

**COMPTROLLER & AUDITOR GENERAL**  
**LETTER TO DEPUTY ROY LE HERISSIER REGARDING REQUEST FOR URGENT**  
**REVIEW OF THE OF THE AWARD OF THE CONNEX SCHOOL BUS CONTRACT**

20<sup>th</sup> November 2006

Dear Deputy Le Herisser

Following your recent e-mail to me it seemed appropriate to give some further consideration to the question of an urgent review of the award of the Connex school bus contract. I have now done this. The point of this letter is to set out the view that I have reached but first, I think that it might be helpful to give some indication of the issues I bear in mind when considering proposals that I should undertake urgent reviews. In no particular order, there are a number of factors that I would take into account:

- (1) There should be prima facie evidence that there are issues surrounding a decision or organisation which require urgent consideration in the public interest.
- (2) There needs to be good reason to believe that undertaking a review would enable the public interest in a decision or organisation to be protected (e.g. by enabling urgent action to be taken which otherwise would not be taken and which would safeguard the public's interest).
- (3) There needs to be reason to suppose that undertaking a review would not conflict with other processes e.g. there should be little or no risk of conflict with processes such as litigation.

Doubtless there are other issues which one might take into account in particular cases.

Since your last e-mail, I have revisited my consideration of the issues relating to the Connex school bus contract. This involved not just a re-consideration of my original review of the issues but also an initial review of the tender process, an initial review of the key tender documents, and a meeting with the Chief Officer of the Transport, Technical and Services Department to obtain his explanation of the tender process and the evaluation of the tenders which were received

I have to say that I am still of the view that there is no prima facie evidence that would justify an urgent review of the award of the contract to safeguard the public interest. I stress that I have particularly taken into account the matters which have been raised by Mr Lewis and others in correspondence and in meetings with me.

Secondly, given the fact that there is little prima facie evidence of issues that demand an urgent public review by my office, I also believe that there is limited opportunity for a review to lead to necessary action to protect the public's interest.

Thirdly, I understand that Mr Lewis has indicated that he is considering the possibility of commencing litigation against the department regarding the award of the contract. Others have confirmed to me that it is their understanding that Mr Lewis is considering this possibility. In the circumstances, there appears to be a risk that my undertaking a review at this stage might become entangled with a formal legal process.

For these principal reasons, I must decline your invitation to me to undertake a review of the award of the Contract at this stage.

It has for some time been my intention to arrange for a review in the course of the next year of the award of the first Connex contract. The timing has been carefully chosen to ensure that the results of the review will be available before the department begins to consider the process for re-tendering the scheduled bus service contract. The longstanding bus policy envisages that it may be appropriate for all bus services to be integrated in the interest of maximising the efficient utilisation of the bus fleet. Accordingly, in the fullness of time, the department may wish to consider the relationship between the contract for the scheduled bus contract and the school bus contract. For this reason, my current view is that in the context of my review next year, it will be appropriate to review the structure and working of the school bus contract.

As this question has become a matter of public comment, I will be making this letter public.

Yours sincerely

Chris Swinson OBE  
Comptroller and Auditor General