

## Report of the Head of Programme (PPPU)

### Report to Chief Officer Partnerships, Children and Families

Date: 24<sup>th</sup> July 2017

**Subject:** This report requests approval to waive the requirements of Contracts Procedure rules (CPR) 8.1 and 8.2 and award a short term contract to IT providers to support the Learning Places programme for the 2017/18 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?	<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

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## 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 for IT services to support the Learning Places expansion schemes for the academic year 2017/18
2. These contracts are required to ensure continuity of service provision whilst a full IT procurement exercise is completed for the Learning Places Programme.
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 the next academic year (2017/18) whilst the procurement is established for the future programme.
4. The value of the IT provision required is as detailed below

- Hunslet St Mary's PS £30,000
- Low Road PS £30,000
- Hawksworth Wood £10,000
- Iveson PS £25,000

## **Recommendations**

1. The Chief Officer of Partnerships is recommended to approve the waiver of CPR No. 8.1 and 8.2 – intermediate Value Procurements and award contracts Primary ICT Support and School ICT Services for the sum of £95,000.

## **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 Primary ICT Support and School ICT Services for the sum of £95,000.

1.2 The following schools will require IT provision for the academic school year starting September 2017

- Hunslet St Mary's PS £30,000
- Low Road PS £30,000
- Hawksworth Wood PS £10,000
- Iveson PS £25,000

## **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 1,600 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 For the academic year starting September 2016, a total of 3 Forms of Entry (FE) permanent and 14FE bulge/temporary have been secured to meet the level of demand from preferences received for this year, which means that every primary age child in Leeds has a sustainable, good learning place. Good progress is being made with the accommodation requirements required for the academic year starting September 2017.

2.5 For September 2017, a further 210 permanent reception places (7FE) will be in place, along with another 150 bulge reception places (5FE) and 30 places (1FE) through the opening of a Free School to meet the expected demand for places. Projections for September 2018 anticipate a further 345 places (11.5FE) needed, to be met by a combination of Free Schools, permanent expansions and bulge cohorts.

## **3 Main issues**

### **Reason for contracts procedure rules waiver**

3.1 The Programme must meet the required deadlines to ensure that the learning places expansion projects 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.

### **Consequences if the proposed action is not approved**

- 3.5 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.
- 3.6 If the ICT Equipment and Services are not procured through the school's current provider, Leeds City Council would need to go through a tender exercise for a relatively small portion of the school's total equipment and service requirements. The contract could be awarded to a different service provider which would result in the school having to manage two providers and this could lead to potential conflicts arising (such as interface issues), confusion over service arrangements (which provider to contact for servicing / maintenance of equipment) and additional costs for interfacing systems compared with a coordinated approach by a single contractor.
- 3.7 If the waiver is not approved, there is insufficient time to undertake the competitive tendering process to meet the requirements of the 2017 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 schools 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 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 These schemes are due to be delivered under the City Council's Learning Places Programme and are required to fulfil the Local Authority's statutory responsibility to provide sufficient school places.
- 4.3.2 This contributes to the 2017/18 Best Council Plan outcomes for everyone in Leeds to 'Do well at all levels of learning and have the skills they need for life'; 'Be safe and feel safe' and 'Enjoy happy, healthy, active lives'.
- 4.3.3 It also supports the vision in the supporting Children and Young People's Plan 2015-19 to build a child-friendly city with a focus on ensuring all children and young people are safe from harm; do well at all levels of learning and have the skills for life; enjoy healthy lifestyles; have fun growing up; are active citizens who feel they have a voice and influence. The programme seeks to deliver a supply of good quality accessible local school places which can contribute to these outcomes.
- 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 contract detailed within this report is 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 chief officer of partnerships should be satisfied that the course of action chosen represents Best Value for the Council.

#### **4.6 Risk Management**

- 4.6.1 If the ICT Equipment and Services are not procured through the school's current provider, the contract could be awarded to a different service provider. This could result in the school having to manage two providers and the potential conflicts arising (such as interface issues), confusion over service arrangements (which provider to contact for

servicing / maintenance of equipment) and additional costs for interfacing systems compared with a coordinated approach by a single contractor. The School's suppliers 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.

4.6.2 The risk of challenge will be managed through the commencement of a procurement exercise for the future requirements of the programme.

## **5 Conclusions**

5.1 The waiver of contracts procedure rules will secure the route to market for the 2017/18 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 schools and the council to meet their obligations with regards to education provision.

## **6 Recommendations**

6.1 The Chief Officer of Partnerships is recommended to approve the waiver of CPR No. 8.1 and 8.2 – intermediate Value Procurements and award contracts Primary ICT Support and School ICT Services for the sum of £95,000.

## **7 Background documents**

7.1 None