

<b>STATEMENT OF OFFICER DECISION UNDER DELEGATED AUTHORITY</b>	
<b>DECISION TO AWARD A CONTRACT</b>	
<b>TITLE OF REPORT/DECISION:</b>	Tendering of an Alternative Education provision for Year 11 Children.
<b>WARDS INVOLVED:</b>	All
<b>DECISION MAKER:</b>	Helen Jenner (Corporate Director of Children's Services)
<b>DATE OF DECISION:</b>	23/4/15
<b>DECISION(S) MADE:</b>	Please see attached report
<b>IS THIS A KEY DECISION?</b>	Yes
<b>VALUE:</b>	The contract value will be £189,000 per annum (£945,000 for the life of the contract including the extension period).
<b>AUTHORITY FOR DECISION:</b>	For a class F contract in line with the contract rules approval was sought from cabinet to approve this procurement exercise on 16 <sup>th</sup> February 2015.
<b>REASON(S) FOR DECISION:</b>	Please see attached report.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:</b>	Please see Cabinet Procurement Strategy and Waiver Report AEP Final.
<b>ANY CONFLICT OF INTEREST DECLARATION BY ANY CABINET MEMBER CONSULTED? (</b>	Not applicable
<b>ANY DISPENSATION GRANTED BY CHIEF EXECUTIVE IN RESPECT OF ANY</b>	Not applicable

DECLARED CONFLICT OF INTEREST?	
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<b>For completion by Democratic Services</b>	
Date decision published	
Date decision implementable	

**This Decision Sheet to be submitted to Democratic Services within three days of the decision being made**

**OFFICER DECISION UNDER DELEGATED AUTHORITY  
CONTRACT AWARD REPORT**

<b>Title:</b> Tendering of an Alternative Education provision for Year 11 Children.	
<b>Key Decision:</b>  Yes	<b>Wards Affected:</b>  All
<b>Decision Maker:</b> Helen Jenner (Corporate Director of Children's Services)	
<b>Responsible Officer:</b>  Jane Hargreaves (Divisional Director, Education)	
<b>Recommendations:</b>  It is Recommended:  1) That approval be given for the Council to award a contract for the supply/provision of Alternative Education provision for Year 11 Children to Lifeline Community Projects for a term of three (3) years from 1 <sup>st</sup> September 2015 with an option to extend for a further period of two (2) years in the total Contract Value of £945,000.00 (inclusive of extension period).	
<b>Reason(s) for decision</b>  Approval is sought to award this contract to Lifeline Community Projects being the bidder that submitted the most economically advantageous tender following a fully compliant procurement exercise in accordance with the law, the Council's Contract Rules and the procurement strategy set out in the Procurement Strategy Report approved by Cabinet on 16 <sup>th</sup> February 2015 a copy of which is attached to this report.	
<b>1. Background</b>  1.1 Under the Education Act 1996 the Council is under a duty to provide alternative education for children and young people that are of compulsory school age and have entered the borough with no allocated school place or for those children who require some form of alternative provision outside the mainstream setting.  1.2 This report requests approval to tender for an Alternative Education Provision (AEP) for Year 11 children, which will then identify a provider to deliver this service from September 2015 for a period of up to five years (a three year contract with	

provision to extend for a further two years)

- 1.3 The previous procurement exercise was approved by the Executive Meeting held on 22<sup>nd</sup> December 2009. An open tender was used to identify a provider; the service was advertised on 9<sup>th</sup> March 2010. Lifeline were the successful organisation and were awarded the contract commencing 1<sup>st</sup> September 2010. This contract will expire on 31<sup>st</sup> August 2015. To ensure continuity of service and enable the timely recruitment of teachers, the new contract must be in place prior to the end of May 2015.
- 1.4 Following an evaluation of the service, in addition to working towards achieving in Maths, English and IT, the provider will be asked to work with students to achieve a qualification in science.

## 2. Procurement Strategy compliance

Interested parties were invited to tender on the basis of a compliant open tender process. Tenderers were given distinct details on price/quality and criteria weightings. All submissions will be evaluated against a pre-determined evaluation criterion of quality 40% and price 60%.

### Stage one of the procurement exercise

*Method statements were evaluated against the following criteria*

- Service Delivery 20 points
- Measurement 10 points
- Management and staffing 10 points
- Evaluation 20 points
- Communication 10 points

The evaluation panel included representation from the following areas:

- Senior Inclusion Manager
- Inclusion Officer - Alternative Provision
- Commissioning

Tenderers were made aware of all criteria and sub criteria in advance.

Each submission was scored by members of the Evaluation Panel using the objective evidence and the professional judgement of the members of the Evaluation Panel. Following the panel's evaluation, moderation took place in which each evaluators score was compared with the score of other evaluators and a consensus view was taken to agree the scores to be awarded – the 'moderated' score.

Tenderers were then invited to visit LBBD to attend a Presentation and interview session. There was a total of 30 points available for this stage

Costs scoring:

**Core Criteria - Price**

The Bidders price and financial information was marked in accordance with the scoring methodology set out in this section

The total tender figure for the work submitted by each bidder was scored on the extent to which they compare to the Bidder submitting the lowest tender figure. The lowest tender submitted will score full marks based upon the 60% core criteria weighting. The other bidders scored according to the following calculation:

**Bidder A Score = (Lowest Tender figure/Bidder A Tender Figure) x 60% (the core weighted percentage).**

The contract will be awarded on the basis of the most economically advantageous tender.

**2.1 Summary of the works, goods or services procured.**

The service will provide an alternative education provision for year 11 pupils who are unable to attend school. The service will provide 25 hours education per week, for 29 weeks for 30 pupils who have been referred for the following reasons:

- New to Barking and Dagenham
- Lack of school place

The service will aim to provide tailored support around a pupil's needs, both educationally and more widely (including any special educational needs which may not have been adequately identified and met).

Due to the size of the venue – the maximum number of pupils that can be accommodated is thirty (30). The current provider delivers from two classrooms each providing space for up to fifteen (15) pupils to be educated.

The service will be expected to deliver a series of academic performance targets. In summary these are as follows:

- Functional Skills Maths L1/L2 equivalent: 80% pass of those entered
- GCSE English/ or equivalent: 80% pass of those entered
- GCSE IT/ or equivalent: 80% pass of those entered
- Entry Level subjects: 80% pass at Entry Levels 1/2/3
- Basic Adult skills (Numeracy/Literacy): 80% pass
- Possibly part GCSE ICT or Citizenship (Where appropriate):60% pass the qualification
- Attendance: 85%
- Progression: 85%

- Those progressing into training, education or employment target: 85% of total cohort

**2.2 Total Contract Value of Contract, including the value of any uplift or extension period.**

The contract value will be £189,000 per annum (£945,000 for the life of the contract including the extension period).

**Does the Contract Value of the awarded contract differ from the Contract Value estimated in the PSR? If so, provide details and reasons for the difference.**

The contract value differs by £5,000.00 over the life of the contract as the winning submission had a proposed contract price of £189,00 PA.

**Is this within the allocated budget for this contract?**

Yes

**2.3 Duration of the contract, including any options for extension.**

Three years with an option to extend for a further two years (five years in total).

**2.4 TUPE, other staffing and trade union implications.**

There are no TUPE, staffing or trade union implications, as the incumbent provider was successful.

**3. Criteria and Evaluation**

We received seven (7) requests for tender application packs. Two (2) submissions were received on the closing date of Monday 13<sup>th</sup> April 2015, 12 noon.

Method statements were scored and evaluated against the following criteria:

- Service Delivery 20 points
- Measurement 10 points
- Management and staffing 10 points
- Evaluation 20 points
- Communication 10 points

Presentations and interviews were scored as follows:

- Presentation 10 points
- Interview 20 points

The tenders were evaluated as detailed above using the following criterion of 40% quality

and 60% price

Both Company A and Company B were invited to progress to stage 2 (presentation and interview).

Company A scored the highest with an overall score of 94. Company B scored 80.9.

This report seeks the authority to award a contract to on the basis of the most economically advantageous tender.

Successful bidder. Lifeline Community projects

**3. Standstill**

The standstill period will commence once agreement to award this contract has been received.

The successful bidder will be notified of contract award and unsuccessful bidders will be formally notified that they were unsuccessful. We will also advise unsuccessful bidders of who the successful bidder was and offer them the opportunity to request additional debriefing information.

**4. Waiver**

Not applicable

**5 Risk and Risk Management**

Credit checks will be made and once financial stability has been established the main risk will be the quality of the service to be delivered. Tenderers ability has been assessed during the tender and covered the following areas service delivery, measurement, management & staffing, evaluation and communication.

Once approval has been given, written contractual arrangements will contribute to ensuring a quality service. The contract will be monitored by Council Officers who will liaise with the Councils Legal Team in order to resolve any contractual issues that arise during the life of the contract. Quarterly monitoring meetings will be conducted with providers having to complete and submit monitoring forms before any monitoring meeting.

**6. Consultation**

Consultation has taken place through the circulation of the cabinet report.

This will be circulated to the relevant group manager, Divisional Director and will be sent to the Councils Legal, Finance and Corporate Procurement Team for comment.

**7. Corporate Procurement**

Implications completed by: Euan Beales, Head of Procurement and Accounts Payable

- 7.1 The services to be procured are classified as Part B as they were tendered under the previous 2006 regulations and as such are not required to adhere to the mandated requirements as set out in EU Legislation.
- 7.2 Within the report the evaluation criteria split has been outlined as 40% quality and 60% price, in this instance this is deemed to represent best value..
- 7.3 The route as described in this report is sound and can be justified, and I fully support the recommendations.

**8. Financial Implications**

Implications completed by: Patricia Harvey - Interim Group Manager, Children's Finance

- 8.1 Resources will be from the Dedicated Schools Grant (DSG) total allocation £229,038,000, for 2015/16 The budget within the DSG for the High Needs Block (HNB) 2015/16 is £27,184,000 including agreed carry forward allocation with Schools' Forum of DSG £2,400,000. This will support the Provision of Alternative Education for Year 11 children. Any over/underspends will be contained and ringfenced within the DSG for 2016/17 and subsequent years.

**9. Legal Implications**

Implications completed by: Courage Emovon – Contracts Lawyer

- 9.1 This report is the award of a contract for the provision of Alternative Education for year 11 children for a 3 years term commencing from 1st Sept 2015 with an option to extend for a further 2 years.
- 9.2 Following a tender process undertaken by the Council, the Council now seek to award the contract to the successful bidder-Lifeline Community Projects.
- 9.3 The Council have a general responsibility for Education as provided by clause 13 of the Education Act 1996 and in addition a statutory obligation as the Local Education Authority for Barking and Dagenham to provide Alternative Education. Clause 19(1) of the Education Act 1996 expressly states as follows;  
  
“ Each local education authority shall make arrangements for the provision of



suitable education at school or otherwise than at school for those children of compulsory age who ,by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them".

9.4 Legal services will be on hand to assist in any queries that arise and to seal the contract documents in accordance with the Council contract rules as provided by rule 49.2.

**Officer decision**

**Having reviewed and taken account of the matters stated and documents appended to this report and having consulted with the persons/bodies identified in this report, and being satisfied that the decision(s) is/are in the best interests of the Council, I hereby agree and approve the Recommendations set out in this report.**

Signed ..... *Steve Jenner* .....

Officer Title ..... *DCS* .....

Date ..... *6/5/15* .....

**List of appendices:**

Specification

**Previous Reports/Decisions**

Cabinet Procurement Strategy and Waiver Report AEP Final.

**Report Author:**

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