

Reporting of Waivers

SUMMARY

1.1 There are a total of 5 waivers within this report. These cover the six month period between 1 October to 22 November 2013.

Broken down by directorate we have:

Directorate	Number of Waivers	Approval route		
		Departmental	Urgent	Cabinet
Resources	1	1		
Adults Health and Housing	2	2		
AHH Public Health	2	2		
Total Number of Waivers	5	5		

- 1.2
- Two waivers for Housing related support were unavoidable due to delays caused by the appointed contractor in agreeing contract terms. These are indicated in the report.
 - All of the waivers were approved under departmental authority.

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 during the period 1 October to 22 November 2013.

OTHER OPTIONS CONSIDERED

5.1 Not applicable.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Martyn Marples – Director of Finance and Procurement
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Background papers: List of appendices:	None Appendix 1 – Implications Appendix 2 - Waivers granted between 1 October and 22 November 2013
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IMPLICATIONS

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	AHH Public Health	<p>Consultancy support to transfer Local Enhanced Service agreements to a compliant framework</p> <p>Attain Commissioning services, a supplier to the NHS, will bring experience of commissioning clinical services which by knowledge transfer will be undertaken by the Council in the future.</p>	£28,500	To waive the requirement to obtain 3 competitive quotes and appoint Attain Commissioning to support this work.	<p>Public Health within the Council does not have the capacity to undertake multiple clinical procurements within the timescale of the transfer of NHS contracts to local authority frameworks.</p> <p>Attain, the supplier nominated for this work provided the service to the NHS PCT prior to the work transferring to the Council.</p>	01/10/2013
Departmental	AHH	<p>Housing Support</p> <p>Housing support for 6 households.</p> <p>Extension of contract to Metropolitan Housing.</p> <p>Metropolitan were an incumbent provider but were unsuccessful in the tender for the new contract.</p>	£10,015	To extend current contract for a period of 1 month	<p>Waiver unavoidable.</p> <p>The contract for Housing support was tendered for a start date of 1st October. Due to legal delays the successful contractor (Refuge see below) requested a deferred start date of 1st November. The AHH Strategic Director and Cabinet member are aware and although not satisfied with the situation have agreed to the extension.</p> <p>The alternative would have been to provide temporary accommodation under homelessness legislation.</p>	01/10/2013
Departmental	AHH	<p>Housing Support</p> <p>Provision of Housing Support. The Contract for Housing support has been retendered with the intention of a 1st October start date. However the contractor had not signed the new contract as planned and an extension of the old contract is needed.</p>	£11,576	To extend current contract for a period of 1 month	<p>Waiver unavoidable</p> <p>Refuge an incumbent provider were successful in winning the new contract but did not complete their legal due diligence in relation to a possible TUPE transfer in time to meet the expected start date and requested to defer the new contract until 3rd November. As they refused to sign the new contract until that date and not wishing to affect the households currently supported by</p>	07/10/2013

					Refuge the AHH Strategic Director and Cabinet member have had to reluctantly agree to the extension.	
Departmental	AHH Public Health	NHS Health Care Software Two software packages are supplied by The Computer Room (TCR) to support the mandatory NHS Health check Service in Derby City. Responsibility for the service has transferred to DCC and with it the need to contract for the software. The software has proved effective over the past 4 years and it is requested that contract for the systems are let for six months and two months to align the expiry dates of the current NHS contracts when the system will be procured in line with DCC procedures.	£5,897	To waive the requirement to seek tenders for this service.	This waiver allows contracts in transition from the NHS to be aligned and then procured in line with DCC procedures.	22/10/2013
Departmental	Resources	Capital accounting Asset Management Software A tender was undertaken in August 2011 to select a supplier for Capital accounting asset management software. The supplier selected was Logotech. This supplier has failed to provide a satisfactory system and the technology on which it is based is no longer supported. This contract has been terminated. To meet the deadlines of financial reporting it is essential that a new system is procured quickly. There are two systems suppliers that are accredited for Local Government accounting and of those, only one Real Asset Management PLC bid for the project in 2011. This systems also fully integrates with	£19,900	To waive the requirement to seek formal quotes.	The requirement is urgent due to the financial reporting deadlines. The requirement is forced upon the Council due to the previous contractor's failure to provide an effective solution.	11/11/2013

		another of our systems (SAM.net) which is a requirement for the system.				
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