

Central Register of Exemptions

The Audit Plan 2013/14 – “Procurement and Contract Management Baseline Assessment” Recommended: “We recommend that consideration should be given to maintaining a central record of waivers and exemptions that have been approved.”

The Council’s Contract Procedure Rules state:

Exemptions:

- Acquisition or disposal of Land:

These Rules do not apply to the acquisition or disposal of Land except where a lease or licence is granted as a part of a principal contract for other Works, Supplies or Services.

- Unforeseeable emergency:

Where exemption from these Rules is unavoidable due to an unforeseeable emergency involving immediate risk to persons or property or likely to give rise to major or serious disruption to the Council’s services, a Head of Service and the Managing Director may jointly approve an exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken. Urgency caused by undue delay will not be a valid reason for an exemption.

- Exceptional Circumstances:

An exceptional exemption may be considered by the Managing Director in limited and unusual circumstances. This may, for example, apply where a key supplier has gone into Administration or Receivership. It applies where the event will involve significant risk to a key contract and is likely to give rise to a significant disruption to a Council service. In such an event a Head of Service and the Managing Director may jointly approve an exceptional exemption. This may, for example, be a single tender action or the use of a substitute contractor from the original tender responses to complete a contract or part of a contract. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

- Limited market:

A partial exemption may apply where a supply or service is only obtainable from a single or a very limited number of contractors. In such a case, evidence of the limited market must be provided, such as by public advertisement or detailed market research. A Head of Service and the Managing Director may jointly approve a partial exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

- Prior approval:

Other than as specified above no exemption from these Rules shall be made unless prior approval has been granted at a Cabinet meeting.

Record of Exemptions – Heads of Service must ensure that full details of approved waivers and exemptions are recorded in a central register held by the Corporate Procurement Manager on behalf of the MD.

A record form must be completed and signed for each approved Exemption.

v1.0 Nov 2013

Approved Exemption Record Form

	Details
Exemption category <ul style="list-style-type: none"> • Unforeseeable emergency • <u>Exceptional Circumstances</u> • Limited market • Prior approval 	<ul style="list-style-type: none"> • <u>Exceptional Circumstances</u>
Details / Circumstances / Explanation of why an exemption was required:	The tender for Network Services had limited responses, all of which were excessively high in relation to the services being sought. Therefore the council approached the incumbent Service Desk provider to enquire if these services could be provided as an additional cost to the existing contract, so as to ensure that the Council had network services provided for the remainder of the ICT contract. The Service Desk provider, Amicus, provided a substantially lower cost for exactly the same Network Services, as had gone to Tender previously. This exemption therefore seeks approval to appoint Amicus as provider of Network Services on basis of exceptional circumstances to ensure that the Council's ICT service has provision of network services for the remainder of the ICT contract.
Approved by (Name and date): <ul style="list-style-type: none"> • MD • HoS 	Manny Lewis 13/09/16
Portfolio Holder informed (Name and Date):	Councillor Mark Watkin – 13/9/16
Date reported to Cabinet:	10 October 2016
Contract Title:	Network Services – Amicus ITS
Vendor / Contractor:	Amicus ITS
Date Contract let:	
Term of Contract:	
End date:	
Total Value of Contract:	Set-up costs £11,925 + VAT Annual service fee £65,419 + VAT
WBC Contract Manager (Name and contact details):	Kevin Mcleod, 01923-727457
Comments / Other Information:	

Date entered onto Exemptions Register:	
Signed by Head of Service:	

Copies to:

Contract File
Head of Service
Corporate Procurement Manager
Central Register of Exemptions

Approved.  13/9/16

