

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

	Details
Exemption category <ul style="list-style-type: none"> • Unforeseeable emergency • Exceptional Circumstances • Limited market • Prior approval 	Exceptional Circumstances
Details / Circumstances / Explanation of why an exemption was required:	<p>The contract with Amicus ITS was awarded in June 2016 for an initial period of two years with provision to extend by a further two years in June 2018. This extension was exercised and the contract is currently due to expire in June 2020.</p> <p>This exemption will enable one year's further extension to this contract with a new expiry date of June 2021.</p> <p>The exemption is required due to the lack of capacity in the Service to deliver the required re-procurement exercise along with a number of other high priority initiatives, which delaying would introduce significant risk to the council. This is assessed to be a low risk option as Amicus ITS are performing well and this would be expected to continue through this extension period.</p>
Approved by (Name and date): <ul style="list-style-type: none"> • MD (sign or attach copy of e-mail if appropriate)	
Approved by (Name and date): <ul style="list-style-type: none"> • HoS (sign or attach copy of e-mail if appropriate)	 Andrew Cox
Portfolio Holder informed (Name and Date):	Mark Watkin 27/9/19
Date reported to Cabinet:	11/11/19
Contract Title:	Service Desk Service Desk (Out of Hours)

	Network Services Patching Services
Vendor / Contractor:	Amicus ITS Ltd
Date Contract let:	1.07.2020
Term / Duration of Contract:	1 year
End date:	31.06.2021
Total Value of Contract:	238,700
WBC Contract Manager (Name and contact details):	Emma Tiernan Emma.tiernan@watford.gov.uk
Comments / Other Information:	
Date entered onto Exemptions Register:	
Signed by Responsible Officer:	

Copies to:

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