

Report of Commissioning Officer

Report to Deputy Director: Learning, Skills and Universal Services

Date: 8th July 2015

Subject: Waiver of Contract Procedure Rules to enter in to a new contract with UCAS Progress for the delivery of the Area Prospectus for £12,500 for September 2015 - September 2016 with four options to extend for a further 12 months. The maximum contract value is £62,500.



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. [Leeds Pathways](#) is a website provided by the Local Authority in Leeds to assist all schools in providing students with impartial information, advice and guidance around the full range of opportunities available to them in their future. The website incorporates links to externally provided software, the current contract for hosting and managing a web-based software package which manages learners' transitions to learning, training and employment is held by UCAS Progress. The current contract ends on the 31st September 2015.
2. Leeds City Council needs to have contract in place for this product; there is no equivalent product available within LCC. The current contract for the Prospectus and online application system ends on the 31st September 2015.
3. A market testing exercise was undertaken in December 2013; this identified 2 other potential providers of this system in addition to the existing supplier. Based on the findings of the market test, a competitive process to procure a cost effective end-to-end

solution was undertaken to provide a full online prospectus of the courses and providers available in Leeds to assist young people in the 14 to 19 age range (and 14 to 25 for young people with additional needs) to make Post-16 learning choices. An invite-only tender procedure was followed. Three suppliers were invited to tender. Of the 3 organisations invited to tender only 2 responded, the third declined to bid. The tender submissions were evaluated in accordance with the tender evaluation criteria. The results were reviewed by the evaluation panel taking into account feedback from key stakeholders. Subsequent clarifications determined that neither bidder was able to meet the Council's tender requirements in all aspects satisfactorily, therefore, it was agreed that the tender should be abandoned.

4. It has not been possible to put in place a contract for this work following a competitive tender process. Following negotiations with the two bidders, the decision was taken by all key stakeholders that a contract should be awarded to UCAS Progress as it represents 'Best Value'. A waiver of contract procedure rules is required in order to award a contract to UCAS Progress.
5. There is a low risk of challenge from providers to the decision to continue with the current solution, UCAS Progress. This risk is low as neither bid met the initial tender requirements and, following negotiations, the alternative solution proved far too costly.
6. It is the most cost effective solution to continue with the current supplier as this will not involve any transfer of learning provider's information between systems or any training on use of a new system for learning providers. The limited amount of time available also means that another solution could not be configured and integrated in a timely manner. The contract value is below EU threshold.
7. If a contract is not awarded to UCAS Progress then Leeds City Council will not have an online prospectus and application system available for Year 11 learners in 2015/16. Schools expect this service to be delivered; it is a central part of the universal information available for all young people to use in planning their future progression pathways. If the contract is not in place then young people will not have access to one source of information on post 16 learning.
8. Funding for the resource for 2015/16 is available within the Skills for Learning and Life budget.

9. Children's Services will be signing up to the terms and conditions offered by UCAS Progress, these will be reviewed by the procurement unit before a contract is signed with UCAS Progress.

Recommendations

10. The Deputy Director of Children's Services is recommended to approve the waiver of the following Contracts Procedure Rule(s):

Contracts Procedure Rules No 8.1 and 8.2 – Intermediate value procurements

Contracts procedure rule No 3.1.15 – Requirement to use the council's standard tender documents

and to award a contract to UCAS Progress in the sum of **£12,500**. The contract shall commence on the 31st September 2015 and expire on the 31st September 2016 (with the option to extend for a period of 12 months, such option not to be taken up more than four times). The maximum contract value is £62,500.

1 Purpose of this report

- 1.1. To seek approval to waive Contract Procedure Rules in order to enter in to a contract with UCAS Progress for the delivery of the search and apply elements of the Area Prospectus, Leeds Pathways.

2 Background information

- 2.1. [Leeds Pathways](http://www.leedspathways.org.uk) is a website provided by the Local Authority in Leeds to assist all schools in providing students with impartial information, advice and guidance around the full range of opportunities available to them in their future. This is supported by the Local Jobs & Careers branch of the website which focuses on the nine key growth sectors for jobs in Leeds, providing information (through local labour market information job sheets and employer videos) about the skills and qualifications needed to access different career routes. (www.leedspathways.org.uk)
- 2.2. The key stakeholders for the website are young people themselves (mainly in the age range 13-19); schools, colleges and other learning providers; parents; advisors; and the local authority.
- 2.3. The website was put in place to improve young people's decision making on post-16 learning opportunities. It provides a single place for young people to look at the range of post 16 learning opportunities that are available across Leeds, compare courses and apply for opportunities. It allows young people to follow one application system for a range of learning opportunities so it's a key tool in ensuring young people across Leeds have access to impartial information on post 16 learning to enable them to make the right choice to meet their personal needs and preferences. This is increasingly important following the change in responsibility for providing universal careers guidance which transferred from local authorities to schools in 2012.
- 2.4. The website incorporates links to externally provided software, currently delivered by UCAS Progress. This delivers a full prospectus of the courses and providers available in Leeds. We already have a strong base of providers that prepare profile and course information. The other important function of the software is to support online applications. The current contract for hosting and managing a web-based software package which manages learners' transitions to learning, training and employment is held by UCAS Progress. The current contract ends on the 31st September 2015.
- 2.5. A market testing exercise was undertaken in December 2013 (YORE-9D8P2R); this identified 2 other potential providers of this system in addition to the existing supplier. Based on the findings of the market test, a competitive process to procure a cost effective end-to-end solution was undertaken to provide a full online prospectus of the courses and providers available in Leeds to assist young people in the 14 to 19 age range (and 14 to 25 for young people with additional needs) to make Post-16 learning choices.
- 2.6. The Deputy Director of Children's Services agreed on 27th November 2014 to the undertaking of a competitive tender procedure inviting the 3 suppliers identified in the market testing exercise. The procurement exercise was not subject to the EU Regulations being valued below £100k.
- 2.7. An invite-only tender procedure was published on the regional procurement portal YORtender on 18th December 2014 with a return date of 30th January 2015. The evaluation team for the tendering exercise was comprised of four experienced officers from Children's Services, two representatives from external stakeholders and one technical officer from ICT. Procurement

support was provided by the ICT Strategic Sourcing team. Three suppliers were invited to tender. Of the 3 organisations invited to tender only 2 responded, the third declined to bid.

- 2.8. The tender submissions were evaluated in accordance with the tender evaluation criteria. The tender was scored based on written responses to each of the requirements, supplier presentations and clarification responses. Bidder demonstrations were also attended by representatives from key stakeholders who contributed feedback on the proposed systems for the consideration of the evaluation panel.
- 2.9. The results were reviewed by the evaluation panel on 5th and 13th February 2015 taking into account feedback from key stakeholders. Subsequent clarifications determined that neither bidder was able to meet the Council's tender requirements in all aspects satisfactorily, therefore, it was agreed that the tender should be abandoned.

3 Main issues

Reason for Contracts Procedure Rules Waiver

- 3.1. It has not been possible to put in place a contract for this work following a competitive tender process.
- 3.2. Leeds City Council needs to have contract in place for this product; there is no equivalent product available within LCC. The current contract for the Prospectus and Online Application System ends on the 31st September 2015.
- 3.3. A waiver of contract procedure rules is required in order to award a contract to the provider of the current solution, UCAS Progress.
- 3.4. Neighbouring local authorities also use the UCAS Progress software. Continuing use of the system by Leeds City Council will provide the facility for cross border applications so young people living in neighbouring local authorities can apply through this system to learning providers in Leeds.
- 3.5. It is the most cost effective solution to continue with the current supplier as this will not involve any transfer of learning provider's information between systems or any training on use of a new system for learning providers. The limited amount of time available also means that another solution could not be configured and integrated in a timely manner.

Consequences if the proposed action is not approved

- 3.6. If a contract is not awarded to UCAS Progress then Leeds City Council will not have an online prospectus and application system available for Year 11 learners in 2015/16.
- 3.7. Schools expect this service to be delivered; it is a central part of the universal information available for all young people to use in planning their future progression pathways. If the contract is not in place then young people will not have access to one source of information on post 16 learning.

Advertising

- 3.8. This contract opportunity has not been re-advertised. The contract value is below the current EU threshold, so there is no requirement for the contract to be tendered in accordance with the Public Contracts Regulations.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Both of the bidders have been made aware of the closure of the previous tender process.
- 4.1.2 Feedback from stakeholders were gathered during the tender process and utilised to inform negotiations with the potential providers.
- 4.1.3 It was a consensus agreement from all key stakeholders to award a contract to UCAS Progress, as the solution represents 'Best Value'.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1. See Appendix 1.

4.3 Council Policies and City Priorities

- 4.3.1. The project will contribute to the Children and Young People's Plan priority to reduce the number of young people not in education, employment or training (NEET).

4.4 Resources and Value for Money

- 4.4.1. Funding for the resource for 2015/16 is available within the Skills for Learning and Life budget. The contract represents Value for Money by:
 - Reducing disruption to existing services by ensuring continuity of current provider.
 - Not incurring any fees around transfer of information or staff training in moving to a different system.
 - Ensuring information is available to young people on the range of learning opportunities available to enable young people to make an appropriate choice and, therefore, remain in learning post 16
- 4.4.2. Children's Services will be signing up to the terms and conditions offered by UCAS Progress, these will be reviewed by the procurement unit before a contract is signed with UCAS Progress.
- 4.4.3. Funding for future years of delivery is not yet identified. The take up of the option to extend the contract will be conditional on contract performance, the availability of funding, and national decision making on future prospectus and application arrangements. Should UCAS Progress be successful in realizing their proposed growth plan, the opportunity to offer the solution as part of a traded package to schools and colleges may arise.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1. This contract is below the threshold for EU contract regulations.
- 4.5.2. The decision is not subject to call in, it is a significant operational decision as required by Contract Procedure Rules.

4.6 Risk Management

- 4.6.1 There is a low risk of challenge from providers to the decision to continue with the current solution following direct negotiations. This risk is low as neither bid met the tender requirements and the contract value is below EU threshold.

5 Conclusions

- 5.1. In the current circumstances it is appropriate to waive Contract Procedure Rules in order to enter in to a contract with UCAS Progress for the delivery of the search and apply elements of the Area Prospectus, Leeds Pathways.

6 Recommendations

- 6.1 The Deputy Director of Children's Services is recommended to approve the waiver of the following Contracts Procedure Rule(s):

Contracts Procedure Rules No 8.1 and 8.2 – Intermediate value procurements

Contracts procedure rule No 3.1.15 – Requirement to use the council's standard tender documents

and award a contract to UCAS Progress in the sum of **£12,500**. The contract shall commence on the 31st September 2015 and expire on the 31st September 2016 (with the option to extend for a period of 12 months, such option not to be taken up more than four times). The maximum contract value is £62,500.

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.

Equality, Diversity, Cohesion and Integration Screening

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Children's Services	Service area: Learning for Life
Lead person: Daniel Clark	Contact number: 39 52920

1. Title:

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

2. Please provide a brief description of what you are screening

A waiver of contract procedure rules is required in order to award a contract to the provider of the current solution, UCAS Progress, whilst negotiations with the two potential service providers who submitted bids for the work takes place in order to identify a suitable provider for a Prospectus and Online Application System, in-line with LCC requirements, and award a contract for delivery from September 2015.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation. Also those areas that impact on or relate to equality: tackling poverty and improving health and well-being.

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		X
Have there been or likely to be any public concerns about the policy or proposal?		X
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		X
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none">• Eliminating unlawful discrimination, victimisation and harassment• Advancing equality of opportunity• Fostering good relations		x

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?** (**think about** the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

- **Key findings** (**think about** any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

- **Actions** (**think about** how you will promote positive impact and remove/ reduce negative impact)

5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment.	
Date to scope and plan your impact assessment:	
Date to complete your impact assessment	
Lead person for your impact assessment (Include name and job title)	

6. Governance, ownership and approval Please state here who has approved the actions and outcomes of the screening		
Name	Job title	Date
Sheila Duxbury	Young People's Progression Manager	08/07/2015
Date screening completed		

7. Publishing	
Though all key decisions are required to give due regard to equality the council only publishes those related to Executive Board, Full Council, Key Delegated Decisions or a Significant Operational Decision .	
A copy of this equality screening should be attached as an appendix to the decision making report:	
<ul style="list-style-type: none"> • Governance Services will publish those relating to Executive Board and Full Council. • The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions. • A copy of all other equality screenings that are not to be published should be sent to equalityteam@leeds.gov.uk for record. 	
Complete the appropriate section below with the date the report and attached screening was sent:	
For Executive Board or Full Council – sent to Governance Services	Date sent:
For Delegated Decisions or Significant Operational Decisions – sent to appropriate Directorate	Date sent:
All other decisions – sent to equalityteam@leeds.gov.uk	Date sent: