

**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 2004 – May 2005 are as follows:

Scheme	Contract Procedure Rule Affected	Reason for Waiver
2.1(a) Shires West Development - Appointment of a planning Consultant	Para 5.1	Counsel for the Council identified the need for an expert in the field of retail and planning matters. It was considered vital to use the same Consultant who produced a Retail Capacity Report for the Council in 2003. Contract Procedure rules require for contracts to be advertised. On this occasion, this was not considered to be in the Council's best interest. A Waiver was therefore approved.
2.1(b) Building Schools for the Future – Appointment of a Technical Consultant	Para 6.2	The Contractor was appointed following a tendering exercise using companies from the Partnership for Schools Framework Contract for Consultants. Although an advertisement was not placed by LCC, the Framework contract had previously been advertised and is an E U Compliant contract. Therefore, the Waiver was approved.

Scheme	Contract Procedure Rule Affected	Reason for Waiver
2.1(c) Building Schools for the Future – Contractual Matters	Para 10.1c	Contract Procedure Rule 10.1c is specific about one of the terms and conditions to be contained within our contracts. On this occasion, we were contracting using the Partnership for Schools Terms and Conditions which had acceptable alternative provisions. The Waiver was approved.
2.1(d) Saffron Lane Sports Centre – Appointment of Consultants	Para 5, 7, 8	The project is part-funded from a Sport England grant, an element of this is that the Council must use a Sports and Play Construction Association (SAPCA) Consultant. The waiver allows for the engagement of a SAPCA consultant who has worked with the Council on the Saffron Lane bid. It was considered to represent value for money, no conflict of interest was identified and the waiver was approved.
2.1(e) On-street parking charges, De Montfort Street area – Purchase of Pay & Display Machines	Para 6, 7, 4.1(d) and 4.1(b)	The Council are to introduce on-street parking charges to the De Montfort Street area of Leicester. An additional 27 pay and display ticket machines will be required. In order that these new machines are compatible with our existing monitoring system, the same supplier needs to be used. It is considered that overall, the best value for money solution is obtained by using the existing supplier, on that basis, the Waiver was approved.
2.1(f) Building Schools for the Future – Professional Services	Para 6 and 7	The Council's Contract Procedure Rules require competition for large contracts where an LCC Select List is not used. In this case, Partnership for Schools had an E U Complaint Framework contract in place for a range of professional services to assist in the delivery of the BSF programme. As competition has clearly taken place, the Waiver was approved.

Scheme	Contract Procedure Rule Affected	Reason for Waiver
2.1(g) Braunstone Changing Rooms Project – Construction	Para 6, 7 and 8	The waiver enables the existing contractor selected following a competitive tender to construct these changing rooms as part of the Braunstone Youth House Project. It will enable the facility to be open three months earlier than would be possible had a further competition exercise been undertaken. This project is funded by the Braunstone Community Association and the Football Association.
2.1(h) High Street/ Belgrave Gate Corridor – Transport Assessment	Para 5	Following the development of Shires West an opportunity exists to review bus routes on High Street/ Belgrave Gate corridor. This will require a transport assessment. The Council wishes to utilise the deep understanding and knowledge of the Shires West transport consultants and they have been commissioned to undertake this Assessment using as a base the traffic data already in their possession.

### 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

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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## DECISION STATUS

Key Decision	No
Reason	
Appeared in Forward Plan	No
Executive or Council Decision	Council