



RECORD OF DELEGATED DECISION

Contract Exemption Form

This form is used to record officer decisions. The constitution details who can take delegated decisions.

The Officer must obtain a fully approved exemption in advance of awarding a contract, and must ensure that the actual spend does not exceed the total value stated in the approved exemption.

1. Name & Title of Officer: (who is taking the Decision)	Lee Byrne – Regeneration Manager
2. Decision Reference No.	CEX097
3. Contract Title / Subject Matter:	Provision of Festive lighting – gala lights
4. Contract Type:	<input type="checkbox"/> Goods <input checked="" type="checkbox"/> Services <input type="checkbox"/> Works
5. Key Decision	No
6. Type of Decision:	Public
7. Decision Taken:	
1. Authority to use a Contract Exemption as detailed below; 2. Authority to award and enter into any necessary agreements with Gala Lights	
8. Contract Details:	
Service area	Growth and Regeneration
Short contract description	Extension of Christmas lighting contract to provide additional lighting
Length of Exemption (months)	The remainder of the contract - 24 months
Exemption start date	September 2020

Exemption end date	September 2022
Total exemption value (£)*	£20k
Cumulative value of all previous Exemption requests (if applicable)	None

9. Exemption Details:

Type of Exemption:	<input type="checkbox"/> New Requirement <input checked="" type="checkbox"/> Change to Existing Requirement <input type="checkbox"/> Replacement to Existing Requirement <input type="checkbox"/> Other
Which rule are you seeking an exemption from?	<input type="checkbox"/> To advertise <input checked="" type="checkbox"/> To follow a competitive process
Name of Proposed Provider:	Gala Lights
Has the requirement been subject to a previous Exemption?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes [If yes give details below]
Applicable Exemption:	<input checked="" type="checkbox"/> (1) No genuine competition: proprietary or patented goods or services; requirement of such a specialist nature that it can genuinely only be fulfilled by one person or organisation; compatibility with existing goods or services is required and where those existing goods or services can only be sourced from the same supplier.
Details of benchmarking or market testing carried out	The current contract was subject to a competitive process as such benchmarking for an extension is not considered relevant on this occasion.
How will value for money be secured?	Value for money was assessed during the original tendering of the contract at which this provider was identified to be best value for money. Prices for new lighting infrastructure largely fall in line with those quoted for existing lighting scheme

10. Reasons for Decision:

Following the successful implementation of a new Christmas lighting scheme in 2019 the Council decided to extend the scheme to incorporate more of the town centre. This additional lighting will need to be provided by the existing contractor to ensure it is in place for Christmas 2020. Additional lighting infrastructure is required for the extension of the scheme and the existing contractor has the necessary knowledge to ensure this ties in with the lighting infrastructure improvements that were undertaken in 2019. This will be necessary to provide one seamless and efficient lighting scheme.

11. Authority / Legal Power:

See legal comments below

This is not a key decision. The Regeneration Manager has delegated authority to award contracts up to the value of £50,000.

12. Background Papers attached?

(Background papers are to be attached (unless exempt))

None

13. Alternative options available / rejected:

1. Do nothing – there would be no additional lighting and the scheme would continue as it currently exists for the remainder of the contract. This has been rejected as feedback from the public last year was that the new scheme was liked and the new style of lighting was well received however it would be nice for it to cover more of the town centre.
2. Open tender – Discounted due to there being no real competition as a result of the current contractor having prior knowledge of the lighting infrastructure and within Melton and already committed to galvanising people on site to erect this years lighting. This would lead to significantly less on site costs.

14. Implications:

(Please ask the respective professional officers ((a) Legal, (b) Finance and (c) Human Resources) for their assessment of the potential implications of this decision. You should also consult any other relevant officers if you think the decision will have an impact on their areas of responsibility.)

<p>Legal</p>	<p>The Council has the power to enter into contracts in order discharge its functions (Local Government Act 1972, s111 and the Local Government (contract) Act 1997, s1).</p> <p>The Local Government Act 1972 requires the Council to have regulations for how it enters into contracts. In addition to complying with all relevant UK and EU legislation every contract entered into on behalf of the Council must also comply with the Council’s Contract Procedure Rules and the Council’s Financial Regulations. The Contract Procedure Rules provide exemptions but the exemptions listed do not apply to procurements valued above the relevant EU Threshold.</p> <p>Exemptions must be approved by the Director for Corporate Services and the Director for Governance & Regulatory Services and are subject to one of more of the criteria being fulfilled.</p> <p>Where the total value of the contract is £5,000 or more, the resultant contract must be added to the Contract Register to ensure compliance with Transparency Regulations.</p>
<p>Finance</p>	<p>The additional costs will be met from a virement from savings elsewhere in 2020/21 and will be incorporate into the budget for 2021/22</p>
<p>HR</p>	<p>None</p>

15. Signature of relevant Service Director:
 Where justification (2) is being relied upon, the relevant Service Director will need to approve the exemption prior to it being submitted for further approval

Signature redacted
Lee Byrne
Regeneration Manager

<p>16. Signature of Decision Maker: Please do not 'pp' for a Senior Officer</p>	<p>Signature redacted Dawn Garton Director for Corporate Services</p>
<p>17. In Consultation with:</p>	<p>Signature redacted Adele Wylie Director for Governance & Regulatory Services</p>
<p>18. Date:</p>	<p>10 September 2020</p>

Please send all decisions for publication to: Democratic Services at democracy@melton.gov.uk.

19. Decision Reference No.:	
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20. Exempt or Confidential Background Information:

(Use this section to include any exempt or confidential information that should not be published or placed on the Council's website but is needed to support the decision. The information in this section will only be shared within the Authority as appropriate.)

For further support or guidance please contact Natasha Taylor – Democratic Services Manager or Democratic Services at democracy@melton.gov.uk.