

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.

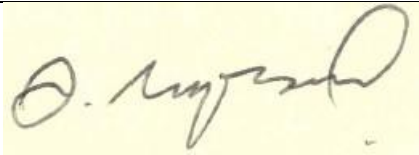
Record of Exemptions – Heads of Service must ensure that full details of approved waivers and exemptions are recorded in a central register held by the Corporate Procurement Manager on behalf of the MD.

A record form must be completed and signed for each approved Exemption.

Approved Exemption Record Form

	Details
<p>Exemption category</p> <ul style="list-style-type: none"> • Unforeseeable emergency • Exceptional Circumstances • Limited market • Prior approval 	<ul style="list-style-type: none"> • Exceptional Circumstances • Limited Market
<p>Details / Circumstances / Explanation of why an exemption was required:</p>	<p>The council has been successful in obtaining funding from the Ministry of Housing, Communities and Local Government under its Next Steps Accommodation Programme for the following projects awarded on 22 September 2020:</p> <p>Project 1: Provision of Covid-19-compliant accommodation and intensive support for up to five rough sleepers with no recourse to public funds (NRPF) and/or EEA nationals not using a qualifying right. Support required is to enable this cohort to access onward accommodation or reconnection, obtain EU settled status and/or obtain employment or reconnection to countries of origin. The required outcome is that these individuals do not return to rough sleeping in Watford. The provision includes personal budgets of up to £500 for each rough sleeper assisted. This project runs from 01/10/2020 to 31/12/2020 and accommodation is available via One YMCA from 26/10/2020.</p> <p>Project 2: Provision of Covid-19 compliant accommodation and intensive support over the period 1/12/20-31/3/2021, for up to 15 rough sleepers who do have recourse to public funds while suitable move-on options with floating support are obtained for those assisted. The outcome required is that these individuals do not return to rough sleeping in Watford. The provision includes personal budgets of up to £500 each for rough sleeper assisted. Provision is to also be increased when SWEP conditions are declared between December 2020 and March 2021. One YMCA have undertaken to provide</p>

	<p>accommodation under this project earlier than 1/12/2020 if possible.</p> <p>Both projects focus on rough sleepers who were accommodated, lost or refused Everyone In accommodation during the Covid-19 lockdown period from the end of March to the end of June 2020.</p> <p><u>Exceptional circumstances:</u> It is a stipulation of NSAP funding that all projects are started as soon as possible after 1 October 2020. Projects 1 and 2 have to be completed by 31 December 2020 and 31 March 2021 respectively.</p> <p><u>Limited Market:</u> In a soft market testing exercise undertaken by the Housing Department, seven providers were approached to deliver these projects. Three organisations responded that they were already fully committed and unable to respond. One did not respond to the invitation. A further three came forward with proposals and were interviewed on 15 October. These were New Hope, One YMCA and Keystage Housing. One YMCA was the only provider that met the council's requirements including being able to immediately deliver the accommodation and support required within the very tight timeframes set by government.</p>
<p>Approved by (Name and date):</p> <ul style="list-style-type: none"> • MD: Donna Nolan  <ul style="list-style-type: none"> • HoS: Tom Dobrashian 	<p>2 November 2020</p> <p>2 November 2020</p>
<p>Portfolio Holder informed (Name and Date):</p>	<p>Councillor Stephen Johnson – 29/10/2020</p>
<p>Date reported to Cabinet:</p>	<p>30 November 2020</p>

Contract Title:	NRPF & Winter Shelter Provision for rough sleepers October 2020 to March 2021
Vendor / Contractor:	One YMCA
Date Contract let:	26/10/2020
Term of Contract:	22 weeks and 2 days
End date:	31/03/ 2021
Total Value of Contract:	£100,000 including VAT
WBC Contract Manager (Name and contact details):	Ayaz Maqsood 01923 278902 ayaz.maqsood@watford.gov.uk
Comments / Other Information:	Funding for these projects comes from MHCLG's Next Steps Accommodation Programme
Date entered onto Exemptions Register:	
Signed by Head of Service:	

Copies to:

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