

**WRITTEN QUESTION TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES
BY DEPUTY R.G. LE HÉRISSIER OF ST SAVIOUR**

ANSWER TO BE TABLED ON TUESDAY, 7th NOVEMBER 2006

Question

Would the Minister identify which of the recommendations, if any, of the Committee of Inquiry into Tender Process and Award of Bus Services Contract, as outlined in its final report RC 58/2005, have been implemented and which, if any, remain to be implemented, with the reasons why?

Answer

To provide Members with clear answers to the ten recommendations resulting from the Committee of Inquiry into Tender Process and Award of Bus Service contracts, the recommendations R 1 – 10 are copied below in *italics* with the response from the Minister below each recommendation.

R1 Any project that involves the use of external consultants should have a proper monitoring programme, with a senior manager of the sponsoring Department made responsible for managing the relationship with the consultants and monitoring their activities. Such a manager should have adequate time and other resources to be able to perform his duties effectively.

Major projects within the department are controlled by a senior manager who is given specific responsibility for its overall management and delivery.

R2 Any project that relies on the enactment of legislation to grant the Committee (or, in future, the Minister) the necessary powers, and that is run in parallel with the operational part of the project, must be planned and monitored carefully to ensure that timetables are set with reference to the legislative process and that the two parts of the project do not lose synchronisation with one another.

The extremely short timescale in which the original bus contract legislation was produced was recognized as a constraint on the original contract. The Minister has obtained Law drafting time for 2007 to allow any further changes to be made to the relevant legislation well in time for the 2009 deadline for the existing Connex contract.

R3 Careful consideration should be given as to what should be done in the event that the States do not enact the necessary legislation as drafted (or at all).

The position concerning the 2009 contract is somewhat different to that of 2002, in that there is legislation in place that allows the contract to operate. Clearly some refinement would assist in the ongoing development of the island's public bus service. However, if the changes do not occur, it does not prevent the existing contract from being re-tendered.

R4 In the absence of "Transfer of Undertakings: Protection of Employment" Regulations such as are in force in the United Kingdom, in the event that a Committee or Minister has to give an undertaking as to future terms and conditions of employment it should be "on terms no less favorable than those in force on [the operative date]."

Since the Committee of Inquiry delivered its report, the States has approved the Employment Law (Jersey) 2005 which provides a framework for employers.

The recent tender process for the school and summer service considered the procedures and terms & conditions in place should the contract be awarded to a new operator as part of the

evaluation process.

- R5 *Where the actions of third parties could materially affect an ongoing project, a suitable person from within the sponsoring Department should be assigned to monitor those activities and report all developments to the person responsible for the overall management of the project.*

In line with R1, this is considered to be an integral part of any project management procedure.

- R6 *E&PSC should take immediate action to determine whether the £186,000 payment in respect of the shift allowance and of appropriate sums for any services rationalised as a part of the compensation for the shift allowance subsequent to year 1 can be recovered, either from Connex or from any other person. The Committee should also seek advice on whether they should seek to negotiate appropriate adjustments to the contract price in respect of any on-going reduction in services.*

The Environment and Public Services Committee referred this matter to the Law Officers Department for advice and their advice is still awaited.

- R7 *It is clear that E&PSC accepted liability for payment of the Shift Allowance for the first year of operation of the Bus Service Contract without the benefit of considered legal advice. We therefore recommend that no Committee, Minister or Department should accept a liability without taking proper legal advice.*

This recommendation was accepted and in respect of the recent tender process for the school and summer service, the Law Officers department were involved throughout.

- R8 *Departments should maintain readily accessible, accurate and validated records of all projects undertaken, and management should foster a culture of reliance on validated fact rather than received wisdom.*

The previous Environment and Public services Committee agreed that relevant records should be maintained of all projects and it considered that the department already complied with the recommendation.

- R9 *Senior management within each Department of the States should ensure, so far as possible, that **all** relevant information is available to Committee Presidents or Ministers when Answers to Questions from States Members are being prepared.*

The Environment and Public Services Committee expressed doubts regarding the basis for this recommendation.

I am satisfied that senior managers in the department make available to me the necessary information when preparing answers to States Members questions.

- R10 *The Greffier of the States should put in place a procedure to ensure that, in the event of an Inquiry having to examine the records in his care, no alteration can be made to those records (even in such details as the numbering of pages) without the persons conducting the Inquiry being made aware of the proposed alteration and the reasons for it.*

This is a matter for the States Greffe to comment on.

- R.11 *Whenever a sub-committee, steering group or similar subordinate body has been appointed by a Committee or other superior authority for specific purposes, separate and detailed minutes should be made and preserved of the proceedings of the subordinate body including the bases for its decisions and recommendations.*

This recommendation was already fully implemented within the department.

