



Chief Officers
March 2017

Report of the Chief Executive

ITEM 15

Reporting of Waivers

SUMMARY

1.1 There are a total of 19 waivers within this report.

These cover the period 10 November 2016 to 3 March 2017

Broken down by directorate we have

Directorate	Number of Waivers	Classification	
		Unavoidable	Avoidable
Communities & Place	10	0	10
People Services	3	0	3
Organisation & Governance	6	0	6
Total Number of Waivers	19	0	19

Of these waivers:

None were unavoidable

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 departmental waivers were:
A strategic review of the Library service - £18,000

The Contractor is Locality

This is a specialist role and this company was recommended by other local Authorities.

Quick credit voucher service - £21,859

The Contractor is Paypoint.

The contract allows staff to issue vouchers for utility top ups.

Emergency roof repairs to the Market Hall glass roof - £24,993

The contractor is Central High Rise.

This company has an existing low value contract to repair the high level walkway.

Purchase of specialist architectural software - £6,708

The contractor is NBS

No other UK source could be found

Study into future public transport needs - £18,000

The contractor is WYG

Previous work has been awarded through a compliant framework but this has expired.

Azure Cloud monitoring - £13,500

The contractor is Bytes Software Services

A one month FOC trial identified savings so this is being taken up for 6 months.

Extension of software support contract for 12 months - £7,515

The contractor is Geowise Limited

The software is info4derbys website, info4scholsmapping tool and Hi4EM regional housing web tool.

Children in Care Quality Assurance - £10,000

The contractor is Nottingham City Council

The work is required to be completed prior to an impending Ofsted inspection.

D1N2 Social investment platform - £18,100

The contractor is Social Finance

The cost has been split equally between the 3 commissioners.

DEGF Support contract - £10,000

The contractor is BE Group

The Derby Enterprise Growth Fund Manager has recently left the Council so interim support is required.

Assessment of the effectiveness of internal audit - £25,000

The contractor is Milford Research and Consultancy

The work will also help prepare for external assessment.

Asset Management Software Support - £24,870

The contractor is Elf Software Ltd

This will allow the support contract to run concurrently with the Software licence contract.

- 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 linda.spiby@derby.gov.uk None Appendix 1 – Implications

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	Catering Services for the Council House	£28,200	To extend the contract with Elior	The current contract/lease expired 11 December 2016. This extension will allow continuity of services whilst the changes are made to the ground floor.	07.12.2016
Urgent	Communities & Place	Agency staff to undertake property asset valuations	£51,948	To enable the use of agencies outside the current contract	Audit have highlighted the need to expand the 16/17 programme which needs to be completed by March 2017.	13.12.2016
Cabinet	Communities & Place	Roof repairs to Queens Leisure Centre.	£516,000	To award a contract to Bowmer & Kirkland.	The roof is at danger of total collapse if nothing is done	14.12.2016
Urgent	Communities & Place	Agency staff in Property Design & Maintenance	£71,000	To enable the use of agencies outside the current contract	2 Urgent posts need to be filled following a failed recruitment drive	04.11.2016
Cabinet	Organisation & Governance	Software support and maintenance for the Customer Relationship management system.	£50,000	To extend the existing contract with Kana Software	Soft market testing with be carried out and a new contract in place by April 2018.	28.11.2016

Urgent	Peoples Services	Secondment agreement with Blackburn and Darwin Council	£98,000	For the services of a commissioning manager (Health)	The individual has refused to be employed on DCC terms and conditions	06.01.2017
Urgent	Communities & Place	Consultants to undertake property asset valuations	£35,000	To award a contract to Innes England	Additional resource through agencies has been difficult to obtain	28.02.2017