



RECORD OF DELEGATED DECISION (OFFICER)

CONTRACT EXEMPTION

1. Decision Reference No.	CEX135	
2. Name/Title of Officer	Pranali Parikh Director for Growth and Regeneration	
3. Email address of Officer	pparikh@melton.gov.uk	
4. Contract Title / Subject Matter:	Contract Exemption - Temporary Planning Consultant	
5. Type of Decision: (The decision will be published in its entirety unless it contains exempt information as described in Section 1.4 of the Council's Access to Information Rules)	Public	
6. Key Decision?	No	
7. Contract type:	<input type="checkbox"/>	Goods
	<input checked="" type="checkbox"/>	Services
	<input type="checkbox"/>	Works
8. Decision Taken: (Try to briefly summarise what you have decided to do. Do not include any exempt or other information in your decision that you would not want to be published.)		
<ol style="list-style-type: none"> Authority to use a Contract Exemption as detailed below; Authority to award and enter into any necessary agreements with Vivid Resourcing. 		
9. Contract Details		
Service area	Growth and Regeneration	
Short contract description	Temporary Planning Consultant	
Length of Exemption (months)	3 months (max)	
Exemption start date	1st July 2021	

Exemption end date	30th September 2021
Total exemption value (£)*	Up to £20,000
Cumulative value of all previous Exemption requests (if applicable)	None

* 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.

An award notice is required on Contracts Finder for all Contracts with a total value of £25,000 or above. Welland Procurement is responsible for such award notices. Officers must formally advise Welland of the award details, so that they can publish the award notice.

10. Exemption Details

Type of Exemption:	<input checked="" type="checkbox"/> New Requirement <input 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 checked="" type="checkbox"/> To advertise <input checked="" type="checkbox"/> To follow a competitive process
Name of Proposed Provider:	Vivid Resourcing
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.
<i>If the justification being relied upon is as detailed in here, the relevant Service Director will need to approve the exemption prior to it being submitted to the Director for Corporate Resources and the Director of Governance and Regulatory Services for approval.</i>	<input checked="" type="checkbox"/> (2) There is a sound business case and/or an independent review that there is no value for money in running a full procurement process. Supporting evidence will need to demonstrate market testing and enquiries to other suppliers. This should not be used to avoid competition or where decisions to procure have been postponed and there are insufficient timelines to procure.
Details of benchmarking or market testing carried out	The Council have recently undertaken a compliant quotation process for this contract, which resulted in only one applicant being

		interviewed. Unfortunately, this applicant was then no longer able to accept the role. The applicant that has now been provided is available, however is also receiving other offers for placements.
	How will value for money be secured?	Vivid Resourcing have quoted the work at a rate that is equivalent to the market benchmarking and have previously provided this service for MBC highlighting the value for money in directly awarding the contract to them.

11. Reasons for Decision:

(Briefly summarise why you think this is the right decision. Again, do not include any exempt or other information in your decision that you would not want to be published. Please ensure all background papers are attached to this decision)

The Development Management Team have seen a large increase in work and have current vacancies in the team. The increased workload is impacting on the level of service provision to the customer and the reputation of MBC.

The Council was notified of this service this morning by way of a late bid, time constraints on the securement of this contract do not allow for further procurement to take place.

Welland Procurement is supportive of this Exemption approach, as the original quotation process was compliant with the Contract Procedure Rules. The applicant will still undergo an interview, to assess they meet the Council's requirements and due diligence expectations, before any offer of placement is made.

12. Authority / Legal Power:

(Please detail where your authority comes from e.g. Committee Minute, Constitution or Legal power i.e. what enables you to take this course of action)

See legal comments below.

13. Background Papers attached?

(Background papers are to be attached (unless exempt)

No

14. Alternative options available / rejected:

(Briefly summarise what other options, if any, are available or considered and why they were rejected.)

1. Seek internal resource – this option is not available due to the existing work demand on other departments and also the key skills required for the work.
2. Increase workload of existing officers – this option is not available as all officers are at capacity, if workloads were to be increased further there would be a risk to health and increased sickness in the department.
3. Going out to market again to seek quotations – this option is not available, due to time constraints, and short availability of applicants (before they receive other placement offers).

15. Implications:

Legal	<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 Assistant Director for Governance and Democracy. Exemptions are subject to one of more of the criteria being fulfilled.</p>
Finance	<p>It has been agreed that savings will be identified within the service area to offset the additional agency costs over the salary saving arising from the vacancy.</p>
HR	-

16. 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

Pranali Parikh
Director for Growth and Regeneration

17. Signature of Decision Maker with authority to sign (See Section 9):

Signature redacted

Dawn Garton
Director for Corporate Services

18. Consultation with:

Kieran Stockley
Assistant Director for Governance & Democracy

19. Date:

2 July 2021

Please send all decisions for publication to: Democratic Services at democracy@melton.gov.uk. All decisions with exempt information should be referred to MonitoringOfficer@melton.gov.uk