

## Reporting of Waivers

### SUMMARY

- 1.1 There are a total of 18 waivers within this report, one of which was not received until after the last waiver report was issued.

Broken down by directorate we have

Directorate	Number of Waivers	Approval route		
		Departmental	Urgent	Cabinet
Neighbourhoods	6	4	2	0
Adults, Health and Housing	6	2	1	3
Resources	4	1	2	1
Children and Young People	2	0	2	0
<b>Total Number of Waivers</b>	<b>18</b>	<b>7</b>	<b>7</b>	<b>4</b>

- 8 of the waivers relate to single suppliers ( Indicated within the waiver report )
- 1 of the waivers came as a result of a decision by the contractor to cease the contract

- 1.2 7 of the waivers were approved under departmental authority, 7 under an urgent action and 4 by cabinet.

### 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.

## OTHER OPTIONS CONSIDERED

- 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>Service Director(s)</b> <b>Other(s)</b>	Martyn Marples – Director of finance and procurement
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<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Ray Poxon 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 that have been granted since the last report to the committee.
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<b>IMPLICATIONS</b>
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**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	Adults, Health and Housing	<p><b>Local area coordination</b></p> <p>Use of specialist consultant to implement local area coordination model in Derby. Work will initially be undertaken in learning disability services with a potential to expand to all customer groups</p> <p>Inclusive Neighbourhoods have unrivalled experience within this area.</p>	<b>£25,000</b>	To waive the contract procedure rules to enable us to commission the required work direct from Inclusive Neighbourhoods	<p>Inclusive Neighbourhoods approach has been successfully implemented in Middlesbrough and Cumbria</p> <p><b>Single Supplier</b></p>	<p>26/05/2011</p> <p>This waiver was not received until after the last waiver report was issued.</p>
Departmental	Adults, Health and Housing	<p><b>Developing citizen leaders in Derby</b></p> <p>Contract to provide specialised Citizen leader training.</p> <p>Citizen leader training is a specialised area of training. There is no awareness of another provider in England with the breadth of knowledge and experience of personalisation and self –directed support able to provide this programme</p> <p>The programme will be unique, tailored to met local needs rather than a off the shelf solution</p> <p>In Control Partnerships working together with DCC , will deliver the first programme which will subsequently be delivered in partnership with the council and disabled people and their families thereafter</p>	<b>£23,700</b>	To waive the contract procedure rules to obtain 3 written quotes and award a contract to In Control Partnerships	<p><b>Single Supplier</b></p>	22/08/2011

Urgent	Resources	<p><b>Contracts For High – Speed Internet Connection To Schools</b></p> <p>We currently have contracts with Ja:net and Emman which provide connections to schools</p> <p>The contract with Emman expires 31<sup>st</sup> July 2011 and the contract with Ja:Net which expires 31<sup>st</sup> March 2012</p>	<b>£32,581.83</b>	To waive the contract procedure rules and bring both contracts under Emman until 31 March 2013	<p>After this has expired we will seek competitive tenders or use the emPSN framework if applicable.</p> <p>The contract extension will allow connection upgrades to be delivered</p>	23/08/2011
Cabinet	Resources	<p><b>Contract For Managed ICT Service For Schools</b></p> <p>The management of the schools ICT servers and infrastructure was outsourced to Nvion Ltd under a managed service agreement dated 1 Jan 2007.</p> <p>The minimum period of duration of the agreement is five years with no end date specified</p> <p>The contract requires the council to give 3 months notice of termination after the minimum contract which ends 31 December 2011</p> <p>Schools have currently signed up for the main DCC ICT service until 31 March 2013</p>	<b>£105,000</b>	<p>To waive the contract procedure rules and extend the existing contract with Nvion for a managed ICT service to schools</p> <p>To extend the contract to 31 March 2013</p>	<p>To extend the Nvion contract to match the term of DCC support contract to schools</p> <p>Tendering for a short term contract would not achieve value for money for the school compared to the existing contract</p>	07/09/2011

Departmental	Neighbourhoods	<p><b>High Speed Two Study</b></p> <p>A study is required to look at the respective economic merits of the potential location of the HS2 east midlands station,</p> <p>Arups have already undertaken extensive research for other clients on the HS2 project and have an advantage over other consultancies</p> <p>Their proposal would be sought under a competitive environment and if their fee proposal is considered to be too high the contract would not be awarded to them</p>	<b>£18,000 to £25,000</b>	To waive the contract procedure rules and the contract should be tendered to a single supplier (Arups) – to provide a fee proposal and methodology.	Arups have extensive experience of researching the impact on HS2	30/10/2011
Urgent	Neighbourhoods	<p><b>Markeaton Crematorium: Maintenance Contract</b></p> <p>Crematory equipment manufactured and installed by Facultative. Mercury abatement modification to be added in 2012/13 via an existing framework.</p>	<b>£40,000</b>	To waiver the requirement under the contract procedure to award directly to Facultative for the maintenance of the cremators.	Facultative will provide both the equipment and maintenance for the cremators.  <b>Single Supplier</b>	31/10/2011
Departmental	Neighbourhoods	<p><b>Maintenance and Support of Parking Services IT Infrastructure</b></p> <p>The current contract parking system was awarded in June 2006 to Chipside Ltd following an Ojeu Notice</p> <p>After being contacted on a framework for renewal all the suppliers stated they do not provide support or maintenance to a system that was not installed by them.</p>	<b>£27,000 for 3 years</b>	To waive the contract procedure rules to enter into a 3 year contract with Chipside Ltd for the maintenance and support of an IT Parking Service	Extending the contract with Chipside is a lower cost alternative to replacing the whole system.  <b>Single Supplier</b>	06/12/2011
Urgent	Resources	<p><b>Business Travel Contract ( CO-operative Management</b></p> <p>The contract with CO – operative travel management has been signed in Jan 2007 (following a collaborative EU procurement process together with Derbyshire County Council) for a period of 3 years with a possibility to extend for 2 years. The contract will end on the 31<sup>st</sup> of December 2011.</p>	<b>£66,000</b>	To waive the contract procedure rules and extend the current contract with Co –Op travel management for 6 months until June 2012	<p>Derbyshire have decided not to continue with the contract for another year at short notice</p> <p>6 monthly contract extension required whilst Derby City put a compliant contract in place</p> <p>CO – operative have agreed and will deliver the service on the same term and conditions</p>	13/12/2011

Urgent	Neighbourhoods	<p><b>London 2012 Look and Feel In Local Authorities With Permanent Live Sites</b></p> <p>Greater London authority provided a grant of £30,000 for promotional materials and have advised the supplier from whom materials should be sourced (ICON)</p> <p>London organising committee of the Olympics (LOCOG) have worked to ensure the supplier is competitive and are value for money</p>	<b>£30,000</b>	To waive the contract procedure rules and enter a contract with ICON as the approved supplier of LOCOG for the look book materials	<p>The contract will start in December 2011 and cease on 31 December 2012</p> <p>The contract with ICON will supply , deliver and install, if required, the look book material for the 2012 London celebrations in Derby 2012</p> <p><b>Single Supplier</b></p>	14/12/2011
Urgent	Adults, Health and Housing	<p><b>Care Link: PNC4 Call Handling System Upgrade to PNC6</b></p> <p>Care Link provides life saving response and care services to just under 6,000 customers and deals with 16,500 calls per month. However the call handling system of PNC4, is now out dated and shortly will no longer be supported by Tunstall</p> <p>The new upgrade (to PNC6) is £74,846; this system will allow newer forms of telecare and telehealth which will enable us to make savings elsewhere in the council. Replacement of the entire system has been considered but does not offer value for money as it would involve replacing some equipment which is still serviceable and so an upgrade of the existing system is proposed.</p>	<b>£74,846</b>	To waive the contract procedure rules and agree to a contract with Tunstall for the upgrade of the current handling system (PNC4 TO PNC6)	<p>An upgrade via Tunstall enables currently serviceable equipment to be utilised</p> <p>Care staff are also familiar with the use of the system</p> <p>A business case recommending the upgrade was approved by the AHH Transformation board and the ICT Strategy board</p> <p><b>Single Supplier</b></p>	15/12/2011
Cabinet	Adults, Health and Housing	<p><b>Disabled Persons Day Service - Disability Direct</b></p> <p>Current contract is with Disability Direct which was awarded via a contract waiver 1 April 2011 to 31 March 2012</p> <p>Disability direct have performed well on the existing contract</p>	<b>£153,000</b>	To extend the current contract with disability direct for the provision of day opportunities for adults with physical disabilities for a 9 month period from 1 April to 31 December 2012	The request is to extend the contract up to the 31 <sup>st</sup> of December to bring disabilities day service in line with other day centre services for adults of working age, including learning disabilities, services will then be reviewed in light with the emphasis of self directed support.	21/12/2011
Departmental	Neighbourhoods	<p><b>Transport For Quality of Life – LSTF Project</b></p> <p>Current contract with Transport For Quality of Life. Planned expenditure was £5000. Attempts to recruit to the transport planning team have been unsuccessful and therefore it is necessary to extend the use of consultants longer than originally planned</p>	<b>£10,000</b>	To waive the contract procedure rules which will allow the city council to extend an existing contract with consultants.	The deadline for completion to the department for transport is 24 <sup>th</sup> February 2012	06/01/2012

Urgent	Children and Young Peoples	<p><b>Counselling Services to Children and Young People Provided By Relate – Safe Speak</b></p> <p>Counselling Services are provided in partnership between youth services and Relate – Safe Speak under a contract which expires March 2012 (£30,000 per annum)</p>	<b>£40,000</b>	Approve the extension of the contract with relate – Safe Speak for the provision of counselling services from 1 April 2012 to 31 March 2013	<p>Current arrangement of £30,000 approved under a waiver</p> <p>Higher contract value due to requirement of clinical supervision for the councillors within the youth service</p>	12/01/2012
Urgent	Children and Young Peoples	<p><b>Scanning of Looked After Children's Files Into Case Management System</b></p> <p>The council has previously contracted Northgate PLC to scan looked after children's files into the children's case management system , since 2008 no new paper based files have been created</p> <p>However at the point of transferring over to electronic records a significant number of paper copies still existed – these are the records which are going to be submitted to Northgate</p> <p>Due to the fact a substantial number of social care files have already been scanned by this company, these further files need to be scanned into the system in the same manner and order so that continuity is maintained</p>	<b>£65,850 to scan 1.75 million images</b>	To waive the contract procedure rules and award a contract for scanning of looked after children's files into case management system to Northgate Plc in order to enable DCC to comply with government legislation and a recent ofsted report	<p>This service can only be provided by Northgate as we have their system in place</p> <p><b>Single Supplier</b></p>	13/01/2012
Departmental	Resources	<p><b>Fees In Respect Of Designs To Assist In The Serving Of An Urgent Works Notice</b></p> <p>Urgent requirement in order to facilitate repairs to the hippodrome theatre following a fire.</p> <p>Expert advise required due to the nature of the building from Abacus from the Atkins framework</p>	<b>£9,000</b>	To waive the contract procedure rules due to previous structural involvement with to this building, Abacus, have a unrivalled knowledge of the property	<p>Abacus has extensive knowledge of the property, using an alternative structural engineer would add cost to the project.</p> <p>English Heritage are providing a grant to support this work</p>	20/01/2012
Cabinet	Adults, Health and Housing	<p><b>Handy Side Court – Housing 21</b></p> <p>Current contract with Care Watch since 2009 to May 2012 with an option to extend for a further two years.</p> <p>Care Watch have given notice of intention to withdraw from the contract from May 2012</p>	<b>£75,344</b>	To waive the contract procedure rules and award the contract for domiciliary care for tenants at Handy Side Court to housing 21	<p>Long term plan to appoint a provider for all extra care services in Derby from October 2012/13</p> <p>Short term contract with Housing 21 ( a current provider of services ) to allow time for a full tender process to be completed</p> <p>Tender has been issued and returns are due 16<sup>th</sup> March 2012</p> <p><b>* Contractor has ceased the contract</b></p>	30/01/2012



Cabinet	Adults, Health and Housing	<p><b>Delivering Learning Disability Service Modernisation 2012/2013</b></p> <p>Learning disability service modernisation is required to deliver much needed service improvements and savings proposed in the council's 2012/13 budget</p> <p>Ambrey Associates are currently delivering a development programme for learning disability service and their consultants have direct experience of successfully leading and managing closure programmes of in-house residential and day services for local authorities</p>	<b>£60,000</b>	To waive the contract procedure rules and approve the appointment of Ambrey Associates to manage the modernisation of the council respite service and day services	Ambrey associates have collated a wealth of knowledge under their existing contracts which will enable them to support this new assignment	21/02/2012
Departmental	Neighbourhoods	<p><b>Full Replacement Of The Stone Heads Artwork</b></p> <p>The replacement of the main set of ceramic heads at the tree grill on friar gate. The original artwork was conceived by ceramic artist Timothy Clapcott and requires his consent to repair, move or change the appearance of the art work.</p>	<b>£15,000</b>	To waive the contract procedure rules to allow Timothy Clapcott to provide a Full replacement of the stone heads (80+) artwork at the main tree grill site on friar gate.	<p>Art work in need of refurbishment , We have an agreement that the original artist should undertake this work</p> <p>These original ceramics have lasted over 11 years and only suffered due to extreme and rare temperatures. Over the last 2 years Mr Clapcott has refined his techniques and believes they will now last up to 20 years.</p> <p><b>Single Supplier</b></p>	22/02/2012