

Report to the Chief Officer (Highways and Transportation)

Date: 09 December 2014

Subject: Report to seek a waiver of CPR 8.1 and 8.2 to enter into a new contract with Cycle Leeds to deliver the Bikeability Cycle Training Contract without seeking competition.

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Delivery of Bikeability cycle training directly links with a number of Best Council Plan objectives and contributes towards the Tour de France Legacy.
2. Bikeability Cycle Training is currently delivered by Cycle Leeds; however the current contract expires on 31st March 2015 and doesn't have an option to extend.
3. The Department for Transport have confirmed funding will be available for 2015/16 but haven't yet started the bidding process of these funds.
4. Bookings for training for this academic year are being taken now and as there is insufficient time to make alternative arrangements for the summer term it is proposed to continue the current arrangement to the end of the current school year (July 2015).
5. A further report will be submitted with recommendations for the future of Bikeability cycle training that will provide sufficient lead time to take bookings for training before the start of the 2015/16 academic year (August 2015).

Recommendations

6. The Chief Officer (Highways and Transportation) is requested to authorise:
 - i) Waive Contract Procedure Rule 8.1 and 8.2 – Intermediate Value Procurements – and approve entering into a contract with Cycle Leeds for

the Bikeability Cycle Training Contract from 1st April 2015 to 31st July 2015 for Leeds City Council without seeking competition.

1. Purpose of this report

- 1.1 This report sets out the reasons for recommending that the Chief Officer (Highways and Transportation) approves the waiver of Contract Procedure Rule 8.1 and 8.2 to continue with the same arrangement for Bikeability Cycle Training to the end of this academic year by entering into a contract with Cycle Leeds without seeking competition.

2 Background information

- 2.1 Bikeability is 'Cycling Proficiency' for the 21st Century. There are 3 levels of Bikeability which follow the national standard for cycle training. The national standard itself, which underpins Bikeability, was developed by more than 20 professional organisations including the Royal Society for the Prevention of Accidents (RoSPA) and is supported by cross government departments including the Department for Transport, Department of Health and the Department for Children, Schools and Families. Bikeability is designed to give the next generation the skills and confidence to ride their bikes on today's roads. In order to deliver Bikeability to the National Standard, providers must have a scheme registered.
- 2.2 Delivery of Bikeability cycle training directly links with the Best Council Plan Objectives to 'Promote Sustainable and Inclusive Economic Growth & 'Build a Child Friendly City'. Indeed of the 12 Child Friendly Leeds wishes, number one is that 'Children and young people can make safe journeys and easily travel around the city. Delivery of Bikeability also contributes towards the Tour de France (TdF) Legacy.
- 2.3 Delivery of Bikeability in Leeds is currently undertaken by Cycle Leeds after Novation from Leeds Carnegie Bikeability. The original organisation having held the contract since April 2012 after Delegated Decision approval by the Chief Officer Highways & Transportation on 20/03/2012.
- 2.4 To 31st March 2014, Leeds Carnegie Bikeability had delivered Bikeability training to 9757 pupils in Leeds. A further 7000 pupils are expected to complete the level 2 or level 3 training during the financial year 2014/15. The council will be submitting a preliminary bid to cover 7500 places for the financial year 2015/16. Local Authorities have been advised that grant confirmation decisions will be made this autumn.

3 Main issues

- 3.1 The current contract was put in place on 2nd April 2012 and expires on 31st March 2015. There is no provision to extend the contract further. Under the terms and conditions of the existing specification the council manages the overall contract, record keeping for audit purposes and monitoring of service delivery. The existing service provider is experienced in service delivery and is familiar with schools in Leeds. This makes the booking and delivery of the programme streamlined. Good and efficient working practices have been developed between the two teams and

many improvements have been made to service delivery since the contract was put in place. Bookings for training for this academic year are being taken now and there needs to be a commitment in place now to ensure that there is a resource available to honour the bookings for the summer term of the current school year (July 2015). Experience has shown that the training agreement is best arranged on academic years rather than the current arrangement which is based on financial years. It is therefore proposed to extend the current arrangement to the end of the current school year and bring a report with new procurement arrangements for the future Bikeability cycle training that can deliver on training through an academic year with arrangements in place for sufficient lead time to take bookings for training before the start of the next academic year. Continuing with the existing arrangement to the school year end allows the council to use the existing working relationships between the two organisations in order to build on TdF legacy, contribute towards the City Connect programme and ensure we are able to take an holistic approach to the delivery of cycle services across the district in line with the Best Council plan and Transport Planning service / team plans.

3.6 Extending the current contract means that schools will continue to deal with the same provider during this academic year and there will be no disruption to service provision. This would allow us to build on service delivery for the financial year 15/16 and commit to the delivery of the 7500 places to be requested in a bid to the Department for Transport.

3.7 It is envisaged that the amount of training undertaken during the last period of this academic year will be less than £100,000.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Customer satisfaction forms are routinely sent out to schools after Bikeability has been delivered. Feedback on the service provision is overwhelmingly positive.

4.1.2 For the academic year 2013/14, 88% of respondents rated the service as 'very good' with the remaining 18% rating it as 'good' (options for rating being 'very poor', 'poor', 'acceptable', 'good' or 'very good'). Comments include:

"Absolutely fantastic training again. The children really enjoyed taking part and achieved so much in a short time. Thank you." **Alwoodly Primary School.**

"As usual you delivered a very high quality and professional service. The instructors developed a very good rapport with the children and took care to ensure each child had their needs met. Safety was a priority and each session was planned well." **Westgate Primary Otley.**

"Pupils had a brilliant time on the bikeability course although the weather was atrocious they couldn't wait to get out. I have a child with cerebral palsy and your trainers were excellent with her, and her adapted equipment. They were very flexible about how she could access the course and she thoroughly enjoyed every

moment, I am very grateful to them both for this.” Holy Name Catholic Primary School, Cookridge

“As usual a great service. Accommodated a change in our timetable - Thank you. We received good feedback about individual children - Thank you. There is always an improvement in the number of pupils cycling to school, particularly in the better weather.” Bramhope Primary School.

4.1.3 Consultation around the proposal to extend the current contract has not taken place with schools as clients will see no change to service provision and the numbers of pupils able to access the training will be maintained and increased as far as reasonably practical.

4.2 Equality and Diversity / Cohesion and Integration

4.3 The proposals to extend the existing Bikeability Cycle Training contract for an additional 4 months has no adverse impact on the service that is currently provided. It is not considered applicable to carry out an equality, diversity, cohesion and integration screening or impact assessment in support of this report, as the proposals have no impact on the equality characteristics identified in the original EDCI screening assessment conducted in February 2012.

4.4 Council policies and City Priorities

4.4.1 Delivery of Bikeability supports all three objectives of LTP3 relating to ‘Economy’, ‘Low Carbon’ and ‘Quality of Life’ and the Best Council objectives to ‘Promote Sustainable and Inclusive Economic Growth’ & ‘Building a Child Friendly City’. It also supports the Tour de France Legacy, the City Connect programme and other service / team plan objectives. Extending the current contract to the end of this academic year ensures no disruption to service delivery, pupils or schools.

4.5 Resources and value for money

4.5.1 Funding for Bikeability training is provided by the Department for Transport at a rate of £40 per child for both level 2 and level 3. Funding has been assured for the financial year 2015/16 and the council will be submitting a bid for the delivery of 7500 places. Funding decisions will be made during the autumn. The council retains part of the Bikeability grant in return for managing the contract, record keeping for audit purposes and monitoring service delivery. The current contractor provides and services pool bikes for pupils who would otherwise be unable to take part in the training and cover administrative costs and promotion of the service. Extending the existing contract to the end of the school year allows for continuity of service provision and represents best value for money and least disruption to the council and to clients.

4.6 Legal Implications, Access to Information and Call In

- 4.6.1 This decision is a significant operational decision but is not subject to call-in. The report does not contain any exempt or confidential information under the Access to Information Rules.
- 4.6.2 In approving this waiver without subjecting the contract to competition, there is a risk of challenge to the Council from other potential providers that it has not been wholly transparent. In terms of transparency it should be noted that European case law suggests that contracts of this value should be subject to a degree of advertising if it is considered that it would be of interest to contractors operating in another Member State. It is up to the Council to decide what degree of advertising is appropriate. In particular, consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices, etc) and the geographical location of the place of performance.
- 4.6.3 The Chief Officer (Highways and Transportation) has considered this and, due to the nature of the services being delivered and the requirement to be physically located in the City of Leeds, is of the view that the scope and nature of the services is such that it would not be of interest to contractors in other EU member states.
- 4.6.4 There is a risk of an ombudsman investigation arising from a complaint that the Council has not followed reasonable procedures, resulting in a loss of opportunity. Obviously, the complainant would have to establish maladministration. It is not considered that such an investigation would necessarily result in a finding of maladministration however such investigations are by their nature more subjective than legal proceedings.
- 4.6.5 Whilst making the decision, the Chief Officer (Highways and Transportation) should acknowledge the risks identified above.
- 4.6.6 Although there is no overriding legal obstacle preventing the waiver of CPR 8.1 and 8.2, the above comments should be noted. In making their final decision, the Chief Officer (Highways and Transportation) should be satisfied that the course of action chosen represents Best Value for the Council.

4.7 Risk Management

- 4.7.1 Continuing with the existing contract arrangement for a further four months to the end of the existing academic school years represents good value for money and ensures Bikeability cycle training will be provided for the full academic year. Tendering for a new contracted supplier would involve disruption for clients whilst the new provider established networks and links with schools and ensured they had the relevant personnel and staff in place. Schools are very positive and the current contractor provides added value in the form of supplying and servicing pool bikes, transporting these bikes and promotion of the service.
- 4.7.2 Also by continuing with the existing arrangement for a further four month period would allow the council to understand the Government's future commitment to Bikeability. Subject to this being positive, a re-tendering exercise would then take place for a new contract to be in place by August 2015.

- 4.7.3 Funding for Bikeability delivery is provided by Department for Transport Grant. It is drawn down each quarter retrospectively after training has been delivered. Should the contracted provider be unable, for whatever reason, to fulfil its obligations and deliver training to the required numbers, the council would simply not draw down the grant. The financial risk to the council is therefore negligible and based on the previous excellent performance by the current contracted provider; risk to the service is also negligible.

5 Conclusions

- 5.1 The most practical way forward that provides least disruption to the schools and allows the service to continue without disruption is to continue with the current arrangement to the end of the current school year and bring a report for future Bikeability cycle training that can deliver on training through an academic year with arrangements in place for sufficient lead time to take bookings for training before the start of the academic year.

6 Recommendations

- 6.1 The Chief Officer (Highways and Transportation) is requested to authorise:
- i) The waiver of Contract Procedure Rule 8.1 and 8.2 – Intermediate Value Procurements – and to approve entering into a contract with Cycle Leeds for the Bikeability Cycle Training Contract from 1st April 2015 to 31st July 2015 for Leeds City Council without seeking competition.

7 Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.