

Reporting of Waivers

SUMMARY

1.1 There are a total of 8 waivers within this report.

These cover the period 7th November 2014 to 21st January 2015

Broken down by directorate we have.

Directorate	Number of Waivers	Approval route		
		Departmental	Urgent	Cabinet
AHH	1	1		
Neighbourhoods	2		1	1
Resources	2	1		1
CYP	3	3		
Total Number of Waivers	8	5	1	2

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 6th November 2014 to 21st January 2015

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)	Emily Feenan Martyn Marples – Director of Finance and Procurement Richard Boneham – Head of Governance and Assurance
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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.
- 2.2 Any waiver that increases the overall contract value or which is a direct award of a contract without competition, even where the value is below EU procurement thresholds, is contrary to the overarching principles of the Treaty for the Functioning of the European Union (i.e. transparency, equal treatment, proportionality, non-discrimination and mutual recognition) and therefore exposes to the Council to a risk (albeit this risk will in most cases be low) of a legal challenge. The grant of a waiver in accordance with the Council's Contract Procedure Rules does not remove this risk.

Personnel

- 3.1 None.

IT

- 4.1 None.

Equalities Impact

- 5.1 None.

Health and Safety

- 6.1 None.

Environmental Sustainability

- 7.1 None.

Property and Asset Management

- 8.1 None.

Risk Management

- 9.1 Risks associated have been considered by the Head of Procurement and are being managed as part of the procurement process.

Corporate objectives and priorities for change

- 10.1 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	<p>Webroster system</p> <p>The system provides home care rostering software which schedules home care visits for vulnerable adults.</p>	£16,000	To waive the CPR to seek competition and contract directly with Webroster Ltd	It is likely that a combination of the new Liquidlogic social care system and the new HR system MiPeople will mean that the standalone Webroster system will no longer be required. This will be confirmed in the first half of 2015 – 2016. It would not be cost effective to tender the requirement for such a short period.	21.11.14
Departmental	Resources	Procurement of online training resources on the subject of 'Revenues and benefits legislative and guidance software.	£23,355 for two years. This is a 10% saving on the previous contract.	To waive the requirement to re-tender this requirement and contract directly with Training Synergy	All staff have been trained in the use of this software and are experienced in its use. The number of training officers is being reduced in the Benefits team. The remaining staff will therefore become more reliant on the existing training system.	27.11.14
Departmental	CYP	<p>Procurement of licence to use Parenting assessment model (PAMs).</p> <p>Early interventions teams are to use this system in order to improve written assessments.</p> <p>The system is recognised by the Children and Families court.</p>	£10,335	To waive the CPR to seek competition and contract with Pilcreek Publishing.	This is a one off cost for 23 licences. Updates are included in this cost.	9.12.14

Urgent	Neighbourhoods Leisure and Culture	To procure a protective flooring system for the Arena in-field sports area. An open tender issued July 2014 failed to find an acceptable solution this was in part due to an unrealistic price estimate having been set. Subsequent research found a suitable product produced by Terraplas plc of Castle Donington.	£159,676 one off cost	To waive the requirement for an open tender and contract directly with Terraplas.	Delivery is needed in January in order to cater for booked events. The manufacturing lead time is longer than this however the firm will loan some suitable material for use until the ordered material is available.	10.12.2014
Departmental	CYP	To procure the services of Park House Primary school to provide additional temporary staffing capacity to support the 'Make More Music in Derby' project until 1.9.2015. Cabinet approval has been given for the project.(19.11.14)	£20,000	To waive the requirement to invite 3 quotations and award the contract to Park House Primary School who have recent experience of providing the Derbyshire Music partnership with additional project leadership and operational capacity.		8.1.15
Departmental	CYP	To procure furniture for two new Children's homes.	£20,897.41 total	To waive the requirement to seek 3 quotes and purchase the furniture from Pineapple Ltd.		20.1.15

Cabinet	Resources	<p>To extend the appointment of the Project Manager for the implementation of the Human Resources Information system (HRIS).</p> <p>Cabinet approval was given 21.1.2015</p>	<p>£10,930 for extension.</p> <p>Total assignment up to 31.3.2015 £48720.</p>	<p>To waive the requirement to seek competition and appoint GWA Associates to complete the project.</p>	<p>Bringing in a new project manager at this time would involve significant extra cost as they familiarised themselves with the project. This would also delay important efficiency savings. The assignment is due to end on 31st March 2015</p>	21.1.15
Cabinet	Neighbourhoods	<p>Derby City and Derbyshire County Councils have entered into a long term waste management contract with Resource Recovery Solutions.</p> <p>The joint waste contract project team wish to retain the services of legal and technical advisors to support the contract management and construction phases of the project. Eversheds and Jacobs provided legal and technical advice to the pre contract stage of the project and it is proposed to continue with their services.</p> <p>Derbyshire County Council will bear 75% of the costs with Derby City funding the remainder.</p>	<p>Cost to Derby City is £20,250 for 2015/2016</p>	<p>To waive the requirement to seek quotations and engage the current legal and technical advisors to support Derby City in the construction phase of the waste project.</p>	<p>The current advisors have accumulated knowledge gained in completing the works to date and it is desired to retain this knowledge for the construction phase.</p> <p>Cabinet approval was given 21.1.15</p>	21.1.15