

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 JUNE 2019

REPORT BY THE CORPORATE DIRECTOR OF EDUCATION AND FAMILY SUPPORT

SUSPENSION OF CONTRACT PROCEDURE RULES FOR HOME-TO-SCHOOL BUS SERVICE CONTRACTS

1. Purpose of report

1.1 The purpose of this report is to seek Cabinet approval to suspend the relevant parts of the Council's Contract Procedure Rules (CPRs) in respect of the requirement to re-tender the proposed contracts listed in Appendix 1 of this report for Home-To-School Bus Services and to authorise the Corporate Director (Education and Family Support) to enter into the contracts with the operators listed at Appendix 1.

2. Connection to Corporate Improvement Objectives/other corporate priorities

1.2 The report links to the following improvement priorities in the Corporate Plan:

- **Supporting a successful economy** - we will take steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
- **Smarter use of resources** – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background

1.3 On 19 March 2019, Cabinet approved a procurement exercise to invite tenders to bid for contracts for multiple home-to-school bus services, for a term of 5 years with the option to extend by 2 further periods of 1 year. The indicative total value for the full term was identified as £17.9m.

4. Current situation/proposal

1.4 Transport services are procured to meet both the local authority's statutory duty under the Learner Travel (Wales) Measure 2013 and the discretionary arrangements contained in the local authority's Home to School/College Transport Policy.

1.5 The local authority's Home to School/College Transport Policy will soon be subject to review and the outcome of that review will inform the requirements of the home to school bus service that is to be provided. As a result, the local authority cannot offer assurances to transport operators, that, if following any proposal to amend further the local authority's Home to School/College Transport Policy, any changes would not

have an impact on the longevity of these contracts for the short to medium term, let alone the anticipated length of the contract of potentially seven years.

- 1.6 Therefore, with the identification of this risk for operators, the proposal is that these contracts are not retendered when they expire in July 2019. Instead, Cabinet is asked to suspend the relevant parts of the CPRs requiring a competitive procurement exercise and authorise entering into contracts with existing operators for a period of 11 months from September 2019 to July 2020. This will ensure that the outcome of any proposals to amend the current Home to School/College Transport Policy following appropriate public consultation, would be considered prior to the retendering of the current contracts.
- 1.7 Cabinet needs to be aware that, in awarding these short-term contracts to the current providers, the Council is exposed to the risk of potential challenge from other providers of such services. The Council's CPRs ensures that procurement exercises are carried out in compliance with the Public Contract Regulations 2015. The report proposes entering into contracts with the existing service providers without any competition in breach of the requirements of the Public Contract Regulations 2015.
- 1.8 The risk of challenge is not possible to quantify, however, given the current difficulties in the commissioning of the services, the Council may take the view that the potential for challenge is one it is prepared to accept.

5. Effect upon policy framework and procedure rules

- 1.9 This report seeks the suspension of the Council's CPRs.

6. Equality Impact Assessment

- 1.10 An initial assessment identifies that there are no equalities issues related to this report.

7. Well-being of Future Generations (Wales) Act 2015 Assessment

- 1.11 A Well-being of Future Generations (Wales) Act 2015 assessment has been completed. A summary of the implications from the assessment relating to the five ways of working is as follows:

Long-term	The identification of the continuity of the current contracts for eleven months identifies that the local authority understands the impact on operators of supporting the sustainability of school bus services.
Prevention	The local authority assesses the suitability of transport operators to deliver home-to-school transport services. The local authority is now developing training to support operators with training, to enable them to develop and maintain their knowledge and skills, and be successful in fulfilling the role.
Integration	School transport operators have a strategic role in providing a service so that all eligible pupils are supported in accessing their place of education. This ultimately means that learners can learn and achieve so that they can access opportunities for further

learning and employment, and can play active roles in their communities, contributing positively to society as a whole.

Collaboration School transport providers have a strategic role in supporting pupil's access to school. Transport providers need to ensure the health and wellbeing of pupils and staff. The local authority, in conjunction with transport providers, are ensuring that services are improved to meet the needs of all learners.

Involvement The local authority engages with transport operators on a regular basis.

8. Financial implications

1.12 The annual cost of the contracts identified at Appendix 1 is £2.56m. By extending these contracts, there will be no variation to the rates currently charged to the local authority by contractors through to July 2020. Nevertheless, a full tender exercise of the routes at Appendix 1 approved by Cabinet in March 2019, for the agreed term of 5 years with the option to extend by 2 further periods of 1 year, may have brought significant annual savings to the learner transport budget from September 2019. Nevertheless, it is anticipated that these savings would still be deliverable from September 2020.

9. Recommendation

1.13 Cabinet is recommended to:

- suspend the relevant parts of the Council's Contract Procedure Rules in respect of the requirement to re-tender the contracts listed at Appendix 1 of this report for home-to-school bus services; and
- authorise the Corporate Director (Education and Family Support) to enter into the contracts with the operators listed at Appendix 1 of this report from 2 September 2019 until 20 July 2020.

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Background Documents None

Appendix 1

Contract ref.	School	Operator name
B1A	Archbishop McGrath Catholic High School	Wilkins Coaches
B1B	Archbishop McGrath Catholic High School	Llynfi Coaches
B1C	Archbishop McGrath Catholic High School	Wilkins Coaches
B02	Archbishop McGrath Catholic High School	Davey Travel
B03	Archbishop McGrath Catholic High School	Davey Travel
B04	Archbishop McGrath Catholic High School	Gwyn Jones & Sons Ltd
B05	Archbishop McGrath Catholic High School	Gwyn Jones & Sons Ltd
B06	Archbishop McGrath Catholic High School	Easyway
B07	Archbishop McGrath Catholic High School	Cresta Coaches
B08	Archbishop McGrath Catholic High School	Pencoed Travel
B10	Archbishop McGrath Catholic High School	Peyton Travel
B11	Archbishop McGrath Catholic High School	Easyway
B12A	Brynteg School	Cresta Coaches
B12B	Brynteg School	Cresta Coaches
B12C	Brynteg School	Cresta Coaches
B12D	Brynteg School	Cresta Coaches
B13	Brynteg School	Cresta Coaches
B14	Cynffig Comprehensive School	Express Motors
B15	Cynffig Comprehensive School	Gwyn Jones & Sons Ltd
B16	Coleg Cymunedol y Dderwen	Gwyn Jones & Sons Ltd
B17	Coleg Cymunedol y Dderwen	Davey Travel
B17A	Coleg Cymunedol y Dderwen	Davey Travel
B17B	Coleg Cymunedol y Dderwen	Davey Travel
B17C	Coleg Cymunedol y Dderwen	Davey Travel
B18	Coleg Cymunedol y Dderwen	Gwyn Jones & Sons Ltd
B19	Maesteg School	Wilkins Coaches
B20	Maesteg School	Wilkins Coaches
B21	Maesteg School	Wilkins Coaches
B22	Maesteg School	Wilkins Coaches
B23	Maesteg School	Wilkins Coaches

Contract ref.	School	Operator name
B24	Maesteg School	Wilkins Coaches
B25	Maesteg School	Wilkins Coaches
B26	Pencoed Comprehensive School and Pencoed Primary School	Cresta Coaches
B26A	Pencoed Primary School	Cresta Coaches
B27	Pencoed Comprehensive School	Easyway
B28	Pencoed Comprehensive School	Cresta Coaches
B29	Pencoed Comprehensive School	Express Motors
B30	Pencoed Comprehensive School	Express Motors
B32	Ysgol Gyfun Gymraeg Llangynwyd	Gwyn Jones & Sons Ltd
B33	Ysgol Gyfun Gymraeg Llangynwyd	Gwyn Jones & Sons Ltd
B34	Ysgol Gyfun Gymraeg Llangynwyd	Pencoed Travel
B35	Ysgol Gyfun Gymraeg Llangynwyd	Davey Travel
B36	Ysgol Gyfun Gymraeg Llangynwyd	Gwyn Jones & Sons Ltd
B37	Ysgol Gyfun Gymraeg Llangynwyd	Gwyn Jones & Sons Ltd
B37A	Ysgol Gyfun Gymraeg Llangynwyd	Gwyn Jones & Sons Ltd
B38	Ysgol Gyfun Gymraeg Llangynwyd	Gwyn Jones & Sons Ltd
B39	Ysgol Gyfun Gymraeg Llangynwyd	Gwyn Jones & Sons Ltd
B40	Ysgol Gyfun Gymraeg Llangynwyd	Wilkins Coaches
B41	Ysgol Gyfun Gymraeg Llangynwyd	Llynfi Coaches
B42	Ysgol Gyfun Gymraeg Llangynwyd	Gwyn Jones & Sons Ltd
B43	Ysgol Gyfun Gymraeg Llangynwyd	Davey Travel
B44	Coety Primary School	Pencoed Travel
B45	Dolau Primary School (Welsh Unit)	Cresta Coaches
B46	Ogmore Vale Primary School	Davey Travel
B47	St Mary's Catholic Primary School	Pencoed Travel
B48	St Mary's Catholic Primary School	Peyton Travel
B49	St Mary's Catholic Primary School	Easyway
B50	St Mary's Catholic Primary School	Easyway
B51	St Mary's and St Patrick's Catholic Primary School	Wilkins Coaches

Contract ref.	School	Operator name
B52	Ysgol Gymraeg Bro Ogwr	Gwyn Jones & Sons Ltd
B53	Ysgol Gymraeg Bro Ogwr	Cresta Coaches
B54	Ysgol Gymraeg Bro Ogwr	Cresta Coaches
B55	Ysgol Gymraeg Bro Ogwr	Pencoed Travel
B56	Ysgol Gymraeg Bro Ogwr	Pencoed Travel
B57	Ysgol Gymraeg Bro Ogwr	Cresta Coaches
B58	Ysgol Gymraeg Bro Ogwr	Cresta Coaches
B59	Ysgol Gymraeg Bro Ogwr	G&S Travel
B60	Ysgol Gynradd Gymraeg Cwm Garw	Gwyn Jones & Sons Ltd
B60A	Ysgol Gymraeg Bro Ogwr	G&S Travel
B61	Ysgol Cynwyd Sant	Llynfi Coaches
B62	Ysgol Cynwyd Sant	Wilkins Coaches
B63	Ysgol Cynwyd Sant	Wilkins Coaches
B64	Ysgol Y Ferch o'r Sgêr	Express Motors
B65	Ysgol Y Ferch o'r Sgêr	Express Motors
B66	Ysgol Gyfun Llanhari	Davey Travel
B67	St Robert's Catholic Primary School	Easyway
B68	St Robert's Catholic Primary School	Village Bus
B69	St Mary's and St Patrick's Catholic Primary School	Llynfi Coaches
B70	Ysgol Gynradd Gymraeg Calon Y Cymoedd	Davey Travel