



Executive
11 November 2013

**Report from the Strategic Director of
Environment and Neighbourhoods**

For Action

Wards Affected: ALL

Authority to tender a contract for a cycle training provider

1.0 SUMMARY

- 1.1 This report concerns the procurement of a cycle training provider for adults and children in Brent. It seeks authority to invite tenders and delegate authority to the Strategic Director of Environment and Neighbourhoods to award a contract.

2.0 RECOMMENDATIONS

- 2.1 That the Executive gives approval to officers to invite tenders to provide cycle training for adults and children.
- 2.2 That the Executive agree the proposed evaluation criteria set out in paragraph 5.1 of this report.
- 2.3 That the Executive gives approval to delegate authority to the Strategic Director of Environment and Neighbourhoods to award the contract, subject to notification of the award on the Executive Forward Plan.

3.0 BACKGROUND

- 3.1 Each year the Council receives funding from Transport for London (TFL). The funding is made available through section 159 of the GLA Act 1999 ("the Act") and is called Local Implementation Plan (LIP) funding. This is for investing in transport related programmes and, in line with the Act, cannot be spent on other activities.
- 3.2 The LIP funding includes a budget for activities to help deliver school travel plans, workplace travel plans, travel awareness, cycle training and education, training and publicity programmes.
- 3.3 Brent's Sport and Physical Activity Strategy 2010-2015 aims to increase physical activity amongst our residents. The strategy includes cycling as one of the priority sports for

development. There is a very proactive steering group including British Cycling and local cycling clubs who lead the cycling development plan. This plan has led to the council:

- Funding 10 Sky Rides this summer with an average of 20 residents a ride.
- Investing in a new BMX track at Chalkhill, opening in summer 2014.
- Supporting the 'cycling on prescription scheme', a GP referral scheme providing a 6 week programme to learn how to cycle and a discounted rate on buying a bike to encourage people to carry on.

3.4 Cycle training is also key as it encourages more people to cycle as well as making sure that children and adults are properly trained in managing a bicycle and cycling safely. Cycle training is currently available for anyone living, working or studying in Brent and is available for groups and individuals, adults and children. Our training programmes are promoted through schools and through workplaces via their travel plans. Training packages are designed to meet the needs of individual cyclists and are available for people of all abilities, from those learning to ride to experienced cyclists requiring safety awareness training. We currently charge a nominal £5 as a contribution and commitment towards the training.

3.5 There are many benefits to cycling, including:

- Improves general health, helps to lower both blood pressure and improves heart health, as well as improving mental health and wellbeing;
- Helps with weight and stress management;
- Improves fitness;
- In congested areas cyclists and pedestrians breathe in less fumes than drivers;
- Saves resident's money over driving;
- Produces no pollution so good for the environment and tackling climate change;
- Often quicker to get around in towns and cities; and
- Fewer cars on the road and more cyclists and pedestrians means safer roads.

3.6 Brent's cycle training programme has been managed by Cycle Training UK (CTUK) for the past five years and the contract is due to expire on 31st March 2014. This contract was originally signed for three years and later extended for a further two years.

3.7 Over the past five years a significant amount of cycle training has been delivered within the Borough, including:

- 32 courses per year within Brent schools (164 in total);
- 736 training sessions for individuals; and
- In total, 2,540 schoolchildren and adults have received cycle training.

3.8 The LIP spending submission has just been submitted to TFL for the next three years (2014/15 to 2016/17) and includes a budget of £100,000 pa for an adult and child cycle training programme. Subject to approval, up to £300,000 could therefore be invested in cycle training over the coming three years.

3.9 The launch of the 'Mayors Vision for Cycling' in London could result in significant additional funding being made available for all London Boroughs, particularly for infrastructure improvements. Our "Ways to Wembley" cycle vision has been well received by the Mayor's office and we are currently discussing how we can take our plans forward. Along with investment in infrastructure, there may also be additional funding made available for other cycle measures, including an enhanced cycle training programme. It is therefore important to have a cycle training provider in place that can deliver the service that Brent requires in a cost effective and efficient manner.

4.0 CONTRACT REQUIREMENTS

- 4.1 It is proposed to re-tender the service for a three year period using an updated version of the current specification, with the option to extend for a further two at one year periods if funding is available.
- 4.2 The intention is to ensure that we select a service provider who will deliver high quality cycle training and maximise the take-up of the training that we offer. The contract requirements will include:
- Delivering training programmes to children and adults;
 - Managing promotion and marketing campaigns; and
 - Developing a strategy for community engagement to encourage more people to take up cycling.
- 4.3 The contractor will be required to deliver the training to the Bikeability standard in schools and to individuals. This means that all training will be delivered to a nationally agreed standard designed to give trainees skills and confidence to cycle on road.
- 4.4 The contractor will be carefully monitored to evaluate value for money and levels of customer service, with regular reports to demonstrate the number of people being trained, customer satisfaction of the service delivered and the numbers of courses booked. Information on age, gender and ethnicity will also be collected for equalities analysis purposes.

5.0 PRE-TENDER CONSIDERATIONS

- 5.1 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Executive.

Ref.	Requirement	Response
(i)	The nature of the service.	Provision of cycle training for anyone living, working or studying in Brent to equip people new to cycling with the skills to share the road with motor vehicles and develop their skills to reduce their risk of accident.
(ii)	The estimated value.	Estimated value for Brent of £100,000 pounds per annum would equate to a maximum value of £500,000 over the proposed full 5 year term of the contract.
(iii)	The contract term.	The initial contract term will be for three years with the option to extend for a further two years in one year increments at the sole discretion of the Council. The contract will commence on 1 st April 2014.
(iv)	The tender procedure to be adopted.	Due to a constricted marketplace, a one stage open tender process will be used in accordance with the Council's Standing Orders.

Ref.	Requirement	Response	
(v)	The procurement timetable.	<p>Indicative dates are:</p> <p>Adverts placed</p> <p>Invite to tender</p> <p>Deadline for tender submissions</p> <p>Panel evaluation</p> <p>Delegated approval report signed and intention to award published in Executive Forward Plan for minimum 5 days</p> <p>10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers</p> <p>Contract start date</p>	<p>December 2013</p> <p>December 2013</p> <p>31 January 2014</p> <p>10 February 2014</p> <p>22 February 2014</p> <p>4 – 14 March 2014</p> <p>1 April 2014</p>
(vi)	The evaluation criteria and process.	<p>Shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines. As this is an open tender process the pre-qualification questionnaire will be issued alongside the tender documents to ensure any potential suppliers meet the Council's financial standing requirements, health, safety and environmental standards, technical capacity and technical expertise.</p> <p>The panel will evaluate the tenders to establish the Most Economically Advantageous Offer based upon the following criteria:</p> <ul style="list-style-type: none"> • Price – 60% • Quality – 40% <ul style="list-style-type: none"> ▪ Customer Service ▪ Equalities ▪ Information systems/bookings ▪ Health and safety ▪ Monitoring ▪ Staffing/instructors ▪ Training standards ▪ Continuous improvement 	
(vii)	Any business risks associated with entering the contract.	<p>Withdrawal of funding from TFL will result in early termination of the contract and reduction in funding will result in the scope of the services being reduced. Brent Council funding will not be diverted into this area.</p>	

Ref.	Requirement	Response
(viii)	The Council's Best Value duties.	The Council has a duty under Best Value to secure cost-effective and efficient services that meet the needs of the Borough's customers.
(ix)	Any staffing implications, including TUPE and pensions.	Approximately 2 staff currently deployed by the incumbent Brent provider may be entitled to TUPE. See section 9 of this report.
(x)	The relevant financial, legal and other considerations.	See sections 6, 7 and 8 of this report.

5.2 The Executive is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

5.3 Delegated approval is being requested to ensure that the tender and contract award process can be completed in time for the 1st April 2014 contract start date. Prior to award, the delegated decision will be published on the Executive's forward plan for a minimum period of 5 days. A standstill period would also be held for a period of 10 days after award to notify tenderers and debrief unsuccessful bidders.

6.0 FINANCIAL IMPLICATIONS

6.1 Cycle training is completely funded by Transport for London via the LIP programme. £100,000 per annum has been allocated for the next three years to invest in cycle training.

6.2 Changes to TfL funding levels will result in a reduction or increase in cycle training activity, and this flexibility will be embedded within the contract.

6.3 Contract management and monitoring will be undertaken through existing establishment staff, therefore there are no revenue implications resulting from this contract re-tender.

7.0 LEGAL IMPLICATIONS

7.1 The contract for a cycle training provider is a Part B (residual) service under the Public Contracts Regulations 2006 ("EU Regulations") and thus only subject to partial application of the EU Regulations when tendering to include technical specifications and the need to publish a Contract Award Notice. Where such services are of interest to providers located in other EU Member States, they must be procured in line with the Treaty on the Functioning of the European Union in respect of non-discrimination, equal treatment, fairness and transparency in the award process.

7.2 The estimated value of the contract proposed to be tendered in this report over its term (including possible extensions) is in excess of £250,000. As such the contract, once let, will be deemed a High Value contract for the purposes of the Council's Contract Standing Orders and Financial Regulations and thus Executive approval is required to invite and evaluate tenders for the contract.

- 7.3 In the present case, there is an incumbent provider currently providing the service being procured. As a result, the Transfer of Employment (Protection of Employment) Regulations 2006 ("TUPE") may apply if the contract is awarded to a new provider, where immediately before the change of contractor, there is an organised grouping of employees situated in Great Britain which has, as its principal purpose the carrying out of the activities concerned on behalf of the Council and where the employees are assigned to that organised grouping. Subject to the right of the employee to object to transferring, the employee's contract of employment will transfer to the new contractor. Further information concerning the staffing issues is detailed in paragraph 9 of this report.
- 7.4 Officers are seeking delegated authority to be given to the Strategic Director of Environment and Neighbourhoods so as to enable the decision to award the proposed contract to be implemented in time for the anticipated commencement date. However, should Members be minded to approve delegation of award to the Strategic Director, the subsequent award decision will be a Key Decision and as such, officers will be required to make an entry on the Forward Plan and publication of the delegated authority report 5 clear days prior to a decision to award being taken.

8.0 DIVERSITY IMPLICATIONS

- 8.1 The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic.
- 8.2 A protected characteristic is defined in the Act as:
- Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race (including ethnic or national origins, colour or nationality)
 - Religion or belief
 - Sex
 - Sexual orientation
- 8.3 Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination. The previous public sector equalities duties only covered race, disability and gender.
- 8.4 The proposals in this report have been subject to screening and there are considered to be no negative equalities implications (see Appendix 1). There are potentially significant positive benefits as statistical evidence suggests that cycling participation amongst Black and Minority Ethnic (BME) groups is substantially lower than among other groups. The new contractor will be required to specifically target this group and find ways to engage with these communities to increase the number of people participating in cycle training.

9.0 STAFFING / ACCOMMODATION IMPLICATIONS (IF APPROPRIATE)

- 9.1 The current provision of cycle training to the council is delivered by Cycle Training UK (CTUK) and as such there are no implications for Council staff, or accommodation arising from the tendering of these services.

- 9.2 Following re-tender of the services, if a contractor other than the incumbent is successful, the Transfer of Employment (Protection of Employment) Regulations 2006, ("TUPE") is likely to apply to existing CTUK staff so as to "transfer from the current to the new contractor those employees of the current contractor who spend all or most of their working time on the activities taken over by the new contractor".
- 9.3 These TUPE arrangements would have no implications for Council staff or accommodation requirements for the Council.

10.0 PUBLIC SERVICES (SOCIAL VALUE) ACT 2012

- 10.1 Since 31st January 2013, the council, in common with all public authorities subject to the EU Regulations, has been under a duty pursuant to the Public Services (Social Value) Act 2012 to consider how the services being procured might improve the economic, social and environmental well-being of its area; and how, in conducting the procurement process, the council might act with a view to securing that improvement; and whether the council should undertake consultation. This duty applies to this procurement of a service contract over the threshold for application of the EU Regulations and as such is subject to the requirements of the Public Services (Social Value) Act 2012.
- 10.2 The services being procured promote social well being, increase physical activity and help reduce obesity.
- 10.3 There is a limited market for the delivery of these services; however, officers will endeavour to describe the scope of services in such a way as to further meet the requirements of the Act during the procurement process.

BACKGROUND PAPERS

None

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