

DECISION NUMBER: PCCG-2018-021

OFFICE OF THE POLICE AND CRIME COMMISSIONER

LEAD CHIEF OFFICER:

Nigel Stephens – Assistant Chief Officer Resources

TITLE:

Provision of National Driver Offender Rehabilitation Courses

DATE:

16 May 2018

TIMING:

Urgent

PURPOSE:

For Approval

1.

RECOMMENDATION

1.1

It is recommended that the contract for the Provision of National Driver Offender Rehabilitation Courses with TTC Group be extended for an additional six (6) months, in accordance with paragraph 124(b) of the Manual of Governance.

1.2

The six (6) month extension will commence on 1 July 2018 and will expire on 31 January 2019. The original contract terms and conditions will apply to this extension.

2.

INTRODUCTION & BACKGROUND

2.1

In April 2014, the Police and Crime Commissioner for Gwent awarded an All Wales Contract for the Provision of National Driver Offender Rehabilitation Courses to TTC Group following a restricted OJEU procurement process. The contract was awarded for a three (3) year period with an option to extend for an additional one (1) year period, and commenced on 1 July 2014. The final extension period commenced on 1 July 2017 and is due to expire 30 June 2018.

2.2

The contract was awarded by Gwent Police (GP) on behalf of South Wales Police (SWP) and North Wales Police (NWP) to obtain a service provider to supply courses to the public, who would be identified to attend a course following a driving offence. The courses provided under the contract are created and developed by the National Drivers Offenders Re-Training Scheme (NDORS). The purpose of the NDORS Courses is to educate drivers and reduce reoffending.

2.3

Five tender responses were received by the closing date for return of tenders. The responses were evaluated by an evaluation panel made up of representatives from the three forces. In accordance with the Evaluation Criteria, TTC Group were identified as the Most Economically Advantageous Tenderer.

3.	<u>ISSUES FOR CONSIDERATION</u>
3.1	SWP and NWP have confirmed their approval to extend the current framework for the additional six (6) month period, to allow for completion of the new tender process.
3.2	Over the last four (4) years, TTC Group has provided an excellent service for the forces, delivering a quality service to the public in each force area. TTC Group assists with any specific requirements and attends quarterly review meetings to ensure the contract remains fit for purpose and in compliance with contractual requirements.
3.3	For the extension period TTC Group will continue to deliver the full suite of NDORS courses in English and Welsh. The courses they provide are listed below; <ul style="list-style-type: none"> • National Speed Awareness • National Speed Awareness 20 • National Driver Alertness • RIDE • What's Driving Us? • Driving 4 Change
3.4	Offenders are able to book courses up to 3 months in advance and by the end of June 2018 there will not be any course dates available and the forces will not be able to offer courses unless the contract is extended.
3.5	There are no available frameworks/contracts available for the additional six (6) months that the Commissioner can utilise for the extension period.
4.	<u>NEXT STEPS</u>
4.1	On approval of this report, an extension document will be drafted and issued to TTC Group for signature.
4.2	A Voluntary Ex-Ante Transparency (VEAT) Notice will be published in the Official Journal of the European Union informing of our intent to enter into a contract for a further six (6) months.
5.	<u>FINANCIAL CONSIDERATIONS</u>
5.1	The cost of the courses is paid for by the offender directly to TTC Group, the forces do not incur any costs.
5.2	The estimated Gwent expenditure for the extension period is £900,000.00.
5.3	The estimated cost for the six (6) month extension across the three forces is £2,700,000.00. The estimated cost is based on the number of courses undertaken in the period July 2017 to December 2017.
6.	<u>PERSONNEL CONSIDERATIONS</u>
6.1	There are no personnel considerations applicable for this extension. Transfer

	of Undertakings Protection of Employment (TUPE) does apply to this contract.
7.	<u>LEGAL IMPLICATIONS</u>
7.1	The original procurement process was carried out in accordance with the European Union Directives and the Manual of Corporate Governance. Legal advice has been sought and included into this report.
7.2	The proposed extension period is not provided for under the terms of the original contract and therefore any further extension is not permitted.
8.	<u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u>
8.1	This proposal has been considered against the general duty to promote equality, as stipulated under the Strategic Equality Plan and has been assessed not to discriminate against any particular group.
8.2	In preparing this report, consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998.
9.	<u>RISK</u>
9.1	There is a risk that this six (6) month extension may be challenged by a competitor to our contracted provider. However, the risk is mitigated by issuing a VEAT notice and the risk of a challenge is low as the basis for the extension is to allow a new tender process to be completed.
9.2	It should be noted that the remedies available to a challenging authority should the contract be found ineffective where the contract has not be entered into: <ul style="list-style-type: none"> • The decision to award is set aside • Award damages to a contractor which has suffered any loss Where the contract has been entered into: <ul style="list-style-type: none"> • Impose financial penalties • The courts may award damages to a contractor who has suffered any loss as a result of the contract award
9.3	Should the extension not be approved, the 3 forces utilising this contract will not be able to provide driver education rehabilitation courses to the public.
10.	<u>PUBLIC INTEREST</u>
10.1	Following approval of this report by the Commissioner, this document will be made available to the Public.
11.	<u>CONTACT OFFICER</u>
11.1	Paula Corfield, Head of Procurement

12.	ANNEXES
12.1	N/A

For OPCC use only

Office of the Chief Constable

I confirm that **Provision of National Driver Offender Rehabilitation Courses** report has been approved.

It is now forwarded to the OPCC for approval purposes.

Signature:



Date: 17/05/18

Chief Executive:

I have been consulted about the proposal and can confirm that financial, legal, equalities etc... advice has been taken into account in the preparation of this report.

I am satisfied that this is an appropriate report to be submitted to the Police and Crime Commissioner for Gwent.

Signature:



Date: 18/05/18

Police and Crime Commissioner for Gwent

I confirm that I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct.

The above request has my approval.

Signature:



Date:

21/5/18

