

Reporting of Waivers

SUMMARY

- 1.1 The Council's new Contract Procedure Rules approved by full Council on 20 May 2009 require 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.

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 February 2010.

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)	n/a
Other(s)	n/a

For more information contact:	Dawn Moran, 01332 256296 e-mail Dawn.Moran@derby.gov.uk
Background papers:	None
List of appendices:	Appendix 1 - Implications Appendix 2 – Waiver details

IMPLICATIONS

Financial

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

Carbon commitment

6.1 None

Value for money

7.1 Undertaking robust procurement processes will support the delivery of value for money. The use of waivers are to be limited to exceptional circumstances.

Corporate objectives and priorities for change

8.1 Pursuance of the processes required by the contract procedure rules will support the Corporate Objective of delivering greater value for money in the delivery of services.

Appendix 1

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	Resources	Provision of gas supplies through a national framework	£2m per annum	Urgent need to commit to the October 2010 basket..	The OGC Buying solutions framework for the supply of gas has been procured in compliance with the European procurement Directives. The waiver was taken because of the lack of time to take the approval to use the framework to Cabinet in accordance with CPR	9/3/2010
Urgent	Resources	Occupational Health Service	£59233	Extension of the contract for Occupational Health Services whilst undertaking a review of the service was undertaken	The extension was for a period of six months to October 2010. The review recommendations were to be implemented by 1 st October 2010 which should negated the requirement for a further contract	27/4/2010
Urgent	Neighbourhoods	Bonding Material in relation to Stone products and materials	£59,479	Sole supplier of the product.	Alternative tenders could not be sought as the Materials used within the Public Realm materials strategy.	23/3/2010
Urgent	Neighbourhoods	Maintenance of the Electronic Information System at Riverlights Bus station	£41,563	Sole supplier of maintenance for the system.	The original system was installed by the developer of the bus station. The council has taken over operation of the site and needs maintenance	14/4/2010

					contract in place to ensure the ongoing support of the system.	
Urgent	Chief Executive's	Provision of a mediation service	£40,000	Waiver sought to avoid disruption of the service.	The mediation service was commissioned by the Multi Agency Gang team to improve the team's tension monitoring capability and to improve engagement within communities to maintain community cohesion.	16/7/2010
Urgent	Regeneration and Community	Stone Materials for the Station Interchange Programme	£50,000	Requirement to spend \$50,000 of EMDA funding before end of March 2010	Sole supplier for the required Yorkstone.	18/3/2010
Urgent	Neighbourhoods	Gayton Pool Managed Service Contract	£149,882	Waiver sought for the award of the contract without going to cabinet.	An open OJEU tender process was followed to award the contract. The urgency to award the contract due to the requirements for the pool's opening meant that there was not time to wait for the next cabinet meeting.	17/8/2010
Urgent	Neighbourhoods	Urban Traffic Management & Control System- server and software upgrade	£60,000	Inability to tender the requirement because of compatibility with existing equipment.	On street equipment and back office systems have become incompatible and increase the risks of failure of the system. The legacy network system determines the requirements of the back office software and makes competition for the requirements impossible.	17/8/2010
Cabinet	Children and	Software Module for the	£ 41,350	In order to build	Childcare and family	16/3/2010

	Young People	provision of a childcare directory		on existing systems used in the department.	learning service required to enhance their existing directories using their existing software provider. Value of the additional module is above the value of the original tendered requirements.	
Cabinet	Chief Executive's	Railway Station Advertising	£40,000	Sole supplier for this service as they have sole rights on the hoardings at the station	Funded out of the Cultural landscape funding awarded to the Council. Advertising to attract new visitors to the city.	16/3/2010
Cabinet	Children and Young People	Provision of a quality tool to assess the provision of Childcare within the City of Derby	£96,000	The ECERs tool provided by the supplier is recognised as the leading tool to undertake the assessment.	Other tools were reviewed but felt that this would provide the best outcomes.	8/06/10
Cabinet	Neighbourhoods	Supply of large print and Audio books	£90,000	Sole supplier issues.	In order to be able to fulfil the requirements of library users in terms of the range of titles the Library service need to be able to select a company based on the titles they can provide. Could consider a multi supplier framework or add these requirements to the Council's exemption to contract procedure rules.	27/7/2010
Departmental	Children and Young People	Provision of a platform wheel chair lift	£8,000	Urgency of requirement and opportunity to benefit from a cancelled order.	The lift was required at a school site for the start of the Autumn term and a saving of approximately £4000 was made through the opportunity to take	8/07/2010

					advantage of a cancelled order with the supplier.	
Departmental	Asset Management	Fire Alarm equipment and installation at the Derby Market Hall.	£16,000	Using existing supplier of original equipment reduced long term costs of the solution.	Deficiencies in the existing alarm system required an upgrade to the existing system. Asset management did not want to have two contracts in relation to this equipment.	8/03/2010
Departmental	Community Safety Partnership	Services to support outcomes of the Youth Crime Action Plan	£10,000	Specialist supplier of Victim support services	Current service only provided by the contractor and feel that they are the only organisation with access to information to deliver the required service.	25/2/2010
Departmental	Corporate and Adult Social Services	Purchase of additional equipment for an interactive consultative system.	14,000	Sole supplier as an extension of an existing system	System used across other partner organisations.	24/3/2010
Departmental	Regeneration and Community	Supply of Standing Stones for Morledge scheme	19,960	Placing Pre order of stones to enable expenditure required by funding requirements.	Sole supplier of specific stone.	24/3/2010
Departmental	Community Safety Partnership	Supply of 4 wireless 3G mini dome cameras	£29400	Opportunity to upgrade older cameras using the contractor which has supplied the newer stock.	CSP had gone out to tender in March 2009 for 6 new cameras. Utilising that contract to upgrade these four cameras enabled them to get compatibility across the network and demonstrate value for money.	12/03/2010
Departmental	Regeneration and Community	Customer satisfaction survey and benchmarking service for Highways and	4,900	Specialist supplier	The service is unique because of the participation of authorities	20/4/2010

		transport services			across the UK through the NHT network.	
Departmental	Chief Executive's	Web based media management tool	£9,682	Extension to existing contract while reviewing requirements.	The existing contract is not compliant and a tender process is to be initiated to replace the system when the requirements have been established.	12/4/2010
Departmental	Chief Executives	Centre for Cities Partner Engagement	£25,000	Sole supplier	Regeneration states that this supplier is unique in their ability to deliver the requirements of the contract.	16/4/2010
Departmental	Chief Executive's	Huddle Web Portal	£9,135	Urgency of requirement to use EMDA funding	Informal assessment of alternative solutions had been undertaken to decide on best solution but formal quote process not followed.	15/3.2010
Departmental	Regeneration and Community	Bus Service 35	£26,500	Extension to existing contract to enable review of longer term requirements	Tender process will begin in September subject to outcome of review.	24/6/2010
Departmental	Regeneration and Community	Bus Service 17a	£4450	Extension to existing contract to enable review of longer term requirements	Tender process will begin in September subject to outcome of review.	24/6/2010
Departmental	Neighbourhoods	Library Stock performance Management system	£17,000	Sole Supplier	Libraries believe that the product is unique.	05/05/2010
Departmental	Chief Executive's	Queuing system	£17,150	Opportunity to reuse existing equipment and save costs	Informal quotes were obtained to benchmark the alternative to expanding on the existing system.	19/7/2010

Departmental	Neighbourhoods	Retexture Road to Mansfield Road	£25,000	Sole supplier of method of treating carriageway.	Alternative treatment of road surface to deal with skid risks. Compared to standard resurfacing approach would save approximately 80% costs.	1/9/2010
Departmental	Children and Young People	Children Workforce Development funding for voluntary sector engagement	£20,000	Voluntary sector partner delivered previous funding programme.	Funding provided by the Children Workforce Development Council to support voluntary to engage in CYP workforce reform.	10/8/2010