



**Chief Officers**  
**30 November 2016**

Report of the Chief Executive

# ITEM 7

## Reporting of Waivers

### SUMMARY

1.1 There are a total of 8 waivers within this report.

These cover the period 5 September 2016 to 8 November 2016

Broken down by directorate we have

Directorate	Number of Waivers	Classification	
		Unavoidable	Avoidable
Communities & Place	4	0	4
People Services	2	0	2
Organisation & Governance	2	0	2
<b>Total Number of Waivers</b>	<b>8</b>	<b>0</b>	<b>8</b>

Of these waivers:

None were unavoidable

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

7 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:  
Purchase of 130 replacement locks for Derby Homes vans to combat increased levels of theft - £9,100  
The Contractor is Trade Vehicle Locks Ltd. The contract value was £9,100  
This is the only source currently available for the lock that will combat the use of a skeleton key.

An extension to the contract for a master planning exercise of the North Riverside area for additional works - £8,440  
The Contractor is The Environment partnership. The contract value was £60,000  
The additional works required are an extension of the outputs being provided as part of the original commission.

- 4.2 Appendix 2 lists those waivers that have been granted during the period which were avoidable and valued over £10,000.

## 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)	
For more information contact: Background papers: List of appendices:	Name Linda Spiby 01332 64 3274 e-mail <a href="mailto:linda.spiby@derby.gov.uk">linda.spiby@derby.gov.uk</a> None Appendix 1 – Implications

<b>IMPLICATIONS</b>
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**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	Communities & Place	The funding of the Christmas Lights	£41,000	To award the contract to D L Lighting without a tender process	£6,000 of funding will come from Partnerships for Better Business. D L Lighting won the previous tender.	08.09.2016
Departmental	Organisation & Governance	Software to provide benefits legislative training and updates to support Council staff working in that function.	£22,000	To extend the existing arrangement with Escalla for a further 12 months	A procurement process will be carried out during this timescale for future requirements. There does not appear to be an alternative source of a compatible product.	21.09.2016
Urgent	Communities & Place	The supply of a real Ice Skating Rink	£90,000	To make a material change to the remaining years of the contract with Showplace Ltd.	The changes double the cost of the contract which should have resulted in a new procurement process.	10.10.2016
Departmental	Organisation & Governance	Support for the Autodesk products used within the Council	£24,406	To award a contract to Cadline Ltd without a quotation exercise	Not to direct award would have incurred a cost increase of over £4,000 linked to exchange rate changes. Cadline Ltd are a support partner of our contractor.	19.10.2016
Departmental	Peoples Services	To provide mobility support to children in mainstream schools with a visual impairment	£18,000	To award a contract to Blind Children UK without a quotation exercise	Soft market testing only identified this single provider. Blind Children UK are the previous contract holder.	06.10.2016

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Departmental	Peoples Services	Make More Music in Derby Instrument Purchases	£22,934	To extend the contracts with Normans and Wind Blowers to exceed the quotation threshold	The success of the project has led to expenditure above the £25,000 quotation threshold. Both companies were successful bidders in the quotation exercise that took place.	07.11.2016
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