

Report of the Head of
Procurement and the Head of
Audit and Risk Management

Contract Waivers

RECOMMENDATION

- 1.1 To note the urgent waivers detailed in Appendix 2 of the Report.

SUPPORTING INFORMATION

- 2.1 Rule 6.7 of the Contract Procedure Rules requires that all waivers must also be reported by the Head of Procurement on a quarterly basis to the Audit and Accounts Committee so they can monitor their use.
- 2.2 Appendix 2 lists a summary of those waivers that have been granted since September 2009. A full copy of each waiver can be made available on request.

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| Background papers: | None |
| List of appendices: | Appendix 1 – Implications Appendix 2 – List of waivers granted |

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| IMPLICATIONS |
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Financial

1. Value for money has not been tested through a competitive process.

Legal

2. None directly arising.

Personnel

3. None directly arising.

Equalities impact

4. None directly arising.

Corporate objectives and priorities for change

5. None directly arising.

Contract Waiver Report

| Type of waiver | Department/ Division Seeking the waiver | Description of the Contract | Annual Value | Reason for the Waiver being sought | Comments | Date of Approval |
|----------------|--|---|--|---|--|---------------------|
| Urgent | Regeneration & Community | Autocad Software for the Highways & Transport Section from Microcad | £51,920 – inc two years licence support | Time - Discounted upgrade package deadline 02 Oct 09 | Formal tenders not sought but quotes obtained. Microcad submitted cheapest price. Will seek formal competitive tender before end of two year period | 02/10/2009 |
| Urgent | Regeneration & Community | Catering operation at Guildhall Theatre | £65,000 – return to Derby Live of £6,500 | Addition to current contract Time – production to start at Derby Theatre 07 October 2009 need to free up management time | Eurest already has Assembly Rooms until September 2010. Will combine requirements on re-tender. | 18/09/2009 |
| Urgent | Regeneration & Community | Public Realm - Works to Morledge to widen footways using natural stone materials | £1.810m | Time – need to complete work by March 2010 inline with opening of Bus Station | Waiver to the requirement to place a public advert, will invite six companies directly on basis of being on Midlands Highways Alliance Framework or previous work for Council to reduce the lead-time in the tender process and meet the deadline for the | 21/10/2009 |

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|--------------|------------------------------------|--|---------|---|--|------------|
| | | | | | works. | |
| Urgent | Regeneration & Community | Design of season brochures until May 2010 | £25,000 | Time – not sufficient time to tender for design to incorporate Derby Theatre to generate ticket sales. Continuity – provider currently designs brochures which was tendered. | Use current provider until corporate tender process for graphic design & print is in place approximately May 2010. | 18/08/2009 |
| Departmental | Regeneration & Community | Barrister for public enquiry on Sturges Fields registered as Village Green | £20,000 | Specialist – limited individuals with specialism in public enquiries. Waive need for quotes or tenders and appoint directly. | Has done previous work for Council. No competition demonstrated but costs checked with legal services. | 12/11/2009 |
| Departmental | Derby Community Safety Partnership | Purchase Alertbox Business & Residential communicators to allow alarms to be raised before attendance by the police in high burglary areas | £20,000 | Sole supply – equipment is unique, no other comparable product on the market. Will be used as pilot. | Searched internet for other products / providers. Alertboxes have national recognition at Home office level and have won Economic Development Awards | 27/10/2009 |