



Audit & Accounts Committee
13 February 2018

Report of the Chief Executive

ITEM 5

Reporting of Waivers

SUMMARY

- 1.1 There are a total of 17 waivers within this report covering the period 31 October 2017 to 31 January 2018 and broken down by directorate below:-

Directorate	Number of Waivers	Classification	
		Unavoidable	Avoidable
Communities & Place	5	3	2
People Services	5	3	2
Organisation & Governance	7	0	7
Total Number of Waivers	17	6	11

Of these waivers 6 were unavoidable.

RECOMMENDATION

- 2.1 That the Committee note the contents of the report.

REASONS FOR RECOMMENDATION

- 3.1 The information is for reporting purposes only; no decision is required by the committee.

SUPPORTING INFORMATION

- 4.1 All waivers are reported at appendix 2

OTHER OPTIONS CONSIDERED

- 5.1 Not applicable.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	
For more information contact: Background papers: List of appendices:	Name Linda Spiby 01332 64 3274 e-mail linda.spiby@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Waivers

IMPLICATIONS

Financial and Value for Money

- 1.1 Each decision to waive competition requirements, where competition exists, has a financial impact which is taken into account when preparing the application for the waiver.

Legal

- 2.1 The report complies with the requirements of contract procedure rules to report waivers to the Audit and Accounts Committee.
- 2.2 Any waiver that increases the overall contract value or which is a direct award of a contract without competition, even where the value is below EU procurement thresholds, is contrary to the overarching principles of the Treaty for the Functioning of the European Union (i.e. transparency, equal treatment, proportionality, non-discrimination and mutual recognition) and therefore exposes to the Council to a risk (albeit this risk will in most cases be low) of a legal challenge. The grant of a waiver in accordance with the Council's Contract Procedure Rules does not remove this risk.

Personnel

- 3.1 None.

IT

- 4.1 None.

Equalities Impact

- 5.1 None.

Health and Safety

- 6.1 None.

Environmental Sustainability

- 7.1 None.

Property and Asset Management

- 8.1 None.

Risk Management

- 9.1 Any risks associated have been considered by the Head of Procurement and are being managed as part of the procurement process.

Corporate objectives and priorities for change

- 10.1 None.

Appendix 2

Type of waiver	Department/ Division seeking the waiver	Brief Description of the Contract	Value	Additional comments and/or reasons the waiver is needed	Date of Approval
Unavoidable	Peoples Services	Child placements for Special Education Needs	£362,250	To cover a period of 5 academic years	27 October 2017
Unavoidable	Peoples Services	Younger Adult Domiciliary Care Services	£21,779	Urgent Placement	2 November 2017
Unavoidable	Communities & Place	Major Projects Valuer within the Strategic Asset Management and Estates Team	£38,480	An interim post (6 months) to allow for a recruitment process	14 November 2017
Avoidable	Peoples Services	Younger Adult Domiciliary Care Services	£350,000	Further extension of current contract due to delay in procurement process	20 November 2017
Avoidable	Organisation & Governance	Review of Housing Options	£20,000	Report required in advance of budget setting in January 2018	22 November 2017
Avoidable	Communities & Place	Inter-library van delivery service	£36,000	Extension of current contract to allow for the completion of the Libraries Strategic Review	30 November 2017
Unavoidable	Peoples Services	Child placements for Special Education Needs	£118,360	To cover a period of 2 academic years	11 December 2017
Avoidable	Organisation & Governance	Support and maintenance of the GIS system	£52,300	Extension of current contract for 2 years	13 December 2017
Avoidable	Organisation & Governance	Purchase of 8 new Servers	£34,432	To stabilise the Oracle E-Business Suite estate	13 December 2017
Avoidable	Organisation & Governance	Changes to the Business Intelligence component of the Oracle E-Business Suite	£24,300	To stabilise the Oracle E-Business Suite estate	13 December 2017
Unavoidable	Communities & Place	IT Software for the Project Water and Flood Defence Team	£11,540	Single provider of industry standard	14 December 2017

Classification: OFFICIAL

Avoidable	Organisation & Governance	Supply of ICT Cabling	£8,548	New contract not yet in place	8 December 2017
Avoidable	Organisation & Governance	Provision and Reporting of consumer and demographic data	£18,130	Extension of current contract for 1 year	31 October 2017
Avoidable	Communities & Place	Internet Services for Friar Gate Studios and the Council House	£13,000	Extension of current contract for 3 months	20 December 2017
Unavoidable	Communities & Place	Recruitment and supervision of a China Liaison Officer in China	£50,000	Single known reliable source in China	21 December 2017
Avoidable	Organisation & Governance	Operation and Management of Bold Lane Car Park	1,880,000	Extension of current contract for 4 years to bring in to line all car park contracts	21 December 2017
Avoidable	Peoples Services	Residential Care System support and maintenance	£4,494	Further extension to old contract whilst teething problems with new system are resolved	27 December 2017