



## Mayor and Cabinet

### **Permission to Establish a Dynamic Purchasing System (DPS) for Taxis and Minibus Travel Assistance**

**Date:** 24<sup>th</sup> January 2024

**Key decision:** Yes

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** CYP Senior Joint Commissioner, Head of Service for CYP Joint Commissioning, IT Procurement, Finance and Legal.

### **Outline and recommendations**

Lewisham Council has procured taxi and minibus travel assistance via a Dynamic Purchasing System (“DPS”) since 2017 to meet its duties to provide travel assistance to eligible children and young people and to safely transport children within its care. In addition, staff performing their duties may, at times, require taxi transportation. The existing DPS used to procure taxi and minibus travel assistance is coming to an end and therefore needs to be reprocured to avoid disruption to vulnerable children and young people, as well as general service disruption across the Council. It is recommended that Lewisham Council continues to operate a DPS, and this report sets out the recommendations to approve and establish a new DPS from 1 April 2024 for two years with the option to extend for a further four years.

Lewisham Council has used the Access Adam Care Commissioning Transport System since April 2017 to operate a DPS. The software procures, quality assures, and processes invoice payments for travel assistance services. It is recommended that Lewisham Council continues to use this multifunctional software from 1 April 2024 for two years with the option to extend for a further four years.

Mayor and Cabinet are recommended to:

1. Approve the establishment of a Dynamic Purchasing System (“DPS”) for taxi and minibus travel assistance for two years, with the option to extend for up to a further four years up to a maximum value of £38.4m over the lifetime of the DPS (six years).
2. Approve the admission of the preferred providers onto the DPS, provided that they meet the selection and award criteria for admission as set out in the tender documents.
3. Delegate authority to Executive Director for Children and Young People (in consultation with the Director of Law and Corporate Governance to select the

preferred providers in accordance with the selection and award criteria published in the tender documentation.

4. Approve an extension of up to 10 months until 31<sup>st</sup> March 2024 of the current DPS at cost of £4.5m.
5. Approve the award of contract from the YPO single supplier framework to Access Adam Care Commissioning for the DPS software licence, which provides the multifunctional platform and support functions needed to operate the DPS. The contract length will be for two years from 1 April 2024 with the option to extend for a further four years. The total value of the contract is £338.8k.

### **Timeline of engagement and decision-making**

- February 2017, Mayor and Cabinet approved the establishment and use of the current framework via a DPS to procure transport and travel assistance for the Children and Young People Directorate and the Community Services Directorate for a period of up to six years (2+2+2).
- Contract extensions executed under the terms of the agreement in 2020 and 2021 until 31 May 2023.
- October 2023 - Adam DPS Software extended under Executive Decision covering 1 April 2023 – 31 March 2024.

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## 1. Summary

- 1.1. This report seeks the approval from Mayor and Cabinet to approve the establishment and usage of a Dynamic Purchasing System (“DPS”) to procure taxi and minibus travel assistance for eligible children and young people. The DPS will be for two-years, with the option to extend for a further four years (six years in total), at Lewisham Council’s discretion. The estimated value of the demand-led services procure through the DPS is approximately £38.4m over the lifetime of the DPS, which incorporates an annual increase of up to 5% to accommodate inflationary cost increases and anticipated impact of service demand over the lifetime of the contract. There is no minimum level of expenditure within the DPS.
- 1.2. The DPS for taxi and minibus travel assistance will be used primarily by the Children and Young People’s Directorate to transport eligible children with Special Educational Needs and/or Disabilities (“SEND”) to their allocated education settings, with or without passenger assistants (depending on individual need). The current DPS procures travel assistance services for over 490 journeys a week (March 2023) across 26 providers and 194 locations.
- 1.3. To undertake the procurement and establish a new DPS, an extension of the existing DPS for taxi and minibus travel assistance of up to 10 months is required. The original DPS began in 2017 for four years with the option to extend for a further two years. The value of the extension is estimated to be £4.5m for the 10 month period to 31<sup>st</sup> March 2024.
- 1.4. The report also recommends Lewisham Council procures a two-year software licence for the DPS with the option to extend for a further four years. Lewisham Council has used the Access Adam Care Commissioning Transport System since April 2017 to provide a DPS to procure, quality assure, and process invoice payments for passenger transport services. Currently there are no other alternative multifunctional software platforms that meet Lewisham Council’s needs. The recommendation to continue using the multifunctional software will avoid serve disruption.
- 1.5. The current Access Adam Care Commissioning software licence will expire on 31 March 2024. A new licence will be in place from 1 April 2024.

## 2. Recommendations

- 2.1. Mayor and Cabinet are recommended to:
  - 2.1.1. Approve the establishment of a Dynamic Purchasing System (“DPS”) for taxi and minibus travel assistance for two years, with the option to extend for up to a further four years at a total cost of approximately £38.4m over the lifetime of the contract (six years).
  - 2.1.2. Approve the admission of the preferred providers onto the DPS, provided that they meet the selection and award criteria for admission as set out in

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the tender documents.

- 2.1.3. Delegate authority to Executive Director for Children and Young People in consultation with the Director of Law and Corporate Governance to select the preferred providers in accordance with the selection and award criteria published in the tender documentation.
- 2.1.4. Approve an extension of up to 10 months until 31<sup>st</sup> March 2024 of the existing DPS for taxi and minibus travel assistance at cost of £4.5m, whilst a new DPS is established.
- 2.1.5. Approve the award of contract from the YPO single supplier framework to Access Adam Care Commissioning for the DPS software licence, which provides the multifunctional platform and support functions needed to operate the DPS. The contract length will be for two years from 1 April 2024 with the option to extend for a further four years. The total value of the contract is £338.8k.

### **3. Policy Context**

- 3.1. This report aligns with Lewisham's Corporate Priorities, as set out in the Council's Corporate Strategy (2022-2026):
  - Cleaner and Greener
    - Supporting the Council's aims to be a cleaner and greener borough for our residents.
  - A Strong Local Economy
  - Quality Housing
  - Children and Young People
    - Support schools to improve and increase opportunities for young people.
    - Focus on pupil achievement, working with our schools and communities to build on our inclusive and high-achieving system of local comprehensive schools.
  - Safer Communities
  - Open Lewisham
  - Health and Wellbeing
- 3.2. Section 509(1) of the Education Act 1996 requires a Local Authority to decide whether it needs to make arrangements for provision of transport for each pupil with an Education, Health and Care Plan ("EHCP") who has been assessed as eligible. If a Local Authority decides that transport is necessary, then it must decide what form of travel assistance is suitable and organise it free of charge. Transport is provided for children, to and from school or other educational establishment, or where transport has been authorised on medical grounds/social need both within and outside the borough.
- 3.3. Lewisham Council has a duty under the Children Act 1989 (amended in 2004) (including all associated Regulations and Guidance) and the Care Standards Act

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2000 to safeguard and promote the welfare of children. From time-to-time taxi services are required for Social Work staff and/or a child or young person to fulfil this duty.

## 4. Background

- 4.1. The Council has operated a DPS for taxi and minibus travel assistance services since April 2017. Based on the figures from September 2023, the annual projected estimated spend via the DPS is £5.38m. As this is a demand-led service, it is expected to rise in line with the borough's growing numbers of additional special educational needs and disability places in schools and inflation. To mitigate this the Council will continue to review how travel assistance is provided and maximise efficiencies. The DPS is provided alongside Lewisham Council's in-house passenger transport service and used where the in-house service does not have capacity, or the routes procured would not be economically viable. As such there is no agreed minimum level of expenditure within the DPS giving the council flexibility to utilise the most cost effective transport at all times.
- 4.2. The current DPS for transport assistance supports 535 children and young people attend schools and colleges in Lewisham and outside of the borough. This amounts to 494 journeys a week to 149 different locations and 194 individual contracts with 26 providers. A breakdown of the number of children and young people attending each school can be found in Appendix A; and a breakdown of the distribution of passengers across the transport providers can be found in Appendix B. The table below sets out the numbers of young people using travel assistance, including the DPS compared to the total number of children and young people receiving an EHCP.

	2018	2019	2020	2021	2022	2023
Number of CYP (0-25) with an EHCP	2261	2561	2927	3199	3238	3512
Total number receiving Travel Assistance	720	778	852	914	909	1002
Percentage of C&YP with EHC Plans receiving Travel Assistance	32%	30%	29%	29%	28%	29%
Number receiving Travel Assistance using DPS	310	358	473	495	488	535
Percentage of C&YP with EHC Plans receiving Travel Assistance via DPS	14%	14%	16%	15%	15%	15%

- 4.3. The Council currently uses the Access Adam Care Commissioning software and functionality to facilitate the following functions as part of the DPS:

- market management and development.

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- procuring individual taxi routes.
  - award and publishing of contracts.
  - invoicing and supplier payment.
  - contract management.
  - reporting and analytical support.
  - account management and system support.
  - supplier quality assurance checks.
- 4.4. The software and the functionality are critical to the smooth operating of the transport travel assistance DPS, the supply chain management, quality assurance, and Lewisham Council's ability to procure taxi and minibus travel assistance via a legally compliant process and at competitive rates.
- 4.5. Since establishing the DPS and using the Access Adam Care Commissioning software the benefits have been:
- A reduction in individual cost per requirement versus pre-DPS. Job requirements via the DPS are on average 10-14% lower compared to previous baseline figures for each vehicle type, which has led to efficiencies and better overall financial management against a demand-led budget.
  - Developed the market and enabled a broad and vibrant supplier market. The supply base has more than doubled, including the top two suppliers coming from new entries to the supply base.
  - Increased transparency amongst suppliers. Policy enforcement on all activity with a transparent audit trail of decisions made.
  - Increased engagement with SMEs.
  - Significant internal staff efficiencies delivered in processing invoices and improved cash flow for suppliers; 550 invoices per month have been reduced to a single consolidated invoice.
  - Improved suppliers' satisfaction, as many of the suppliers are SMEs, they are reliant on the cash flow and prior to Access Adam Care Commissioning payments were delayed in getting paid, which had an impact on our supplier numbers.
  - Cost avoidance by ensuring accurate commissioning (to reflect the individual need), limiting the premium charged on spot purchases and facilitating competition.
  - Delivery of a consistent quality-focussed commissioning and contract management approach to benchmark and improve lasting quality.
  - Detailed and real-time reporting on all areas of activity (including spend, market sustainability, financial analysis).
- 4.6. On the basis that a new DPS is established, Lewisham Council will continue to develop the DPS to improve delivery and maximise efficiencies, including:
- Implementing a method of tracking for suppliers within Sproc.Net (supplier portal).
  - Introducing Experian checks for suppliers and other supporting approaches towards market sustainability.
  - Introducing annual re-engagement of suppliers as part of an effective

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summer tendering process.

- Redesigning the Access Adam Care Commissioning Supplier Relationship Management module to improve its usage towards contract management.
- Review the social value aspect of the framework to identify what the service providers can continue to contribute towards Lewisham Council's social value goals.

## 5. Procurement Strategy, Proposal, and Rationale

### Rationale to continue using a DPS

- 5.1. Consideration was given to bringing this service in-house. The resources required if this service were to be insourced would be considerable, requiring an increase in the number of staff required in the Travel Assistance Coordination Team to undertake all the activity the software supports. In 2017 when the DPS was originally introduced there were 508 young people requiring travel assistance, with 310 using travel procured via the DPS. As of August 2023, the number of young people requiring travel assistance was 1002 with 535 using travel sourced via the DPS.
- 5.2. In addition, the taxi and minibus travel assistance currently procured through the DPS would be unsuitable or economically unviable for the Council's in-house passenger transport services provided by the Lewisham Passenger Services (LPS) team. Currently LPS can support up to 400 children and young people within their service, which is below the current demand levels for travel assistance required.
- 5.3. The risk associated with moving to a manual system of allocating transport would be considerable, as Lewisham Council does not have a software solution which can track all the transport allocations for vulnerable children effectively if the current processes were to be removed. When this activity was undertaken by the Travel Assistance Coordination Team the number of children and young people receiving travel assistance via the DPS was significantly lower and more manageable. Without the DPS to manage the process there would be a shortfall in the transport allocations in time for the start of the academic year, leaving vulnerable children without the ability to attend school on time.
- 5.4. Allocating transport manually in-house was considered, along with other options which can be found in Section 6 for full details.

### How the Dynamic Procurement System will work

- 5.5. A DPS is similar to a framework, which is used to procure services from a list of pre-approved suppliers, with agreed terms and conditions and legal protections. It includes a template contract with many already-agreed elements that all suppliers sign up to when bidding to join. A DPS differs from a traditional "closed" framework in that it allows suppliers to apply to join at any time over its proposed term, subject to satisfying Lewisham Council's selection criteria, which will set certain entry standards. The selection criteria will include confirmation that the organisation has a valid Passenger Hire Operators License, have valid insurance, adequate safeguarding policies and that all drivers and attendants have the required licenses, relevant qualifications and DBS checks in place. As the taxi

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provider market can change rapidly, the DPS's 'always open' method is preferable to a traditional 'closed' framework or approved provider list.

5.6. The Access Adam Care Commissioning software manages all the aspects of the DPS as outlined below:

- 1) The software platform is a portal for the "on-boarding" process where new suppliers are added to the provider list. The Transport Assistance Coordination Team review new provider's applications to ensure they have met the selection criteria and are able to offer the services required. Successful companies are invited to bid for transport routes ("requirements") as they arise.
- 2) When a young person requires travel assistance to an education establishment, and they cannot be accommodated by LPS, their journey from home to the establishment and back is added to the DPS in the form of a tender for a route. These routes are sent to all providers on the DPS, with a specified timeframe to submit a bid. Once the bidding window is closed the DPS ranks the submitted bids according to value for the Coordination Team to review and appoint a successful bid. The DPS communicates the outcome of this to all bidders once the provider is appointed.
- 3) The successful bidder is offered a contract for the route, which is managed and stored in the DPS. A person can be added to an existing contract if the provider is already offering travel for other young people attending the same establishment. The DPS keeps a record of all job requirements and the associated contracts for their transport.
- 4) The DPS records the costs for all contracts and raises invoices for each of the providers based on the live contracts they hold with the Council on a monthly basis. The invoice processing functionality significantly reduces administration time and resource and is accurate, reducing the chance of overpayments.

5.7. DPS benefits include:

- new entrants to the market being able to apply at any stage.
- simple methodology of approving new service providers means a short timeframe for evaluation and approval onto the DPS.
- continuing price pressure through increased competition whilst services are improved through performance measures.
- compliant with the Public Procurement Regulations 2015 and complies with good procurement practice.
- swift processing of supplier invoices via the system leading to quicker payments.
- a reduction in school journey cost which are on average 10-14% lower compared to figures before the implementation of the DPS. While the overall budget for travel assistance has increased in line with demand the use of the DPS has helped mitigate the overall cost increases and provided better overall financial management of the demand-led budget.

5.8. The DPS for taxi and minibus travel assistance aims to provide a safe, sensitive, and reliable transport service to meet the needs of all passengers. This is achieved through:

**Safe** – The safety of each passenger is the most important element of the DPS.

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It should be evident that in every aspect of the service including staff employment and training, operational processes, and vehicle (and associated equipment such as Wheelchair restraints and car seats) procurement and maintenance. Where secure transport is provided the vehicle must meet the required standards.

**Sensitive** – Providers and their staff must maintain a very high level of customer service and understanding of the needs of the passenger groups. Staff turnover and variations in their schedules should be minimised to relieve or prevent anxiety amongst vulnerable passengers.

**Reliability** – Vehicles must consistently arrive at the correct collection point and destination point without undue delay and in a timely manner. Vehicles must be maintained in good order to reduce the likelihood of breakdowns and provide a consistent service.

5.9. Service Providers on the DPS will be expected to provide services for the following groups of service users:

- Transport for children attending special schools, specialist units, mainstream schools, and any other educational establishments both within and outside the boundaries of the boroughs. This may be twice daily, or on a regular but less frequent basis, or this service may be required on an ad-hoc basis.
- Transport for children, to and from respite and/or residential placement for children looked after or with supervised contact provision both within and outside the boundaries of the boroughs. This may be daily, or on a regular but less frequent basis, or this service may be required on an ad-hoc basis.
- Transport for children where transport has been authorised on medical grounds or social need, both within and outside the boundaries of the boroughs. This may be daily, or on a regular but less frequent basis, or this service may be required on an ad-hoc basis.

#### **Procurement Timetable**

5.10. Timetable for procurement is based on the previous DPS procurement with similar requirements to the original DPS established in 2017. As such the existing providers will be admitted onto the new DPS without the need be re-apply. This will allow for current contracts on the DPS to continue without interruption, providing consistency of service. Once the new DPS is established it will be open for new contracts and providers to join.

Activity	Date
Mayor & Cabinet approval to establish DPS	24 January 2024
DPS open for new suppliers to join (post call-in)	14 February 2024
Report (Executive Director) for new suppliers to be admitted onto the DPS	21 February 2024
DPS live	1 April 2024

#### **Procuring Access Adam Care Commissioning Software**

5.11. Lewisham Council can access the Yorkshire Purchasing Organisation's (YPO) framework for dynamic purchasing systems to procure the Access Adam Care Commissioning software, which is a legally compliant route to procure the

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software.

- 5.12. The YPO framework allows a route to procurement without requiring the Council to engage directly with the market and as a single supplier framework the YPO manages the due diligence required the procurement. It provides more effective pricing compared to the catalogue approach for similar software products used by the Crown Commercial Services (CCS) G-Cloud procurement framework. This provides approximately 5% savings in contract costs by using the YPO compared to the CCS framework.
- 5.13. Should agreement be given to procure the Access Adam Care Commissioning software Lewisham Council will instruct YPO to initiate the call off from the framework (reference number 1017: Health and Social Care Commissioning Solutions). The contract includes a 5% annual uplift in costs over the 6 year contract life, below the current level of inflation. The uplift has been included in the overall annual costs of the contract as outlined in the table in section 7 below. The Council will then directly award the contract to Access using the YPO's "Order Form" and complete the "Confirmation of Award" notice for the YPO's records. A copy of the framework notice and call-off form is included within this report – Appendix C.
- 5.14. As Lewisham Council already operates the software there is no requirement to set up or implement new processes. The new licence will enable Lewisham Council to continue 'as is' without severe disruption if the licence is not procured and the system is no longer available to Lewisham Council.

## **6. Alternative Options Considered**

- 6.1. The following options were considered and are not recommended:

Do nothing – The Council has a statutory duty to provide home to school travel for eligible children and young people. The internal passenger transport service is unable to assume the current routes procured through the existing DPS. Without a framework or Approved Provider List in place, the Council would need to spot-purchase taxi and passenger transport services. This would not be compliant with the Council's Contract Procedure Rules and would reduce competition between suppliers, which would increase the overall spend.

In-house – A DPS was put in place in 2017 as a direct response to unmet need and the often-short notice requirements for taxi and passenger transport services, which require a flexible procurement approach. Often job requirements are economically unviable for the in-house service (i.e., a single child on the route or specific needs). The in-house service is the first consideration for minibus routes before going out to 'tender' if the in-house service is unable to provide the route.

Framework Agreement – A framework agreement is closed for the lifetime of the contract term and over a six-year period there is a high risk of significantly fewer providers remaining, which reduces competition. This is because providers of taxi and passenger transport services enter and exit the marketplace on a regular basis and cannot be admitted (readmitted) to the framework. Furthermore,

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separate arrangements for processing invoices and checking supplier credential would need to be implemented, increasing costs and administration functions for the Council.

Other DPS Solutions – Access are the only provider on the Yorkshire Procurement Organisation currently offering a DPS solution for commissioning specifically for health and social care. The existing software platform has demonstrated its ability to be used within the Lewisham IT environment and has a proven track record of stability and accessibility necessary to support the Council to discharge its statutory duties. Whilst there are other DPS solutions available in the market, YPO provides the Council with the option to directly award the contract to Access.

Manual Travel Assistance Allocations – The DPS system was implemented in 2017 to alleviate the need for manual allocations of children and young people on transport routes by the Travel Assistance Coordination Team. The Access system also undertakes the financial and contract management of the routes which were a significant part of the teams activity. To reintroduce this activity as a function of the Coordination team would require the recruitment of additional staff to effectively implement a similar service. Using Access DPS to support travel allocations and finance management of travel assistance represents value for money when compared to recruiting additional staff to carry out the same activity.

## 7. Financial Information

- 7.1. The table below outlines the current anticipated demand-led expenditure over the lifetime of the DPS (six years) based on a forecasted increased in demand and costs. The anticipated expenditure includes a 5% annual increase. This is not the actual value of the expenditure that will be procured via DPS, as it is demand led, but the amount anticipated based on current demand, expected growth and external factors impacting on fuel and vehicle costs. The service has the flexibility to arrange suitable travel assistance between LPS and the DPS as demand requires to meet the Council’s Statutory Duty and as such there is no minimum level of expenditure required within the DPS.
- 7.2. Transport and the provision of travel assistance to children and young people to education settings is also reviewed in the wider context of the DfE’s Delivering Better Value (DBV) programme, which Lewisham Council is participating in. The aim of the wider DBV programme, which is currently applied to 55 LAs across the country, is to manage allocated high needs budgets, and work towards a sustainable model of delivery in a demand led environment. The DBV team have agreed to also offer a review of the current transport offer to assist the LA with identifying potential efficiencies related to Lewisham’s Travel Assistance offer and identify how it can be delivered more effectively.

DPS Framework	2024/25 (£'000)	2025/26 (£'000)	2026/27 (£'000)	2027/28 (£'000)	2028/29 (£'000)	2029/30 (£'000)	Total over the period (£'000)

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CYP Travel Assistance	£5,649	£5,932	£6,229	£6,540	£6,867	£7,210	£38,427
DPS Software License Costs (£)	£49.8	£52.3	£54.9	£57.6	£60.5	£63.7	£339
<b>Total Framework</b>	<b>£5,699</b>	<b>£5,984</b>	<b>£6,284</b>	<b>£6,598</b>	<b>£6,928</b>	<b>£7,274</b>	<b>£38,766</b>

## 8. Finance Implications

- 8.1. The costs incurred transporting children to school in 2023/24 are captured within the council's overall financial monitoring report, with costs exceeding the budget by £2.3m. Therefore, the cost of the extension to the current DPS are reflected within the latest budget monitoring position. The 23/24 budget shortfall is being addressed as part of budget setting for 2024/25 however the service will need to seek to find the most cost effective solution to enable them to manage within the revised budget envelope for 2024/25 and future years.
- 8.2. The home to school transport costs for 2024/25 have been estimated based on an inflationary increase of 5% per annum, considering the impact of additional demand and increased unit costs over the potential life of the framework (up to 6 years). The annual costs will be dependent on demand and travel costs. There is no minimum level of activity within the DPS allowing the service the flexibility to find the most cost-effective travel solution utilising both internal and external transport services.
- 8.3. In 2024/25, the cost of the licences for the DPS are £50k with a projected level of transport expenditure through the DPS of £5.6m, these will need to be managed within the revised budget envelope set as part of the MTFS, with options consider to reduce costs and manage demand to ensure this is achieved.

## 9. Legal implications

### Approval to Procure the DPS

- 9.1. The report seeks approval to procure a Dynamic Purchasing System (DPS) for the provision of transport and passenger services. Given the potential spend under the DPS (at a length of 6 years) this contract would be categorised by Contract Procedure Rules as a "Category A" contract. The report sets out the other options considered and explains why this is the recommended options.
- 9.2. Assuming that Mayor and Cabinet accepts the recommendation to procure a DPS, the Contract Procedure Rules ("CPR") place requirements on how that should happen. The CPR require that when letting contracts steps must be taken to secure value for money through a combination of cost, quality and competition, and that competitive tenders or quotations must be sought depending on the size and nature of the contract (Rule 5). The requirements of the CPR would be satisfied by use of the procedure set out in this report. As a Category A contract, it would be for Mayor and Cabinet to take a decision on the admission of service

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providers on to the DPS. Given the potential spend on this contract the Public Contracts Regulations 2015 as amended by the Public Procurement (Amendment etc) (EU Exit) Regulations (“the Regulations”) will apply.

#### Approval to admit service providers onto the DPS

- 9.3. This report proposes that Mayor and Cabinet approve the admission of service providers on to the DPS. This report further proposes that Mayor and Cabinet instruct the Executive Director for Children and Young People and the Head of Service for Integrated Services SEND (in consultation with the Director of Law and Corporate Governance) to give effect to this decision by applying the selection criteria to determine and enter into the DPS with the preferred service providers.
- 9.4. The decision to award to the DPS contained in this report is a Key Decision under Article 16.2 (c) (xxiii) of the Constitution as it has a value of more than £700,000. It is therefore required to be contained in the current Key Decision Plan and the Council’s Key Decision procedure must be followed.
- 9.5. Provided that the final contract value is within authorised limits set out in the report and the preferred service providers are selected in accordance with the selection criteria published in the tender documentation, then the selection by Executive Director for Children and Young People and the Executive Director for Community Services of the preferred service providers in accordance with Mayor and Cabinet’s direction will not be a Key Decision. For audit purposes a written record should be kept setting out how the selection process has been applied and the preferred service providers selected, and officers from Legal Services should be consulted as necessary throughout the selection and award process.

#### Procurement and award of Contract to Access Adam Care Commissioning

- 9.6. The Council’s Constitution contains requirements about how to procure and manage contracts. These are in the Contract Procedure Rules (Constitution Part IV). Some of the requirements in those Rules are based on the Public Contracts Regulations 2015 as amended by the Public Procurement (Amendment etc) (EU Exit) Regulations (“the Regulations”) with which the Council must comply. Given the value of the contract the Regulations apply.
- 9.7. The report proposes the establishment of a contract for 2 years with an option to extend for up to a further 4 years. The potential value of the contract including the extension is below £500,000, which means that this is a Category B contract for the purposes of the Council’s Contract Procedure Rules.
- 9.8. This contract has been procured via the YPO single supplier framework agreement. A third party framework agreement may be used provided that the framework agreement was procured in compliance with the Public Contracts Regulations 2015 and the Council is named to use it. The framework agreement meets both of these criteria.

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- 9.9. The report explains the process applied to the procurement under the framework agreement and the reasons for recommending Access Adam.

#### Extension of current DPS

- 9.10. A recommendation in this report is to extend the current DPS for a period of 10 months to allow time for the procurement of a new DPS.
- 9.11. The Council is obliged to comply with the Public Contracts Regulations 2015 (Regulations). Some variations to existing contracts may trigger a requirement to undertake a new competitive tender process. The Council's Contract Procedure Rules set out which variations can be made without a new competitive process (Constitution Part IV I, paragraph 17 of Contract Procedure Rules). This report explains why the variation to the DPS for 10 months is proposed.
- 9.12. Contract Procedure Rules say that where a contract variation is 'not substantial', the variation can be made (paragraph 17.5). The definition of 'substantial' takes into account matters including the nature and size of the proposed change relative to the original contract, and the likely market effect of the change (including the change to the scope and economic balance of the contract). There is a reasonable argument that the proposed extension is not substantial. As such, the variation does not trigger a requirement to undertake a new procurement. On that basis, therefore, the proposed change is allowable under the Council's Contract Procedure Rules paragraph 17.

### **10. Equalities implications**

- 10.1. There are no equalities adverse implications arising from the establishment of the DPS. The DPS contributes to Lewisham Council's equalities outcomes by facilitating the provision of transport for children and young people who have SEND and require support with travel to their educational setting.
- 10.2. The DPS demonstrates Lewisham Council's commitment to the social model of disability, where disability is recognised because of social organisation and infrastructure, rather than as the result of a person's differences. The DPS plays an important role in removing barriers that would otherwise restrict the life choices of young people with disabilities; and enables them to engage positively with education, maximising their life opportunities.

### **11. Climate change and environmental implications**

- 11.1. Lewisham Council has made a commitment to making the borough carbon neutral by 2030.
- 11.2. Suppliers operating via the DPS will be expected to comply with Lewisham Council's Environmental and Climate Change requirements, to minimise the environmental impact of the service.
- 11.3. There are no climate change implications from the DPS itself. The ability to

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dynamically procure transport routes via the DPS helps to reduce the number of overall routes (mainly home to school routes) and therefore reduces the carbon impact.

- 11.4. The requirements within the service specification stipulate that suppliers use low emission or electric vehicles as standard. The DPS is dynamic in nature and will support the implementation of any potential changes in legislations in respect of emissions.
- 11.5. Furthermore, the service specific requires suppliers to operate vehicles that are ULEZ compliant.

## **12. Crime and disorder implications**

- 12.1. There are no crime and disorder implications arising from this report.

## **13. Health and wellbeing implications**

- 13.1. Attending school plays a significant role in promoting the development and mental wellbeing for children and young people. This software enables children and young people to attend school who might otherwise find it difficult due to nature of their disability and their ability to travel to school safely.
- 13.2. This DPS plays a significant part in providing children and young people with the ability to attend their educational settings.

## **14. Social Value implications**

- 14.1. The supplier will be asked to deliver social value over the lifetime of the contract, and this will be followed up at contract management meetings. Further discussions are taking place with the Supplier to agree what social value can be provided specific to Lewisham resident's needs.
- 14.2. Public Services (Social Value) Act 2012 requires that the council considers, before commencing a procurement process how wider social, economic, and environmental benefits that may improve the wellbeing of the local area can be secured.
- 14.3. Lewisham Council is an accredited London Living Wage (LLW) Employer and is committed to ensuring that, where appropriate, contractors and subcontractors engaged by Lewisham Council to provide works or service within Lewisham pay their staff at a minimum rate equivalent to the LLW rate. Successful contractors will be expected to meet LLW requirements and contract conditions requiring the payment of LLW will be included in the tender documents.

## **15. Background papers**

Mayor & Cabinet (Contracts) - Wednesday, 19th April 2017

<https://councilmeetings.lewisham.gov.uk/ieDecisionDetails.aspx?ID=3388>

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## 16. Glossary

[Link to Oxford English Dictionary here.](#)

Term	Definition
Dynamic Purchasing System	It is an electronic system which suppliers can join at any time. An 'open market' solution, a DPS is designed to give the council access to a pool of pre-qualified suppliers, who have passed pre-arranged checks, based on a range of criteria and create a shortlist to invite to their further competition.
EHCP – Education Health and Care Plan	An Education, Health and Care plan ('EHC plan') is a legal document. It sets out a child / young person's special educational needs, the special educational provision they need, and the outcomes to be achieved via statutory support granted . It covers C&YP 0-25 as long as a CYP has education and training outcomes to achieve and stays in education or training.

## 17. Report author(s) and contact

Report Author: Paul Creech, 47266, Paul.Creech@lewisham.gov.uk

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Comments for and on behalf of the Director of Law and Corporate Governance: Mia Agnew, 47546, Mia.Agnew@lewisham.gov.uk

## 18. Appendices

Appendix A – Breakdown of DPS contract and passengers

Appendix B – Schools and passengers

Appendix C - YPO Call-off for Access Adam Care Commissioning software

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## Appendix A – Breakdown of DPS contract and passengers

Transport Provider	Passengers
Abacus Mobility Ltd	98
Peoples Choice Transport Ltd	56
LBC Downtown	55
Pro Auto Carriage Service	48
Health Care and Transport Services	44
Excel Passenger Services	40
Data Swift (South East) Ltd	32
Transport For School Ltd	24
Clover Cars	22
London Hire Community Services Ltd	22
Cascade Cars	15
IIM Transport Ltd	15
Croydon Private Hire Ltd	14
PG Passenger Services	8
Terago Ltd	8
Clockhouse Cars	7
Ladybirds 1991 Ltd	6
Shine Transport Ltd	5
Abbey Wood Station Minicabs Ltd	3
Ga'al Transport Ltd	3
SNA Transport	3
London Cars	2
T and T Cars	2
Airport Transfer Cars Limited	1
The Keen Group	1
Waterloo Car Hire	1
Grand Total	535

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## Appendix B – Schools and passengers

Establishment	Passengers
Watergate School (Ladywell)	24
Lewisham College	23
Bromley College	21
Riverston School	20
New Woodlands School	18
Conisborough College	16
Nash College / Next Steps	15
Orchard Hill College (Lomond)	15
Baston House School	14
Serenity School Eltham	14
Shooters Hill Post-16 Campus	15
Drumbeat Turnham	12
Athelney School	11
The Learning Centre (Bromley Campus)	10
West Heath School	9
Greenvale Mayow Rd	8
Kelvin Grove Primary School	8
Serenity School Eltham Juniors	8
Deptford Green School	7
Drumbeat School	7
Glebe School	7
Addey & Stanhope School	6
Octavia House Vauxhall	6
Brent Knoll School	5
Cressey College Wellhurst	5
Evolve Park Campus Academy	5
Oak Lodge School	5
Parkwood Hall School	5
Prendergast LFC	5
Thomas Tallis	5
Tidemill Primary School	5
Watergate School	5
Bromley Beacon (Bromley campus)	4
Brown's School	4
Drumbeat Post 14 Campus	4
Greenholm formerly Eagle House School	4
Highshore School	4
Newlands Academy	4
Octavia House Walworth	4
The Complete Works (Rotherhithe)	4
Brighter Horizons	3
Cavendish School	3
Cherry Garden School	3

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Marjorie McClure School	3
Orchard Hill (Wandsworth)	3
St Matthew Academy	3
SupaJam	3
The Write Time	3
Beckmead College	3
Blossom House School	2
Blossom House School Euston	2
Capel Manor College	2
Charlton Park Academy	2
Chelsea Hall School	2
Coopers Lane Primary School	2
Cressey College (Birdhurst)	2
Fairley House School	2
Haberdashers' Aske's Knights Academy	2
Harris Academy Beckenham	2
Helen Allison School	2
Holy Trinity C E Primary School	2
Lavender Lodge	2
Limpsfield Grange School	2
Linden Lodge School	2
Meridian High School	2
Moor House School & College	2
Octavia House Kennington	2
Orpington College Of Further Education	2
Park House School	2
Phoenix Place School	2
Riverside St Pauls Cray Site	2
Riverside West Wickham	2
Roots & Shoots College	2
Sedgehill HIU	2
Serenity School	2
Spa School	2
Sunnyhill Primary School	2
The Link Secondary	2
The Moat School	2
The Tutorial Foundation	2
Thorntree Primary School	2
Torridon School (ASD unit)	2
Vanguard School	2
Abbey Manor College	1
Abingdon House School	1
Animal Days Out	1
Ark Globe Academy	1
Aspire Academy	1
Beyond Autism Post-19	1
Bromley Beacon Academy	1

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Broomhill Bank School (North)	1
Canbury School	1
Centre Academy	1
Christ the King: St Marys	1
Churchfields Primary School	1
Clare House Primary School	1
Cleeve Meadow School	1
Colfes School	1
Cressey College Coombe Cliff	1
Cressey College Lockley	1
Cressey College Moorings	1
Cricket Green School	1
Elm Wood School	1
Eltham Hill Technology College For Girls	1
Endeavour Academy	1
Fairley House Junior school	1
Forest Hill Library	1
Forest Hill School	1
Forster Park Primary School	1
Gordonbrock Primary School	1
Greenvale Secondary School	1
Gretton School	1
Hadlow College (Tonbridge)	1
Ian Mikardo School	1
John Ruskin Primary School	1
Kings Oak School	1
Langley Park School For Boys	1
Livity Primary School	1
LSEC Bexley Campus	1
Melrose School	1
Myatt Garden School	1
Notre Dame Roman Catholic Girls' School	1
Orchard Hill College (Carlshalton VPC)	1
Parayhouse School	1
Perrymount Primary School	1
Priory School	1
Richard Cloudsley School	1
Rise Education	1
Rochester Independent College	1
Rockbourne Park	1
Rockbourne Youth Club	1
Roehampton Gate School	1
Rutherford School	1
St Francis Rc Primary School	1
St Michaels Catholic College	1
St Piers School	1
St Thomas More Roman Catholic Comprehensive	1

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Stephen Hawking School	1
Sydenham School	1
The Bridge SEN School	1
The Complete Works (E1)	1
The Complete Works Lewisham Hub	1
The Moat 6th Form Burlington House	1
The New School St Marys Lodge	1
Tram House School	1
Treasure House School CIC	1
Treehouse School	1
Trinity School Lee	1
Welling School	1
White Rocks Farm College	1
Wize-Up	1
Write Trax	1
Grand Total	535

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## Appendix C – YPO Call-off for Access Adam Care Commissioning software

Ref No: 1017 Commissioning Solutions  
Framework Agreement



### About YPO

YPO provides procurement solutions for public sector organisations to set up or renew contracts for a wide range of services. Established in 1974 by a group of 13 local authorities, we're one of the largest public sector buying organisations in the UK and we're still 100% publicly-owned today. We work closely with our suppliers and collaborate with other public sector buying organisations to achieve efficiencies and value for money, returning all our profits back into the heart of the public sector. Our team of qualified procurement professionals can offer advice, guidance and expertise on procurement, as well as regular engagement and communication to make sure your objectives are achieved.

#### Overview

<b>Start date:</b>	18 July 2020
<b>Expiry date:</b>	17 July 2024
<b>Extension(s) (if applicable):</b>	Not applicable
<b>Contracting authority (CA) call-off period:</b>	CAs can call-off from this framework for contracts up to six years
<b>Contract notice ref. no:</b>	2020/S 115-280719
<b>Potential maximum value:</b>	£200m
<b>Geographical location(s):</b>	National

YPO, 41 Industrial Park, Wakefield, WF2 0XE Tel: 01924 834 834 | Email: [socialcare@ypo.co.uk](mailto:socialcare@ypo.co.uk)

[ypo.co.uk](https://ypo.co.uk)

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**CONFIRMATION OF AWARD**

**Commissioning Solutions, REF NO 1017**

**TO BE COMPLETED BY THE CUSTOMER:** *I confirm the details of the following award of contract under Commissioning Solutions framework agreement, reference number 1017*

Name of Organisation:		
Address:		
Name of person signing this form:		
Signature:		
Date:		
Position:		
Telephone:		
E-mail:		
Description of service procured:		
Value of Award:	<b>£</b>	<b>PER ANNUM / TOTAL</b> <i>(Please delete as appropriate)</i>
Date of Award (or period of award if you are commissioning a service to be provided over a period of time):		
Savings achieved:		
Benefits you gained by using the framework		
Are you happy to be contacted by YPO to discuss your experience of using the Framework? (please tick)	YES	NO

To return this form, please email it to: [socialcare@ypo.co.uk](mailto:socialcare@ypo.co.uk)

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## Commissioning Solutions - Customer Access Agreement

YPO Contract Reference: 001017 - Framework Commences on 18 July 2020 Until 17 July 2024

*Please note this can be completed and signed electronically. All sections should be completed.*

### To be completed by the customer:

On behalf of the organisation detailed below, I acknowledge that all details under the Commissioning Solutions Framework Agreement is at this point considered to be commercially sensitive and could well prejudice the commercial interests of the provider involved if the information were to be made publicly available.

I therefore hereby agree on behalf of the said organisation that we will keep strictly confidential the pricing information supplied to us and will not disclose the same or any part thereof to any other person, organisation or company and shall not make any use of such information or any part thereof for any purposes other than for accessing the framework.

I further agree that access to all such information will be restricted only to those persons reasonably required to know it and that, in any event, our employees, agents, consultants and sub-contractors (if any) are bound to us to hold such information in confidence and to use such information only for the purposes of accessing the framework.

**Before conducting any activity under this YPO framework, please complete this form and return it to [socialcare@ypo.co.uk](mailto:socialcare@ypo.co.uk)**

**AGREEMENT:** I/we confirm that the organisation detailed below may choose to participate in the above mentioned YPO Framework Agreement, and that in doing so will act in accordance with the guidance and instructions set out in the relevant YPO User Guide, and in accordance with the Public Contracts Regulations 2015. I/we confirm that any guidance and/or template documentation provided to me will only be used in relation to this Framework and will only be used for other purposes where prior consent from YPO has been given. I/we also confirm that in consideration of YPO acting in this capacity I/we authorise YPO to make such arrangements with its' suppliers relating to rebates on Goods, Services and/or Works (and to make enquiries in relation thereto) as it considers necessary in order to recover its operating costs.

<b>Name of Contact Person:</b>			
<b>Job Title:</b>			
<b>Name of Organisation:</b>			
<b>Telephone:</b>			
<b>E-mail:</b>			
<b>Direct Award or Further Competition:</b>			
<b>Estimated Annual Spend:</b>			
<b>Estimated Contract Start Date:</b>		<b>Est. Contract Duration:</b>	
<b>Signature:</b>		<b>Signature Date:</b>	

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