



Audit and Accounts Committee
28 September 2016

Report of the Chief Executive

ITEM 7

Reporting of Waivers

SUMMARY

1.1 There are a total of 10 waivers within this report.

These cover the period 23 June 2016 to 2 September 2016

Broken down by directorate we have

Directorate	Number of Waivers	Classification	
		Unavoidable	Avoidable
Communities & Place	1	0	1
People Services	4	0	4
Organisation & Governance	5	0	5
Total Number of Waivers	10	0	10

Of these waivers:

None were unavoidable

5 were avoidable but there were each valued at less than £10,000 and were put in place to allow continuity of service

5 were avoidable if measures such as better planning had taken place.

RECOMMENDATION

2.1 That the Chief Officers note the contents and approve the submission of the report to the Audit and Accounts Committee

REASONS FOR RECOMMENDATION

3.1 Approval is sought prior to submission to the Audit and Accounts Committee.

SUPPORTING INFORMATION

4.1 The low value waivers were:

An extension to the contract for software for consultation analysis to allow for a procurement process to take place - £5574

The Contractor is SNAP Surveys. The contract value was £15,000

An extension to the contract allowing payment to carers whilst implementation of a new process is completed - £2000

The Contractor is Softbox. The contract value was £25,000

An extension to the contract to host electronic registration responses for the 2016 annual electoral canvass to allow for a procurement process to take place - £6250

The Contractor is Electoral Reform Services Ltd. The contract value was £30,000

An extension to the contract allowing payments for residential care whilst implementation of a new process is completed - £8520

The Contractor is Servelec Abacus. The contract value was £60,000.

An extension to the contract for the software used by the Derby Adult Learning Service and an increase in the number of licences purchased due to the success of the apprentice scheme - £7500

The contractor is City & Guilds. The contract value was £25,000.

4.2 Appendix 2 lists those waivers that have been granted during the period 23 June 2016 to 2 September 2016 which were avoidable if measures such as better planning had taken place or are causes for concern due to their repetition.

OTHER OPTIONS CONSIDERED

5.1 Not applicable.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	
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For more information contact:

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Background papers: List of appendices:	None Appendix 1 – Implications
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IMPLICATIONS

Financial and Value for Money

- 1.1 Each decision to waive competition requirements, where competition exists, has a financial impact which is taken into account when preparing the application for the waiver.

Legal

- 2.1 The report complies with the requirements of contract procedure rules to report waivers to the Audit and Accounts Committee.
- 2.2 Any waiver that increases the overall contract value or which is a direct award of a contract without competition, even where the value is below EU procurement thresholds, is contrary to the overarching principles of the Treaty for the Functioning of the European Union (i.e. transparency, equal treatment, proportionality, non-discrimination and mutual recognition) and therefore exposes to the Council to a risk (albeit this risk will in most cases be low) of a legal challenge. The grant of a waiver in accordance with the Council's Contract Procedure Rules does not remove this risk.

Personnel

- 3.1 None.

IT

- 4.1 None.

Equalities Impact

- 5.1 None.

Health and Safety

- 6.1 None.

Environmental Sustainability

- 7.1 None.

Property and Asset Management

- 8.1 None.

Risk Management

- 9.1 Any risks associated have been considered by the Head of Procurement and are being managed as part of the procurement process.

Corporate objectives and priorities for change

- 10.1 None.

Appendix 2

Type of waiver	Department/ Division seeking the waiver	Background/Description of the Contract	Value	Request submitted through the waiver	Additional comments and/or reasons the waiver is needed	Date of Approval
Urgent	Organisation & Governance	The provision of a datacentre design service supporting the migration and managing and maintaining the network and infrastructure in the new location	£60,000	To award the contract to E2E without a tender process	E2E currently perform the existing services as a sub-contractor to our service provider. An urgent waiver was required to avoid an additional year in the existing datacentre which would have created a budget pressure of £120,000	12.07.2016
Cabinet	Organisation & Governance	The provision of temporary agency staff	£2,200,000	To extend the contract with Matrix CRM for a further 6 months	The procurement process was delayed whilst a full contract review took place to ensure any new contract was more successful in meeting our requirements	30.06.2016
Urgent	Peoples Services	The conversion of individual Statements of Special Educational Need and Learning Disability Assessments to new Education, Health and Care Plans within a specific timescale.	£8,750	To extend the contract with Baltimore Consulting for a further month (1/8/2016 to 2/9/2016)	This is the third waiver as the work has not been completed. The total amount waived is now £77,350	25.07.2016
Departmental	Communities & Place	The appointment of an Interim Market Manager to allow recruitment to take place	£22,000	To award a contract to Market Place (Europe) without a quotation exercise	The post is required to generate income No internal resource exists.	22.08.2016

Urgent	Peoples Services	The conversion of individual Statements of Special Educational Need and Learning Disability Assessments to new Education, Health and Care Plans within a specific timescale.	£40,000	To extend the contract with Baltimore Consulting for a further 16 weeks	No suitable candidates have been offered by other agencies This is the fourth waiver. The total amount waived is now £117,350	01.09.2016
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