

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 Market - Lighting and Electrical Works - January 2019

	Details
Exemption category <ul style="list-style-type: none"> Exceptional Circumstances 	<p>Town & Country Markets (TCM) was the appointed management operator for Watford Market until 31 July 2018.</p> <p>Due to outstanding debt and rent payments the council took the decision to terminate the contract and lease with TCM and take back control of Watford Market.</p> <p>This happened on 31 July 2018 when the Council forfeited the lease.</p>
Details / Circumstances / Explanation of why an exemption was required:	<p>Following the termination of the management contract and the recent compliance assessment of the site by SSE, the council needs to carry out repair and maintenance works to the following:</p> <ol style="list-style-type: none"> 1. Down lights throughout the site (including the pigeon protection wiring) 2. Emergency lighting system 3. Fire alarm and detection system
Approved by (Name and date): <ul style="list-style-type: none"> MD (sign or attach copy of e-mail if appropriate)	<p>Manny Lewis - Managing Director</p> <p>January 2019</p>
Approved by (Name and date): <ul style="list-style-type: none"> HoS (sign or attach copy of e-mail if appropriate)	<p>Alan Gough - Head of Community & Environmental Services</p> <p>January 2019</p>
Portfolio Holder informed (Name and Date):	<p>Cllr Tim Williams - Portfolio Holder</p> <p>January 2019</p>
Date reported to Cabinet:	N/A
Contract Title:	Lighting and fire alarm maintenance and associated repairs at Watford Market
Vendor / Contractor:	S. Henson Ltd
Date Contract let:	Once consent has been granted as part of this request for exemption from standing orders
Term / Duration of Contract:	1 month or as soon as the works are completed
End date:	February – March 2019
Total Value of Contract:	<p>The value for this work</p> <ul style="list-style-type: none"> o Emergency Lighting Compliance Work - £9,860 o Down lighting and other materials - £4,860 o Fit 22 x 100W Down lighting - £5,000

	<ul style="list-style-type: none"> ○ Fit 27 x 70W Down lighting - £5,000 ○ Fire Detection And Alarm System - £22,660 <p>Total value of works - £ 47,380</p>
WBC Contract Manager (Name and contact details):	<p>Chris Fennell Leisure & Environmental Services Section Head 07748920868 Chris.fennell@watford.gov.uk</p>
Comments / Other Information:	<p>Under the terms of the management contract and lease to operate Watford Market the contractor TCM were responsible for the ongoing repair and maintenance of the site.</p> <p>Following the decision to terminate the management contract with TCM in July 2018, the council has identified that the contractor had failed to meet a number of their obligations under the lease regarding repairs and maintenance of the site, which included the lighting system.</p> <p>During July 2018 the council instructed its compliance contractor SSE to conduct a site survey of Watford Market. The report identified that the majority of the markets down lights were not operational.</p> <p>An original quotation for the down lighting works (installation of new LED units and pigeon wiring system) was estimated to cost £47,000.</p> <p>Following further compliance assessment and investigations by council's specialist contactors, the emergency lighting and fire detection systems at Watford Market were found to require additional works or repairs.</p> <p>Subsequently the council officers sought a second quote which would represent value for money to the compliance issues identified at the market.</p> <p>A second more cost effective quote and solution was sought from S. Henson Ltd for down lights (non LED units).</p> <p>The cost difference between the quotes was £14,860 (non LED units) vs £47,000 for the high specification LED option.</p>

	<p>Following the additional information regarding the non-compliance issues at the market - the scope of the original quotation from S. Henson Ltd was also extend to include the emergency lighting and fire detection system.</p> <p>The cost for the 3 different elements is valued at £47,380.</p> <p>S. Henson Ltd is a contractor that the council has used before to carry our lighting and electrical works to the town hall complex and the Colosseum and has been satisfied with the quality of the workmanship 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