

# Delegated Decision Report

Decision below £250k



<b>Subject:</b>	Following completion of the procurement process, to agree to award and enter into a contract for the Outdoor & Environmental Education Service (OEES) and School Linking Project (SLP) Transport with Swans Travel
<b>Decision maker: Senior Officer</b>	Neil Consterdine (Director of Communities)
<b>Decision maker: Cabinet Member</b>	Shaid Mushtaq (Cabinet Member for Children and Young People)
<b>Decision date:</b>	24/02/2025
<b>Report author:</b>	Joseph Myhill
<b>Ward (s):</b>	Borough wide

## Reason for decision

Approval is being sought to award and enter into a contract with Swans Travel for 3 years + an option for 2 years extension for the Schools Linking Project (SLP) and the Outdoor and Environmental Education Service (OEES).

## Recommendation(s)

1. To award and enter into a contract with the preferred bidder (Swans Travel) for the SLP and OEES based on the scores awarded under the procurement process.

## Background

The Outdoor and Environmental Education Service (based at the Castleshaw Centre) and the School's Linking Project are teams within the Communities Directorate that provide transport for schools undertaking educational activities with these services. This service is mainly utilised by primary school pupils and most transport is in school term time. Schools pay for this via service level agreements. The Council contracts fit for purpose transport providers for the educational services to ensure consistency and efficiency. To obtain best value the Council has used one company over the last 4 years and this has worked well.

In accordance with the Council's Contract Procedure Rules, a procurement process has been undertaken and the evaluation of the tender submissions has sought to identify the most economically advantageous offer, based upon a combination of economy, efficiency and effectiveness.

The prices submitted as part of the procurement process have significantly increased, and are 20% higher than the prices payable under the previous contract, so SLA prices with schools will be reviewed for the next financial year.

In the first year of the contract, the total cost for transport will be approximately = £55,201 (OEES £30.5K and SLP £24,700)

**Alternative option(s) to be considered** *(please give the reason(s) for recommendation(s))*

1. *Not to award a contract to the highest scoring bidder and to undertake another procurement process – this would incur further cost and cause potential disruption to service delivery if we are without a transport contract in place.*
2. *Not to award a contract to the highest scoring bidder, Swans Travel, and not undertake another procurement process. This would have even wider reaching implications, such as further costs, potential disruption to service delivery and unpredictable and excessive changes to cost that the council might be forced to take to ensure service continuity and delivery of services laid out within SLA's.*

**Consultation** *(include any conflict of interest declared by relevant Cabinet Member consulted)*

**Risks**

Without the transport contract being agreed, the services will have to continue to make ad hoc orders and use providers outside of a fit for purpose agreement to maintain the level of the service required. This will increase the risk level in terms of disruptions to both services and we may also be subject to cost increases if operating without agreed contractual prices. Further, due to aggregation rules, this would be a breach of the Contract Procedure Rules.

Another point to mention here is that since receiving returns from both bidders, there has been a significant period of time that has passed since the expiry of the previous contract due to changes to the School Linking Project team and where this project sits within the council. Despite Swans Travel waiting over a year for Oldham Council to complete the procurement process, they have honored the original prices quoted. If a new process is undertaken, costs could rise, not to mention the additional hours/days that would need to be spent by staff to go through the process from start to finish, a significant stretch for staff already working at capacity.

Working outside of a formal agreement (as we are now) presents other risks as we have no specification in place to give us powers such as audit rights. If anything happened e.g. a bus accident, the council would be heavily criticized. Further to this we have noticed that at times Swans have used different rates for very similar journeys. This has been challenged and credit notes have been issued, but without a contract and agreed pricing structure it is very difficult to justify a challenge to these charges.

**Implications**

Financial	This report seeks approval to award a contract to 'Swans Travel' to provide transport for schools undertaking educational activities within the Outdoor & Environmental Education Service (OEES) and School Linking Project (SLP).
-----------	--

	<p>Outdoor &amp; Environmental Education Service (OEES resides in the Communities Directorate within Oldham Council.</p> <p>The Council is contracted to provide transport to primary school pupils, as part of the agreed SLA between the Schools and the Council.</p> <p>The total cost of this proposal will be approx. £55.2k. (OEES £30.5k and SLP (£24.7k).</p> <p>The cost of the contract will be funded from the budget allocated for transport within the exiting OEES and SLP revenue budgets.</p> <p>The previous transport contract was for £50k. This represents an increase of £5.2k. The increase is funded via an increase to the school SLA's. Last April the SLA's increased by 8.8%.</p> <p>As travel is mainly used during term time, assuming a contract start date of 1<sup>st</sup> December 2024 the pro rata cost for 2024/25 (until March 2025) will be approx. £10.5k for OEES and £8.5k for SLP.</p> <p>Finance will ensure this is monitored monthly and SLA's will also be reviewed in due course.</p> <p>There are no further financial implications.</p> <p>(Waheed Rehman – Accountant)</p>
<p>Legal</p>	<p>Rule 4 of the Contract Procedure Rules (CPRs) governs the process which must be undertaken when commission services which are valued below the financial threshold for the Public Contracts Regulations 2015.</p> <p>As detailed in this report, a procurement process which complies with CPRs has been undertaken and all bids were moderated before a preferred provider was identified.</p> <p>The form of contract which the preferred provider is required to enter into was incorporated into the procurement documents and, therefore, the terms and conditions have already been accepted alongside the service specification.</p> <p>Provided the procurement team is satisfied that the procurement process was open and transparent and in accordance with CPRs and provided the award and scoring criteria were accurately applied, there are no known legal implications to the proposed action.</p>

	Legal Services should be consulted, as required, to ensure a contract is completed with Swans Travel in the appropriate form.  Sarah Orrell – Commercial & Procurement Solicitor
Equality impact including implications for Children and Young People	<i>The services above are committed to delivering a high quality opportunity for everyone and accessible for all.</i>
Other	

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?	Yes
Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?	Yes
Are any of the recommendations within this report contrary to the Policy Framework of the Council?	No

Report author sign-off	<i>Joseph Myhill</i>
Role	Outdoor and Environmental Education Service Manager
Date of sign-off	28/10/2024

<b>Approval</b>	
Officer approval sign-off	<i>N Constable</i>
Role	Director of Communities
Date of sign-off	24 February 2025

<b>Approval</b>	
Member(s) approval sign-off	
Role	
Date of sign-off	