

Notice of Non-key Executive Decision

Subject Heading:	To seek approval to commence a competitive procurement process for a three year contract for the delivery of Cycle Training in Havering from 2018-2021.
Cabinet Member:	Councillor Osman Dervish – Lead Member for Environment and Community Safety
SLT Lead:	Steve Moore – Director of Neighbourhoods
Report Author and contact details:	Martin Day Smarter Travel Officer / Transport Planning Team Martin.Day@havering.gov.uk 01708 432869
Policy context:	Mayors Transport Strategy - Draft for Public Consultation Havering Approved Local Implementation Plan (April 2012) Healthy Streets for London (2017) Havering Local Plan (2017)
Financial summary:	The funding for cycle training is allocated entirely through the Local Implementation Plan from Transport for London (TfL).
Relevant OSC:	Environment
Is this decision exempt from being called-in?	Yes, it is a non- key decision by a Member of staff.

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This decision papers seeks approval to commence a full EU compliant tender process for a three year contract for cycle training in Havering for the 2018/19 to 2020/21 financial years.

AUTHORITY UNDER WHICH DECISION IS MADE

4.2.2 A Director can authorise procurements within their service area with a value between £100,000 and £500,000 in consultation with the CMT Member where the contract will be executed.

STATEMENT OF THE REASONS FOR THE DECISION

Background

1. The Council receives funding from Transport for London (TfL) to provide cycle training to children and adults who live, work or study in Havering. The programme forms a key part of the borough's contribution to deliver the Mayor's Transport Strategy (MTS) in Havering and is underpinned by adopted Council policy such as Havering's Approved Local Implementation Plan.
2. Over the years delivery of cycle training for children and adults has been an integral part of promoting sustainable transport in the borough and makes a key contribution to the Council's Smarter Travel work with local schools, and helps schools deliver their School Travel Plans. Importantly, active travel also complements and helps to deliver the borough's health and wellbeing initiatives.

Procurement of Cycle Training

3. Officers wish to procure the services of an accredited cycle training provider through a competitive tender process using capitalEsourcing and advertised on Contracts Finder.
4. The provider will be responsible for the delivery of all cycle training and skills in Havering for schools, individuals and family groups.

What will the cycle training contract deliver?

5. The cycle training programme itself consists of several different training elements which are offered to both adults and children. These include:

- Learn to Ride training
 - Cycling Awareness Sessions
 - Bikeability Levels 1, 2 and 3
 - Bespoke family cycle training
 - Adult cycle training
 - Dr Bike & bike maintenance training
 - Led cycle rides
6. The training is provided to encourage those that live work or study in Havering to cycle safely in the Borough. Over 1200 children in over 50 Havering schools are successfully trained each year through the schools programme and around 300 adults annually as well.

What is the value of the contract and how long will it be for?

7. Officers are proposing to go out to tender for a three year contract instead of a one year contract that has been procured for in previous years.
8. Officers consider this approach will be more efficient and result in far less officer time being spent on an annual procurement exercise. It will also allow for greater efficiency in planning and delivering the contract specification with the successful supplier. Appointing a cycle training provider for three years will also provide stability and reassurance for schools that will have certainty as to who will be undertaking their pupil cycle training over that period.
9. It is currently envisaged that £0.060m per annum will be made available for cycle training over the 2018/19 to 2020/21 financial years through the TfL funded Local Implementation Plan. The contract will be up to a value of £0.180m for the period of three years.
10. There will be a break clause in the contract should there be any change to the LIP funding (such as a reduction in LIP Funding). The contract will also allow for any in year increases in funding for cycle training as has happened in previous years. Transport for London is content with this approach and it is mirrored in other London Boroughs.
11. This proposal and process has been cleared by the Havering Council CheckPoint committee under the required pre-procurement process and cleared by the relevant Council departments.

Next Steps

12. Subject to the Director of Neighbourhoods approving this Executive Decision, Officers will go out to tender on three year contract covering the 2018/19 to 2020/21 financial years for the delivery of all cycle training in the Borough from 1 April 2018.
13. Following completion of the tendering process a further Executive Decision will

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be drafted concerning approval to award the contract for cycle training.

OTHER OPTIONS CONSIDERED AND REJECTED

14. The decision was taken to continue delivery of cycle training in the Borough using the established procurement process. Officers reviewed the possibility of letting a joint contract with colleagues from LB Newham but jointly concluded that this could not be achieved at the present time.
15. Officers reviewed a cycling training framework being tendered by LB Enfield and LB Haringey but determined that its value was potentially too low should more money be available to LB Havering and its terms unfavourable.
16. A pan-London TfL cycling framework ended several years ago and has not been re-tendered. No other frameworks have been identified.

PRE-DECISION CONSULTATION

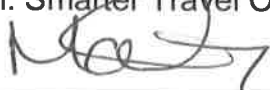
The Havering Checkpoint panel approved the process and the three year contract approach.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Martin Day

Designation: Smarter Travel Officer

Signature:



Date:

16/11/17

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

This decision papers seeks approval to commence a full EU compliant tender process for a three year contract for cycle training in Havering for 2018-2021.

Section 1 of the Localism Act 2011 includes a 'general power of competence'. It gives local authorities the power to do anything that an individual can do that is not specifically prohibited, with or without charge, and for the benefit of the authority, its area or person's resident or present in its area.

The contract is a public contract within the meaning of the Public Contract Regulations 2015. As the value exceeds the relevant threshold, the procurement must be carried out in compliance with EU procurement legislation.

Contract Procedure Rule 3.5 requires that when seeking authority to procure a contract, officers must obtain authority to proceed via the Checkpoint Procedure, where procurement is above the EU Services and Supplies threshold.

In addition, Contract Procedure Rule 8.3 requires that at Checkpoint Stage 1, there is a review of the intended procurement prior to seeking authority to invite tenders from CMT or under Chief Officer delegated powers.

Officers need to ensure that they comply with the relevant Contract Procedure rules in relation to obtaining approval for going out to tender; the proposed tender route detailed in the report appears to be compliant with EU and UK procurement legislation.

FINANCIAL IMPLICATIONS AND RISKS

Approval is being sought for the content of the 2018/19 LIP Annual Spending Submission to be submitted to Transport for London.

The 2018/19 proposed allocation is based on the LIP funding guidance as per advice from TfL and includes the value for this contract within the £2.247m for Corridors, Neighbourhoods and Supporting Measures. At this stage however it is indicative only and there is a risk that Council may not receive expected funding.

The value of this contract is £0.60m per annum for a period of 3 years.

Should the LIP allocated funding for cycle training be reduced or cancelled during the period of the contract a break clause in the contract will be triggered meaning the London Borough of Havering will not be required to continue funding the training.

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Part C – Record of decision


I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Proposal NOT agreed because

Details of decision maker

Signed 

Name: **STEVE MOORE**

Cabinet Portfolio held: Councillor Osman Dervish

CMT Member title: Steve Moore – Director of Neighbourhoods

Head of Service title Steve Hilton – Assistant Director of Development

Other manager title: Martyn Thomas – Development and Transport Planning
Group Manager

Date: **16-11-17**

Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 16/11/2017

Signed 

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	Revenue cost (£m)	Funded through TFL (£m)	Variance (£m)
2018/19	0.060	(0.060)	0.000
2019/20	0.060	(0.060)	0.000
2020/21	0.060	(0.060)	0.000
Total over the life of the contract	0.180	(0.180)	0.000

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no direct HR implications for the Council in this decision since the training will be delivered by staff from the appointed provider and administration of the contract will be carried out as part of the existing duties of the Smarter Travel Officer.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

Provision of cycle training empowers members of the public who have a bike but are unable to travel by car. Improving the use of sustainable transport will have a positive impact on air quality in the borough and will contribute towards improving the health of the community.

No group or individuals, with or without Protected Characteristics set out in the Equality Act, will be negatively impacted by the bike scheme. If future and consultation reveals any detrimental impact, then this will be addressed and mitigated as needed.

The contract award will be fully compliant with all the relevant policies on equality and social inclusion.

BACKGROUND PAPERS

~~The Havering Checkpoint 1 form, as approved, is attached.~~

None