

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

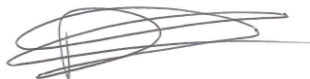

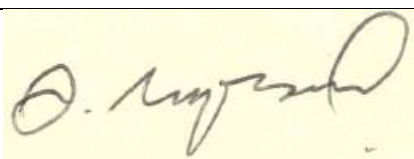
	Details
<p>Exemption category</p> <ul style="list-style-type: none"> • Unforeseeable emergency • Exceptional Circumstances • Limited market • Prior approval 	<ul style="list-style-type: none"> • Exceptional Circumstances • Limited Market
<p>Details / Circumstances / Explanation of why an exemption was required:</p>	<p>WBC has been successful in obtaining funding from the Ministry of Housing, Local Government and Communities under its Next Steps Accommodation Programme (NSAP) for specialist Housing First-principled support for 10 rough sleeper tenants who move into self-contained homes purchased by Watford Community Housing for Housing First provision under the same funding programme. The purchase and repair of these homes must be completed by 31 March 2020. The period for the Housing First specialist support provision will run from when the first property is purchased (between November 2020 and 31 March 2021) until end of March 2024.</p> <p>Rough sleepers accommodated through the Housing First project will be supported in accordance with Housing First principles to enable them to sustain their tenancy over the period of their occupancy, improve their health and well-being and achieve other planned outcomes as agreed with them including being able to move on to completely independent accommodation within 4-5 years.</p> <p>The target cohort is rough sleepers who have the most complex needs and have repeatedly failed to thrive in supported shared hostel environments.</p> <p><u>Exemption under the Light Touch Regime:</u> The council's contract procedure rules allow exemption from Official Journal of the European Union (OJEU) advertisement for contracts valued below the OJEU threshold. This service is covered by the Light Touch Regime (LTR) for Health, Social,</p>

Education and Certain other Service Contracts covered by the Public Contracts Regulations 2015. The value of the contract at £272,600 falls below the LTR threshold of €750,000 (£671,515). For reference, under the LTR, the service is covered by the description "Provision of Services to the Community" (CPV codes 75200000-8 to 75231000-4) set out in Schedule 3 of the Public Contracts Regulations 2015 entitled Social and Other Specific Services (Regulations 5(1)(d) and 74).

Furthermore, the following exemptions are relevant under the LTR:

Exceptional circumstances: It is a stipulation of NSAP funding that 10 Housing First homes are purchased by 31 March 2021. Watford Community Housing will provide these homes through the same funding programme. Housing First specialist support provision needs to be in place as soon as the first property is ready to occupy which is expected before December 2020.

Limited Market: In a soft market testing exercise undertaken by the Housing Department, of six providers approached to deliver this project, only three came forward with Housing First proposals and were interviewed on 15 October 2020. These were New Hope, One YMCA and Keystage Housing. One YMCA was agreed by the interview panel to have the best understanding of and be the best equipped to deliver the support requirements of Watford's Housing First project within the government-set timeframe.

Approved by (Name and date): <ul style="list-style-type: none"> MD: Donna Nolan  <ul style="list-style-type: none"> HoS: Tom Dobrashian 	30 October 2020 30 October 2020
Portfolio Holder informed (Name and Date):	Councillor Stephen Johnson – 27/10/2020
Date reported to Cabinet:	30 November 2020
Contract Title:	Housing First-principled Specialist Support Provision
Vendor / Contractor:	One YMCA
Date Contract let:	TBC
Term of Contract:	Estimated 3 years and 5 months
End date:	End March 2024
Total Value of Contract:	£272,600 (including VAT)
WBC Contract Manager (Name and contact details):	Ayaz Maqsood 01923 278902 ayaz.maqsood@watford.gov.uk
Comments / Other Information:	Funding from this provision is through the 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