

**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 July 2004 – October 2004 are as follows:

Scheme	Contract Procedure Rule Affected	Reason for Waiver
2.1(a) Supporting People Programme Accommodation scheme for vulnerable young people from BME background	Para 6, 7 and 8	The service provider originally planned to provide this could not do so. The scheme had to commence in November or it would not remain financially viable and the premises would have been sold and the opportunity lost.  A waiver was therefore granted on grounds of urgency.
2.1(b) Abbey Meadows Depot	Para 6	The service provider had previously undertaken emergency clean-up work at the Depot following the departure of occupiers. The costs of providing additional security and payments to EMDA were running at just under £10,000 per month. The urgency of completing the clean up using the existing contractor outweighed the costs of tendering. As a result of this very successful scheme, EMDA waived their surcharge estimated at £60,000.

Scheme	Contract Procedure Rule Affected	Reason for Waiver
2.1(c) Creation of a Revenue and Benefits Contact Centre	6.1 a, b and c 6.2 a, b and c	The Department was awarded Government funding in May 2004 from the DWP to create this Contact Centre. The monies had to be spent within the financial year 2004/2005. Because of the urgency of the process, it was decided that rather than use an open-procurement process, the Department would invite four suitably qualified contractors, from a previous exercise for a similar system to tender for the work.
2.1(d) Purchase of Fitness Equipment for Braunstone Leisure Centre.	Para 6	<p>The Department already uses fitness equipment from this supplier at their three other sites. These were subject to procurement through a tendering process some three years ago. The benefits to be derived by using the same supplier are:</p> <ul style="list-style-type: none"> <li>→ Economies of scale for maintenance.</li> <li>→ Staff will not require additional training and are interchangeable.</li> <li>→ Existing customers will not require additional familiarisation training.</li> <li>→ Equipment is interchangeable.</li> <li>→ The equipment would be available for the opening of the Centre. This is not considered to be the case if a tendering exercise was undertaken.</li> </ul>

### **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**

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## DECISION STATUS

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