

**Report of Head of HR Graham Sephton**

**Report to Chief Officer HR Lorraine Hallam**

**Date: 24<sup>th</sup> April 2017**

**Subject: Request to waive Contracts Procedure Rule No 3.1.15 – Requirement to use the Council’s standard tender documents and Contracts Procedure Rules No 8.1 and 8.2 – Intermediate value procurements in order to Procure a corporate contract with Learning Pool for e-learning 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**

In April 2015 the Council awarded a 2 year contract to Learning Pool for the provision of e-learning for up to 5,000 users. In February 2016 this contract was varied to allow the contract to provide for another 5,000 users. In February 2017 HRLT agreed that the contract should be extended for a further 2 years in line with some other learning, performance and workforce development contracts. This will allow the Authority to explore ways to ensure we make better use of e-learning as part of the Councils learning and development offer.

**Recommendations**

The Chief Officer HR is asked to approve a waiver of Contracts Procedure Rules 3.1.15 – Requirement to use the Council’s standard tender documents and 8.1 and 8.2 – Intermediate value procurements in order to procure a corporate contract with Learning Pool for e-learning without seeking competition.

## **1 Purpose of this report**

- 1.1 This report seeks approval to procure a further 2-year contract for Learning Pool's full 'Government' catalogue for 10,000 users without the requirement outlined in CPR 3.1.15 Requirement to use standard tender documents and 8.1 and 8.2 to procure a corporate contract without seeking competition.

## **2 Background information**

- 2.1 In April 2015 the Council awarded a 2 year contract to Learning Pool for the provision of e-learning, from its Government Catalogue. This originally covered 5,000 users at a total cost of £13,000 and a waiver was completed based on the uniqueness of Learning Pool as a provider offering the following features;
- Low cost
  - Materials bundled with an Authorising tool and training support
  - Ability to deliver through our current performance and learning system
  - Wide range of products
  - Product range tailored largely to LA's
- 2.2 In October 2015 permission was sought and granted to obtain a further waiver to increase the value of the contract to a total of 10,000 users at a pro-rated cost of £5,700. This increase in value allowed the Council to effectively deliver a number of mandatory training sessions to all on-line staff.
- 2.3 The original contract with Learning Pool ended on 31<sup>st</sup> March 2017 and there is a need to procure a further contract. In the meantime Learning Pool are continuing to offer a service pending completion of the procurement process.

## **3 Main issues**

- 3.1 The Council continues to undergo significant changes and budget pressures. By 2020 the way services are provided and the workforce needed to resource these services will be very different in terms of skills, knowledge and experience. Over the next few years the Authority needs to take stock and remain mindful of what future workforce needs will be.
- 3.2 Taking the above points into consideration, HRLT in their meeting on 22<sup>nd</sup> February 2017 made the decision that, in the current financial and economic climate it would be more cost effective to seek to waive the contract procurement rules for e-learning ( and some other performance and learning contracts) until there is more stability in the workforce.
- 3.3 HRLT have asked that the HR and Workforce Development Teams, take this opportunity to review how we can use the Learning Pool contract more effectively to get more value for money. For example, ensure that we are utilising extensive Government Catalogue that is unique to Learning Pool, to promote and increase the use and efficiency of e-learning across the authority especially in terms of refresher

or follow up training, which has the added benefits of delivering consistent training and development at reduced cost than traditional methods.

#### **4 Budget**

4.1 The current cost for the Government Catalogue for 10,000 users is £14,000 per year which means that a 2 year contract would have a total cost of £28,000 (excluding VAT).

4.2 Funding will be allocated from the Corporate Initiatives Budget.

#### **5 Legal Implications, Access to Information and Call In**

5.1 This is a significant operational decision which is not subject to call in and there are no grounds for keeping the contents of this report confidential under Access to information rules.

5.2 For transparency it should be noted that although the Council are complying with internal contract rules the Authority are entering into a new Learning pool contract without competition (not advertising on YORtender of Contract finder) would leave the Council open to a potential claim from other providers and interested parties. However due to the reasons set out in the original Delegated Decision Report on this matter (26<sup>th</sup>February 2015), the risk of challenge is low.

5.4 Although there is no overriding legal obstacle preventing the waiver of CPR 3.1.15, 8.1 and 8.2 the content of the report should be noted. In making their final decision, the Chief HR Officer should be satisfied that the approved course of action represents best value for the council.

#### **6 Conclusions**

6.1 The Council will continue to change as a result of budgetary, government and economic pressures as a result we will need to review and evaluate what our workforce needs will be for the future. The Learning Pool contract offers a unique quality package that is local government focused, has a fixed pricing schedule and we have already received a relatively low quote for a subsequent two years contract.

Taking the above into account the contract offered represents the best available solution and taking this forward to the tender process would not yield a better deal.

#### **8.0 Recommendations**

8.1 The Chief Officer HR is asked to approve a waiver of Contracts Procedure Rules 3.1.15 – Requirement to use the Council's standard tender documents and 8.1 and 8.2 – Intermediate value procurements in order to procure a corporate contract with Learning Pool for e-learning without seeking competition.