# SEN Home to School Transport Market Engagement

## Procurement Process

**I am currently on the Approved Supplier List. Will I still need to register for the DPS?**

Yes. This process will be kept as simple as possible.

**Once an Operator has registered on the portal, will they receive messages immediately?**

Once the DPS registration documents have been published, or Bulk Routes have been advertised on the Kent Business Portal, you will receive a notification. If you are accepted onto the DPS, you will receive notifications about individual opportunities that are advertised. You must register on the DPS, and be accepted in order to see route opportunities.

**What happens if several bids are received at the same price?**

A procedure for dealing with tied bids would be included in the tender documents. This has not yet been decided. Examples of procedures to deal with this could be going to extra decimal places, going back to tied bidders to improve on price etc.

**Will feedback after unsuccessful submissions be focused on finances or capability?**

Assessment/feedback at the mini competition stage will be focused on price – ranking compared to other bidders will be given. Capability is to be assessed at the DPS registration phase.

Once an operator is registered onto the DPS, and assessed as compliant, all relevant operators will be invited to bid, and these will be awarded based on price. The lowest acceptable price will win (unless when documents are checked the winning bidder is found to not meet the minimum criteria).

**Will operator’s prices be disclosed through the mini competition feedback process?**

KCC is legally obliged to publish the total value of any contract awarded. However, KCC will not provide pricing breakdowns to other tenderers e.g. day rates etc.

**Will the pre-qualification stage for the DPS be scored?**

The pre-qualification document will contain a number of pass/fail questions; tenderers will pass if they meet all core requirements.

All those that self-certify that they meet the required standard will be allowed onto the DPS.

**Would you be able to create an online forum for operators/subcontractors to get in touch with each other?**

KCC are investigating ways to offer opportunities for operators to contact each other via the Kent Business, and will inform operators of any facilities available going forward.

 **What is the audit/checking process to ensure operators meet the minimum criteria, for the DPS and Bulk Routes process?**

Documents will be checked, including licensing, at the contract award stage (if these documents are already held by the Public Transport team, tenderers may be asked to confirm that these documents are current).

At the DPS registration stage, tenderers will be asked to self-certify that all requirements can be met. Tenderers will not need to send/upload documents when applying to join the DPS.

**If an operator is accepted onto the DPS, they will not have to provide license/insurance documents etc until they have won a contract?**

Yes, KCC do not wish to create any barriers to operators joining the DPS. At the pre-qualification stage, operators will be asked to self-certify that they meet all minimum criteria, to be accepted onto the DPS. Once an operator has won their first contract under the DPS, KCC will request all relevant documents (before this is awarded) to verify that the operator meets the minimum standards. If these documents are already held by the Public Transport team, tenderers may be asked to confirm that these documents are current

Should an operator be unable to provide valid documents at this point, they will not be awarded the contract, and the work may be offered to the next ranked bidder.

**Will pricing be set for any future tenders?**

No – but guide prices will be published at the mini competition stage, to give tenderers an indication of the current prices for particular route(s). Tenderers will then submit their price as usual, which does not have to match the guide price. The lowest price tenderer that meets all minimum criteria would be awarded that work.

**Will operators be informed if their routes are to be retendered?**

Any contracts starting in September of this year will be tendered using the current system. Going forward, any new individual route requirements will be let through the DPS, via the Kent Business Portal. All operators registered on the DPS will receive an automated notification from the Kent Business Portal when a new individual route opportunity has been advertised.

 When a new Bulk Contract opportunity is advertised, operators registered on the portal will receive a notification email, with a link to this opportunity.

**Can a group of operators bid together for the Bulk Route Contracts?**

Yes, a group of operators can bid as a Consortium to perform a Bulk Route Contract. We will publish (with the tender documents) who is currently undertaking each route, so that tenderers will know who they may wish to contact, to bid as a group. Operators seeking advice on setting up a Consortium may wish to contact their local Chamber of Commerce or a similar body.

If an operator wishes to tender for a Bulk Contract, and sub-contract part of the service to other operator(s), please be aware that any subcontractors must be approved by KCC.

## Service/Processes

**Will the Invoicing process change?**

No, the invoicing process will run as currently, for the time being.

**Will contracts due to run into 2017 continue as normal?**

Yes, when these contracts naturally expire, they will be re-let via the DPS process, or the Bulk Route process. Any contracts that are due to be re-tendered will be indicated on the 2 year plan, to be circulated to all current operators.

**Will KCC be offering yearly contracts, considering changes in fuel prices etc?**

For bulk routes, initially 3 year contracts will be offered, with an option to extend by up to 2 years. Individual routes will be offered as 3 year contracts.

**Situations where TUPE may apply?**

Where TUPE may apply, KCC will ask current providers for details of potential employee liability. This information will be included in any tender documentation so operators can tender/price accordingly.

**If lower prices are achieved going forward, would this not affect the quality of the service? Would the quality of the vehicles used etc be affected?**

Checks will be carried out, must achieve minimum standard. On any contract, if KCC hear of any problems, there will be further checks/inspections.

**Districts have different age restrictions for vehicles; will there be a specific standard in KCC tenders?**

Will match district requirements.

**A number of existing contracts are due to run until 2017 – with the exception of those being retendered in January, will these continue as normal?**

Yes – When these contracts naturally expire, they will be relet via the DPS or bulk routes procedure.

**Currently, where a client arrives late for school (due to traffic accidents etc), the operator may receive a fine. Will this continue?**

The KCC Public Transport contract is currently being refined and refreshed. Procedures are currently being debated internally, to ensure processes are effective for KCC, but also fair to operators.

**Can an individual operator perform a bulk route?**

Yes; operators can join together to form consortium to deliver a bulk route, or use subcontactors, if they don’t have the resources to deliver all work themselves.

**If clients change over time, how would contracts be affected?**

There will be a variation process should contract requirements change, how pricing would be affected.

**If I were awarded a bulk route contract, and more routes were added to this area during the contract, would I be expected to perform this also?**

Yes – the Public Transport team would give as much notice as possible if a new route were to be added. It is not expected that there will be any dramatic change in the number of routes and students etc.

**Will client information be improved going forward?**

All information the KCC Public Transport team receives will be passed along to the relevant operator, and will be included in tender documents where possible. KCC will review all proposed routes with the schools to see whether there are any issues for these children, or any special requirements that have not been accounted for.

**Does the council have a policy on use of CCTV in vehicles?**

No – KCC do not wish to add an extra barrier/cost to tendering for operators. The Kent districts have varying CCTV policies and requirements, so it is difficult for KCC to specify a common standard.

**In the past, operators have not been paid if they have arrived to transport a client, who is then not making the journey into school. Will this be addressed?**

Yes, KCC public transport are currently reviewing the transport terms and conditions; this is an area that will be addressed.

**Do all subcontractors need to complete the pre-qualification document?**

Subcontractors would not need to pre-qualify, but it would be the responsibility of the lead operator to make sure that subcontractors meet the required standards. In practise, any sub-contractors should be registered as a supplier on the KCC DPS.

**Would subcontractors need to be added to the lead operator’s insurance policy?**

The lead operator would be responsible for ensuring that their subcontractors hold the appropriate insurance. The lead operator would need to take advice from their Insurance broker as to whether a subcontractor could be added to their insurance policy, or would need to hold a separate policy.

**What is the audit/checking process to ensure providers meet requirements?**

Documents will be checked, including licensing, during both the Bulk and Individual Route processes.

At the DPS registration stage, providers will be asked to self-certify that you meet the minimum requirements, including holding appropriate licenses and insurance. To be accepted onto the DPS, providers will not need to provide documents at that stage. When you are first awarded a contract, we would then ask to see the relevant documents.

**Will there be any limit to the amount of work that can be subcontracted on a bulk route?**

The Council would not wish to create any barriers to operators tendering for these services.

**Historically, we have not been allowed to subcontract, will this be the case in the future?**

Under the current contract, subcontracting of routes is not allowed. However, going forward, under the new contract, operators will be able to subcontract bulk routes.

**Going forward, will there be opportunities to serve more than one school with one route?**

There may be opportunities to combine different school journeys together. KCC Public Transport will consider this going forward, but this will depend on the locations of clients etc.

**Would any training on particular medical conditions be provided?**

KCC are currently reviewing training for Passenger Assistants. If specialist training is needed in a particular instance, KCC may provide this.

**I may not be able to afford to deliver a route as a subcontractor?**

There will be a variety of opportunities available, with many individual routes that will be tendered.

**Is contract information currently shared?**

Yes – details of all contracts worth over £50,000 are currently published on the Council ‘Contract Store’. This can be found on the Kent Business Portal, at the following address: <https://www.kentbusinessportal.org.uk/procontract/contracts.nsf/fcontent?ReadForm&requesttype=view&requestview=authority&start=1&count=10&contentid=1.007>

**If an operator wants to bid for Bulk Routes, would they have to prove that they are able to perform these?**

To bid for a bulk routes, we would expect operators to answer questions showing how they intend to cover these, e.g. any proposed subcontractors, planning, capacity etc.

**Contract Terms**

**Are providers able to approach KCC for a price increase in case of rising costs?**

Generally, Operators will need to build this risk into their pricing model. A Variation Mechanism would be used when there are any changes in client requirements, to vary the contract price. As part of the he Council is currently considering the appropriate length of time to contract for fixed prices, and may include some form of index mechanism e.g. CPI going forward.

**Will termination clauses change going forward?**

These are yet to be confirmed, however, it is likely that these may be 30 days for individual routes, and longer for bulk routes, potentially 6 months.

**Will any contracts starting in September this year be on the existing terms and conditions?**

The New terms and conditions will only apply to contracts that are re-let through the DPS or Bulk Route process going forward.

**Will Terms and Conditions be issued ahead of the upcoming tender exercise, to give operators more time to review?**

Terms and Conditions will be published when the DPS tender opportunity is advertised, the new terms and conditions have been developed, taking into account feedback from the Home to School SEN phase 1 tender process.

**For bulk routes, if I act as the lead operator, and subcontract work to other operators, would I be responsible for their performance?**

Yes

**Could contracts be terminated at any time?**

Yes, by both sides. Flexibility is required for these services, as routes & clients are constantly changing. However, termination should be seen as a last resort; we would prefer to support Operators through Contract Management procedures.