

Report of Contracts Officer

Report to Director of Children’s Services

Date: 14/06/16

Subject: To invoke Contract Procedure Rule 21.3 (to extend) & Contract Procedure Rule 21.7 (to vary) the contract for “Tuition for Children with Complex Needs Who Are Not On School Roll. Contract Reference: YORE-9CKGNN”.



Are specific electoral wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of ward(s):		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. This report seeks the approval of the Director of Children’s Services to invoke Contract Procedure Rule 21.3 to extend the ‘Tuition for Children with Complex Needs Who Are Not On School Roll’ for a further 12 months to 31/08/17.
2. Also, approval to invoke Contract Procedure Rule 21.7, to vary the contract as to (Tender Instructions, 9.1.5).

Recommendations

3. The Director of Children’s Services is recommended to approve the extension and variation of the ‘Tuition for Children with Complex Needs Who Are Not On School Roll’ contract for 12 months (Value £185,680) from the 01/09/16 to the 31/08/17 to ensure continuity of the service.

1 Purpose of this report

- 1.1 The original contract was awarded for one year (01/09/14 to 31/08/15) with an option to extend for 12+12 months. This report seeks the approval of the Director of Children's Services to invoke Contract Procedure Rule 21.3 to extend the 'Tuition for Children with Complex Needs Who Are Not On School Roll'. This contract will be extended for a further 12 months to 31/08/17.
- 1.2 Also, request to invoke Contract Procedure Rule 21.7, to vary the Tender Instructions Part 1, Point 9.1.5 – "On award of the Framework Contract, referrals for tuition will be made in the first instance to the most competitive Contractor who has the highest tender evaluation score based on both price and quality". Replace by - the evaluation criteria will no longer will be applicable to contracts and all organisations on the framework will receive referrals at the same time".

2 Background information

- 2.1 The contract is in place so that children with complex needs moving into Leeds are not left without provision whilst they are placed on roll of a Leeds school. These pupils have relocated to Leeds from elsewhere in the UK or overseas, mid-academic year and require a school place, but are left without any provision whilst an appropriate place is sought. Additionally, the Pupil Tuition Team be permitted an additional access to the contract of up to 5 hours per week for up to 3 children.

3 Main issues

3.1 Reason for contract variation and extension

- 3.1.1 Extension - The 12 month extension is to be taken up due to the ongoing need within Leeds for the service.
- 3.1.2 Variation – To vary the Tender Instruction, Part 1, point 9.1.5 – Replace "On award of the Framework Contract, referrals for tuition will be made in the first instance to the most competitive contractor who has the highest tender evaluation score based on both price and quality" by "evaluation criteria will no longer will be applicable to contracts and all organisations on the framework will receive referrals at the same time".
- 3.1.3 This service was subject to a competitive tendering exercise in 2014.

3.2 Consequences if the proposed action is not approved

- 3.2.1 Extension - If this extension is not approved the service will end as there is no alternative provision for this client group, therefore the provision will be bought on an ad-hock basis; off contract.
- 3.2.2 Variation – If the variation is not approved a separate commissioning exercise will be required which is resource intensive and does not represent value for money. The Council will not be able to provide tuition to the relevant young people of Leeds within the required statutory number of days.

3.3 Advertising

- 3.3.1 Not applicable an extension and variation is being requested to the original contract.

4 Corporate considerations

4.1 Consultation and engagement

4.1.1 Both original providers that were within this framework have been notified of the extension and variation. Consultation and engagement was adhered to when the original contract was put in place.

4.2 Equality and diversity / cohesion and integration

4.2.1 Extension – extending the current contract means that the current service delivery model will continue. The service will be to the same client group. The decision to continue delivery of the current service arrangement will not have any adverse impact on any equality group.

4.2.2 Variation – will cut down on the number of days required before a pupil is matched to a tutor, previously it was five days with the initial provider and if no match is found the pupil then moved on to the second provider meaning a possible ten days without matching pupil to a suitable tutor.

4.3 Council policies and Best Council Plan

4.3.1 The contract will contribute to the outcomes identified in the Children and Young People's Plan, specifically that children and young people do well at all levels of learning and have the skills for life.

4.4 Resources and value for money

4.4.1 This extension/variation 'saves money for Leeds' by not initiating a new contract and also the matching period between pupil and tutor will be reduced.

4.4.2 There is a budget in place to cover the value of this extension and variation

4.5 Legal implications, access to information and call in

4.5.1 Due to the extension cost for the 12 month extension being below £250, 000, it is not subject to call in.

4.6 Risk management

4.6.1 Through an annual detailed analysis, on a contract by contract basis, the project teams have identified risks and actions to mitigate these as part of the commissioning programme plan for each service.

5 Conclusions

5.1 The Director of Children's Services is recommended to note the contents of this report and to approve the invocation of the Contracts Procedure Rules 21.3 and 21.7 as detailed in this report.

6 Recommendations

6.1 The Director of Children's Services is recommended to approve the extension and variation of the 'Tuition for Children with Complex Needs Who Are Not On School Roll' contract for 12 months from the 01/09/16 to the 31/08/17 to ensure continuity of the service.

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.