

## Authority to Procure a Dynamic Purchasing System for the provision of Passenger Transport Services

Date: 19/12/2022

Report of: Chief Officer Civic Enterprise Leeds

Report to: Director of Resources

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

- Passenger Transport is commissioned by Children's and Families and Adults and Health to provide both transport statutory home to school transport and transport to day centres for adults with learning difficulties.
- The service is currently provided supported through a mix of in house fleet as well as utilising a framework contract for the supply of taxi and private hire contractors. This framework is due to expire at the end of March 2023.
- This report seeks approval to procure a new Dynamic Purchasing System (DPS) which will be used as the basis for seeking competitive tenders for the transport to be provided using private hire contractors. Given the forecast annual increase in demand for home to school transport (including children with special educational needs and disabilities) a DPS procurement route has been chosen which allows new suppliers entering the market place to join the DPS at any time during the period for which it is approved.
- The contracts will be for four years and based on existing trend the current spend is estimated at £9m per annum.

### Recommendations

- a. The Director of Resources is asked to give authority to procure a new four-year Dynamic Purchasing System for the provision of home to school transport of SEND children, children who are in the care of the Authority, and adult day centre transport to commence from the 1<sup>st</sup> June 2023 with an annual estimated spend of £9 million.

### What is this report about?

- 1 The current passenger transport four-year framework DN498110 is due to end on 31 March 2023. Leeds City Council require a compliant contract to ensure they can continue the

provision of home to school transport of SEND children, children who are in the care of the Authority, and adult day centre transport. In consultation with Procurement and Commercial Services (PACS), Passenger Transport will establish a Dynamic Purchasing System framework using the YorTender portal. Although there is a gap between the current framework expiring and the DPS starting this will not have any adverse impact on compliant spend. Existing contracts have been let using the current framework from last year and new contracts for routes will need to be procured from July 2023 by which time the DPS will be operational.

- 2 Without inhouse transport capacity being supplemented by private hire providers Passenger Transport would be unable to provide the transport service for all clients. The demand for children's transport is under pressure as there is an increase in the number of children with SEND who qualify for transport as a result of their complex and challenging needs.
- 3 In order to meet this demand, the in-house service regularly reviews its capacity and is always looking to invest in additional resources, but the demand for transport is such that support is also required from Private Hire providers.
- 4 Safeguarding and Data Protection are an important feature of the specification. All providers will be licensed by Leeds Taxi & Private Hire Licensing and all employees working on the contract will have to have a clear Enhanced DBS check.
- 5 The dynamic purchasing system will be split into 6 Lots:

Lot 1 – Minibuses or wheelchair accessible vehicles, with regular drivers and regular passenger assistants

Lot 2 – Minibuses or wheelchair accessible vehicles, with regular drivers

Lot 3 – Taxis or hackney carriages, with regular drivers and regular passenger assistants

Lot 4 – Taxis or hackney carriages, with regular drivers

Lot 5 – Taxis or hackney carriages, with no requirement for regular drivers

Lot 6 - Transport requiring specialist resources, equipment and medically trained staff to transport passengers with a high level of need.

### **What impact will this proposal have?**

- 11 Passenger Transport is required to transport over 3,000 customers each day. This is currently managed through a combination of our own in-house Fleet and also through contracts with private hire providers, who through a current framework agreement, are able to support the service with provision of wheelchair accessible minibuses, standard minibuses, cars and also some companies are able to supply Passenger Assistants who support the young child or adult throughout their journey.
- 12 Approving the authority to procure a dynamic purchasing system will ensure that the council has flexibility in supplementing its inhouse transport provision to discharge its statutory transport function by allowing new transport providers to join the DPS throughout its life as transport numbers are forecast to increase.

### **How does this proposal impact the three pillars of the Best City Ambition?**

Health and Wellbeing

Inclusive Growth

Zero Carbon

13. Supports the Child Friendly City agenda, ensuring that young people have appropriate support to attend school, helps improve educational attainment, closing achievement gaps for children and young people vulnerable to poor learning outcomes.

14. Supports Health and Wellbeing agenda as our transport system, ensures that we keep people safe from harm whilst under our care and protects the most vulnerable.
15. Sustainable infrastructure – improving air quality, reducing noise and emissions. The vehicles utilised within this Dynamic Purchasing System will be required to be fuel efficient over the life of the contract.

### **What consultation and engagement has taken place?**

Wards affected:

Have ward members been consulted?       Yes                       No

16. Consultation with both Children’s and Families and Adults and Health continues throughout the year in order that transport arrangements meet the appropriate requirements and is within the appropriate policy guidance.
17. The service also works in partnership with the Council’s taxi and private hire licensing service if there is any licensing or regulation issues with a provider.
18. Consultation has taken place with colleagues in PACS and the CEL Weekly Assurance Meetings.

### **What are the resource implications?**

19. Passenger Transport and PACS have resources available to procure a new contract for the supply of transport services.
20. Call off contracts as a result of this procurement activity will go through YORtender in line with both the Dynamic Purchasing System and in accordance with the Council’s Contracts Procedure Rules to ensure value for money.
21. There are adequate resources available within both CEL and the PACS team to undertake this procurement activity.
22. The introduction of a dynamic purchasing system (DPS) for the supply of services will allow us to operate on the open market for suppliers to join frequently allowing us to expand our network of suppliers and welcome new business that can meet our changing needs.

### **What are the key risks and how are they being managed?**

23. A key risk is to ensure that a compliant contract is successfully procured. PACS will guide passenger services to ensure risks are minimised in this procurement.
24. Not to procure a contract risks the council having to incur non-compliant spend with higher costs. PACS and passenger services will ensure a compliant contract is in place by 1 June 2023.
25. If Passenger Transport did not have contract agreements which support the service in the provision of transport, the authority would be at increased risk of being in breach of its statutory responsibility to provide transport assistance for children and young people with SEND and children who are in the care of the authority and also adults who wish to access day care services.

### **What are the legal implications?**

26. PACS have advised there are no legal implications to procure a DPS for the supply of transportation.
27. The Director of Resources and Housing is requested to authorise this decision to approve the procurement activity. This is a Key Decision and subject to call-in.

### **Options, timescales and measuring success**

#### **What other options were considered?**

28. When approval is given PACS and passenger services will check to see if any existing external frameworks will meet the requirements for the council.

#### **How will success be measured?**

29. Success will be measured by procuring a compliant contract that meet the requirements of the council for the supply of passenger transport services, whilst offering good value for money.

#### **What is the timetable and who will be responsible for implementation?**

30. The new contract needs to be in place by 1 June.
31. The Head of Passengers, Cleaning & FM will be responsible for implementation.

### **Appendices**

Appendix A – EDCI Screening Form