



Appendix A
to Bristol City Council Cabinet Report
Catch 22 Include School Bristol Closure 25th October 2019
Alternative Learning Block Contract (50 places)
to Cabot Learning Federation
for Provision at Snowdon Village City School from 4th
November 2019
Cabinet Report for Jacqui Jensen

November 2019
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Table of Contents

1	<i>Project Background</i>	3
2	<i>Tenders Received</i>	4
3	<i>Social Value</i>	5
4	<i>Responses to Foundation Living Wage Question</i>	5
5	<i>Evaluation Panel Members</i>	5
6	<i>Evaluation Outcome</i>	5
7	<i>Implementation of Contract</i>	6
8	<i>Predicted Savings / Efficiencies</i>	6
9	<i>Contract Management</i>	7
10	<i>Risks</i>	7
11	<i>Recommendation & Contract Award Outcome</i>	7
12	<i>Impact</i>	7
13	<i>Procurement Process & CPG Approval</i>	7

1 **Project Background**

- 1.1 Bristol City Council had a contract with Catch 22 to deliver Alternative Learning services. This consisted of a block contract of 30 places and 19 additional places through spot purchase contracts, supporting a range of needs. These were commissioned through the Council's Provision of Alternative Learning Services Dynamic Purchasing System (PALS DPS).
- 1.2 On the 27th of June 2019 Catch 22 gave notice in respect of all these contracts. Their stated reasons were due to the recent Ofsted inspection of the school there were a number of improvements that needed to be made that Catch 22 felt they could not deliver whilst keeping the school sustainable, so they elected to close the school instead. They initially indicated they would cease operating the school on the 19th of July 2019, meaning the Council would have no provision to provide statutory education services from September.
- 1.3 Due to the short timescales involved, the Council's S151 Officer, the Executive Director for People and the Portfolio holders for Children & Education and Finance were briefed as it was anticipated that urgent action may be needed to fulfil the Council's statutory requirements.
- 1.4 Following discussions with Catch 22, the Council was able to agree a longer notice period in line with the contract, now ending on the 27th of October 2019. As some of the urgency had therefore reduced, to ensure compliance the Procurement Route selected for this project was a mini competition.
- 1.5 Collaboration with similarly effected neighbouring local authorities was considered and rejected due to there being insufficient time to complete such a process. Accordingly, the block contract was designed to allow the completion of GCSEs for the current cohort of students. Long term replacement provision would be separately procured whilst the block contract operated.
- 1.6 The block contract through Lot 2 of the PALS DPS was for a block of 50 places, operating from November 2019 to August 2021.
- 1.7 This was conducted in line with the DPS terms and conditions. The award criteria set for the mini competition were 10% Social Value, 60% quality 30% price, with pricing submitted during the mini competition and bidders social value and quality scores taken from when they joined the DPS.
- 1.8 This Procurement Route is compliant with the Public Contract Regulations 2015, as the PALS DPS has been compliantly procured under the Regulations. The

contract value is in excess of the relevant Regulation threshold for light touch services. This Procurement Route represented the only compliant route to market that could be achieved by 27 October 2019.

1.9 Whilst the Procurement Route was being selected, 5 organisations approached the Council expressing interest in replacing Catch 22 and having the capacity to do so in the time available. These were;

1.9.1 Cabot Learning Federation

1.9.2 Learn@MAT

1.9.3 Learning Partnership West

1.9.4 The Aurora Group

1.9.5 Community Mentoring & Support

Of these 5, only LPW was on the PALS DPS in July 2019. Therefore all parties were given the opportunity to apply to join the DPS prior to the mini competition being published.

1.10 Invitations to respond to the mini competition were issued to all Lot 2 DPS providers on 19 August 2019. The return date was set for 23 August 2019.

1.11 This report outlines the recommendations for awarding the contract

2 Tenders Received

2.1 In only one bid was received from the following provider; Cabot Learning Federation.

2.2 The bid received has exceeded the current budget (please see section 8). However, the Alternative Learning Head of Service is seeking additional funding to address this.

Name of Bidder	Type of Organisation	Office Base
Cabot Learning Federation	Charity and Company Limited by Guarantee and an SME	Bristol Based

2.3 The bidder passed the Standard Selection Questionnaire.

3 **Social Value**

3.1 Bidders were asked to provide social value in terms of economic, social and environmental. A weighting of 10% was set, as the PALS DPS preceded the current Social Value Policy.

4 **Responses to Foundation Living Wage Question**

4.1 The bidder will provide foundation living wage.

5 **Evaluation Panel Members**

5.1 Conflicts of Interest forms were completed and received from all panel members.

5.2 The evaluation team consisted of the following:-

5.2.1 Natasha Spence, Education Inclusion Manager, ALP Hub

5.2.2 Lou Greatrex, Commissioning & Inclusion Officer, ALP Hub

5.3 With assistance and guidance from:-

5.3.1 Alistair Little, Category Manager (Care, Support & Independence)

6 **Evaluation Outcome**

6.1 The mini competition was evaluated according to the published evaluation criteria. Evaluators were required to score bids individually. Following individual scoring, core evaluators attended a moderation meeting on 30 August 2019 to agree scores and feedback. After completing the scoring and price weightings the most economically advantageous tender received was from Cabot Learning Federation.

6.2 A breakdown of the scores can be seen below;

	Cabot Learning Federation
Quality Score	47.33
Price Score	30.00
Social Value Score	10.00
Total Score	87.33

In addition to the standard mini competition criteria, given the short time scale prior to Catch 22 ceasing the service, bidders were also required to evidence that they could complete the implementation in time, had adequate capacity to

support 50 students from this needs group and had an appropriate facility to do so. Cabot confirmed each of these points to the evaluators' satisfaction.

7 Implementation of Contract

7.1 Cabot Learning Federation has confirmed that implementation and transition will be completed by 27 October 2019 as a part of their bid, the implementation will be managed by the Alternative Learning Service. TUPE will apply. Eight weeks was allowed for the implementation period and work was completed in this time.

8 Predicted Savings / Efficiencies

8.1 There were no reductions in the total budget and a zero savings target. This contract was to ensure continued delivery of statutory education for existing students – savings will be considered to in long term replacement provision to be subsequently procured.

8.2 Cabot has elected to cost for risk regarding the TUPE transfer.

8.3 An increase had been anticipated given the circumstances, and relevant senior officers and Portfolio holders had been briefed to expect an increase of 5 – 10%. This is significantly higher.

8.4 From what they've presented, given the rapidity and urgency of the situation Cabot have not been able to complete the level of due diligence they would have liked on Catch 22 staffing and have assumed they must pay TUPE costs and simultaneously obtain additional staff – effectively doubling the staff cost.

8.5 CLF have highlighted this and requested a price review in December / January at the end of term, once the staffing situation has stabilised. The Block Ts&Cs under the DPS do allow for this. CLF appear genuine in wanting to reduce costs and share those savings with the Council.

9 Contract Management

9.1 The contract will be managed by the Contracts and Quality team and in line with the KPIs issued in the contract documents.

10 Risks

10.1 There are risks associated with the award of the contract, as it was awarded in rapid transition to a single non-incumbent provider. However, due to the lack of wider market interest demonstrated during this period, no acceptable alternative

was available. Risks to vulnerable children / students without education or service continuance were deemed too high, failing to fulfil the Council's statutory duty, and it was decided by the Executive Director for People that those risks to the Council will instead be managed.

- 10.2 This block contract is also intended as a transitional arrangement whilst the Council procures a longer term replacement service over the next 22 months. This replacement service will consider the risks to the Council, and thus various multi provider models are currently being considered, along with potential for collaboration with neighbouring Local Authorities.
- 10.3 The Category Manager has advised that the procurement (of a longer term replacement service) itself (without service design) is likely to take 8-12 months. I would therefore recommend that work on this should begin by no later than March 2020.

11 **Recommendation & Contract Award Outcome**

The outcome of the evaluation process showed that the Cabot Learning Federation should be awarded the contract. The contract was agreed and signed on 05/09/2019. The Catch 22 staff TUPE is in hand, in consultation with CLF, with Employee Liability Information transferred, and 'measures' have been shared with Catch-22.

12 **Impact**

- 12.1 There will be a change in service provider for service users, however, disruption will be minimised for the service user and continue the provision of our duty for statutory education.

13 **Procurement Process & CPG Approval**

- 13.1 If there has been a change in the Procurement process as agreed at CPG, we would have needed to return to CPG to seek approval. Given the timescales, risks to vulnerable children of school age and need for urgent & compliant resolution in order to manage risks to the local authority, retrospective approval by CPG is now sought.

Chris Davies
Date.07/10/2019