

Scotland Excel**To: Executive Sub Committee****On: 21 June 2019****Report
by
Director Scotland Excel****Tender: Bikeability Scotland Training Providers****Schedule: 03/19****Period: 01 August 2019 until 31 July 2023 (with option to extend)****1. Introduction and Background**

The purpose of this report is to recommend the establishment of a new Dynamic Purchasing System (DPS) for Bikeability Scotland Training Providers, which the Director has elected to establish pursuant to Contract Standing Order 28 (Dynamic Purchasing Systems). Accordingly, the report requests approval for the establishment of the DPS and for the Director of Scotland Excel to be granted the appropriate delegation of authority to appoint new entrants to the DPS during its lifetime as detailed in this report.

Bikeability Scotland is a cycle training programme, usually delivered in schools between P5 and S2, that teaches children to cycle safely, to learn how to deal with traffic and that, above all, gets children excited about cycling. It's the modern day form of cycling proficiency, a national scheme comprising of 3 main levels aimed at supporting the next generation of confident and responsible cyclists.

Through consultation with Cycling Scotland it was identified that there is currently a gap in the delivery of Bikeability Scotland training, the extent of which varied from local authority to local authority. Current delivery is mostly done by parent/guardian volunteers, alongside a teacher who has undertaken the appropriate training course. This presents a real challenge for schools to create time within the curriculum and also has an element of uncertainty due to the reliance on volunteer helpers.

The introduction of this DPS presents an opportunity for Scotland Excel to provide a national collaborative solution to deliver a mechanism that will help to raise the uptake and the standard of Bikeability Scotland training received within schools. It will ensure that all 32 local authorities in Scotland will have access to professional organisations that can deliver Bikeability Scotland Training.

This route to market has been chosen after careful consideration and market engagement. As this is the first time Bikeability Scotland Training has been

tendered at a national level, the current market place is small and likely to be relatively inexperienced in tendering. By tendering this opportunity as a DPS, it will allow the flexibility of new entrants to bid to join throughout the lifetime of the contract and increase, not only the supply base, but also the level of cyclist skill in Scotland through professional training.

2. Definition of a Dynamic Purchasing System

As defined under Regulation 35 (Dynamic Purchasing Systems) of the Public Contracts (Scotland) Regulations 2015, a DPS is a route to market that a “contracting authority may use for commonly used purchases the characteristics of which, as generally available on the market, meet their requirements”. It has similarities to a framework agreement, but unlike a framework, allows new service providers to join at any point throughout its lifetime. It must be run as a completely electronic process and is set up using the restricted procedure and other associated conditions. Public bodies are permitted to set up a DPS which may be divided into categories of service (Lots).

Although available for some time, traditionally, DPS’s were largely considered non-user friendly due to the perceived cumbersome nature of award procedures. In recent years however, as part of the EU’s review of procurement rules (implemented in Scotland by the 2015 Regulations) the associated processes have been reviewed and changes implemented at a European Union (EU) level that has seen its use and popularity increase.

This DPS will be seeking legally compliant service providers, capable of delivering Bikeability Scotland Training, whilst allowing for a small level of tailoring to meet operational requirements at an individual council level.

3. Scope Participation and Spend

Based on current spend analysis and grant information provided by Cycling Scotland, the DPS has been advertised at a value of approximately £300,000 per annum.

As noted above, the DPS provides an alternative to a framework model that offers a number of benefits that will help local authorities meet their service needs. Overall, this offers a service delivery option for local authorities that will be easy to use and will cover the full range of requirements at a local level. The lot summary is shown in the table below:

Figure 1 – Lotting Structure:

Lot 1	Aberdeen City Council
Lot 2	Aberdeenshire Council
Lot 3	Angus Council
Lot 4	Argyll and Bute Council
Lot 5	Clackmannanshire Council
Lot 6	Dumfries and Galloway Council
Lot 7	Dundee City Council
Lot 8	East Ayrshire Council
Lot 9	East Dunbartonshire Council
Lot 10	East Lothian Council
Lot 11	East Renfrewshire Council
Lot 12	Edinburgh City Council
Lot 13	Falkirk Council
Lot 14	Fife Council
Lot 15	Glasgow City Council
Lot 16	Highland Council
Lot 17	Inverclyde Council
Lot 18	Midlothian Council
Lot 19	Moray Council
Lot 20	North Ayrshire Council
Lot 21	North Lanarkshire Council
Lot 22	Orkney Islands Council
Lot 23	Perth and Kinross Council
Lot 24	Renfrewshire Council
Lot 25	Scottish Borders Council
Lot 26	Shetland Islands Council
Lot 27	South Ayrshire Council
Lot 28	South Lanarkshire Council
Lot 29	Stirling Council
Lot 30	West Dunbartonshire Council
Lot 31	Western Isles Council (Comhairle nan Eilean Siar)
Lot 32	West Lothian Council

The DPS has been advertised for use by all thirty-two local authorities. The scope and breadth of services available via this DPS, as well as the structure and flexibility of the process to award and ability to allow new entrants throughout its lifetime, will help to ensure participation. It should be noted however that no guarantee of any business is given under the DPS.

4. Procurement Process

A Prior Information Notice (PIN) was issued on 8th February 2019 informing the market of Scotland Excel's intention to issue a DPS with 16 organisations expressing an interest in the opportunity. Market engagement was conducted, which resulted in 9 supplier meetings that helped to inform the procurement strategy.

Following the preparation and approval of necessary documentation, a Contract Notice was issued on 18th April 2019 that detailed the required services the DPS was seeking and invited service providers that considered themselves suitably qualified to deliver those services, to complete a qualification process, which if successfully passed, would grant them access to contract opportunities issued under the DPS.

The qualification stage assesses a service provider's suitability to deliver the service, and evidence their ability to meet mandatory requirements including; appropriate insurances and quality and environmental policies, as well as taking due consideration of previous experience, history of regulatory related performance and history of convictions, bankruptcy and public contract performance via the completion of the European Single Procurement Document (ESPD) and provision of supplementary evidence.

Under the DPS model, councils will be presented with a list of service providers, on a per Lot basis that have successfully passed the minimum qualification criteria, (capability to service, licensing, convictions, insurances and so on), confirming that they are capable of providing a service as defined within the Contract Notice. Councils will be able to tailor their own specifications, within clearly defined parameters as outlined within the Contract Notice. Submitted offers will then be evaluated by the council on both technical and commercial viability and the overall best value offer awarded.

A list of service providers requesting to be granted access to the DPS by adequately evidencing their ability to meet the defined qualification criteria is provided in Appendix 1. Note: Subject to final clarifications.

5. Mobilisation and Management

Contract mobilisation will take place before the anticipated start of the DPS.

Supplier mobilisation packs will be distributed to successful tenderers and as a minimum will include;

- A clear explanation of how the DPS will operate and call off procedures available to local authorities and other participating bodies.
- Contact information for Scotland Excel, local authorities and participating members, who are responsible for this commodity area.

Local authorities and participating bodies will be issued with a framework guidance document which will include;

- The contract's terms & conditions.
- Contract management approach.
- Evaluation methodology template document
- DPS Call off guidance

Further guidance and documentation will be published on Scotland Excel's website, to ensure that this information is easily accessible for all stakeholders.

The DPS Terms and Conditions clearly outline the requirement for service providers awarded contracts via the DPS to provide Management Information to Scotland Excel on a quarterly basis or as required. In addition, the Scotland Excel Operational Supplies and Services (OSS) Team will meet service providers as required to ensure that service providers are operating as required under contracts awarded.

As detailed in section 6 of this report, the service providers that complete the qualification process as “new entrants” will be evaluated during the lifetime of the DPS.

Note: Scotland Excel reserves the right as per the Regulations, to request resubmission of the ESPD as and when required, (with minimum 5 days’ notice) ensuring service providers granted access to the DPS remain suitably qualified throughout.

6. New Entrants

A key outcome of the DPS route to market is a facility to allow new entrants offering services throughout the lifetime of the arrangement and thereby not “lock-out” new service providers who can meet the regulatory requirements and potentially offer best value to local authorities.

As such, following commencement of the DPS, a second Contract Notice will be issued inviting new entrants to complete the qualification process. This invitation will remain open throughout the lifetime of the DPS and approval of new entrants will be the responsibility of Scotland Excel.

New entrants will complete the same qualification process as the original and if evaluated as meeting requirements, will be notified by Scotland Excel and granted access to the DPS. The new entrants will then become available for local authorities to utilise, further stimulating competition among providers as well as allowing the new entrants to compete for contract opportunities issued under it.

The Public Contracts (Scotland) Regulations 2015 require that service providers putting themselves forward to be granted access to the DPS must be informed of their success or failure within a maximum of 10 days following completion and submission of the qualification documents. (Regulations 35, (13) and (14) of the aforementioned Regulations).

In order to remain compliant with this statutory requirement, it is essential that Scotland Excel evaluate and notify respondents of the outcome in as timely a manner as possible. As Committee will clearly be unavailable at 10 days’ notice or less each time a new entrant or entrants apply to access the DPS, this report will therefore recommend that the Director of Scotland Excel be granted the appropriate Delegated Authority to approve such decisions and that the Executive Sub-Committee be updated on status of available service providers on an annual basis via incorporation to the Annual Procurement Report.

7. Recommendation

The Executive Sub Committee is requested to:

- (a) Approve the establishment of the Dynamic Purchasing System for Bikeability Scotland Training Providers;
- (b) Approve the initial respondents selected to participate in the DPS as detailed in Appendix 1;
- (c) Grant Delegation of Authority to the Director of Scotland Excel (or their delegate) to approve the evaluation outcome and award participation on the DPS to any new entrants completing the DPS Qualification process to Scotland Excel's satisfaction, thereby enabling their participation in the Dynamic Purchasing System during its lifetime, ensuring compliance with the applicable procurement rules including the statutory 10-day maximum period for evaluation and notification of outcome; and
- (d) Approve Scotland Excel's proposal that the Executive Sub-Committee be updated on the status of available service providers on an annual basis via incorporation into the Annual Procurement Report

