

## 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 (updated September 2016) 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 or emergency event 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 circumstances exemption may be jointly approved by a Head of Service and the Managing Director in limited and exceptional circumstances. This applies at the Managing Director's discretion and only below the EU thresholds examples of which may include but not be limited to:

- Events which may involve significant risk to a key contract, for example where a key supplier goes into Administration or Receivership
- Situations which may cause significant disruption to a Council service
- Extensions of or additions to existing contracts where demonstrable benefits and clear savings can be shown
- Single tender action or use of a substitute contractor from the original tender responses to complete a contract or part of a contract
- Short term provisions to enable more effective and efficient procurement to be undertaken
- Other circumstances where clear synergies with existing services can be evidenced or where supported by substantial market research

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. Cabinet cannot authorise an exemption where the value of the contract would exceed the EU threshold or in non-compliance with the PCR2015.

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.

**Approved Exemption Record Form  
Watford BIG Beach - February 2019**

	Details
Exemption category <ul style="list-style-type: none"> <li>Exceptional Circumstances</li> </ul>	<p>In 2018, A&amp;K Events L.T.D. were appointed the management operator on a 2 year contract for the delivery and management of the Watford BIG Beach.</p> <p>On the 29<sup>th</sup> January 2019, we received a letter of resignation from them within the 60 days termination clause detailed within the contract.</p>
Details / Circumstances / Explanation of why an exemption was required:	Following the termination of the contract the council needs to secure a contractor for this year 2019.
Approved by (Name and date): <ul style="list-style-type: none"> <li>MD</li> </ul> (sign or attach copy of e-mail if appropriate)	Manny Lewis - Managing Director  February 2019
Approved by (Name and date): <ul style="list-style-type: none"> <li>HoS</li> </ul> (sign or attach copy of e-mail if appropriate)	Alan Gough - Head of Community & Environmental Services  February 2019
Portfolio Holder informed (Name and Date):	Cllr Karen Collett- Portfolio Holder  February 2019
Date reported to Cabinet:	N/A
Contract Title:	Watford BIG Beach 2019.
Vendor / Contractor:	Beach Events and Solutions LT.D
Date Contract let:	Once consent has been granted as part of this request for exemption from standing orders
Term / Duration of Contract:	1 Year or as soon as the works are completed
End date:	11 <sup>th</sup> August 2019 – 4 <sup>th</sup> Sept 2019 this includes set up and set down, the actual event is 16 <sup>th</sup> August 2019 – 30 August 2019
Total Value of Contract:	The value for this work Total value of works - £28,000
WBC Contract Manager (Name and contact details):	Gary Oliver Culture and Events Section Head

	07454 205815 <a href="mailto:Gary.oliver@watford.gov.uk">Gary.oliver@watford.gov.uk</a>
Comments / Other Information:	<p>Following the termination notice received by A &amp; K Events council officers referred back to the tender and evaluation exercise for the BIG beach back in October/November 2017.</p> <p>The second highest bidder was Beach and Events Solutions which would still represent value for money and quality sought for the delivery of the BIG Beach for 2019.</p> <p>Beach and Event solutions is a contractor that the council has used before to carry out the delivery of the BIG Beach and has been satisfied with the quality of the programme and finished product/works.</p>
Date entered onto Exemptions Register:	
Signed by Responsible Officer:	

Copies to:

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