



Leicester
City Council

WARDS AFFECTED
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
CABINET
PERFORMANCE & VALUE FOR MONEY SELECT COMMITTEE

22 JUNE 2009
8 JULY 2009

CONTRACT PROCEDURE RULES WAIVERS

REPORT OF THE CHIEF FINANCE OFFICER

1 PURPOSE OF REPORT

For information only; this is a regular report to provide Cabinet with a summary of Contract Procedure Rule waivers.

2 REPORT

2.1 Contract Procedure Rules include a provision which enables the rules to be waived by Monitoring Officer or (in the case of small contracts) by Divisional Directors where a business case can be shown for doing so, subject to there first being prior consultation with the relevant Cabinet Lead where the circumstances are particularly sensitive or if the decision in question involves significant changes in policy or strategy.

2.2 This is subject to a subsequent Report to Cabinet and Select Committee.

3 RECOMMENDATIONS

Cabinet is recommended to note the summary of Contract Procedure Rule waivers summarised in **Appendix A**.

4 HEADLINE FINANCIAL AND LEGAL IMPLICATIONS

4.1 Financial Implications

There are none arising from this report.

4.2 Legal implications

It is within Cabinet's remit to keep under review and change its Scheme of Delegation as necessary.

OTHER IMPLICATIONS	YES/NO	Paragraph references
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		within supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

5 BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

The Council's Constitution, including Cabinet's Scheme of Delegation; and records received by the Monitoring Officer from Corporate Directors which have been used to compile this report.

6 CONSULTATIONS

Peter Nicholls, Service Director – Legal Services
Mark Noble – Chief Finance Officer.

7 REPORT AUTHOR

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Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)

**WAIVERS OF CONTRACT PROCEDURE RULES APPROVED BY THE MONITORING OFFICER DURING THE PERIOD
1 JANUARY 2009 TO 31 MARCH 2009**

Nº	Date	Scheme	Contract Procedure Rule Affected	Reason for Waiver
1	14/01/2009	Increased Volunteering delivered by VAL	Section 3, Rules 11 and 19	The organisation delivering the contract was not successful in its tendering exercise. This Waiver enabled them to extend the contract to 31/03/2009 to effect a proper transition.
2	19/01/2009	Proposed regeneration and growth across the Leicester and Leicestershire Housing Market Area (HMA)	Section 3, Rule 11	In conjunction with Leicestershire County Council and the County Districts, this project relates to the creation of a Plan to assess the infrastructure required to deliver proposed regeneration and growth across the Leicester and Leicestershire Housing Market Area (HMA). This will then become part of the evidence base informing a wide range of policy development including LDFs, Sustainable Community Strategies, the Multi Area Agreement and Local Area Agreements. The Waiver permits the use of English Partnership's Framework contract.
3	20/01/2009	Provision of care and support for tenants with learning disabilities	Section 3, Rules 11 and 19	This Waiver was to allow for a specific organisation to provide care and support for 9 tenants moving from residential care to supported living accommodation following deregistration as a residential home. A formal procurement exercise will take place during the year.
4	23/01/2009	Development and Support to the BSF Programme	Section 5	Consultant procured to develop the Strategy for Change submission and the stakeholder consultation programme linked to this submission. This Waiver permits the Partnership for Schools Framework Agreement to be used.
5	27/01/2009	Consultancy services – Education	Section 3, Rules 11 and 19	This Waiver was to continue use of the services of a Consultant in CYPS Department. A formal recruitment exercise is due to commence this spring.

Nº	Date	Scheme	Contract Procedure Rule Affected	Reason for Waiver
6	18/02/2009	Education advisory, technical advisory and interim management services	Section 2, Rule 9	This Waiver was to allow appointments to be made from Partnership for Schools Framework and OGC Framework contracts for the BSF Phases 1 and 2 projects.
7	19/02/2009	Management and delivery of core Children Centre services in Leicester (Sure Start)	Section 5, Rules 1 and 5	Contracts for the management of 4 Leicester Sure Start Centres expired last year. A Waiver was sought to allow for the continuation of service without disruption and to commence a full tendering exercise for a reshaped service.
8	19/02/2009	Procurement of Design – Options for BSF Wave 2a Schools	Section 2, Rule 4 and Section 3, Rule 3	Commissioning of design work for the Wave 2a from Leicester Economic Partnership (LEP) in advance of finalising the demographic data and running the Schools Financial Allocation Model. A Waiver was granted to complete the design work now, which would mean the two specific schools under this project would open three months early, will provide continuity of work and revenue to the LEP and would revitalise the economy.
9	03/03/2009	Disposal of contaminated asbestos waste from various housing locations	Section 2, Rule 9	Waiver was to allow the use of the current contractor for a 4-month period until a full under-EU tendering exercise is undertaken.
10	03/03/2009	Personal care domiciliary care services	Section 2, Rule 4	The current domiciliary care provider lost their contract with the Council. As the users of the service were vulnerable, it was vital that the Council ensured that there was no disruption to their current service delivery arrangements and hence an extension was deemed necessary while the Council undertook assessments. This interim arrangement would not only protect the service users but also avoid any potential risk to the Council.

Nº	Date	Scheme	Contract Procedure Rule Affected	Reason for Waiver
11	04/03/2009	Capital door replacement programme	Section 2	Continue to use ESPO contract (Unique Window Systems Ltd) for the next three months for door repair/replacement as the current ESPO contract has expired. After 3 months, the formal tendering process will have concluded.
12	04/03/2009	Capital door replacement programme	Section 2	Continue to use ESPO contract (SBP Ltd - Permadoor) for the next three months for door repair/replacement as the current ESPO contract has expired. After 3 months, the formal tendering process will have concluded.
13	16/03/2009	Extension of existing Pre-School Learning Alliance contract	Section 2	A decision was made to cease the provision of this service with Pre-School Learning Alliance. As TUPE applies, the extension of the existing contract is necessary to enable the TUPE arrangements to be completed.
14	16/03/2009	Extension of existing Homestart Leicester contract	Section 2	A decision was made to cease the provision of this service with Homestart Leicester. As TUPE applies, the extension of the existing contract is necessary to enable the TUPE arrangements to be completed.
15	16/03/2009	Research into housing needs and aspirations of older persons in Leicester	Section 1, Rule 3.1.2	This project is following Melton's Contract Procedure Rules as lead authority and will include an assessment of potential locations for such developments and information to inform size and tenure of any Extra Care accommodation.
16	16/03/2009	Independent Domestic Violence Advisers service (IDVA)	Section 2, Rule 4.1	The service was set up in February 2008 and was originally funded from a number of different sources, Ministry of Justice, Safer Leicester Partnership, Working Neighbourhood Fund and the City Council. LCC agreed to fund this project for 2009/2010 and 2011. The waiver sought to extend the current DVIRP contract by 3 months to allow time to undertake work to commission the service.

Nº	Date	Scheme	Contract Procedure Rule Affected	Reason for Waiver
17	20/03/2009	Specialist health and social care learning disability services	Sections 2, 3 and 4	The Waiver was required in order that the Council could enter into a formal contract with the Leicestershire Partnership NHS Trust (a health body). This was to allow the market to be appraised in order to gauge whether this particular service fell under a Part A or Part B service as defined by the European Commission's Interpretive Communication 2007.
18	23/03/2009	Supported living services to a named individual	Section 2, Rules 5, 8 and 9	Continuation of a contract to provide care to a particular individual where change of service could have a detrimental effect on this said individual.
19	23/03/2009	Mental health supported living services	Section 2, Rules, 4 8 and 9	This extension of 12 months to an existing contract is required to enable the Department time to carry out a tender process. The value now comes within the remit of EU Procurement Directives.
20	21/01/2008	Extension to Braunstone Sure Start Centre contract	Section 2	Extension of the existing contract by 6 months to enable the contract to be openly tendered.
21	21/01/2008	Extension to St Matthews Sure Start Centre contract	Section 2	Extension of the existing contract by 6 months to enable the contract to be openly tendered.
22	21/01/2009	Extension to Highfields Sure Start Centre contract	Section 2	Extension of the existing contract by 6 months to enable the contract to be openly tendered.