was used to draft some of the questions contained in the SQ and ITT. The SEND transport service specification includes details of the specific requirements of passenger needs which are again, based on consultation feedback and therefore, will be able to deliver services in accordance with direct requirements highlighted by service users.
52. Two parent representatives of the Parents' Consortium took part in the evaluation of bids which provided an opportunity for the responses submitted by

tenders to be assessed by families with children/young people who have actually used the service. Companies tendering to deliver this SEND taxi service received details of the service we intend to deliver, which is largely based on the results of this extensive engagement with key stakeholders and will be expected to deliver their services accordingly.

53. 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. All potential providers will be required to demonstrate their commitment to equality and diversity throughout the life of the Framework.

Social Value considerations

54. 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 social value considerations included in the tender (as outlined in the Gateway 1 report) are set out in the following paragraphs in relation to the tender responses, evaluation and commitments to be delivered under the proposed contract.

Economic considerations

55. All companies have stated in their submissions that they actively seek to engage local staff on their contracts, this will help to promote local jobs to local people in delivering this transport service.

Social considerations

56. The council has stipulated that the London Living Wage (LLW) requirement is to be implemented for all employees, workers and sub-contractors engaged by providers on the framework. 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 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. Trade Union recognition for all staff is also a requirement. Both companies have confirmed their commitment to these requirements during the procurement process, implementation of these conditions will be monitored throughout the lifetime of the framework.

Environmental/sustainability considerations

57. Providers are expected to meet all legal and environmental requirements and industry standards, details of which are set out in the Framework Agreement. This will include passenger transport training for all staff on Passenger Assistant Training Scheme (PATS), Mini-bus Driver Awareness Scheme (MiDAS), Lifting Operations and Lifting Equipment Regulations (LOLER) 1998 and (Provision and Use of Work Equipment Regulations (PUWER) 1998. Also, companies on the framework must maintain full compliance with Licencing and/or inspection by the Public Carriage Office (PCO), Driver and Vehicle Standards Agency (DVSA formerly VOSA).

58. With regards to environmental considerations, this contract requires contractors to comply with the council's emissions criteria, which is stricter than the criteria set by Transport for London (TfL), for example, there is no option for vehicles to pay a charge for non compliance if they exceed the CO₂ emission cap of no more than 145 g/km and for diesel vehicles to comply with Euro 6 engine, companies must fully conform to these emission level requirements.

Market considerations

59. The market is made up mainly of private sector companies with local and regional reach.
60. As anticipated the market for the provision of supported transport is mature and competitive, and whilst only 3 tenders were received, for the reasons noted in paragraph 31 it is considered that a sufficient number of quality tenders were received for this procurement.

Staffing implications

61. The council has a travel assistance team in place which is able to successfully run and manage the framework, sufficient resources are in place to manage the framework and call off contracts efficiently.

Financial implications

62. In 2017-18 the overall gross budget for SEN transport was £5m (including DSG contribution of £1.3m). For 2018-19 the budget has been increased to £5.8m including growth and inflation to reflect additional demand. A significant element of the spend on transport is on taxis and this procurement is an opportunity to contain cost pressures within the service for 2018-19. Spend on taxis in 2017-18 was around £1.9m and as noted the cost of services under this procurement is estimated as £1.7m pa, based upon existing activity. This will provide a significant opportunity for the service to be provided within the overall budget, albeit in the context of increasing demand.
63. The costing figures contained within this report have been verified by finance, additional work was undertaken, over and above the normal compliance work, to provide assurance on the accounts and turnover levels.

Legal implications

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

Consultation

65. As mentioned in the Gateway 1 report, a consultation with key stakeholders/users of the service took place in July 2017 in the form of a questionnaire developed with input from the Parents Consortium which leads on communication with the council on SEND. Following on from the feedback from the consultation, parent representatives were invited to take part in the evaluation of this tender and provided invaluable input into the process.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance FC18/001

66. The strategic director of finance and governance notes the recommendations in this report for the creation of a framework and the award of two call off contracts for the provision of special educational needs and/or disability (SEND) taxi for children, young people and vulnerable adults. The financial implications identify that there is sufficient budget for the estimated costs of the service in the year 2018-19.
67. The framework lasts for four years and covers financial years up to and including 2022-23. The general fund revenue budget for each year will be agreed by council assembly, noting that the provision of these services is part of the council's statutory responsibilities.

Head of Procurement

68. This report seeks the approval of cabinet to award the framework agreement for the provision of special educational needs and/or disability (SEND) taxi for children, young people and vulnerable adults to Olympic South Limited (HATS) and Access Mobility Transport Limited at a total value of £6.81m over four years starting 1 September 2018.
69. The report also asks that Cabinet approve the award of call off contracts as laid out in paragraph 2, and asks that Cabinet note that these figures may be subject to change.
70. The report asks that Cabinet note that subsequent call offs or the award of new rounds will be awarded without the submission of a separate gateway report inline with the Adult and Children's scheme of management.
71. Paragraphs 18 through 31, detail the procurement approach undertaken which is in line with EU procurement regulations, public contract regulations, and the council's own contract standing orders.
72. Paragraphs 32 through 40 detail the evaluation methodology and results of the evaluation performed for each bid resulting in the award recommendations within this report.
73. Paragraph 31 highlights the decision making rationale around proceeding with the procurement despite a lower than anticipated volume of final bids. Specifically that the council have experience of operating under similar circumstances to good effect, and that the use of a robust process initially implies that a re-procurement exercise is unlikely to result in an increased number of bidders.
74. Detailed plans for the mobilisation and transition of this contract can be found in paragraphs 41 through 48.

Director of Law and Democracy

75. This report seeks the approval of the cabinet to the establishment of a 4 year framework agreement for SEND taxis for children, young people and vulnerable adults with 2 operators, and to the award of call-off contracts for the first year of

the framework, as further detailed in paragraphs 1 and 2 of this report. As the estimated total value of the framework exceeds £4m, this is a strategic procurement under contract standing orders (CSOs), and approval of the award of the framework is reserved to the Cabinet.

76. The nature and value of these taxi services means that the procurement is subject to the full tendering requirements of the Public Contract Regulations 2015 (PCR 2015). As noted in paragraph 21, a full EU tendering process has been undertaken in accordance with the restricted process. Regulation 34 of the PCR2015 sets out specific requirements which must be met when establishing a framework, for example that the framework period should not exceed 4 years. Officers from the contracts team and procurement advice team have worked with the project officers to ensure that the framework is established in accordance with those EU requirements.
77. The council's criteria for award onto the framework was on the basis of those tenders which met the council's minimum evaluation criteria, and the council stated in its evaluation methodology that it reserved the right to reject any tender that did not meet those standards (as further detailed in paragraphs 35 and 37). Following evaluation of the tenders, 2 of the tenderers met the required standards and are recommended for appointment onto the framework. The remaining tenderer failed to meet the minimum standards, and the council was therefore permitted to exercise its discretion to reject the tender submitted.
78. CSO 2.3 requires that no steps should be taken to award a contract unless the expenditure involved has been approved. Paragraphs 62-63 of this report notes the financial implications for the award of the call-off contracts for the first year of the framework agreement.
79. 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, 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 50-53, setting out the consideration that has been given to equalities issues which should be considered when approving the recommendations in this report, and particularly the review of transport services undertaken which have been incorporated into the service requirements and considered throughout the procurement process. The cabinet is also referred to paragraphs 52 and 65 which sets out the consultation that has taken place, and they should take into account the outcome of that consultation when approving the establishment of this framework and subsequent awards.

BACKGROUND DOCUMENTS

Background documents	Held At	Contact
Gateway 1 – Procurement Strategy Approval: Special Educational Needs and/or Disability (SEND) taxis for children, young people and vulnerable adults (Cabinet 31 October 2017 – Item 10)	Children’s and Adults’ Commissioning Unit / 160 Tooley Street	Glenn Garcia 020 7525 2717
Link (please copy and paste into your browser)		
http://moderngov.southwark.gov.uk/documents/g5752/Public%20reports%20pack%20Tuesday%2031-Oct-2017%2016.00%20Cabinet.pdf?T=10		

APPENDICES

No	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Jasmine Ali, Children, Schools and Adult Care	
Lead Officer	David Quirke-Thornton, Strategic Director for Children’s and Adults’ Services	
Report Author	Glenn Garcia, Head of Education Access 0-25	
Version	Final	
Dated	15 June 2018	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Strategic Director of Finance and Governance	Yes	Yes
Head of Procurement	Yes	Yes
Director of Law and Democracy	Yes	Yes
Director of Exchequer	No	No
Contract Review Boards		
Departmental Contract Review Board	Yes	Yes
Children’s and Adults Board (CAB)		
Corporate Contract Review Board	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	15 June 2018	