



**WATFORD
BOROUGH
COUNCIL**

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Manny Lewis,
Managing Director,
Watford Borough Council,
Town Hall,
Watford,
WD17 3EX

Enquiries to: Andy Smith

Phone no: 01923 278115

Our reference:

Your reference:

Date: 22 September 2016

Dear Manny,

Exemption Request for the engagement of consultancy services to support the procurement of the Parking Management Contract 2018 – 28

The Council's current contract for the delivery of parking management services expires in spring 2018. Work on the procurement of the new contract has commenced and the Officer Procurement Project Group has identified the need for specialist external advice to the procurement process to provide the following:-

- Advice on the content of the contract specification and other documents
- Advice on current trends in the parking management sphere to ensure best use is made of technology to reduce operating costs and improve the customer interface with the service
- To advise the Council on the technical aspects of bids received as part of the tender evaluation process

The need for the specialist support was included in the PID. This was submitted to the Project Management Board for consideration and approved in May 2016.

Two options have been identified for the provision of the required support.

OPTION 1

The Council currently has a Framework Agreement for the provision of parking and traffic related services which provide access to 5 consultants when required to support work in the parking and traffic sphere. The nature of the support sought in relation to the procurement of the Parking Management Contract is specialist in nature however and Officers are of the view that none of the existing Framework Consultants have the detailed experience and knowledge of the procurement and operation of on-street parking enforcement services, back-office systems and current technology to provide the degree of support required.

OPTION 2

Officers have consulted the British Parking Association (BPA) Special Services Directory which list consultants/contractors in terms of their specialism's within the parking industry. There are few consultants within the



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directory which provide expertise in on-street parking management as well as expertise in the software packages and hardware available in the market place. Parking Associates have been identified as having the necessary expertise to effectively support the procurement exercise. Parking Associates' main areas of expertise are in notice processing systems and services, on-street parking operations, and parking equipment and specification.

Parking Associates were engaged by the Council in 2007/8 in a similar role and successfully supported the procurement of the current parking management which expires in 2018.

Officers are of the opinion that option 2 should be pursued and in this regard that Parking Associates should be engaged to support the procurement as it possesses the particular areas of specialism required.

Exact cost of the support sought is estimated at £40k. Procurement costs incurred during the last exercise in 2007/8 were shared equally amongst the 3 procurement partnering authorities at that time (WBC/ TRDC/ DBC). Although Dacorum has opted to pursue its own procurement exercise separately, discussion with TRDC to share the cost of procurement is on-going on the basis of an equal split. If successfully concluded TRDC will meet 50% of the costs, reducing the budget required from WBC resources to approximately £20k. Watford's element of the procurement costs would be met from the parking Reserve (code VFD000 X9000), the balance of which currently stands at approximately £700k.

For option 2 to be taken forward, an exemption to the Council's Contract Procurement Rules on the basis of their being a limited market would need to be authorised and an exemption approval is now sought in that regard in relation to the appointment of Parking Associates to provide specialist expertise to support the procurement of the Parking Management Contract.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. G. Smith'.

Andy Smith,
Transport and Infrastructure Section Head

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 part of a principal contract for other Works, Supplies or Services.

- Unforeseeable emergency:

Where exemption from these Rules is unavoidable due to unforeseeable emergency involving immediate risk to persons 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 in to Administration or Receivership. It applies where the event will involve significant risk to a key contract and is likely to give rise to 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.

Approved Exemption Record Form

	Details
Exemption category <ul style="list-style-type: none"> • Unforeseeable emergency • Exceptional circumstances • Limited market • Prior approval 	Please find attached the covering letter which details the limited market exemption
Details/ Circumstances/ Explanation of why an exemption was required:	See letter attached
Approved by (name & date) <ul style="list-style-type: none"> • Managing Director 	Manny Lewis  - 26-9-16
Portfolio Holder informed (name & date)	Iain Sharpe - 21 September 2016
Date reported to Cabinet	
Contract Title:	Parking Management Procurement technical support
Vendor/ Contractor:	Parking Associates
Date contract let:	October 2016
Term of contract:	18 months
End date:	March 2018
Total value of contract:	£20k
WBC Contract Manager (name & contact details)	Andy Smith Transport & Infrastructure Section Head
Comments/ Other information	
Date entered on to Exemption Register	
Signed by Head of Service	

Copies to:

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