

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member – Environment and Transport
Date:	8 May 2012
Title:	Public Bus Dynamic Purchasing System Contract
Reference:	3894
Report From:	Director of Economy, Transport and Environment

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1. Executive Summary

1.1. This report seeks approval to procure a Public Bus Dynamic Purchasing System (DPS) for up to four years' duration with an estimated value of £6 million per annum, in accordance with the County Council's Contract Standing Orders and Constitution.

2. Contextual information

2.1. DPSs are not linked to specific one-off purchases or projects but provide for the ongoing routine goods and services requirements of a large number of individual budget holders, either through direct call-offs or mini-competitions as required by the DPS. Therefore, the DPS values are only estimates and actual expenditure will be determined by the actual commitments made by budget holders. DPSs therefore require Approval to Procure. Approval to procure and spend will be required in relation to each separate contract called-off under the DPS given that those contracts will include contractual obligations in relation to payment for services/goods/works. Where the value of an individual contract exceeds £1 million, Executive Member approval is required.

2.2. A DPS is similar to a framework agreement except that new suppliers may join, whereas a framework is closed to new suppliers. DPSs are therefore more appropriate procurement solutions than frameworks for this type of business. DPSs are compliant with European Procurement Regulations and County Council Contract Standing Orders.

2.3. Contract Standing Orders state that approval is required in relation to '*commencement of a procurement process*'. This report recognises that the commitment of resources is usually required many months prior to the formal advertisement of a procurement. Preparatory work may include considering sourcing options, developing the procurement strategy, undertaking soft

market testing, engaging collaboration partners, consulting with stakeholders, developing tender documentation and managing the implications of the Community Right to Challenge which is expected to come into force during 2012.

- 2.4. Public Bus tenders are currently undertaken in compliance with OJEU open tender procedures which require statutory timescales of 24 days from advert to tender submission and also the 10 day standstill period prior to contract award. Where these timescales cannot be met, there is often a need for single tender contracts for an interim period whilst a tender is run.
- 2.5. A DPS, holding all operators that meet the County Council's minimum criteria, will enable tenders to be run in 15 days instead of 24 and will not require a standstill procedure. The DPS will also reduce the requirement for single tendering since it will be feasible to tender new contracts in these much shorter timescales.
- 2.6. Legal Services have confirmed that the DPS meets the Transport Act requirement that all public bus tenders must be openly tendered.

3. Finance

- 3.1. Contracts to be procured through the DPS have a value of £6 million per annum.

4. Performance

- 4.1. Operators applying to join the public bus DPS have to reach a pre-determined level of quality to be accepted onto the system.

5. Recommendation

- 5.1. That, in accordance with the County Council's Contract Standing Orders and Constitution, approval to procure be given for a Public Bus Dynamic Purchasing System for up to four years' duration with an estimated value of £6 million per annum.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	no
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

None

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

- 1.1. A detailed Equalities Impact assessment was undertaken as part of the Bus Subsidy Review in July 2011. No adverse impact was identified. This will form the basis of individual contract awards.

1. Impact on Crime and Disorder:

- 1.1. It is considered that the decision will have no impact on crime and disorder.

2. Climate Change:

- 2.1. How does what is being proposed impact on our carbon footprint / energy consumption?

Delivering an effective public transport system within available funding levels provides an alternative to use of the private car.

- 2.2. How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

An effective public transport alternative matches provision to need and minimises carbon emissions.