

Committee: Chief Officer Decision

Date: 9th June 2021

Wards: All

Subject: Award of Main Contract Services – Educational Occupational Health and Services

Lead officer: Jane McSherry

Contact officer: Karthiga Sivaneson

Recommendations:

- 1 That the Chief Executive approve the award of the contract for Educational Occupational Health Services, (Ed OT) (Lot 2 and Lot 3 namely services to Perseid School and Cricket Green School), for an initial contract term of two (2) years, with the option to extend for two (2) periods of twelve (12) months each. The Council is offering the previously awarded contracts for these services to a new provider. Thus seeking approval again to award to the new provider with new costs. The identities of the preferred and unsuccessful bidders are set out in Appendix A

- 2 That the Chief Executive notes the spend for the Educational Occupational Therapy services for an initial term of two (2) years, with the option to extend for two (2) periods of twelve (12) months each. The total value of the contracts for Lot 2 and Lot 3 based on the costs from the new provider is £87,783.20 bringing the total contract value of £1,989,500 from the previous total of £1,901,716.80 which was approved on 12th April 2021.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The purpose of this report is to recommend that the Chief Executive approve the award of the contract to the next highest scoring provider for the provision of Educational Occupational Therapy (Ed OT) services for Merton children and young people, (CYP) with Education Health and Care Plans (EHCP) 0-25 yrs for Persied School (Lot 2) and Cricket Green School (Lot 3)

- 1.2. The Tender process was completed and the award was approved on the 12th April 2021. The successful provider for Lot 2 (Perseid School Special School) and Lot 3 (Cricket Green Special School) withdrew from the Tender process after notification of award. Following consultation with corporate procurement and the legal team we approached the second highest scoring provider for Lot 2 and Lot 3, who confirmed that they would be able to deliver the services outlined in the Tender documentation. Corporate Procurement Board have approved the difference in costs and processes relating to the tender of this service and to approve the award to the next highest scoring provider.

- 1.3. The previous total value of the contract which was approved for all Lots 4 of services was £1,901,716.80. The costs from the new provider is higher therefore approval is being sought for an additional £87,783.20, bringing the total value of the contract to £1,989,500.
- 1.4. Educational Occupational Therapy services focus on enhancing a child's ability to perform everyday activities and to participate in different environments. OT interventions should result in increased functional skills which will improve quality of life, independence, self-esteem, learning and achievement for the CYP and their family.
- 1.5. The local authority has a legal duty to ensure that the special educational provision specified in section F of an Education Health and Care Plan (EHCP) is delivered. This is set out in section 42 of the Children and Families Act 2014.
- 1.6. The initial contract term will be for twenty-four (24) months with options to extend for two (2) periods of twelve (12) months each.
- 1.7. The value of the contracts for Lots 1, 2 and 3 for the initial two (2) year term of the contract is £856,350. Over the four (4) year term the total value of the contract is £1,712,700. However in the table below we have accounted for unprecedented growth of fifty (50) additional pupils (on top of the 80 pupils of additional growth in Lot 1) which would show in Lot 4 as a total of £276,800 over the four (4) year contract and represents £69,200 per annum. This will bring the total contract value to £1,989,500
- 1.8. The overall supplier ranking for Lot 4 will ensure that any surplus demand will be met via the highest ranked (and lowest bid price) supplier. Any such use will be restricted as the highest ranked supplier will be approached in the first instance, so of the additional 50 children (beyond the predicted growth rate), 30% of this has been based on use and respective costs of the additional suppliers.
- 1.9. As of 1st November 2020 there were 2137 children and young people (CYP) with an EHCP from which approximately 770 have a requirement for Educational Occupational Therapy services. The Educational Occupational Therapy services that will be delivered as result of this award will deliver a holistic service in partnership with CYP families, their teachers and other relevant stakeholders. The service delivered will include assessments as part of the EHC Needs assessment, a range of evidence based therapeutic interventions and support to inform the continued professional development and increased capacity of stakeholders working with Merton's CYP, within the set budget envelope. In doing so it will reduce the risk of an escalation of need, requiring more intensive interventions, and thus produce cost avoidance gains.

- 1.10. The total current annual spend is £300,500 for the last 3 years ending 31 March 2021, including costs for Cricket Green and Perseid Schools. The total spend for existing service is £901,500 over the last 3 years.
- 1.11. The new provision will include contracts for service delivery for Cricket Green and Perseid schools. The new annual price is £428,175 based on current growth of eighty (80) new pupils per year from year 1. This is an additional £127,675 to the existing annual cost of £300,500 pa. If we include additional fifty (50) pupils for unprecedented growth (as shown in the table below using Lot 4) the new annual price is £497,375. This is an additional £196,875 to the £300,500pa of current spend. We do not expect to have this level of growth in pupils.
- 1.12. The current provider delivers for 220 children and young people, (43%), of the 510 children and young people that have been assessed as entitled to a service. There are 170 CYP currently not receiving any provision as at December 2020.
- 1.13. The new contract will ensure appropriate staffing levels and capacity to deliver to current and future CYP requiring Ed OT, including those children who are not receiving a service currently.
- 1.14. The Council has also asked providers to submit unit prices for various activities associated with delivering the Ed OT service for Lot 1 only , thereby providing the Council with the opportunity to purchase activities if and when required should referrals exceed indicative volumes of children and young people.
- 1.15. Lot 2 and 3 have a static number of pupils given the maximum school roll therefore there will be no additional growth within these Lots as the bidders have costed based on total roll number.
- 1.16. For Lot 1 in the tender we have ensured that costings provided have taken into account estimated growth of eighty (80) new pupils a year who require Educational OT. Over the last three years on average 20% of pupils who have an EHCP require Educational OT. We are currently assessing and issuing approximately three hundred (300) new plans per year and this equates to an additional sixty (60) pupils per year who may require Educational OT. In the costings we have asked bidders to account for growth of eighty (80) new pupils per year giving us contingency of twenty (20) additional pupils above the average.
- 1.17. However in order to take into account unprecedented growth of pupils that require educational OT if we received an additional fifty (50) pupils on top of the eighty (80) pupils per year we have catered for in the current tender this would mean an

additional cost over the 4 year contract of £276,800 for Lot 4. Therefore the total contract value for all Lots would be £1,989,500.

- 1.18. Since the time of tendering the number of new referrals requiring educational OT is on target for predicted growth of eighty (80) pupils per year from year 1.
- 1.19. The incumbent provider has informed the Council that there will be no TUPE implications as the occupational therapists currently employed by them who deliver educational occupational therapy also deliver health occupational therapy and will remain employed within the organisation to deliver health occupational therapy across other contracts.

2 DETAILS

BACKGROUND

- 2.1. The contract for the provision of educational occupational therapy for Lot 2: Perseid School and Lot 3: Cricket Green School, was awarded to the highest scoring provider, however the provider is no longer able to provide the service and withdrew from the tender process. This meant both schools not have any educational occupational therapy (OT) provision for the pupils on roll from September 2021. For the rest of this academic year the SEN department has arranged and secured the delivery of OT provision through an extension of the contract with the incumbent provider and spot purchasing arrangements for individual pupils.
- 2.2. The Award to the new provider for Lot 2 and Lot 3 will allow handover and mobilisation to commence in the last half term and they will be fully embedded to commence delivery of OT provision at the start of the academic year September 2021.
- 2.3. The new provider for Lot 2 and 3 is also the successful provider for Lot 1 which is the main OT services cohort covering all other schools in Merton. Legal Services have confirmed that we can award for Lot 1 and the provider has accepted the contract. Mobilisation is currently underway for Lot 1. Lot 4 is an approved provider list allowing the Council to call upon providers for spot purchasing arrangements if required.
- 2.4. The current contract with the incumbent provider ended in March 2021. This service was delivered via a contract variation to the main existing contract with the provider, the CCG and the LA as the contract is jointly funded. Children Schools and Families department pay fully for the Educational Occupational Therapy service for

our young people in our Merton Schools. This is a statutory function and hence we require a new provider in place as soon as possible.

- 2.5. This incumbent provider has been offered a direct award for 3 months to cover the services to Perseid and Cricket Green schools whilst we complete the award process with the new provider and mobilisation is complete.
- 2.6. The Educational OT service for children and young people will need to provide assessment as part of the EHC Needs assessment and the direct therapy outlined in Section F of the pupils EHC Plan.
- 2.7. The service is required to work in partnership with the child or young person's family, their teachers and other relevant school professionals, providing assessments and interventions
- 2.8. A number of these children will also have a health need for OT. Ed OT's create a bridge between the health care system and the educational system.
- 2.9. Providers delivering this service will recruit the range of Ed OTs, OT assistants and Administrators with the necessary skills, qualifications and training required to manage and run the holistic service, delivering a range of evidence-based therapeutic interventions to meet the identified needs of eligible children within Merton, within the set budget envelope.
- 2.10. To secure sufficient breadth of experience, expertise, local knowledge and capacity and to ensure parental/CYP choice where possible, multiple providers are required. The providers will undertake new EHC Needs Assessments and Professional Advice for the EHC Needs Assessment. Referrals for Professional Advice will be made by the London Borough of Merton SEN Team.
- 2.11. The services will deliver the Educational OT provision outlined in the pupils EHC Plan. The providers will need to undertake a review of the OT packages as part of the EHCP Review process which should take place on an annual basis but on occasion this can be more frequent. The Ed OT service will provide up to date advice for the EHCP meeting and where possible attend the EHCP review meeting.
- 2.12. This service supports several departmental and corporate targets contained in Merton's Special Educational Needs Strategy, Merton's Equality and Community Cohesion Strategy 2017-21, Children and Young Peoples' Plan 2019 – 23 and Community Plan. This service also responds to the recommendations in the SEND Local Area Inspection – Written Statement of Action.

Delivery of Services

- 2.13. The following “lots” have been defined to meet local identified needs. Education OT Providers were given the opportunity to tender for one or more or all of the Lots. The essential point to note is that Lot 4 is included to provide additional capacity so that the Council will be able to call-off (spot purchase) services from the providers appointed to the Lot when the need arises.
- 2.14. Lot 1 – Education Setting: Mainstream schools, Additionally Resourced Provisions, Further Education Colleges – following the approval of award on 12th April 2021, the contract has now been offered and accepted
- 2.15. The number of pupils within this lot is currently forecast to grow and change over time however the overall funding linked to this Lot has taken into consideration the predicted growth in the number of pupils who will require assessment and provision over the next four years. We anticipate growth of approximately eighty (80) new pupils per year.
- 2.16. The Educational OT provider will deliver the following services to all Merton children and young people where the Council has agreed to undertake an EHC Needs assessment or who have Educational OT in their EHCP. This Lot relates to pupils who attend mainstream schools and colleges within the Borough of Merton and the neighbouring Boroughs.
- Assessment and Professional Advice for new Education Health and Care Needs assessments
 - Deliver the provision outlined in Section F of pupils EHCPs
 - Attend or provide a written report for the EHCP review which outlines progress towards Outcomes, review of the current SEN OT needs and the provision required to meet the SEN OT needs or whether they pupil no longer requires SEN OT provision.
- 2.17. Lot 2 and 3 – Merton maintained Special Schools – awaiting approval of award to new provider
- 2.18. There are two special schools where we want to commission a provider to deliver a whole school approach to address the SEN OT needs of pupils on roll. The fixed numbers for each of these schools are:

- Cricket Green – 216 pupils growing to a maximum roll of 260. Primary and Secondary Provision up to Year 15.
- Perseid – 147 currently on roll with growth to 165 maximum – two sites lower and upper school and Year 12 provision.

2.19. In addition to delivering the specified and quantified provision in the individual pupils EHCP these Lots will also require the OTs to work as part of the school team and deliver occupational therapy across the school ensuring there is high quality and effective support for all pupils and those involved with them. This will include:

- Working closely with school leaders, school staff, parents and carers, and other professionals
- providing and maintain comprehensive OT provision using a Sensory Integration approach within the Special School environment.
- To support and train class-based staff in order for them to have an understanding of pupils' sensory needs and additional OT needs and to provide appropriate support.
- managing the physical resources available and to consider the staffing structure required within each of the special school settings which could involve employing and supervising students or an occupational therapy assistant.
- Providing functional assessment of children with special needs and disabilities and deliver individualised intervention aimed at maximising function.

2.1. Lot 4 – 'Overflow mechanism' with list of approved providers with no guarantee of cases - following the approval of award on 12th April 2021, the contracts have now been offered and accepted

2.2. The Educational OT provider will deliver the following services to all Merton children and young people where the Authority has agreed to undertake an EHC Needs assessment or who have Educational OT in their EHCP. This Lot relates to pupils who attend mainstream educational settings within the Borough of Merton and the neighbouring Boroughs for:

- Assessment and Professional Advice for new Education Health and Care Needs assessments

- Delivering the provision outlined in Section F of pupils EHCPs
 - Attending or providing a written report for the EHCP review which outlines progress towards Outcomes, review of the current SEN OT needs and the provision required to meet the SEN OT needs or whether they pupil no longer requires SEN OT provision. Liaison with parent/carers and educational team.
- 2.3. There may be times, under unforeseen circumstances that we spot purchase Educational OT for one or both of the special schools. This will be for a short period of time. We will work with the provider at the time to provide further guidance and support to ensure smooth delivery and handover back to the existing providers of these schools.
- 2.4. Given the tight timescales for mobilising the new providers we have been working with the incumbent provider to obtain all data including treatment schedules so that we can ensure the new provider is aware of which children and young people need to be seen within each academic term for all Lots.
- 2.5. A number of children and young people are not being seen by the incumbent provider and are having their educational occupational therapy through spot purchasing. We are working with these providers and parents to plan for smooth handover to new providers.
- 2.6. The incumbent provider is aware and have agreed to continue handover to new providers following the end of their current contract with the Council. Each successful bidder has provided a clear mobilisation plan which will be implemented.

3 PROCUREMENT PROCESS

- 3.1. The procurement strategy for the service provision was presented to the Council's Corporate Procurement Board in October 2020 where approval was granted.
- 3.2. Stage 1 (Invitation to Tender): The OJEU Contract notice and ITT was published on 23rd December 2020. The submission deadline was extended upon bidder request to the 1st February 2021. A corrigendum to the original OJEU notice was issued to reflect this.
- 3.3. The Council conducted the procurement using the open procedure in accordance with the requirements of the Public Contracts Regulations 2015 (*SI 2015/102*) (PCR 2015) and Contract Standing Orders.

- 3.4. Stage 2 (Contract Award): A preferred bidder for Lot 1, 2 and 3 is appointed to deliver the Services. An 'Overflow Mechanism' has been built into the process as Lot 4. Should at any time of the life of the contracts we experience any issues with capacity, this list of approved providers will serve as a contingency.
- 3.5. The procurement process was managed via Merton Council's web based Electronic Tendering System 'The London Tenders Portal'. The exercise was carried out and supported throughout by the Commercial Services Team and the Legal Services Team within Merton Council to ensure a robust approach that adopted good practice

4 TENDERS RECEIVED

- 4.1. Two submissions to the invitation to tender were received in line with the stipulated timeframe for Lot 1.
- 4.2. Four submissions to the invitation to tender were received in line with the stipulated timeframe for Lot 2 and Lot 3. **However the highest scoring provider has withdrawn their bid for these services.**
- 4.3. Three submissions to the invitation to tender were received in line with the stipulated timeframe for Lot 4.

5 EVALUATION OF TENDERS

- 5.1. The tender evaluation comprised of three stages: the first of which was a suitability assessment, on a pass/fail basis; the second was the quality and technical evaluation in line with the methodology prescribed in the tender, and; the third was the price assessment.
- 5.2. Tender responses were evaluated by officers representing the Council's SEND team, Commissioning Team and Head Teachers of Perseid and Cricket Green schools in accordance with the criteria and scoring rationale set out in the invitation to tender documents. Each individual tender was evaluated by each member of the evaluation panel.
- 5.3. The panel met on the 4th and 8th February to discuss individual scores and comments for each method statement question in order to arrive at an agreed, moderated score.

- 5.4. A quality threshold was contained within the evaluation methodology. Bidders who failed to meet this threshold would be disqualified from the process, and would not progress to stage 3 – price assessment. All bidders successfully managed to meet the quality threshold.
- 5.5. The award criteria conveyed within the tender confirmed that the contract would be awarded on the basis of the most economically advantageous tender to the Council, based on a 40% price and 60% quality split.
- 5.6. The bids were evaluated against the following Quality and Technical criteria:
- Relevant experience and contract examples
 - Resources
 - Transition
 - Mobilisation plan
 - Methodology
 - Engagement and communication
 - Innovation and value engineering
 - Social value
- 5.7. The bid prices were evaluated using the following formula:

$$\text{Price weighted score} = (\text{Lowest price} \div \text{other Tenderer's price}) \times \text{Price Weighting}$$

6 ALTERNATIVE OPTIONS

- 6.1. A business case was developed in October 2020 which highlights the options available to the Council.
- 6.2. The contract with the existing provider expired 31st March 2021. The Council has chosen offer the provider a direct award which will cover the shortfall in services whilst we complete handover with the new provider. This direct award will expire at the end of the summer term.
- 6.3. It has proved difficult in the past for the incumbent provider to deliver services to meet the demand. This has led to one hundred and seventy (170) children currently not receiving the service within mainstream schools and being placed on a waiting list. In addition there are currently twenty-eight (28) pupils within Perseid

school who are not receiving the OT outlined in their EHC Plans, in effect meaning the Council is not meeting its statutory responsibilities for these children, with a clear risk of judicial consequences.

- 6.4. On-going additional costs associated with the one hundred and seventy (170) outstanding cases the current provider has not been able to deliver service to will factor into ongoing, annual demand. The new contract will include Cricket Green and Perseid schools and therefore there will not be any further additional costs.
- 6.5. If the Council does not enter into formal contract with providers the Council will not be able to deliver its legal duty to ensure that the special educational provision specified in section F of an Education Health and Care Plan (EHCP) is delivered. This is set out in section 42 of the Children and Families Act 2014.
- 6.6. Furthermore there will be a widening of the gap in the life chances and sustained quality of life of children and young people with EHCP and their peers.
- 6.7. In order to mitigate the risk of legal challenges the Council would need to spot purchase the service from various providers. This will increase the current costs substantially and furthermore the Council is unable to monitor performance and safeguarding.
- 6.8. The Council in recommissioning decided to remodel the service in line with the current and future needs of the Council and families.
- 6.9. The option to undertake a tender with multiple lots was necessary to have a single provider to deliver Ed OT to the majority of our children and young people (Lot 1). We also required a single provider to deliver services to our most vulnerable children at Perseid School (Merton's maintained special school for profound and multiple learning difficulties) (Lot 2) and Cricket Green (Merton's maintained special school for moderate learning difficulties) (Lot 3). Providers were able to bid for both Lot 1, Lot 2 and Lot 3 if they have the capacity to deliver to the Lots.
- 6.10. A fourth Lot will be used as an 'overflow' mechanism. Suppliers bidding for this Lot have done so under the agreement that no volumes are guaranteed, but will ensure there is contingency should the provider of Lot 1, 2 and 3 not be able to meet the demands of delivering the service going forward. This is due to the number of children who require Ed OT services increasing year on year.
- 6.11. This new contracts provides long term stability and allows the development of sustained, collaborative relationships between all stakeholders acting as key driver for continuous improvement. Cost avoidance gains will be achieved by reducing the

lag time between identification and service of need. This in turn will minimise the risk of escalation of need which would necessitate the child or young person requiring more specialist, intensive support at greater cost to the Council.

7 CONSULTATION UNDERTAKEN OR PROPOSED

- 7.1. Children, Schools and Families commissioning service and Special Educational Needs team undertook a consultation process before deciding upon its commissioning model. All options of delivery were considered and the preferred model chosen as it will achieve increased value for money and financial sustainability while delivering a higher quality service to a larger cohort than the out-going model allowed.
- 7.2. We reviewed the current service provision and identified that there were a high number of CYP not receiving the service.
- 7.3. We consulted with Head Teachers and SENCOs who also confirmed that there are a number of CYP not receiving provision as outlined in their EHCP. The Head Teachers were informed of the recommissioning of the provision, and have been involved within the evaluation process of the tender
- 7.4. We consulted with individual parent on the quality and delivery of the current provision.
- 7.5. We consulted with Kids First Parent Group on the decision not to renew the existing contract with the incumbent provider
- 7.6. Kids First are actively involved in the SEND Local Area review Written Statement of Action Plan which outlines the quality standards for EHCPs and the service provision to meet the outcomes of the Plan. This is Educational OT services. These standards were fed into the Ed OT service specification.
- 7.7. The staff of the internal SEND service were consulted on identifying gaps in current service provision and the drafting of the new specification
- 7.8. Consultation will be a continual part of the service provision with regular surveys and feedback obtained from key stakeholders including the CYP receiving the service, their families and staff in schools. The outcome of this consultation will inform contract monitoring meetings.

8 TIMETABLE -

- 8.1. The timetable for contract signature (which is subject to democratic procedures) is as follows:

Event	Date
Invitation To Tender	18 th December 2020
Deadline for receipt of clarifications	21 st January 2021
Deadline for receipt of Tenders	1 st February 2021
Evaluation of Tenders	1 st February – 4 th February 2021
Approval at Procurement Board	22 nd March 2021
Merton Decision Approval of Award	30 th March 2021
All other boroughs democratic processes completed	6 th April 2021
Notification of contract award decision	6 th April 2021
"Standstill" period	6 th April to 19 th April 2021
Confirm Award of Term Contract/appointment to the panel agreement	19 th April 2021
Service commencement date for Lot 1 and Lot 4	24 th May 2021
Target Service commencement date for Lot 2 and 3	1st July 2021

9 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 9.1. The Educational Occupational Therapy service will be part-funded from the Dedicated Schools Grant, (DSG), for which there is an overspend. This is a statutory function, and it is growing each term as new Educational Health and Care Plans (EHCP) are finalised with need to deliver occupational therapy provision included.
- 9.2. Value of Current Contract is £901,500
- 9.3. Yearly spend on OT is as follows

- £195,500.00 CLCH – incumbent provider
- £ 45,000.00 Cricket Green
- £ 60,000.00 Spot Purchasing
- £300,500.00 Total Annual Expenditure

9.4. The contract with the current service provider delivers the ED OT service for 220 children and young people, (43%), of the five hundred and ten (510) children and young people that have been assessed as entitled to a service. Currently we are not meeting our statutory obligations for all our children under this spend and therefore the Council has needed to spot purchase.

9.5. The new contract will now include children and young people from Cricket Green School. The school is another special needs school and has a growing roll to maximum of two hundred and sixty (260) pupils. This will increase the cohort of pupils from five hundred and ten (510) to seven hundred and seventy (770) at an additional cost of £180,000 (based on current spend) over the full four (4) year term of the contract

The funding for the new contract will consolidate the budgets from Cricket Green School (£180,000 full contract value), funding for the current contract (£782,000 contract value (total of current annual spend of £195,500 for incumbent provider over 4 years) and current costs of spot purchasing £240,000 (total of current annual spend of £60,000 over 4 years) and allow for growth in the number of children and young people coming into the service who require an ED OT service. If we continue to use the current provider the forecast spend would be £3,560,857 over a 4 year contract. The total contract value of the new contract is £1,712,700 for Lots 1, 2 and 3. We predict Lot 4 will not be used, however we have predicated costings, as shown below.

9.6. The value of the new contract is shown in the below table:

	Per Annum	Total Contract Value
Lot 1	£245,850	£983,400
Lot 2	£96,525	£386,100
Lot 3	£85,800	£343,200
Lot 4 Spot purchased if required	£69,200 (based on additional 50 pupils per year)	£276,800
TOTAL PRICE	£497,375	£1,989,500

- 9.7. It should be noted that both Cricket and Perseid schools have increased the number of pupils on roll over the last year and a half yet they have not received additional Ed OT to meet the pupils' needs. Due to school expansions the Ed OT contract needs to include the increase in pupil numbers.
- 9.8. This contract has a contingency to address the rise in pupils being issued with a Final EHCP who will require Ed OT over the next four years. The calculation of the contract costs takes into account the current expenditure on Education Occupational Therapy and the predicted growth in numbers based on the % of new EHCP's finalised on a monthly basis that include OT. It also takes into account the benchmarking exercise about the Educational OT needs within Perseid school.
- 9.9. A financial check has been undertaken for the successful suppliers. This has identified a need for a bond from each of the two suppliers, as the maximum contract limits recommended via their credit reports are currently less than the contracts concerned. Both suppliers will have confirmed that this provision can be made prior to entering contract.

10 LEGAL AND STATUTORY IMPLICATIONS

- 10.1. As per the main body of this report, the Council is seeking approval to award two term contracts (Lot 2 and Lot 3) for the delivery Educational Occupational Health services.

- 10.2 The main body of the report indicates that a compliant procurement process was followed by advertising the opportunity in the OJEU and managing the procurement process in accordance with the Council's Contract Standing Orders and The Public Contracts Regulations (PCR 2015).
- 10.3 Following evaluation of tenders for Lot 2 and Lot 3, the tenderer with the highest score was notified of the decision to award the contract to them. The successful tenderer advised that it was unable to accept the award to deliver the services. The Council took the decision to award the contract to the second ranking tender. This is permissible under the law.
- 10.4 In accordance with PCR 2015 and the Council's Contract Regulations, the Council must observe a standstill period following the decision to award to the second ranking bidder and provided that the award is not challenged, enter into written contracts with the provider. The Council must also publish a Contract Award Notice in accordance with PCR 2015 and enter the contract in its contract register.

11 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

The local authority has a legal duty to ensure that the special educational provision specified in section F of an Education Health and Care Plan (EHCP) is delivered. This is set out in section 42 of the Children and Families Act 2014.

Implications pertaining to human rights, equalities and community cohesion were considered during the consultation phase and development of the business case in relation to this project. There are not expected to be any human rights issues from the programme.

The tender documentation submitted by all selected bidders was assessed against criteria developed to comply with current equalities legislation. This will ensure that contracts are awarded to organisations that have an equalities and diversity policy and practices which can impact positively on the delivery of the service.

The Equality Act 2010 and the regulations in relation to discrimination on grounds of sexuality, religion and age have been considered during the tender evaluation process

12 CRIME AND DISORDER IMPLICATIONS

There are not expected to be any crime and disorder issues from the programme.

13 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 13.1. The invitation to tender followed a competitive process following established procedures. The tender process allowed the panel members to independently review all bidders equally and compare its value for money.
- 13.2. All providers that are awarded contracts must have a health and safety policy that compliments the council's corporate procedures for effective health and safety and risk management.

14 CONFIDENTIAL APPENDICES – THE FOLLOWING DOCUMENTS ARE NOT TO BE PUBLISHED WITH THIS REPORT BUT FORM PART OF THE REPORT.

15 BACKGROUND PAPERS

- 15.1. None