

## Reporting of Waivers

### SUMMARY

1.1 There are a total of 25 waivers within this report.

These cover the period March to September 2013.

Broken down by Directorate we have.

Directorate	Number of Waivers	Approval route			Unavoidable
		Departmental	Urgent	Cabinet	
Neighbourhoods	10	8	2		4
Resources	4	4			2
Children and Young People	5	3	2		0
Chief Executive	3	3			1
Adults Health and Housing	3	1	2		2
<b>Total Number of Waivers</b>	<b>25</b>	<b>19</b>	<b>6</b>		

1.2 Of the 25 waivers detailed in the report 9 were unavoidable, 19 were authorised under departmental authority.

- Five waivers were unavoidable due to the suppliers being the sole supplier of the goods or service, and one due to the unavailability of personnel or supplies capable of undertaking the work. These are indicated in the report.
- One waiver was unavoidable due to delays caused by the Eastern Shires Purchasing Organisation, necessitating DCC to undertake a lengthy EU tender rather than the planned shorter further competition process.
- Two unavoidable waivers were raised to ensure continuity of support for the homeless whilst new service provision is established. Delays to the new service were outside the control of the Council.

## 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 March to September 2013.

## OTHER OPTIONS CONSIDERED

5.1 Not applicable.

**This report has been approved by the following officers:**

<b>Legal officer</b>	Not Applicable
<b>Financial officer</b>	Not Applicable
<b>Human Resources officer</b>	Not Applicable
<b>Estates/Property officer</b>	Not Applicable
<b>Service Director(s)</b>	Martyn Marples – Director of Finance and Procurement
<b>Other(s)</b>	Not Applicable

**For more information contact:**

**Background papers:**

**List of appendices:**

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None

Appendix 1 – Implications

Appendix 2 – Waivers Granted March to September 2013

<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	Neighbourhoods  Derby Live	<b>Replacement fixtures and fittings for chairs located in the Assembly Rooms Great Hall.</b>	<b>£13,728</b>	To waive the requirement to obtain 3 competitive quotes	The chairs are 30 years old. Office Image interiors are the only firm that stock the parts for these chairs.  <b>Unavoidable</b> waiver – Sole Supplier	12/03/2013
Departmental	Neighbourhoods  Derby Live	<b>Event Security services – Derby Live</b>	<b>£20,000</b>	To extend current contract for a period of 3 months	Waiver <b>unavoidable</b> . It had been decided to tender this requirement using the ESPO Event and Festival equipment and services framework. However the award of the framework was delayed by ESPO and so a full tender had to be undertaken. The tender was completed and a renewed contract is now in place.	04/03/2013
Departmental	Neighbourhoods	<b>Radio Controlled Tree stump grinder</b> Tracked Carlton 33hp	<b>£21,000</b>	To Waive the requirement to seek competition as the selected equipment is supplied by a single supplier in the UK Orange Plant Ltd		07/03/2013

Departmental	Chief Executive  Transformation team	<b>5 year contract to supply historic map data</b>  This map data minimises the need to store old paper plans and improves access to data to support services (flooding, contaminated land, conservation, urban design, planning, building control and housing maintenance).	<b>£17,550</b>	To waive the requirement to seek tenders for this service.	This waiver is <b>unavoidable</b> - Sole supplier.  Two suppliers are licenced by the Ordnance Survey to supply this information but only the selected supplier, Landmark Information group Ltd, has the necessary comprehensive image data and the facility to offer an internet licence in order to supply the service required.	07.03.2013
Departmental	Chief Executive  Transformation Team	<b>LiDar and Thermal image Data</b>  This data is required to support flood planning and energy efficiency activity. The data is captured by an aircraft flying over the DCC area but this has to be done whilst the outdoor temperature is low.	<b>£15,050</b>	To waive the requirement to seek formal quotes.	Of the suppliers approached to offer the service only BlueSky International offered to include thermal imagery with the cost of the LiDar survey.	08/03/2013
Departmental	AHH / Public Health	<b>School based Oral Health Programme</b>  The provision of an Oral Health intervention programme for 300 children in the 1 <sup>st</sup> and 2 <sup>nd</sup> most deprived areas of Derby.  The project will provide intelligence to inform future health initiatives.	<b>£20,000</b>	To waive the CPR's requiring 3 quotes and to commission Derbyshire Community Health services – Dental Health services	The pilot project has been developed in conjunction with Derbyshire Community health service and is linked to surveys they already carry out.  If successful any future requirements will be awarded through a competitively tendered process.	13/03/2013

Departmental	Resources	<p><b>Change Management Consultancy to support implementation of HR information system</b></p> <p>Contract for a 3 month period – project will use a number of advisors to support the project.</p>	<b>£25,000</b>	To waive CPR's requiring 3 quotes and appoint Voyager solutions to undertake the role.	The decision to appoint this organisation has been taken based on recommendation, their recent experience on a similar project and their immediate availability.	15/03/2013
Departmental	CYP	<p><b>Targeted Mental Health in Schools – School based Counselling Service</b></p> <p>CYP commissioning in partnership with Public Health are developing integrated behaviour pathways for the city. Once complete this will provide the opportunity to integrate a range of services that support emotional health. In the meantime Public Health has allocated funding to provide a programme of mental health support for children between 4 and 18 for 1 year.</p>	<b>£30,000</b>	To waive CPR 8.2 (need for quotes) and directly appoint Relate to undertake this work.	Relate have been selected to undertake this work as they are providing related services to Derbyshire NHS. The Derby City requirement will compliment this work and facilitate a joined up approach to counselling services.	11/04/2013
Departmental	Neighbourhoods	<p><b>Speakers Corner – Public Art</b></p> <p>To Provide a unique piece of relevant Public Art to enhance the proposition of the recently installed Speakers Corner. The piece builds upon the Friar Gate Heads which is part of the Sustrans national cycle network.</p> <p>Requirement includes the design, manufacture and installation of the artwork.</p>	<b>£18,000</b>	To waive the requirement for three quotes and contract with Tim Clapcott (artist).		15/04/2013
Departmental	Chief Executive  Regeneration	<p><b>GTC project – Project Management</b></p> <p>Provision of Project Management, technical and cost consultancy advice in relation to delivery of the Global Technology Cluster Project. The project had been led by consultancy firm Gleeds but the lead consultant left Gleeds to form his own company, Bentley Project Management. It</p>	<b>£30,000</b>	To waive the requirement to seek 3 quotes and appoint Bentley Project Management to provide project Management and cost consultancy advice.		17/04/13



		was deemed essential that his knowledge and skills were retained on the project as it reached a critical stage.				
Urgent	Neighbourhoods	<p><b>Gritter tracking and Control system</b></p> <p>Following a competitive tender exercise a new fleet of Gritters has been procured from ECON Ltd. Exactrak work in partnership with ECON and provide vehicle tracking and intelligent salting control. This means the driver can concentrate on driving whilst the system optimises salt distribution. The tracking system provides an accurate record of the highways that have been gritted.</p>	<b>£45,000</b>	To waive the requirement for tender as the Exactrax system is designed to work with Econ equipment.	Alternative systems are not compatible with the ECON equipment <b>Unavoidable Waiver</b>	17/05/2013
Urgent	Neighbourhoods	<p><b>Design Services – Park Bike Works</b></p> <p>The Park Bike Works will include a community cycle facility within the refurbished former Bennetts warehouse building. Design work had already been commissioned by the building's owners prior to the decision for the council to complete the building improvements and then charge a commercial rent for the facility.</p>	<b>£35,000</b>	To waive the requirement to seek competition and appoint Matthew Montague Ltd and Sir William Baird & partners to complete detailed architectural designs and project documentation.	Utilisation of work done to date will reduce delay and cost. It is intended to retain these service providers through the project.	13/05/2013
Departmental	Neighbourhoods	<p><b>Appointment of temporary staff outside corporate contract</b></p> <p>The Property Design team have an urgent requirement for a Senior Mechanical Engineer to carry out design works whilst a permanent member of staff can be recruited. The assignment will be for 4 months.</p>	<b>£16,315</b>	<p>To waive the requirement to use the corporate contract as the contracted suppliers have been unable to provide a suitable candidate.</p> <p>Hays specialist Construction recruitment do have a suitable candidate at an acceptable rate.</p> <p>The request is to appoint via Hays.</p>	Subsequent to this requirement Hays Specialist Construction recruitment are now included on the Corporate recruitment contract.	12/06/2013
Departmental	Neighbourhoods	<p><b>Appointment of temporary staff outside corporate contract</b></p>	<b>£27,000</b>	To waive competition requirements and employ		

		The Property Design team have an urgent requirement for an assistant Head of service to assist in the team reorganisation and Property rationalisation process. The proposed candidate was maintenance team manager July 2001 until January 2006 and is therefore familiar with the operation of the team and property portfolio.		the candidate via his company Torlan Ltd. This will be significantly cheaper than employing via a consultancy.		
Departmental	Neighbourhoods	<b>Bus real time information service</b> The service level agreement for the provision of Bus real time Information services is between DCC and Nottingham City Council and Nottingham City transport. Innovations in Transport Ltd (Init) provide the technology for the contract. DCC are experiencing technical difficulties with on bus equipment and the system does not work correctly. The service level agreement with Nottingham City does not cover this issue.	<b>£9,420</b>	To waive the requirement for competition and commission the equipment provider to rectify the equipment faults and train bus company and Council staff how to maintain the equipment in the future.	<b>Unavoidable waiver</b> – Sole supplier	24/06/2013
Departmental	Resources	<b>Consultancy re: ICT Contract renewal options</b> To award a contract to SOCITM Consulting, the commercial arm of the Society of IT Managers and therefore gain access to unique research materials which will inform the decision making regarding the future delivery of ICT services.	<b>£15,750</b>	To waive the requirement for competition in order to gain access to materials and private reports which will inform DCC decision making.		01/07/2013
Departmental	Resources	<b>Pay and Reward review</b> The Council has procured a Northgate Arinso system to support the pay modelling element of the pay and reward review. As the Council is using two different evaluation schemes additional technical assistance is required to ensure pay modelling can be developed and alternative scenarios considered within the timescales of the project.	<b>Up to £20,000</b>	To waive the requirement for competition and appoint system provider Northgate Arinso to provide the consultancy required.  The initial assignment will cost £10,000	<b>Unavoidable waiver</b> – system supplier has detailed knowledge of the system.	23/07/2013
Urgent	CYP	<b>Parenting Support Programme – Nacro</b> NACRO have provide a parenting support programme since April 2011. The contract was extended in March 2013 by means of a 6 month waiver whilst a re-procurement exercise was	<b>£38,700</b>	To extend the existing contract by a further 6 months 31 March 2014. During which time the Dynamic Purchasing		01/08/2013

		undertaken. Due to time taken to develop the new Dynamic Purchasing system and the need to gather TUPE information the new provision is not yet in place. It is essential that the work to support priority families continues.		system and TUPE information will be available.		
Urgent	CYP	<b>Young Carers Service</b> The current contract ends on 31 August 2013. The service is a statutory service but due to capacity constraints within the CYP commissioning division the contract has not been retendered.	<b>£44,000</b>	To extend the contract for 6 months until 31 March 2014  During this time the service will be review and new specification developed which will form the basis for the re-tendered contract.		15/08/2013
Departmental	CYP  Learning and Inclusion	<b>60 second Commercial for the Adult learning Service</b> To produce a commercial by 30 <sup>th</sup> September in time to be released at the Derby festival of adult learning. The organisation will also staff the festival for 7 days.	<b>£6558</b>	To waive the requirement for competition and appoint DFPTV ltd Scunthorpe to produce the commercial.	The company come highly recommended for their work in the Further Education and community sector.	14/08/2013
Departmental	Neighbourhoods	<b>High Speed rail Station Options</b> Consultancy to provide an urgent report to advise the Council on options for stations and connectivity to the proposed HS2 rail line in order to inform the response to the current public consultation.	<b>£9850</b>	To waive the requirement for competition and appoint Fore Consulting to undertake the work.	Fore Consulting have been used before on related projects for the Council and the experience gained will inform this work.	04/09/2013
Departmental	CYP	<b>Pilot use of Social Finance in Derby</b> To engage Social Finance, a not for profit organisation to produce a feasibility study into the use of social finance in children's services.	<b>£10,000</b>	To waive the requirement for competition and engage an organisation called 'Social Finance'	Social finance have been previous commissioned by the cabinet office and Big lottery fund to undertake similar work.	09/09/2013
Departmental	Resources	<b>Preparation of 2012/13 and 2013/14 Housing and Council Tax Benefit Subsidy Audit claim preparation and submission</b>  Due to the loss of a key member of staff a short term resource is required to prepare and finalise claims to the Department of work and Pensions.	<b>Maximum £16,000</b>	To waive the requirement to obtain 3 quotes.	<b>Unavoidable Waiver</b>  Unsuccessful efforts were made to recruit to this post. Five appropriate contractors also declined to bid.  Two quotes were eventually obtained, from Capita and Liberata UK Ltd with Liberata offering the lower of the two	09/09/13

					quotations. Liberata have been awarded the work.	
Urgent	AHH	<p><b>Support to homeless young people</b></p> <p>YMCA Derbyshire have a contract to provide support to homeless young people until 30<sup>th</sup> September 2013</p>	<b>£35,000</b>	To extend the contract by one month.	<p><b>Unavoidable Waiver</b></p> <p>A competitive tender was undertaken to establish a replacement Housing related support contract. A series of challenges during the contract award standstill period delayed the finalisation of the new contract. The short extension is required to ensure that the transition from old to new contract providers can be undertaken within acceptable timescales.</p>	18/09/2013
Urgent	AHH	<p><b>Provision of 24 hour support to homeless people (Milestone House Hostel)</b></p> <p>The existing contract arrangement with Deventio Housing Trust ends 30<sup>th</sup> September 2013. A cabinet decision was taken for Derby Homes to manage the service in the future. However Derby Homes cannot take over the service until December.</p>	<b>£58,894</b>	To extend the current contract until Derby Homes can take over the service. This is planned to be 1 <sup>st</sup> December 2013	<p><b>Unavoidable Waiver</b></p> <p>It is essential that the support to the service users should continue whilst preparations for the transfer to Derby Homes take place.</p>	