

Forward Plan reference number: Not Applicable

Report title: New Framework for Provision of Venues for NDORS Training Courses – Contract Award	
Report to: Councillor Tom Cunningham Cabinet Member for Highways, Infrastructure and Sustainable Transport	
Report author: Sally Plail, Driver Improvement Manager	
Date: 20.02.2024	For: Decision
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County Divisions affected: All Essex	

1. Everyone's Essex

1.1 Everyone's Essex sets out four strategic aims and 20 commitments for Essex County Council to deliver over the next 4 years:

- A strong, inclusive, and sustainable economy
- A high-quality environment
- Health wellbeing and independence for all ages
- A good place for children and families to grow

1.2 ECC is a member of the Safer Essex Roads Partnership (SERP) and supports its aspiration for zero road deaths and serious injuries on Essex roads by 2040. The delivery of this 'Vision Zero' supports the health and well-being of all age groups and types of road user by encouraging safe road user behaviours and by delivering training to vulnerable users, such as elderly drivers and motorcycle riders. Safer roads will reduce the risks for, and encourage, independent, active, and sustainable travel; particularly for children and families and young people trying to access employment.

1.3 Consistent with achieving these commitments, this paper sets out a proposal for the award of framework agreements for training venues for National Driver Offender Retraining Scheme (NDORS) to the successful bidders following a procurement process that was approved by Cabinet in February 2023.

2. Recommendations

2.1 To award framework agreements for Lots 3, 5, 6, 7 and 9 as set out in paragraph 3.6 below for a period of four years.

3. Background and Proposal

- 3.1 On 1 April 2021, a Memorandum of Understanding (MoU) governing the operation of the Safer Essex Road Partnership was signed by ECC, Southend City Council, Thurrock Council, National Highways (Bedford & Guildford offices for different parts of the SERP's area), the Police, Fire and Crime Commissioner for Essex (PFCCE), Essex Police, Essex Fire & Rescue Service, East of England Ambulance Service, Essex & Herts Air Ambulance Trust and the Safer Roads Foundation. The MOU relates to the coordination and delivery of a road safety service affecting the road network in Essex, Southend and Thurrock.
- 3.2 The MoU term covers a five-year period between 1 April 2021 and 31 March 2026 with an option to extend for up to a further five-years to 31 March 2031. This latter date coincides with one of the SERP's objectives of reducing deaths and serious injuries on its roads by 50% (based on the average for the five-year period between 2015 and 2019) by the end of 2030.
- 3.3 National Driver Offender Retraining Scheme (NDORS) courses are offered by police forces nationally, on a discretionary basis, instead of a prosecution for various moving traffic offences. Essex Police has commissioned ECC to administer and carry out the delivery of NDORS courses in the Essex Police Force area so that efficiency can be realised by working in close partnership.
- 3.4 ECC is required to carry out any necessary procurement procedure that is required to provide the appropriate facilities for the in-person courses that have been booked by members of the public.
- 3.5 ECC delivers the venue-based service by using contracted venues, who provide conference facilities, to deliver these courses. Venues are booked subject to demand and no bookings are guaranteed. This service is currently managed through a 4-year Framework Agreement which expires in November 2023.
- 3.6 On the 21 February 2023 (FP/588/12/22), ECC agreed to procure a 4 year, multi supplier framework for NDORS training venues in Essex, Southend and Thurrock in the following lots:
- Lot 1 –Braintree
 - Lot 2 – Clacton
 - Lot 3 – Harlow
 - Lot 4 – Chelmsford
 - Lot 5 - Brentwood
 - Lot 6 - Basildon
 - Lot 7 - Southend
 - Lot 8 – Thurrock
 - Lot 9 – Colchester
 - Lot 10 - Maldon
- 3.7 ECC had originally issued a single stage open tender for these services on 16th June 2023, with bids to be received by 21st July 2023. This tender process was abandoned as all of the bidders failed to complete all of the relevant tender documents in accordance with the tender guidance provided. Following consultation between Procurement and SERP it was agreed to re-

run the tender with additional support provided to bidders. ECC commenced a second single stage open competitive tender process on 9th August 2023. Final bids were received on 6th September 2023 and evaluation of these concluded on 25th September 2023.

3.5 ECC received bids for each Lot as set out below:

Lot No.	No. of submissions received
1. Braintree	0
2. Clacton	0
3. Harlow	2
4. Chelmsford	1
5. Brentwood	1
6. Basildon	1
7. Southend	1
8. Thurrock	0
9. Colchester	1
10. Maldon	0

3.6 The bids were evaluated in accordance with the advertised criteria (30% Price, 70% Quality) to identify the most economically advantageous tender.

3.7 The compliant bids for Lots 3, 5, 6, 7 and 9 were received from the following suppliers and it is proposed to award contracts for four years. There is no value attached to the framework contract, a supplier will receive orders as Call off contracts are awarded.

Lot	Supplier
3 Harlow	Harlow District Council
5 Brentwood	Holiday Inn Brentwood
6 Basildon	Holiday Inn Basildon
7 Southend	Holiday Inn Southend
9 Colchester	Colchester United Hospitality

3.8 Two non-compliant bids were received, one for Lot 4 Chelmsford and one for Lot 3 Harlow and ECC has been unable to award contracts for these lots .

3.9 Where no award has been made for the remaining Lots further discussions between SERP and ECC Procurement have identified that there is an opportunity to utilise existing ECC sites to deliver the courses or to procure venues outside of the Framework where there is a specific requirement in accordance with ECC's current procurement policy or the Public Contract Regulations 2015 depending on value. This will be subject to a further decision.

4 Links to our Strategic Ambitions

- 4.1 This report links to the following aims in the Essex Vision:
- Enjoy life into old age.
 - Strengthen communities through participation.
 - Develop our County sustainably.
 - Connect us to each other and the world.
 - Share prosperity with everyone.
- 4.2 The recommendations in this report do not have any direct environmental or climate change implications.
- 4.3 This report links to the following strategic priorities in the emerging 'Everyone's Essex':
- A strong, inclusive and sustainable economy
 - A high-quality environment
 - Health wellbeing and independence for all ages
- 4.4 Awarding the contracts for the Service helps ECC achieve its priorities by ensuring that Children and Young people have their needs met earlier in the setting most appropriate to them, helping to support their independence.

5 Options

5.1 Do Nothing

This would mean that ECC would be in breach of its roles and responsibilities under the SERP'S memorandum of understanding and would have significant impact on the long-term effects of behavioral change, Vision zero and Road Safety across Essex. Doing nothing is not recommended.

5.2 Confirm Award of Framework Agreements (Preferred Option)

This would mean that ECC would fulfil its role and responsibilities under the SERP'S memorandum of understanding and would have significant impact on the long-term effects of behavioral change, Vision zero and Road Safety across Essex.

6 Issues for consideration

6.1 Financial implications

- 6.1.1 The course fees for all courses are set by Essex Police and are endorsed by the Safer Essex Roads Partnership (SERP) Governance Board on the basis of national guidance issued by UKROEd.

6.1.2 The scheme is operated on a full cost recovery model, so all costs associated with courses and any other training courses are recoverable from the course fees and there is no financial commitment for Essex County Council. The course fees also fund the staffing costs associated with running the courses and carrying out any necessary procurement to secure the future of the course delivery. Accordingly, there is no cost or commitment attributed to ECC.

6.1.3 The annual cost for the venues is estimated at £200,000, over the duration of the contract the estimated value would be £800,000.

6.1.4 All costs incurred through the running of the NDORS courses are fully covered by the income generated by running the courses.

6.2 Legal implications

6.2.1 ECC is a contracting authority for the purposes of the Public Contracts Regulations 2015 and the framework agreements must be awarded in line with the published award criteria. ECC will need to enter into written framework agreements with the successful bidders for each Lot based on the terms set out in the tender documents. Compliant bids were not received for Lots 1,2,4,8 and 10 therefore these lots will not be awarded.

7. Equality and Diversity Considerations

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.3 The Equalities Comprehensive Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8. List of Appendices

- ECIA.

9. List of Background papers

- None

I approve the above recommendations set out above for the reasons set out in the report.	Date 12.03.2024
Councillor Tom Cunningham Cabinet Member for Highways, Infrastructure and Sustainable Transport	

In consultation with:

Role	Date
Cllr Lee Scott, Cabinet Member for Planning a Growing Economy Portfolio (Chair of SERP)	12.03.2024
Mark Ash, Executive Director for Climate Environment and Customer	27.02.2024
Executive Director, Corporate Services (S151 Officer)	11/01/2024
Stephanie Mitchener Nicole Wood	
Director, Legal and Assurance (Monitoring Officer)	20.02.2024
Laura Edwards on behalf of Paul Turner	