

## Reporting of Waivers

### SUMMARY

1.1 There are a total of 14 waivers within this report.

Broken down by directorate we have.

Directorate	Number of Waivers	Approval route		
		Departmental	Urgent	Cabinet
Neighbourhoods	4	4		
Resources	1	1		
Children and Young People	4	3	1	
Chief Executives	1	1		
Adults Health and Housing	4	2	2	
<b>Total Number of Waivers</b>	<b>14</b>	<b>11</b>	<b>3</b>	

- 1.2
- One of the waivers relate to single (sole) supplier ( Indicated within the waiver report )
  - Two waivers allow for the extension of existing contracts which will be incorporated into a wider Social care system in 2014
  - One waiver was unavoidable due to the actions of Derbyshire County Council delaying the tender process.
  - 11 of the waivers were approved under departmental authority, and a further three under an urgent action.

### RECOMMENDATION

2.1 That the 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. (October 2012)

## 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>Estates/Property 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>	Name 01332 64 3271 e-mail <a href="mailto:ray.poxon@derby.gov.uk">ray.poxon@derby.gov.uk</a> None Appendix 1 – Implications
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<b>IMPLICATIONS</b>
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**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.

**Personnel**

- 3.1 None.

**Equalities Impact**

- 4.1 None.

**Health and Safety**

- 5.1 None.

**Environmental Sustainability**

- 6.1 None.

**Property and 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><b>Travel Contract – Co-operative Travel Services</b></p> <p>The current travel contract was awarded jointly with Derbyshire county council and is primarily used to source rail tickets for staff.</p>	Terms of existing contract will be maintained	To extend the current contract with Co-operative travel management for 6 months until 31 <sup>st</sup> December 2012	During this extension period a competition was undertaken and a new contract and supplier is now in place.	10/07/2012
Departmental	Children and Young People	<p><b>Parent Partnership Service</b></p> <p>A tender is waiting to be advertised for a Parent Partnership Service, currently provided by Derbyshire County Council, with a new contract to start 1 April 2013. There are 3 Derbyshire staff eligible to transfer under TUPE but Derbyshire County Council will not release the relevant information to add to the tender until after their Cabinet meets on 18<sup>th</sup> December. This has impacted on timescales and so it is proposed to extend the arrangement with Derbyshire County Council for a max of 2 months following the termination date of 1 April 2013</p>	<b>£10,333</b>	To extend current contract for a period of 2 months	Waiver unavoidable as tender delayed due to lack of TUPE information	05/12/2012
Departmental	Neighbourhoods	<p><b>Longbridge Hydro Scheme</b></p> <p>The Longbridge Hydro Scheme is now operational. Currently the Council does not have the resources or expertise to oversee and run the plant. It is proposed that Derwent Hydro, consultants who assisted with the design and commissioning of the plant, run the plant for the next 6 months whilst the house observe and determine if they can undertake the work. If after the 6 months this proves not to be possible a tender will be issued to source a contractor to undertake the work.</p>	<b>£8,500 approx</b>	To Waive the requirement to seek tenders for an element of work and to engage a single consultant	Derwent Hydro commissioned the equipment and are ideally placed to maintain the equipment whilst transferring knowledge to our in house team.	08/10/2012

Departmental	CYP	<p><b>Appointment of 1 part time consultant</b></p> <p>A budget pressure around the placements for looked after children has been identified.</p> <p>There is a need to ensure that robust systems are developed which encompass, managing the current population and cohort but also developing future projections over the next 5 years.</p> <p>In addition to budgetary issues, the directorate is expecting its Safeguarding OFSTED inspection; adoption inspection and future inspections under the new permanence inspection regimes.</p> <p>There is a need for an external consultant with proven record of delivering success in this field to be engaged.</p>	<b>£26,000</b>	To waive the requirement to seek tenders for an element of work and to engage a consultant to undertake the work.		21.11.2012
Departmental	AHH	<p>Work is required on the formatting and uploading of 2 new 'products' on the East Midlands Adults Safeguarding Board (EMASB) web site.</p> <p>Previous work on this site has been undertaken by Capacity Care CIC an east Midlands based social enterprise. They own copyright to the graphics used previously and the EMASB require the same style to be used in order to maintain the recognisable 'brand'.</p>	<b>£12,000</b>	Waiver of tender requested, in order for Capacity care CIC to undertake this commission on behalf of the EMASB.		09/11/2012
Departmental	AHH	<p><b>Home Care Rostering Software</b></p> <p>The maintenance contract for Webroster – the homecare rostering software currently used by Adult Social Care – is due for renewal in January 2013 at an estimated cost of £18k for the year.</p> <p>The functions of this system have been included in the specification for the re-tendering of the council's social care case management system, but the procurement process will not complete in time to award a new homecare rostering contract before the current expires.</p>	<b>£18,000</b>	To waive the CPR's requiring 3 quotes and to commission a further years maintenance and support from Webroster	The functionality of this software is included as part of the specification for a new Adults and Childrens social care system. The tender has been issued in March 2013 for implementation in 2014.	06/12/12

Urgent	AHH	<p><b>PROCUREMENT OF THE CAPITA BEDS SYSTEM</b></p> <p>A Supplier hosted system which is designed to support citizens entering permanent residential care. It provides a secure portal providing information for residents and access by care homes and residents. The system alongside Independent Finance advice is designed to assist those entering care make the best decisions to make their personal resources go further thus deferring the point at which personal assets are depleted and the cost of care becomes the responsibility of the Council. Nottinghamshire CC and Capita IB solutions jointly developed the system with the IPR remaining with Notts CC.</p>	<b>£68,000 + £4000 annual maintenance charge</b>	To waive CPR's requiring 3 quotes and commission Capita IB Solutions to deliver the BEDS system in Derby	The system is currently the only one available that provides this functionality.	07/11/2012
Departmental	CYP	<p><b>Microdec Profile System (Connexions)</b></p> <p>Create a Derby-specific version of the Profile System currently hosted and shared with Derbyshire County Council. This is due to the agreement with Derby shire terminating in March 2013 as they are implementing an alternative system.</p> <p>The provider is the same as the current to ensure continuity, and is only for a limited period (12 – 24 months) as the council will be procuring its own replacement system.</p> <p>To minimise costs, Derby and Derbyshire will work together to migrate the data from the current system.</p>	<b>£16,367</b>	To waive CPR 8.2 (need for quotes)	The functionality of the Microdec system has been included in the specification for the AHH/CYP Social care system. The tender for this has been issued in March 2013 for implementation in 2014.	18/12/2012
Urgent	CYP	<p><b>Parenting support programme – NACRO (Crime Reduction charity)</b></p> <p>April 2011 quotes used to appoint NACRO to provide a parenting support programme.</p> <p>In March 12 the option to extend by a year was taken. It is now proposed to extend the contract for another 6 months to provide support to the</p>	<b>Cost of extension - £38,700</b>	Under CPR's (47.3) to extend the contract with NACRO.	The service will be tendered as part of 'Priority families' tender during the extension.	25/01/2013

		Priority Families Programme while tender process is undertaken.				
Urgent	AHH	<p><b>Healthwatch Development Programme Phase 2</b></p> <p>DCC has agreed to lead , on behalf of the East Midlands Councils, a development programme for the establishment of local 'healthwatches', the bodies that will be the consumer champions for users of health and social care services. Following competitive tender DCC commissioned the Community Development Foundation to deliver a development programme in 2012. The department of Health has provided further funding to further develop this work.</p>	<b>£36,280</b>	To waive the requirement for competition and appoint the Community development foundation to undertake the work as they will be building on their previous work and utilising the network of contacts already established.		01/2013
Departmental	Neighbourhoods	<p><b>Building management systems maintenance</b></p> <p>A waiver approved in March 2012 allowed for the appointment of Trend Control Systems Ltd without competition to provide support for BMS systems. The aim being for the in-house controls engineer to gain specialist knowledge from the Trend engineers. The in house engineer has now resigned.</p>	<b>£23,170</b>	To allow a waiver to appoint Trend Control systems a further six month contract.	This period will allow a new in –house controls engineer to develop 'local' knowledge and prepare a specification in order to tender support requirements during the extension period.	05/02/2013
Departmental	Neighbourhoods	<p><b>Derby HMA Housing Requirement study</b></p> <p>In Jan 2012 following a competitive process GL Hearn were awarded a contract to undertake the Derby Housing Market area Housing requirement study. Subsequent to this they have undertaken additional studies related to the Housing study. Recent public consultation has resulted in a number of detailed and technical responses to growth strategy proposals.</p> <p>HMA authorities are required to provide responses to the issues raised and it is proposed to engage GL Hearn to compile these</p>	<b>Up to £20,000</b>	To waive the requirement to seek three quotes and directly appoint GL Hearn Ltd to undertake the work.	GL Hearn have been involved in the area of work for the HMA authorities since January 2012.	07/02/2013



		responses.				
Departmental	Chief Executive	<b>Time Trail Feasibility study</b> Creation of a Time Trail to narrate the Derby story through time.	<b>Up to £30,000</b> <b>Initial feasibility stage £15,000</b>	To waive competition requirements and appoint Smiths of Derby to work with Derby Museums to undertake the project.		15/02/2013
Departmental	Neighbourhoods	<b>Cycling Projects – Cycling Disability</b> Purchase 16 specially adapted bicycles for use by people with extreme disabilities.	<b>£31, 525</b>	To waive competition requirements and appoint Cycling Projects a Warrington based charity to source and supply the specialist equipment.	Cycle Projects have a wealth of experience in this field.	11/02/2013