

Reporting of Waivers

SUMMARY

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

Broken down by directorate we have

Directorate	Number of Waivers	Approval route		
		Departmental	Urgent	Cabinet
Neighbourhoods	5	3	2	
Resources	2	2		
Children and Young People	2	1	1	
Chief Executives	1		1	
Derby Homes	1		1	
Total Number of Waivers	11			

- 2 of the waivers relate to single (sole) supplier (Indicated within the waiver report)
- 6 of the waivers were approved under departmental authority, and a further 5 under an urgent action.

RECOMMENDATION

2.1 That 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 since the last report to the committee (June 2012).

OTHER OPTIONS CONSIDERED

- 5.1 Not applicable

This report has been approved by the following officers:

Legal officer	N/A
Financial officer	N/A
Human Resources officer	N/A
Service Director(s)	Martyn Marples – Director of Finance and Procurement
Other(s)	

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Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – List of Waivers

Appendix 1

IMPLICATIONS

Financial and Value for Money

1.1 None

Legal

2.1 The report complies with the requirements of contract procedure rules to report waivers to the Audit and Accounts Committee.

Personnel

3.1 None

Equalities Impact

4.1 None

Health and Safety

5.1 None

Environmental Sustainability

6.1 None

Asset Management

7.1 None

Risk Management

8.1 None

Corporate objectives and priorities for change

9.1 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	Resources	<p>Supply, implementation, maintenance and support for online legislative training and guidance software and associated training.</p> <p>Since 2009 have contracted with Training Synergy for their supply of 'Regs & Courseware' online legislative and guidance software. The contract is due to end 24 September 2012. The wish is to continue the use of the software and therefore avoid the necessity for staff to learn an alternative system.</p>	£12,975	The Contract with Training Synergy for the continued supply of Regs & Courseware tool for a further period of 2 years		24/09/2012
Urgent	Neighbourhoods	<p>The trial of a unique method of road re-texturing, developed by the contractor (Pavestech) on the A5111 Manor Road, as part of this years skid resistance improvement programme.</p> <p>This site has been designated as high risk for traffic accidents as it is low in skid resistance. This is a unique process that will restore the skid resistance and texture depth to an acceptable level allowing water to drain more affectively. This may reduce the potential for accidents</p>	£50,000	<p>Urgent decision will allow work to take place before winter.</p> <p>Request is to waive the requirement for competitive tendering.</p>	<p>If the trial is successful, further requirements will be procured in accord with contract procedure rules thus avoiding the need for further waivers.</p> <p>Single Supply</p>	24/09/2012
Departmental	<p>Planning and Facilities Management / Maintenance and Energy</p> <p>(Neighbourhoods)</p>	<p>Building Management Systems one year Service Level Agreement (SLA)</p> <p>Support for the 44 BMS equipped sites including 16 using the latest Trend Control software are currently maintained by an in house engineer supported by two sole trader consultants. However they do not have accessed to the latest tools needed to maintain the latest software as these are only supplied to accredited service</p>	£21,133	Waive rule 8.2 to directly invite at least 4 organisations to tender .	<p>Trend Control Systems accredit service engineers to work on their systems.</p> <p>Single Supply</p>	20/03/2012

		engineers. It is proposed to enter into a 12 month agreement with TCS to work with and support the in house engineer to achieve the necessary accreditation to maintain all DCC TCS BMS systems.				
Departmental	HR and Business Support / Resources	<p>Learning Management System (RMS Tenon)</p> <p>This is a new learning management system that will enable Derby City Council to train and develop large groups of staff. Implementation of an LMS or e-learning system platform is essential for data protection training and for a number of HR initiatives in the business plan.</p> <p>Due to an underestimate of the cost of the system a quotation process was undertaken rather than open tender.</p>	£33,250	<p>Waive CPR in relation to formal tender process which includes the requirement to advertise on the Source Derbyshire website.</p> <p>Propose to award the contract to RMS Tenon.</p>		31/07/2012
Departmental	<p>Planning and Facilities Management / Maintenance and Energy</p> <p>(Neighbourhoods)</p>	<p>Low Carbon Economy Research/Engagement Programme</p> <p>Research/engagement project with the University of Derby and Derbyshire County Council to identify opportunities and practical projects to enable the local area to take advantage of the evolving market of climate change.. This will help to map out the number of climate change related jobs that can be created along with wider opportunities to help current business upskill and diversify. The findings from the research will inform the LEP, the city's Economic Strategy and the emerging Climate Change Strategy.</p>	£30,000 project cost. DCC contribution to be £15,000	<p>To contract directly with Derby University and waive the requirement to seek competition.</p> <p>Derby University already has strong links with Derby businesses and the Council officers working on this project.</p>	Project needs to start September in line with academic year.	
Departmental	Neighbourhoods	<p>Derby HMA Strategic Housing Market Assessment and Employment Land Review Evidence Base Element Update</p> <p>Earlier this year GL Hearn were, following a</p>	£30,000	To waive the CPR requirement for 3 quotes and appoint GL Hearn to undertake the assignment.		15/08/2012

		<p>tender process, selected to undertake research on Derby housing, the markets area housing study.</p> <p>It has been decided to undertake further research and update research undertaken in 2008. This will need to draw heavily upon the work contained within the recent housing Requirement Study to ensure consistency and continuity of information underpinning the emerging aligned core strategies of the HMA.</p>				
Departmental	CYP Services	<p>Service Director Recruitment</p> <p>In May 2012 tenders were issued to select an agency to support the recruitment of 2 Service Director posts. Gatenby Sanderson were selected having offered terms 24% lower than the nearest competitor. A review of recent tenders show Gatenby Sanderson has been successful in securing all tenders and have delivered a successful and professional service.</p> <p>A further vacancy has arisen which needs to be filled urgently.</p>	£12,000	To award GatenbySanderson the contract to search for and select a Service Director Post without conducting a tender process.		27/07/2012
Urgent	<p>Planning and Facilities Management / Maintenance and Energy</p> <p>(Neighbourhoods)</p>	<p>East Street Link Bridge</p> <p>Urgent remedial work to the bridge parapets, as identified as immediate urgent actions following appraisal by our Structural engineers. Retendering procedures at this stage will increase likelihood of bridge closing.</p>	£45,177.96	<p>Prices were obtained under the quotation process, however the prices returned were over the £30,000 quotation limit.</p> <p>Due to the urgency of the works it is proposed to waive the requirement to open tender and appoint the lowest price contractor Bailey Construction (Derby) Ltd</p>	This will allow urgent works to proceed without delay of tender process.	14/08/2012

				to undertake the contract.		
Urgent	Derby Homes	<p>Supply and Installation of Composite Doors</p> <p>3 years ago Norfolk Frames were awarded a contract for supply and installation of timber doors in approx 3,750 Council dwellings. (Approx £1.5m value).</p> <p>Norfolk are now in administration and 750 dwelling still need installation. Given that tender process was 3 years ago it is not appropriate to go back to original bidders. Yorkshire Windows Limited have been supplying windows under same programme and their price for doors are cheaper than Norfolk.</p>	£300,000	To waive contract procedure rule 8 and award contract to Yorkshire Windows.		03/08/2012
Urgent	Learning and inclusion / CYP	<p>Appointment of 2 part time Ofsted Inspectors (Consultancy Work)</p> <p>There is an urgent requirement to appoint 2 Ofsted inspectors to support schools who have been served notices to improve or placed in special measures.</p> <p>The contract will be for one year 2012 – 2013.</p>	X2 @ £500 per day per person for 50 days (£50,000)	Due to the urgency of requiring 2 part time Ofsted inspectors the CPR to be waived is section 8, competition requirements. It is requested the 2 inspectors are appointed directly without the need to undertake a competitive tender.	Tender to be undertaken for further requirements in order to avoid future waivers.	
Urgent	Regeneration / Chief Execs	<p>T12 and Global Technology Cluster</p> <p>To employ consultants to progress the development of the T12 link road and infrastructure to facilitate the proposed Global technology Cluster (GLC). The Project will also entail bringing forward the first phase of development on 3.9ha within the GTC, to be known as the Innovation Campus, in a joint venture partnership arrangement with Derby University and other University partners.</p> <p>The proposed consultants are those who have</p>	<p>Project Manager – Gleeds Management Services - £30,000 +VAT</p> <p>Quantity Surveyor - Gleeds Management Services - £6,000 +VAT</p> <p>Drainage and</p>	To proceed with the appointment of the named consultants without competition as they have extensive knowledge of the project.		28/06/2012

		had involvement with this project over a number of years via developers and the now closed East Mids. Development agency.	<p>Flood mitigation advice – BWB Consulting - £4,500 +VAT</p> <p>Architect / Masterplanner – Stephen George and Partners - £10,000</p> <p>Commercial Advice – Thomas Lister Limited - £25,000 +VAT</p>			
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