

**Reporting of Waivers**

**SUMMARY**

1.1 There are a total of 11 waivers within this report.

These cover the period 22nd January 2015 to 12th March 2015

Broken down by directorate we have.

Directorate	Number of Waivers	Approval route		
		Departmental	Urgent	Cabinet
AHH	1	1		
Neighbourhoods	6	5		1
CYP	2	2		
Chief Executive	2	2		
<b>Total Number of Waivers</b>	<b>11</b>	<b>10</b>		<b>1</b>

**RECOMMENDATION**

2.1 That the Committee note the contents of this report.

**REASONS FOR RECOMMENDATION**

3.1 The information is for reporting purposes only; no decision is required by the committee.

**SUPPORTING INFORMATION**

4.1 Appendix 2 lists those waivers that have been granted during the period 22<sup>nd</sup> January 2015 to 12th March 2015

<b>OTHER OPTIONS CONSIDERED</b>
---------------------------------

5.1 Not applicable.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Emily Feenan  Martyn Marples – Director of Finance and Procurement Richard Boneham – Head of Governance and Assurance
<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Name 01332 64 3271 e-mail <a href="mailto:ray.poxon@derby.gov.uk">ray.poxon@derby.gov.uk</a> None Appendix 1 – Implications Appendix 2 – List of Waivers granted 22 January – 12 March 2015

## 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 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	Annual Value	Request submitted through the waiver	Additional comments and/or reasons the waiver is needed	Date of Approval
Departmental	Neighbourhoods	Preparation of Flood Risk Management Strategy document.	£7,770 (total cost)	To waive the requirement to obtain three quotes and appoint TD Infrastructure Ltd to undertake the work. TD. TD Infrastructure previously undertook work to prepare a Strategic Flood Risk Assessment report and therefore have extensive knowledge which will be used to inform this latest requirement.	Urgent due to requirement to publish the report in the Autumn.	27.1.2015
Cabinet	Neighbourhoods	Bike Back Derby - Bicycle recycling service.	£45,000 for 15/16 financial year. From DfT Grant.	To extend the current contract with Life Cycle UK	Ex-offenders from HMP-Stocken refurbish the bicycles.	18.2.2015

Departmental	CYP	Provision of Training resources for the replacement CYP social care system. 30 days training required.	£13,300	To waive the requirement to obtain 3 quotes as only 2 suppliers are accredited to train users of the system. The lower of the two quotes was selected.		11.2.15
Departmental	Neighbourhoods	Specialist Low level Theatre Lighting installation – Derby Arena  For first / second floor fixed seating area.  Two quotes were sought from Specialist theatre lighting contractors. One quoted a four month lead time. The other was able to meet the installation deadline of 19 <sup>th</sup> March.	£9636	To waive the requirement to obtain 3 quotes and appoint Hawthorn Theatrical Ltd to undertake the work.	To achieve the deadline of 19 <sup>th</sup> March the order needed to be placed on 20 <sup>th</sup> February.	19.2.2015
Departmental	Neighbourhoods	Services to organise Elite Cycling event to take place 19 <sup>th</sup> March. Two specialists in the cycling field, Face Partnership and British Cycling were invited to assist with the event. British cycling declined due to commitments with cycling competitions.	£17,750	To waive the requirement to obtain 3 quotes and appoint Face Partnership to organise the event.	The event was originally scheduled April / May but has been brought forward at the request of the Cabinet Member.	20.2.2015

Departmental	Chief Executive	Electrical modifications to Riverside Chambers. To cover the door release systems, fire and intruder alarms.	£20,000	To waive the requirement to obtain 3 quotes and award to Morecrofts electrical.	Morecrofts undertook the original installations as sub-contractors to main construction contractor. Appointing directly for these additional works will save the main contractor mark-up whilst maintaining the system warranties.	24.2.2015
Departmental	Chief Executive	Riverside Chambers – Urgently required minor works to complete project. These include modifications to fire doors and kitchen, external paving and glazing	£12,000	To waive the requirement to obtain 3 quotes due to urgency as existing tenants are being restricted and the building cannot be occupied fully. The contract will be completed by Bailey Construction Ltd.		4.3.2015
Departmental	Neighbourhoods	Maintenance of Flood defences at Darley Abbey Mills including removal of trees, wall repairs and access formalisation as part of OCOR project.	£16,000	To waive the requirement to seek 3 quotes and appoint the Environment Agency (EA) to undertake the works.	The work needs to be undertaken quickly to comply with Grant funding requirements and also to remove trees before the bird nesting season starts.  EA have power to undertake the work under the Water Resources Act. They will undertake the work on a no profit basis.	5.3.2015

Departmental	AHH	Software Licence and maintenance for Abacus Residential software system.	£8460	To waive the requirement for competition and extend the existing contract with Abacus e-solutions Ltd for one year.	The system is due to be replaced by the new Liquidlogic AHH Social care system. Changes to the implementation date for Liquidlogic mean that the current system from abacus will need to be retained longer than planned.	10.3.2015
Departmental	CYP	Legal advice for Conversion of Noel-Baker School to Academy status.	£14,155	To Waive the requirement to obtain 3 quotes and Appoint Eversheds LLP to undertake the work.	Eversheds LLP have detailed knowledge of the PFI project agreement applying to this school as they were the legal advisors to the BSF project. Eversheds are therefore best placed to amend the Council's PFI project agreement.They have also worked on a previous conversion of a PFI school to academy status with DCC.	10.3.2015
Departmental	Neighbourhoods	Purchase of additional licence of the drainage design and analysis programme Micro Drainage (WinDes).	£6840	To waive the requirement to obtain 3 quotes and contract with XP Two potential suppliers were identified, one failed to quote.	The quotation process secured a 20% discount.	11.3.2015