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**WAIVER OF CONTRACT PROCEDURE RULES**

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**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 March 2004 – June 2004 are as follows:

Scheme	Contract Procedure Rule Affected	Reason for Waiver
2.1(a) Braunstone Park Pitch Improvements	Para 6.1(b)	The Scheme is to be funded by a grant from Sport England which requires the work to be completed by September 2004. This did not allow sufficient time for the creation of a Select List.
2.1(b) Mencap Respite Care	Para 6 and 10	Social Care & Health are contracting with Mencap without a tendering exercise, due to inability to do so within the time available. Mencap are a proven provider of services to the Council. There is an element of urgency to this as the funding received from the Carer's Grant Fund is for £50,000 per annum for three years commencing April 2003. As there was no guarantee that these funds could be carried forward at year end, the Department needed to spend quickly.

Scheme	Contract Procedure Rule Affected	Reason for Waiver
2.1(c) MacIntyre Care Supported Living Services	Para 6 and 20(i)	Social Care & Health are contracting with MacIntyre Care without a tendering exercise, due to inability to do so within the time available, MacIntyre had previously submitted a tender for work of this nature which was not accepted (they were held in reserve). The contractor was however retained following the tendering of supported living services in 2002. MacIntyre are an existing service provider to the Council. Because of the passage of time two changes to the original tender are required, one regarding charge rates and the second to include the potential for TUPE to apply to the Leicestershire Partnerships staff in the event of the Gorse Hill provision closing.
2.1(d) Christmas Tableau Town Hall Square	Para 5	Only two contractors are able to provide the service.
2.1(e) Asbestos Testing Appointment of Contractor	Para 5.1	Only two contractors submitted bids although four were invited (from the Select List). The cheapest has been selected.
2.1.(f) Local Transport Plan Consultation Exercises (Public group meetings)	Para 5	MVA are appointed to complete the final phase of the public group consultation around the LTP 2000-2005, without further competition as it is not believed that another provider could offer this at this stage (the final year of the five-year plan). They were awarded the work originally following a competitive exercise.

Scheme	Contract Procedure Rule Affected	Reason for Waiver
2.1(g) Local Transport Plan Consultation Exercises (Ward meetings)	Para 5	Steer Davis Gleave (SDG) are appointed to complete the final phase of ward meeting consultation around the 2000-2005 LTP, without further competition as it is not believed that another provider could offer this at this stage (the final year of the five-year plan). They were awarded the work originally following a competitive exercise.

### **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, Sue Doyle or Jean Geary.

### **5 OTHER IMPLICATIONS**

<b>5.1 Other Implications</b>	<b>Yes/ No</b>	<b>Paragraph References within this Report</b>
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**

Geoff Organ  
Head of Corporate Procurement, Support & Income  
Extn

6014

**DECISION STATUS**

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