



Reporting of Waivers

SUMMARY

- 1.1 The Councils revised 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 1 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:

Legal officer Financial officer Human Resources officer Service Director(s) Other(s)	
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For more information contact: Background papers: List of appendices:	Name 01332 64 3377 e-mail martyn.marples@derby.gov.uk None Appendix 1 – Implications
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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 1

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
Urgent	Resources	<p>Reaching excellent in equality under the equality framework for local government is a key objective in our corporate plan</p> <p>The Local Government – Improvement and Development own the Equality Framework for Local Government and is the only organisation that can access us.</p>	£6,664.00 +VAT	To waive the need to go to tender as there is only one supplier that can provide the service.	The Local Government – Improvement and Development is the only organisation than can assess an organisation under the Equality Framework for Local Government.	17/01/11
Urgent	Neighbourhoods	<p>The Arts Team at Derby City Council are a partner in the format International Photography Festival. This is a bespoke exhibition created specifically for the festival.</p> <p>The exhibition is being created in collaboration with Birmingham Library Service whom will host the exhibition in St Pancras International once it has been shown in Derby.</p> <p>The exhibition units are owned by Birmingham Libraries and created by a supplier named Standard 8 at a cost of £30,000. Birmingham are loaning them to Derby, with the agreement to use Birmingham's supplier (Standard 8) to create additional units.</p> <p>When Birmingham originally purchased the units they obtained a waiver to their contract procedure rules on the basis that Standard 8 were the sole supplier of the system they wish to acquire.</p>	Up to £22,835	To use Standard 8 as the supplier for exhibition units.	<p>Standard 8 are the sole supplier for this exhibition, and part of the loan agreement for acquiring the exhibition units for free.</p> <p>Also, the exhibition is a collaborative project with another public body (Birmingham City Council) and therefore exempt from Contract Procedure Rules.</p> <p>The arrangement presents good value for money as:</p> <ul style="list-style-type: none"> - the council is getting use of the exhibition units free of charge; - the collaborative approach ensures the exhibition will have a life outside of the festival. 	19/01/2011
Departmental	Adults, Health and Housing	<p>The social care system is undergoing a significant reform, the previous government articulated a strategy called “putting people first” which linked personalisation to the greater use of budgets.</p> <p>They provided cash payments in lieu to the services for those eligible for state funded care.</p> <p>The “putting people first” strategy has been superseded by the coalition governments social care vision called <u>communities and active citizens</u>.</p> <p>They have set a target that by April 2013, 100%</p>	£8,000	To waive the contract procedures rules and join the Personal Best research programme provided by Demos.	<p>Demos are providing this unique research therefore no other supplier could be used.</p> <p>Joining the Personal Best Programme will allow:</p> <ul style="list-style-type: none"> - Commissioners and service providers in the city with essential information about future requirements for social care; - To gain an understanding of the types of services that will be purchased by recipients, which is critical as it allows 	30/03/11

		<p>of council-funded social care users will be using a personal budget.</p> <p>Due to this radical change, Demos is undertaking a unique piece of research, entitled Personal Best.</p> <p>This research includes personal budget and direct payment users, council funded care users (yet to be offered a personal budget) and self funders. This paints a unique picture of future care and support provision, from all local authorities across the UK to provide a greater view</p>			<p>suppliers to develop their service offerings to satisfy demand;</p> <ul style="list-style-type: none"> - Provide us with invaluable insight into imminent market changes for providers and commissioners in order to meet the government's targets; - Provide a unique dataset, to explore preferences of those users who have yet to receive personal budgets and to provide intelligence about forthcoming changes which may occur in the wake of a roll out of personal budgets. 	
Departmental	Adults, Health and Housing	<p>In June 2010 learning disability services commenced a piece of work with Care Service Efficiency Delivery, who were employed by the Department of Health to support business change.</p> <p>CSED delivered an initial benchmarking activity by September 2010 and were due to offer tactical support to develop action plans which would identify areas in need of improvement and cost effectiveness.</p> <p>In autumn DoH announced that CSED was to be disbanded.</p> <p>As CSED organisation was a consortium of external consultants, DoH agreed to pay the cost for tactical support thus enabling the project to continue.</p>	£8,250	To allow 15 days direct work with a consultant from the original consortium to complete the work started by CSED. The activity is funded by the Department of Health.	<p>The reason for a waiver is to use a consultant from the original consortium as this will diminish the need to bring anybody else who has no knowledge of the inner workings developed until CSED has been disbanded.</p> <p>The consultant will be required to:</p> <ul style="list-style-type: none"> - develop customer pathways - support contract negotiations with residential care providers - design an outcome tool for monitoring supported housing 	26/04/11
Departmental	Resources	Salamandersoft supply two software utilities (Salamander Active directory and Salamander Sharepoint). These utilities are used for the automatic creation of pupil and staff accounts on the Schools network.	£12,320.00 + VAT	To enter into a year contract with SalamanderSoft from the 1 st June 2011, as sole supplier of the software.	Salamandersoft customised the software to the Council's requirements and thus, no other companies are able to maintain and support this software (sole supplier).	03/06/2011
Urgent	Resources	The contract with Comensura was signed in March 2006 and was due to end on 31 March 2011. At that time the contract was extended through a waiver for 6 months to give the Council the opportunity to access the MSTAR framework agreement that Eastern Shires Purchasing Organisation (ESPO) was working on, as it has	Up to £70,000/month	To waive Contract Procedure Rule 8, and agree to extend the current contract with Comensura from 19 September 2011 until 31 December 2011.	ESPO has awarded the framework contract later than expected (April 2011) and did not send out the templates necessary to run a mini competition from the framework agreement until July 2011. This has already put the process under very tight	26/08/2011

		been identified as the best option for the Council.			<p>deadlines for the Council.</p> <p>In addition, because of the number of authorities that are now carrying out a mini competition at the same time, the Council faced a high risk of receiving a limited number of tenders or not the most advantageous ones due to the suppliers restricted capacity to respond to all tender invites from ESPO authorities at the same time.</p> <p>There was also a risk that there would be insufficient time for a new contractor to put a new staff booking system in place if we kept to the present contract end date.</p> <p><i>Comensura is one of the six suppliers on the MSTAR framework agreement LOT1 (a). If following the further competition process Comensura is awarded the new agency staff contract, this waiver will not apply.</i></p>	
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