

Report of Procurement Category Manager

Report to Head of Service – Learning Systems

Date: 24th June 2016

Subject: .This report requests approval to waive the requirements of Contracts Procedure rules (CPR) 8.1 and 8.2 and award short term contracts to a number of IT providers to support the Learning Places programme for the summer 2016 programme.

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? <i>If you have identified any implications for specific groups you should indicate that here and provide more details under 'Equality and Diversity / Cohesion and Integration' in section 4.</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In? <i>If the decision is anything other than a key decision made by an officer, or an executive decision made by the Executive Board, the decision will not be open to call-in. This should be explained under 'Legal Implications, Access to Information and Call-In' in section 4.</i>	<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. This report requests approval to waive the requirements of Contracts Procedure rules (CPR) 8.1 and 8.2 and award short term contracts to a number of IT providers to support the Learning Places programme for the summer 2016 programme.
2. These contracts are required to ensure continuity of service provision whilst a full procurement exercise is completed.
3. There is a risk of challenge by not going out to competition, but this risk is mitigated through the contract only being established for 6 months whilst the procurement takes place to establish the contracts for the future programme.
4. The value of the summer programme 2016 is as detailed below :
 - Pudsey Primrose Hill - £15,000
 - Gledhow Primary - £10,000
 - Castleton Primary - £20,000
 - Roundhay Primary - £10,000
 - Guiseley Primary - £30,000
 - Park Spring Primary - £10,000
 - Hollybush Primary - £5,000

Recommendations

5. The Head of Service – Learning Systems is recommended to approve the waiver of CPR No. 9.1 and 9.2 – intermediate Value Procurements and award contracts to Datacable, Connect-Up, ICT for Leeds, Aspen Computers and Fusion ICT. The contracts shall commence on 29th June 2016 and expire on 30th November 2016

1 Purpose of this report

- 1.1 To approve the waiver of CPR No. 8.1 and 8.2 – intermediate Value Procurements and award contracts to Datacable, Connect-Up, ICT for Leeds and fusion ICT total sum of £100,000. The contracts shall commence on 29th June 2016 and expire on 30th November 2016
- 1.2 Summer programme – The following Schools will require IT within the programme.
 - Pudsey Primrose Hill - £15,000
 - Gledhow Primary - £10,000
 - Castleton Primary - £20,000
 - Roundhay Primary - £10,000
 - Guiseley Primary - £30,000
 - Park Spring Primary - £10,000
 - Hollybush Primary - £5,000

2 Background information

- 2.1 Leeds has an extremely dynamic and growing economy which makes the city a very attractive proposition for families and businesses to move to. As a result, the city's population is growing rapidly, at a faster rate than many of our neighbours and this is reflected in the increasing demand for school places.
- 2.2 The scale of the response cannot be met through the existing estate; therefore the expansion of existing schools or the creation of new schools has been required. Under the Education and Inspections Act 2006, these changes constitute prescribed alterations, and each requires a statutory process to confirm the change and make it permanent.
- 2.3 The Council's response to the demographic growth pressures on school provision in the city are managed via Children's Services Learning Places Programme. Since 2009 the programme has created over 1,400 reception places in order that the Council fulfils its statutory duty to ensure sufficiency of school places. The schemes in the programme are working with a range of partners, including schools of varying governance models, to ensure enough places are created to meet demand.
- 2.4 As reported to Executive Board in October 2015, for the academic year 2015/16 many schools have had significant expansions with building work over the summer creating 500 new primary school places. This has included expansion of three existing schools to create additional places in completely new facilities, two of which are Specialist Inclusive Learning Centres providing a total of 200 additional pupil places for children with Special Education Needs (SEN), and the third which is a brand new primary school in South Leeds creating an additional 420 pupil places.

3 Main issues

Reason for Contracts Procedure Rules Waiver

- 3.1 The programme must meet the required deadlines to ensure that the learning places are fit for purpose and open on time.
- 3.2 There is no internal service provider who can meet the requirements of this programme.
- 3.3 There are no existing IT contracts that can meet the needs of the programme.

- 3.4 Appropriate dialogue must take place with the school and the contractor to ensure that the equipment provided will meet the educational requirements of the schools.
- 3.5 The schools have existing relationships with the providers who provide the current network advice and support and they are therefore well placed to ensure that the equipment supplied meets the educational needs of the programme

Consequences if the proposed action is not approved

- 3.6 The waiver is necessary to ensure continuity of supply to meet the requirements of the programme to deliver the educational establishments on time to the appropriate standard as required by the DFE.
- 3.7 If the waiver is not approved, there is insufficient time to undertake the competitive tendering process to meet the requirements of the summer programme. This will impact on the ability to deliver the programme on time and to budget to meet the needs of the pupils and to allow the school and the authority to meet its obligations.

Advertising

- 3.8 The opportunity has not been the subject of any advertising, however the procurement due to commence shortly for the future programme will be the subject of appropriate advertisements as required under the public contracts regulations

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Full consultation takes place with the schools on each and every element of the learning places programme
- 4.1.2 Community engagement sessions are regularly within the overall learning places programme.
- 4.1.3 The engagement process includes consultation with all local ward members and relevant statutory bodies are engaged with as appropriate

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no equality and diversity issues.

4.3 Council Policies and Best Council Plan

- 4.3.1 This scheme is due to be delivered under the City Council's Learning Places Programme and is required to fulfil the Local Authority's statutory responsibility to provide sufficient school places
- 4.3.2 An objective in the Best Council Plan 2013-2017 is to build a child friendly city with a focus on: our three Children's Trust partnership obsessions (looked after children, NEET and attendance); ensuring the best start in life; raising educational standards; and ensuring sufficiency of school places. The programme seeks to deliver a supply of good quality accessible local school places which can contribute to these objectives.

- 4.3.3 A further objective of the Best Council Plan 2013-2017 is to become a more efficient and enterprising Council. We want to promote choice and diversity for parents and families and deliver additional school places in the areas where families need them. Meeting this expectation while demonstrating the five values underpinning all we do is key to the Learning Places Programme.

4.4 Resources and Value for Money

- 4.4.1 All prices received from the providers are benchmarked against the prices received from the other contractors to ensure that the council and schools are receiving value for money.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The value of the contracts detailed within this report are below the level for key decisions as prescribed within the council's constitution and therefore this decision is not subject to call-in.
- 4.5.2 Giving the work to these providers without competition could leave the Council open to a potential claim from other providers, to whom this contract could be of interest, that it has not been wholly transparent. In terms of transparency it should be noted that Contracts Procedure Rules suggests that contracts of this value should be subject to a degree of advertising. It is up to the Council to decide what degree of advertising is appropriate. In giving the work to this provider without competition there is a potential risk of challenge from other providers who have not been given the chance to tender for this opportunity.
- 4.5.3 Whilst there is no legal obstacle preventing the waiver of CPR 8.1 and 8.2, the above comments should be noted when making the final decision, the Head of Services – Learning Programme should be satisfied that the course of action chosen represents Best Value for the Council.

4.6 Risk Management

- 4.6.1 The risk of challenge will be managed through the commencement of a procurement exercise for the future requirements of the programme.
- 4.6.2 The suppliers identified have a tried and tested track record with the schools and have been able to demonstrate their ability to meet the needs of the schools.

5 Conclusions

- 5.1 The waiver of contracts procedure rules will secure the route to market for the Summer Programme whilst a procurement exercise is undertaken for the future programme. This will enable the sites to be completed as required and will enable the school and the council to meet their obligations with regards to education provision.

6 Recommendations

- 6.1 To approve the waiver of CPR No. 9.1 and 9.2 – intermediate Value Procurements and award contract to Datacable, Connect-Up, ICT for Leeds, Aspen Computers and Fusion ICT total sum of £100,000. The contracts shall commence on 29th June 2016 and expire on 30th November 2016

6.2 Summer programme – The following Schools will require IT within the programme.

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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.