

WAIVER OF CONTRACT PROCEDURE RULES

Report of the Town Clerk & Corporate Director of Resources, Access & Diversity

1 PURPOSE OF THE REPORT

- 1.1 The purpose of this Report is to advise Cabinet of Waivers to Contract Procedure Rules approved by the Town Clerk, as required by paragraph 4.2(b) of these Rules.

2 REPORT

- 2.1 Waivers of Contract Procedures Rules approved by the Town Clerk in the period November 2003 – February 2004 are as follows:

Scheme	Contract Procedure Rule Affected	Reason for Waiver
2.1(a) Multi-Disciplinary Centre for Homeless People (MDC)	Para 6.1(b)	To continue the service already carried out and completed by the original Contractor to enable continuity through to contract award, thereby saving 2 months of tendering time, enabling the legal and financial requirements of the ODPM (Homeless Directorate) RSU Grant to be met. Any delay could have put the RSU monies at risk.
2.1(b) Green Lane Road Strengthening Scheme	Para 8.1(c)	Although Contractor to whom the works contract was awarded was not the lowest price, the overall value of making the award provided the most economically advantageous circumstances for the Council.
2.1(c) Upperton Road Viaduct Maintenance Scheme	Para 5.1	To award a further contract (small contract value) to the existing Contractor to enable the preferred procurement strategy (Early Contractor Involvement) to be implemented (Cabinet Report 21 July 2003).

3 RECOMMENDATIONS

3.1 That the Waivers be noted.

4 FINANCIAL AND LEGAL IMPLICATIONS

4.1 Financial Implications

There are no direct financial implications arising from this Report. The Financial Implications for each waiver were provided by Departmental Finance staff from within the individual Departments

4.2 Legal Implications

Contract Procedure Rules may be waived only by the Cabinet or by the Town Clerk after consultation with the relevant Cabinet Member(s) and the decision shall record the extent to which Contract Procedure Rules have been waived and the reasons. The rule goes on to require that the Town Clerk reports such decisions to the Cabinet. The Legal Implications for each waiver were provided by Rebecca Jenkyn, Senior Solicitor.

5 OTHER IMPLICATIONS

5.1 Other Implications	Yes/ No	Paragraph References within this Report
Equal Opportunities	NO	
Policy	NO	
Sustainable and Environmental	NO	
Crime and Disorder	NO	
Human Rights Act	NO	
Elderly Persons/People on Low Incomes	NO	

6 BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

Individual Waivers provided by relevant Departments

7 CONSULTATION

Legal Services and contributing Departments

8 REPORT AUTHOR/OFFICER TO CONTACT

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Head of Corporate Procurement, Support & Income
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DECISION STATUS

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