

## CABINET

15 February 2016

<b>Title:</b> Contract for Provision of Private Hire Vehicles Transport Services for SEND Children, Young People and Vulnerable Adults	
<b>Report of the Cabinet Member for Education and Schools</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> Yes
<b>Report Author:</b> Jackie Chamberlain, Transport Commissioner, Children's Strategic Commissioning and Safeguarding	<b>Contact Details:</b> Tel: 020 8227 3623 E-mail: <a href="mailto:jackie.chamberlain@lbbd.gov.uk">jackie.chamberlain@lbbd.gov.uk</a>
<b>Accountable Divisional Director:</b> Ann Graham (Complex Needs and Social Care)	
<b>Accountable Director:</b> Helen Jenner (Corporate Director of Children's Services)	
<b>Summary:</b> <p>The Council has a legal duty to ensure travel assistance for "eligible children" as they consider necessary to facilitate their attendance at school (s508B Education Act 1996 (EA 1996)). The term "eligible children" is defined at Schedule 35B of the Education Act 1996. Children and young people with special educational needs and/or disabilities may be considered as "eligible". The Council has a further statutory duty to provide social care support under the Care Act 2014 to vulnerable adults who qualify for support under the national eligibility criteria, both for those who cannot fund their care and those who can.</p> <p>This report requests authorisation for the Council to lead on a procurement exercise for the provision of private hire vehicle transport services (with and without Passenger Assistants) for children and young people with special educational needs and/or disabilities (SEND) and vulnerable adults.</p> <p>This exercise will culminate in the creation of a framework of suitably qualified and experienced providers for the provision of the services outlined above. This framework will also be accessible to eligible families opting to receive a Direct Payment to make their own travel arrangements, securing them the peace of mind that a rigorously vetted framework of this nature offers.</p> <p>It is anticipated that the new arrangements will take effect from 1 September 2016 (the start of the new academic year) to avoid the disruption to children and families of a potential change in provision part way through the school year, The existing contract was initially let until April 2016 but has provision to be extended up to a maximum of 12 months. It is proposed, therefore, that the existing contract be extended to 31 August 2016. The contracts awarded will be for a period of four years and, as it is a framework agreement, are likely to be awarded to multiple providers. Forecasts indicate that total expenditure in this area over the four year period will be approximately £4m. There is no fixed financial commitment involved with this proposed arrangements.</p>	

The other local authorities requesting to be named on the framework contract are the London Boroughs of Newham and Redbridge.

### **Recommendation(s)**

The Cabinet is recommended to:

- (i) Agree that the Council acts as the lead borough for the procurement of a four year framework contract for the provision of private hire transport services (with and without Passenger Assistants) for children and young people with Special Educational Needs and/or disabilities (SEND) and vulnerable adults in accordance with strategy set out in this report;
- (ii) Agree that the existing contract to be extended for a period of four months to 31 August 2016;
- (iii) Indicate whether the Cabinet wishes to be further informed or consulted on the progress of the procurement and/or the use of the Framework Agreement; and
- (iv) Delegate authority to the Corporate Director for Children's Services, in consultation with the Cabinet Member for Education and Schools, the Strategic Director Finance and Investment and the Director of Law and Governance, to award and enter into the contract and access agreements.

### **Reason(s)**

- To provide an appropriate, best-value service that delivers excellent outcomes for children and young people;
- The Framework will reduce cost pressures through increased joint working, economies of scale and by use of shared services where possible.
- To help meet key savings targets, through the promotion of more cost-effective means to support families of vulnerable children, young people and adults with their home-to-school travel.

## **1. Introduction and Background**

1.1 The purpose of this paper is to explain the reasons for establishing a joint Framework Contract for Private Hire transport provision and seek approval to proceed further. This is underpinned by the overall vision: to create a framework of competent companies capable of providing a managed service of transport for children and young people with special needs and/or disabilities and vulnerable adults, where the service is provided on behalf of the Council, or is funded by the Council through a Direct Payment<sup>1</sup>.

1.2 The Council has a legal duty to ensure travel assistance for "eligible children" as they consider necessary to facilitate their attendance at school (s508B Education Act 1996 (EA 1996)). The term "eligible children" is defined at Schedule 35B of the

---

<sup>1</sup> A Direct Payment is a payment made to the family to enable them to source a personal travel solution for their child. This offers a flexible solution for families when arranging travel support for a child.

Education Act 1996. Children and young people with special educational needs and/or disabilities may be considered as “eligible”.

- 1.3 The Council has a further statutory duty to provide assistance for vulnerable adults in line with the Care Act 2014 to residents who qualify for support under the national eligibility criteria, both for those who cannot fund their care but also for those who can. Their eligible needs are those that are determined after an adult care assessment. As part of the assessment it may be deemed that a person requires transportation as part of a holistic package to meet a need. A personal budget will be issued to an individual so there is flexibility choice and control over the service which can be purchased.
- 1.4 The Council’s approach to determining the eligibility and provision of home-to-school transport is governed by the “*London Borough of Barking and Dagenham Transport Policy Statement*”. In July 2015 the Department for Education (DfE) published the document “*Home to school travel and transport guidance: Statutory guidance for local authorities*”, requiring the Council to review the existing policy on the provision of home-to-school transport assistance. It is important to note that there has been no substantive change to school transport legislation and the associated duties continue to rest with local authorities.
- 1.5 A revision to the existing policy has been drafted titled “*The London Borough of Barking and Dagenham Special Educational Needs and Disabilities (SEND) Home-to-School Transport Assistance Policy*”. This revised policy has been subject to a twelve-week public consultation, and the results of this will be presented to Cabinet in February 2016 replete with recommendations.
- 1.6 It should be noted that any outcome of changes to the Council’s policy will not obviate statutory duties, and therefore there will continue to be a requirement for this provision to meet the needs of a cohort of children and young people with special educational needs and/or disabilities.
- 1.7 Currently, the Council provides home-to-school travel assistance to approximately 470 children and young people with SEND. The form that this travel assistance takes can be seen in the table below:

<b>Travel Assistance Type</b>	<b>No. of CYP</b>	<b>2015/16 Budget</b>	<b>2015/16 Forecast</b>	<b>Budget Pressure</b>
Bus provided by in-house Passenger Transport Service	272	£1,290,500	£1,290,500	£0
Private Hire Vehicles (Taxis)	112	£832,000	£916,000	£200,000
Independent Travel Training/Travel Buddy Programmes	24		£42,000	
Mileage (paid directly to parents for transporting their child)	17		£7,000	
Direct Payment (paid directly for parents to commission their own provision to best suit their needs)	45		£67,000	
<b>Totals</b>	<b>470</b>	<b>£2,122,500</b>	<b>£2,322,500</b>	<b>£200,000</b>

## Notes

1. No. of Children and Young People (CYP) figure is as of 10 December 2015.
  2. The £2.5m cost of the in-house Passenger Transport Service is shared with Adult Services. Furthermore, this is centrally recharged services. The estimated notional split (based on usage) is 51% Children's Services and 49% Adult Services.
  3. It should be noted that whilst the spend shown above on Private Hire Vehicles (£916k) appears to be less per annum than the overall annual contract value (£1m), this is because in addition to the spend above which is for CYP with SEND, there is also a small additional amount of spend for transporting CYP with Social Care needs e.g. contact arrangements for children in care. This is funded from separate budgets within the individual Children's Social Care Teams, as does not impact on the expenditure profile for the SEND Transport Budget.
  4. It should further be noted that Cabinet are also considering revisions to the Home-to-School Travel Assistance Policy, and the outcome of these discussions may yield a reduction in future cost pressures.
- 1.8 As the Council pursues an agenda of personalisation it is anticipated that the number of children and young people being transported in private hire vehicles arranged directly by the authority will reduce. It is highly unlikely, however, that a position will be arrived at where this figure reaches zero as no family can be legally compelled to accept a Direct Payment in lieu of direct provision. Furthermore if, as is hoped, an increasing number of families *do* choose a Direct Payment so that they may make their own arrangements for home-to-school travel, they will need access to providers who are suitably qualified and experienced to meet the needs of their child. This framework would offer families a significant degree of reassurance in this respect.
- 1.9 This formalised approach will continue to drive savings through joint working with neighboring Councils (and the associated economies of scale of this approach) and by use of shared services where possible. It will also enable financial transactions to be based on contracted prices, helping to continue with cost containment and accurate expenditure forecasting.
- 1.10 The proposed procurement will ensure that local companies are able to tender for the provision of private hire, coach and special vehicle provision, all with qualified and trained drivers. All providers must be capable of ensuring continuity of supply, including tight management of safety, vehicle and driver provision to ensure minimum disruption of supply to vulnerable members of the community. Separate lots will ensure provision of special needs transport with appropriately qualified, vetted and trained passenger assistants.
- 1.11 The current contract governing this provision expires on 28 April 2016 and has an option to extend for up to one further year. The intention is to extend the current contract for a period of four months, to allow existing provision to be delivered uninterrupted for the remainder of the academic year, with the new contract (and reconfigured delivery) being in place for the start of the next academic year to minimize disruption for children, young people and their families.

## **2. Proposed Procurement Strategy**

### **2.1 Outline specification of the works, goods or services being procured.**

- 2.1.1 Prior to the full tender, the existing contract will be extended by a period of 4 months, to 31 August 2016. This is to avoid the disruption to children and families of a potential change in provision part way through the school year, with any new contract taking effect for the start of the academic year (1 September 2016). The existing contract has an extension clause that allows for this course of action.
- 2.1.2 The council on behalf of themselves, LB Redbridge and LB Newham, will invite expressions of interest from suitably qualified and experienced private hire providers interested in joining a Framework Agreement to provide transport for children and young people with SEND via private hire vehicles (with and without Passenger Assistants).
- 2.1.3 The framework will be accessible to all boroughs who have provided a formal expression of interest to be named in the development of this Framework.
- 2.1.4 The maximum number of participating firms will be 35 and the Framework Agreement will run for 48 months from the anticipated commencement date of 1 September 2016. The framework will comprise 8 lots as follows:
- Lot 1: Saloon Cars
  - Lot 2: Saloon Cars with Passenger Assistants
  - Lot 3: Multi Person Vehicles (MPV) up to 8 seats
  - Lot 4: MPV with Passenger Assistants
  - Lot 5: Mini-bus (12 seats and above)
  - Lot 6: Mini-bus with Passenger Assistants
  - Lot 7: Accessible vehicles (12 seats and above)
  - Lot 8: Accessible vehicle with Passenger Assistants

The rationale for having a maximum of 35 providers on the framework is to ensure that the performance of each provider can be monitored within the resources of the transport commissioning office

- 2.1.5 There are a number of accepted advantages to agreeing a contractual framework over spot-purchasing.
- Quality assurance monitoring can take place across the participating authorities both with regard to statistical returns, as well as regular meetings with providers;
  - Good practice and training opportunities can be shared amongst providers and forums held with local partners;
  - Good quality services should lead to more consistent, needs-focused, transport for children, young people and adults, allowing them to live more normal lives;
  - A pre-agreed pricing structure that commits the providers to maintain their base prices across the term of the contract;
  - Guaranteed pricing structure for local residents and those in receipt of direct payments

2.16 The particular contractual method recommended to Cabinet, that is a Framework Agreement, would have additional advantages. It would not oblige the local authority to purchase any particular volume from a provider. As the tender would be issued on behalf of all participating authorities the quality assurance requirements would be identical, leading to efficiencies on the local authorities' side in their respective commissioning and procurement services.

## **2.2 Estimated Contract Value including the value of any uplift/extension period.**

2.2.1 The contract will be a Framework Contract that will have no minimum value, nor will any commitment to expenditure by the Council be stipulated within the contract itself. Expenditure will only be incurred when referrals are made. The estimated contract for each authority is as follows:

LB Barking and Dagenham: circa. £1m per annum (circa. £4m in total)

LB Redbridge: circa. £385k per annum (circa. £1.54m in total)

LB Newham: circa. £175k per annum (circa. £700k in total)

2.2.2 The total value of the contract would, therefore, be circa. £6.24m.

2.2.3 The total value of extending the existing contract for a period of four months is £350,000.

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

2.3.1 The framework contract will be for four years.

## **2.4 Is the contract subject to the (EU) Public Contracts Regulations 2015? If Yes and the Contract is for services, is it subject to the light touch regime?**

2.4.1 This contract is subject to the (EU) Public Contracts Regulations 2015 and is not subject to the light touch regime.

## **2.5 Recommended procurement procedure and reasons for the recommendation.**

2.5.1 The tender process will be conducted in compliance with any European Union rules and principles and the Council's Contract Rules. The tendering of this service will be advertised on all participating Councils' websites and on Contract Finder, which is a free service for businesses, government buyers and the public.

2.5.2 There is a requirement for the tender to be advertised in the OJEU as it is subject to the Regulations. The Council's own Contract Rules require a formal tender process to be followed and the EU Treaty principles of transparency, non-discrimination and equality of treatment do apply. The route of a tender process has previously worked well: providers engaged with and had no issues with the way in which the procurement process was run. Interested parties will be invited to tender on the basis of a compliant tender process.

2.5.3 All providers who express an interest in the tender will be issued with a tender pack which will give clear details on the price/quality criteria and weightings. The weighting will be 80% price and 20% quality. This will be a single stage tender using

the Open Process and will offer the opportunity and support to less experienced providers to submit a tender for this framework contract.

2.5.4 The weightings are expected to be as follows (this is an overview; tenderers will be made aware of any sub criteria in the tender documents):

- Base rate prices 80%
- Quality 20% (4 method statement questions each worth 5% of the quality score)
  - Licences & Insurances
  - Safeguarding Children & Adults
  - Data Protection

2.5.5 If there are any revisions to the weightings during the tender exercise all providers who have requested a tender pack will be informed immediately.

2.5.6 Providers will only be named on the framework if they achieve 15% of the quality score from their tender submission.

### **Expected Tender Outline**

Cabinet approval	February 2016
Advertise and send out tender application packs	March 2016
Tender submissions to be returned	May 2016
Tender evaluations, unannounced visits and interview	June 2016
Approval and award of contract	July 2016
Start of contract delivery	1 September 2016

2.5.7 Following the evaluation of the tenders, providers will be advised if they have been successful in being awarded a framework contract for all participating authorities.

2.5.8 Each academic year successful providers will be requested to submit best and final offers for all available routes available for the academic year. This will process will be carried out by individual authorities accessing the framework.

### **2.6 The contract delivery methodology and documentation to be adopted.**

2.6.1 Service to be delivered by external providers. Documentation to be adopted will be the Council's standard terms and conditions.

### **2.7 Outcomes, savings and efficiencies expected as a consequence of awarding the proposed contract.**

2.7.1 Having other boroughs named on the framework will give more options for shared routes and economies of scale could increase potential savings.

2.7.2 To provide a safe and reliable service for vulnerable children and young people who are unable to access public transport.

- 2.7.3 To enable route sharing across all participating authorities.
- 2.7.4 To ensure providers are vetted and that base prices are available for local residents and those in receipt of Direct Payments.
- 2.7.5 From the perspective of the five Every Child Matters outcomes, transport impacts on 'staying safe' in its broader interpretation, as well as outcomes under the heading 'enjoy and achieve' in terms of access to education and other opportunities (such as sports provision), and 'making a positive contribution' in terms of work.

## **2.8 Criteria against which the tenderers are to be selected and contract is to be awarded**

- 2.8.1 The price quality ratio upon which contracts will be awarded will be 80% price/20% quality. Providers will be ranked per lot that they can provide based on their tender submission.
- 2.8.2 Each academic year all providers on the framework contract will have the opportunity to submit Best and Final Offers (BAFO) for all regular routes. All routes are subject to change over the academic year and allocation of a route can be changed based on the needs of the service
- 2.8.3 Each participating authority will carry out their own yearly commissioning of regular routes.  
*NB: the previous framework contract required e-auctions to be undertaken in preparation for each academic year. In the majority of cases the routes awarded at auction have not achieved best value. For example a route that was awarded at auction was awarded at £135 per trip, however based on the distance and vehicle type this route should cost approximately £79 per trip. There are many examples where awarded routes are not cost effective. The providers also found the e-auction process challenging, and after several years of participating in auctions still find the process very difficult to understand. Travel support changes on a daily basis and therefore the routes that are auctioned in preparation for the academic year change regularly throughout the course of the academic year.*

## **2.9 How the procurement will address and implement the Council's Social Value policies.**

- 2.9.1 The Council's Social Value policies and the Social Value Act 2012 are broadly aligned, and thus, these contracts will address and implement the aims by:
- **Promote employment and economic sustainability:** tackle unemployment and facilitate the development of skills
  - **Build the capacity and sustainability of the voluntary and community sector:** enabling groups to provide the service and encourage volunteering and employment of local residents
  - **Creating opportunities for SME's and social enterprises:** Enabling the development of local businesses in the provision of this service.

### **3. Options Appraisal**

- 3.1 **Option 1: Do nothing** - The current contract will expire. The Council could purchase this service from their current suppliers without having contractual cover in place. This option would fail to be compliant with EU procurement legislation as well as the Council's own policies. There would also be a high degree of risk associated with this option, exposing the Council to potential price increases and deficit budgetary positions. Without contracts in place we cannot enforce DBS (Disclosure and Barring Service) checks being mandatory, and that taxi companies hold appropriate licences. This is critical as the taxi companies will be transporting vulnerable children. which will put the council in a position of needing to sport purchase from providers which will have an impact on the cost of the services required and could have an impact on the safety and quality of service that is delivered to the most vulnerable young people who access this support.
- 3.2 **Option 2: Independent Procurement** - The Council may choose to initiate an independently-run Council procurement process (not in conjunction with other local authorities). If the Council was to act independently to create its own Framework Agreement, it would achieve many of the intended objectives of a joint-procurement exercise, but may risk not realising potential economies of scale, and would increase the overall cost of the procurement (as the charges levied against the participating authorities would not be collected as income).
- 3.3 **Option 3: Joint Procurement** - The Council may choose to initiate, and lead, a joint procurement exercise (in conjunction with LB Newham and LB Redbridge. If this course of action were chosen many the intended objectives realised through an independent tender exercise would be achieved, with the additional benefit of levying procurement and contract management charges against the participating authorities as income.
- 3.4 **Option 4: Join an existing framework** - There is no suitable existing framework in place across the boroughs that that have expressed an interest in participating.

### **4. Waiver**

- 4.1 Not applicable.

### **5 Equalities and other Customer Impact**

- 5.1 Wellbeing of children in the borough: and ensuring that potentially vulnerable children and young people are safely transported and, where appropriate, escorted, is a fundamental responsibility for the Council, staff and Members. Indeed, this is a responsibility for all Members as corporate parents.
- 5.2 Integrated service provision: the ability for children and young people to be safeguarded while transported to school allows them to experience services within the community in a safe way, thereby, contributing to positive life chances, educational and social development.

## **6. Other Implications**

### **6.1 Risk and Risk Management**

- 6.1.1 The current Framework Agreement expires in April 2016 with an option to extend for 1 year. Over the course of this contract 3 providers have ceased trading and therefore this has reduced the competition.
- 6.1.2 As a Framework Agreement there is no specific guarantee to any provider of a level of service and, by extension, expenditure. A Framework on behalf of all participating boroughs is likely to attract a higher level of interest from potential providers than one borough alone, so encouraging more competitive pricing and minimising the risk from default by any individual provider.
- 6.1.3 Given the statutory duty upon the Council, a suitable and safe provision for children, young people and adults with special educational needs and/or disabilities could be considered as risk mitigation. This framework would tie providers into contractual obligations that would better ensure continuity of provision, as well as service quality for service users. The key elements of this can be summarised as follows:
- vehicles will carry a first aid kit, at least one appropriate fire extinguisher, a kit adequate to deal with any spillages (including bodily fluids), safely and without hazard to the driver, or other passengers;
  - contractors will provide Passenger Assistants as required by the each Authority;
  - contractors must arrive at the specified collection and drop-off points by the times stated in the Schedule of Journeys;
  - all taxi drivers as governed by their PCO licence, passenger assistants will hold a valid DBS check that is no more than 3 years. A DBS must also be obtained for all other staff that may be used as part of this contract.

The risk to service users will be minimised considerably through providers being held to key quality standards within the terms of the Framework Agreement, such as:

- people are individuals and have the right to courtesy, dignity, privacy and independence;
  - all those involved in the provision of transport services are acquaintances in the passengers' lives and should act with respect;
  - all those involved in providing transport should acknowledge and respect people's gender, sexual orientation, age, ability, race, religion culture and lifestyle;
  - services should respond sensitively and flexibly to people's changing needs.
- 6.1.4 All providers will be expected to ensure that all passengers provided with transport by the Council be allocated an appropriate seat including the provision of any harnesses, standard booster seats or child seats (appropriate to the age, height and weight and mobility needs of the child) or secured wheelchair space. There is to be no standing at any time. The vehicle shall be so equipped as to enable passengers to be transported comfortably and should be heated when necessary. Passengers are not to be conveyed in any sideways facing seat.

6.1.5 All named authorities will need to sign an access agreement to be able to call off the framework contract.

## **6.2 Safeguarding Children**

6.2.1 The changes to the policy in and of themselves present no specific safeguarding concerns. It is imperative that an appropriate assessment of risk forms part of any assessment of eligibility, and it is apparent that this will be the case.

6.2.2 Much as is the case now, procurement exercises for home-to-school travel provision should ensure that the Council's expectations toward providers operating on its behalf are built into contracts, and that a mechanism exists for highlighting any safeguarding concerns raised, and responding to these concerns promptly.

6.2.3 The recommendation that Council approved frameworks of providers should be available for families to access will be a useful tool in minimising the risk associated with families directly purchasing from the market, often from providers that have not been as rigorously vetted as those attached to an approved Council contract.

## **6.3 Health Issues**

6.3.1 A Framework Agreement will ensure that the health needs of vulnerable members of society are better supported, particularly with regard to mobility and where passengers have complex physical, psychological and/or sensory needs.

## **7. Consultation**

7.1 Consultation for this tender exercise has taken place through circulation of this Cabinet Report. The draft report after having been circulated to all required consultees as listed at the beginning of this report was then put forward and approved at the Corporate Procurement Board Meeting of January 2016.

7.2 A full public consultation in relation to the new home to school transport policy has recently concluded.

## **8. Corporate Procurement**

Implications completed by: Francis Parker, Senior Procurement Manager

8.1 A Framework is the best contractual model for this type of service. It allows for the pricing of changing routes and offers the necessary flexibility.

8.2 The collaborative approach is likely to yield slightly better value for money from suppliers. It also increases the supply base because providers may bid for a collaborative procurement when they may not have if LBBD contracted on their own.

8.3 The 80/20 split is likely to provide low prices but does bring a risk in terms of quality. There have been issues with the current contract in terms of poor performance, and a higher quality split would have made this risk easier to manage out of the process.

- 8.4 An e-auction may still be a viable option, should the 'best offer' method not yield competitive prices. Whilst it has led to some supply issues in the past, this risk can be mitigated through more thorough supplier training.

## **9. Financial Implications**

Implications completed by: Daksha Chauhan, Group Accountant, Children's Finance

- 9.1 This report requests approval for a joint procurement contract to deliver a private hire transport provision for children and young people with SEND and vulnerable adults. This is a four year framework contract with the London Borough of Redbridge and the London Borough of Newham being part of the framework. This report also requests agreement to extend the current contract for a period of 4 months.
- 9.2 There is no financial commitment with the framework contract, as spend will be incurred when referrals are made. It is estimated that the authority will spend approximately £1.0m per annum on this contract.
- 9.3 Spend against this contract will be funded from the SEND transport budget which is £832k for 2015/16 and also from other individual Social Care Team budgets. This budget has been under pressure in recent years, however Cabinet are considering revisions to the Home to School Travel Assistance Policy and the outcome of these discussions may help to alleviate the current pressure.

## **10. Legal Implications**

Implications completed by: Kayleigh Eaton, Contracts and Procurement Solicitor, Legal and Democratic Services

- 10.1 This report is seeking approval for the existing contract to be extended for a period of four months, from 29<sup>th</sup> April 2016 until 31<sup>st</sup> August 2016, and also approval to tender a four year framework for the provision of Private Hire Vehicles for children and young people with special education needs and/or disabilities and vulnerable adults from 1 September 2016.
- 10.2 It is anticipated that the estimated value of the new framework agreement will be in excess of the threshold for services (currently set at £164,176) under the Public Contracts Regulations 2015 (the Regulations) and therefore a competitive tendering process will be required, which will be subject to the full application of the Regulations. The anticipated spend over the life of the framework should be set out in the requisite notices.
- 10.3 Legal Services note that it is the intention of the responsible directorate to permit this contract to be utilised by other local authorities. Legal Services would advise that the OJEU Contract Notice must be specific as to the potential local authorities (or group of local authorities) who may use this contract. Potential spend must also be forecast for the Council and other potential users of the contract so as not to fall foul of the Regulations.

- 10.4 Contract Rule 28.8 of the Council's Contract Rules requires that all procurements of contracts above £500,000 in value must be submitted to Cabinet for approval.
- 10.5 In line with Contract Rule 47.15, Cabinet can indicate whether it is content for the Chief Officer to award the contract following the procurement process with the approval of Corporate Finance.
- 10.6 The procurement procedure anticipated by this report would appear to be following a compliant tender exercise and Legal Services will be available to assist and advise upon further instruction.
- 10.7 Rule 54.1.3 of the Council's Contract Rules state that extensions can be made where there is a provision stipulated in the original contract for an extension. Legal Services note that this contract, which commenced on 29 April 2013, has a term of three years plus the option to extend for a period of up to one year. This means that the proposed extension option is within the terms and conditions of the current contract.
- 10.8 The report author and responsible directorate are advised to keep Legal Services fully informed at every stage of the proposed tender exercise. Legal Services are on hand and available to assist and answer any questions that may arise.

**Public Background Papers Used in the Preparation of the Report - None**

**List of Appendices - None**