

## 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:** 4 November 2015

Dear Manny,

Exemption Request for the replacement of the Council's Pool Car, the lease on which expires in February 2016

Parking provision for staff at the Town Hall is limited. A number of initiatives such as multiple occupancy bays, pool bike and pool car schemes have been introduced by the Council in an attempt to reduce demand for staff parking and provide alternative means of travel for staff who need to travel in the Borough as part of their duties. With the letting of the ground floor of the Annex Building and 12 spaces of the staff car park to the BBC in 2013, pressure on parking has increased. With the possibility of further letting of suitable office floor space in the Town Hall complex, the level of flexibility around parking for staff is likely to reduce and the need to provide viable alternative means for staff to meet their work travel requirements without the need to bring their own vehicles to work are expected to increase.

In November 2014 the Council increased the pool car provision for staff by entering in to an agreement with E-car for the provision of electric vehicles for a period of 12 months. The agreement saw E-car providing an electric vehicle for the exclusive use of the Council as a pool vehicle between the hours of 8am and 4pm, Monday to Friday. Outside these hours the vehicle is available to be hired by E-car club members on an hourly or daily basis.

In addition, a second electric vehicle was provided by E-car for use by E-car club members at any time. This second vehicle is located in The Avenue public car park. Dedicated E-car club electric charging bays were provided by the Council in the Town Hall and Avenue car parks to support the E-car club vehicles.

The electric pool car supplemented the existing pool vehicle consisting of a leased diesel powered Smart car. This vehicle is predominantly used by Regeneration and Development staff.

In September 2015 Leadership Team agreed to the extension of the current E-car agreement for a further 2 years. This new agreement runs until November 2017.

The lease on the diesel powered Smart car pool vehicle expires in February 2016. For the reasons outlined above, there is still a need for this resource to be available for staff. The



INVESTORS  
IN PEOPLE | Silver

Council's Policies in relation to sustainable transport and the use of low emission vehicles support the need both for the continuation of a second pool vehicle and for it to be electrically powered rather than a conventionally powered petrol/ diesel vehicle.

Two options have been identified for the provision of the additional electric pool vehicle

#### **OPTION 1**

Extend the agreement with E-car to include for the provision of a second electric vehicle.

**Cost (p.a. based on current e-car vehicle)** **£4,940**

#### **Budget**

|  |                      |
|--|----------------------|
| <b>Regeneration &amp; Development transport budget</b> | <b>£3,000</b>        |
| <b>Staff car park income</b>                           | <b>£1,940</b>        |
| <b>TOTAL</b>   | <b><u>£4,940</u></b> |

#### **OPTION 2**

Undertake a procurement exercise to identify the most financially advantageous supplier for the second electric vehicle.

#### **Cost**

**unknown at this time**

#### **Budget**

**As per option 1**

Officers are of the view that option 1 should be pursued, with the second vehicle being secured from E-car for the period up to the end of the current agreement (November 2017) at which time a procurement exercise to meet the Council's needs going forward from that point be undertaken.

Option 2 is not favoured at this time as it would lead to two separate suppliers of the Council's electric pool vehicles, each of which would have its own separate booking, maintenance and administrative system and dedicated charging point. This is considered to unattractive operationally and is unlikely to encourage staff to migrate to pool car usage in preference to use of their own vehicles. In addition, the market for the provision of electric vehicles is still development as is technology for the vehicles themselves and it is anticipated that a procurement exercise to identify a single supplier that is deferred until late 2017 will provide a more competitive environment and a better technical offer that is the case at present.

For this option 1 to be taken forward, an exemption to the Council's Contract Procedure Rules would need to be authorised and an exemption approval is now sought to extend the existing agreement with E-car for the provision of a second electric vehicle for the exclusive use as a pool car for Watford Borough Council between the hours of 8am and 4pm, Monday to Friday from February 2016 until November 2017 on the grounds of exceptional circumstances as detailed above.

Yours sincerely,



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 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.

## Approved Exemption Record Form

|   | Details   |
|---|---|
| Exemption category <ul style="list-style-type: none"> <li>• Unforeseeable emergency</li> <li>• Exceptional Circumstances</li> <li>• Limited market</li> <li>• Prior approval</li> </ul> | Please find attached the covering letter which details the Exceptional Circumstances.   |
| Details / Circumstances / Explanation of why an exemption was required:   | In September 2015 Leadership Team approved a 24 month extension to the E-car agreement. The new agreement commences on the 15 <sup>th</sup> November 2015 at a cost of £4,950 pa. In February 2016 it is proposed to replace the diesel leased vehicle staff pool car with an electric vehicle under the same E-car contractual agreement and fee. The agreement will run for 21 months. It is proposed to add the agreement to the Councils contract register and in November 2017 undertake a procurement exercise. |
| Approved by (Name and date): <ul style="list-style-type: none"> <li>• MD</li> </ul>   | Manny Lewis<br>   |
| Portfolio Holder informed (Name and Date):  | Iain Sharpe   |
| Date reported to Cabinet:   |   |
| Contract Title:   | E-car agreement electric vehicles   |
| Vendor / Contractor:  | E-car   |
| Date Contract let:  | 15 <sup>th</sup> November 2015  |
| Term of Contract:   | Two years   |
| End date:   | 14 <sup>th</sup> November 2017  |
| Total Value of Contract:  | £18,525.00  |
| WBC Contract Manager (Name and contact details):  | Andy Smith<br>Transport & Infrastructure S/H  |
| 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

## Record of Officer Delegated Decision

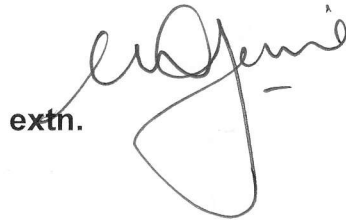
**This record must be completed by the officer making a delegated executive decision and sent to the Committee Team within 3 days for publication on the Council's website. In the case of key decisions the record will also be sent to all Members for call-in.**

|    |   |   |
|----|---|---|
| 1. | <b>DATE OF DECISION</b>   | 10 <sup>th</sup> November 2015  |
| 2. | <b>OFFICER MAKING DECISION</b>  | Manny Lewis, Managing Director  |
| 3. | <b>OTHER OFFICERS PRESENT</b>   | none  |
| 4. | <b>DECISION TITLE</b>   | Procurement of an electric powered staff pool vehicle – approval of an exemption in relation to the Council's Contract Procedure Rules  |
| 5. | <b>DECISION TAKEN</b>   | To approve the extension of the current agreement with E-car for the provision of electric vehicles to the Council to include for the provision of an additional electric vehicle to replace the Council's diesel powered pool vehicle on the expiry of its lease in February 2016 up until the expiry of the agreement with E-car in November 2017 |
| 6. | <b>HOW DECISION WAS REACHED</b><br><i>(i.e. factors taken into account in reaching this decision including details of any alternative options considered and rejected )</i> | <p>See the following attached documents:-<br/> <b>Exemption Record Application incorporating an extract from Watford Borough Council's Contract Procedure Rules</b></p> <p>Contract Procedure in relation to Exemptions. Approval form signed and dated.</p> <p>Report to Leadership Team dated 10<sup>th</sup> November 2015</p>                   |
| 7. | <b>REPORTS AND BACKGROUND PAPERS USED IN MAKING THE DECISION</b><br><br><i>We are required to publish these documents so they must be attached.</i>                         | See attached documents  |
| 8. | <b>DEADLINE FOR CALL-IN</b><br><i>(if appropriate)</i><br><br>➤ 3 Councillors not on Cabinet can  | N/A   |

Record of Officer Delegated Decision

|    |   |            |
|----|---|------------|
|    | <p><i>ask for a <u>key</u> decision to be called-in and examined by the Overview &amp; Scrutiny Committee.</i></p> <p>➤ <i>Notification of Call-In with reasons must be made to the Democratic Services Manager</i></p>   |            |
| 9. | <p><b>RECORD OF ANY CONFLICT OF INTEREST AND ANY DISPENSATION GIVEN</b></p> <p><i>If consulting a portfolio holder about the decision and they have declared any conflict of interest this must be recorded here together with any dispensation granted to them by the Managing Director.</i></p> | <b>N/A</b> |

Signed  
Contact details extn.



**Please complete and return by email to the Democratic Services Manager in Legal & Democratic Services**