

## 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"> <li>• Unforeseeable emergency</li> <li>• <b>Exceptional Circumstances</b></li> <li>• Limited market</li> <li>• Prior approval</li> </ul>	<p>Exceptional circumstances due to:-</p> <ul style="list-style-type: none"> <li>• Poor response to PQQ / ITT</li> <li>• Delays caused by planning approvals and conditions</li> <li>• Need to appoint by August 2014 to allow timescales to be met (see below)</li> </ul>
<p>Details / Circumstances / Explanation of why an exemption was required:</p>	<p>The relocation of Glen Rovers GAA Club to Radlett Road has been an ongoing project linked to the WHC initiative. 2 growing seasons are required to allow establishment of the pitch for use in 2016.</p> <p>A PQQ was issued for the pitch works in March 2014 with only 4 submissions. 3 ITT were issued but only 1 tender returned which was considerably over budget.</p> <p>With the delays in the project due to ongoing planning concerns, there is a need to appoint a high quality contractor with experience in this line of work who can also advise and influence the design – in essence ECI (Early Contractor Involvement) and can input significant value engineering. A contractor needs to be appointed in August to ensure works commence on site no later than September 2014 or a growing season is lost.</p> <p>Agripower Ltd carried out works at Knutsford Playing Fields on pitch No2 for the Rugby Club on behalf of the RFU / WBC / WRFC successfully and did not see the advert for the initial tender. We wish to appoint them to work with the appointed landscape architect to deliver a Design and Build pitch that is within the agreed budget to the now very tight timescales and ensure that all the agreed planning conditions are met. The timescales for delivery are now critical and as the previous procurement process did not succeed, exemption is being sought therefore to appoint Agripower</p>

	direct.
Approved by (Name and date): <ul style="list-style-type: none"> <li>• MD Manny Lewis 4<sup>th</sup> August 2014</li> <li>• HoS Lesley Palumbo 4<sup>th</sup> August 2014</li> </ul>	Agreed. This is both exceptional and urgent, and given the known budget target figure, I am confident that going to a single contractor will not jeopardise getting vfm. Manny Lewis
Portfolio Holder informed (Name and Date):	Cllr Derek Scudder
Date reported to Cabinet:	
Contract Title:	Pitch and drainage works at Radlett Road Playing Fields
Vendor / Contractor:	Agripower Ltd, Broomfield Farm, Rignall Road, Great Missenden, Bucks HP16 9PE
Date Contract let:	August 2014
Term of Contract:	18 months
End date:	March 2016
Total Value of Contract:	£350,000
WBC Contract Manager (Name and contact details):	Paul Rabbitts, X8250
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