



**RECORD OF DELEGATED DECISION (OFFICER)**

**CONTRACT EXEMPTION**

<b>1. Decision Reference No.</b>	<b>CEX223</b>	
<b>2. Name/Title of Officer</b>	<b>Pranali Parikh – Director for Growth and Regeneration</b>	
<b>3. Email address of Officer</b>	<a href="mailto:pparikh@melton.gov.uk">pparikh@melton.gov.uk</a>	
<b>4. Contract Title / Subject Matter:</b>	<b>Contract Exemption - Temporary Assistant Director for Strategic Planning &amp; Delivery (Extension)</b>	
<b>5. Type of Decision:</b> (The decision will be published in its entirety unless it contains exempt information as described in Section 1.4 of the <a href="#">Council's Access to Information Rules</a> )	<b>Public</b>	
<b>6. Key Decision?</b> <ul style="list-style-type: none"> <li>• Expenditure/income/savings over £50K and/or</li> <li>• Significant impact 2 or more wards</li> </ul>	<b>No</b>	
<b>7. Contract type:</b>	<input type="checkbox"/> Goods <input type="checkbox"/> Services <input type="checkbox"/> Works	
<b>8. Decision Taken:</b>		
<ol style="list-style-type: none"> <li>1. To use a Contract Exemption as detailed below to enable the Director for Growth and Regeneration to extend the current contract to Vivid Recruitment Agency for the appointment of an interim consultant to cover the post of Assistant Director for Planning and Delivery and enter into any necessary paperwork for the appointment</li> <li>2. Authority from the Director for Corporate Services to the Director of Growth &amp; Regeneration to access the Local Plan Reserve to contribute towards the funding of this post as identified in the financial implications</li> </ol>		

## 9. Contract Details

Service area	<b>Growth &amp; Regeneration</b>
Short contract description	<b>Contract for the appointment of Interim Assistant Director for Planning and Delivery</b>
Length of Exemption (months)	<b>1 month</b>
Exemption start date	<b>1<sup>st</sup> August 2022</b>
Exemption end date	<b>31<sup>st</sup> August 2022</b>
Total exemption value (£)*	<b>£15,000</b>
Cumulative value of all previous Exemption requests (if applicable)	<b>£105,000 (£90,000 from exemption CEX186)</b>

\* 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 £20,000 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

<b>Type of Exemption:</b>	<input type="checkbox"/> New Requirement <input checked="" type="checkbox"/> Change to Existing Requirement <input type="checkbox"/> Replacement to Existing Requirement <input type="checkbox"/> Other
<b>Which rule are you seeking an exemption from?</b>	<input checked="" type="checkbox"/> To advertise <input checked="" type="checkbox"/> To follow a competitive process
<b>Name of Proposed Provider:</b>	Vivid Resourcing
<b>Has the requirement been subject to a previous Exemption?</b>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes [If yes give details below]
<b>Applicable Exemption:</b>	<input 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.

<p><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></p>	<input checked="" type="checkbox"/>	<p>(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.</p>
	<input type="checkbox"/>	<p>(3) Genuine emergencies: critical preventative or remedial work where there is a real and imminent risk to the safety of people or property arising from hitherto unforeseen 'catastrophic' events or incidents, for example fire, bombing, landslide etc.</p>
	<input checked="" type="checkbox"/>	<p>(4) Urgent Situations not of the Council's own making: the urgency must have been reasonably unforeseeable (e.g. existing supplier going into liquidation) and genuinely be a case of time is of the essence. Urgency arising from the Council's own making (e.g. lack of planning) shall not justify an exemption. Where this exemption is used, a compliant procurement must be implemented as soon as possible.</p>
	<input type="checkbox"/>	<p>(5) Collaborative/Joint Procurement: where another authority/public body is acting as the 'lead buyer' and provided that the Officer can demonstrate those arrangements comply with relevant Regulations and best practice.</p>
	<input type="checkbox"/>	<p>(6) Grants which the Council may receive or make: except where the grant is the form of payment for a contract for services where the Council specifies the output or outcomes to be delivered. The awarding of grants by the Council or on behalf of the Council must be carried out under the principles of openness, fairness, non-discrimination and value for money. Officers cannot choose to treat procurement as a grant in order to avoid conducting a competitive process.</p>

	<input type="checkbox"/>	(7) Contracts for the execution of either mandatory works or provision of goods or services which must be provided by Statutory Provider other than the Council. This includes but is not limited to public utility companies and other legal authorities.
<b>Details of benchmarking or market testing carried out</b>		<p>This was carried out as part of the original process.</p> <p>CVs were sought from four recruitment agencies for this role. Four CVs were shortlisted with the same level of day rates for interview by Director for Growth and Regeneration and Director for Housing and Communities.</p> <p>The Director of Growth and Regeneration and the Director for Housing and Communities have interviewed four candidates and selected the preferred candidate who has accepted the offer of a fixed term 6 months contract to provide the interim cover. One reference from a previous employer has been sought for the preferred candidate.</p> <p>This candidate is deemed value for money based on their expertise and ability to provide continuity to the Council's planning service</p>
<b>How will value for money be secured?</b>		This process represents value for money as it has helped finding a high calibre candidate in a short space of time without financial disadvantage to the Council.

## 11. Reasons for Decision:

To ensure continuity of leadership in this area while the recruitment of the permanent post is taking place.

## 12. Authority / Legal Power:

Officers can take key decisions

Chapter 3 Part 7 MBC Constitution Contract Procedure Rules – Section 8

Chapter 3 Part 6 MBC Constitution Financial Procedure Rules – Section 6

Legal – see comments below

**13. Background Papers attached?**

**No**

**14. Alternative options available / rejected:**

1. To not extend and end the contract as per previous approval.

## 15. Implications:

<p><b>Legal</b></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 Assistant Director for Governance &amp; Democracy and are subject to one of more of the criteria being fulfilled.</p> <p>Legal Approval 25 May 2022</p>
<p><b>Finance</b></p>	<p>The cost for 1 month cover on day rate consultancy basis (including recruitment agency cost) is estimated at £15,000.</p> <p>This will be funded through existing budgets from the saving of vacant Assistant Director for Planning post in Growth &amp; Regeneration.</p> <p>Finance approval 20 May 2022</p>
<p><b>HR</b></p>	<p>Recruitment to the Assistant Director vacancy is underway with interviews planned for 20<sup>th</sup> June. There are no HR implications as a result of this decision</p> <p>HR Approval 20 May 2022</p>
<p><b>Procurement</b></p>	<p>Welland supports this exemption to extend the current contract.</p> <p>Once approved and extended, please ensure the contracts register entry (<a href="https://procontract.due-north.com/ContractsRegister/ViewContractDetails?contractId=08538b31-fe84-ec11-8110-005056b64545">https://procontract.due-north.com/ContractsRegister/ViewContractDetails?contractId=08538b31-fe84-ec11-8110-005056b64545</a>) is updated to reflect the new end date and contract value.</p> <p>Procurement Approval 19 May 2022.</p>

## 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

Name...Pranali Parikh.....

Director for: Growth & Regeneration.....

Date:.....29/06/2022.....

<p><b>17. Signature of Decision Maker with authority to sign (See Section 9):</b> Please do no 'pp' for a Senior Officer</p>	<p><b>Dawn Garton</b> <b>Director for Corporate Services</b></p>
<p><b>18. Consultation with:</b> (Where applicable - attach email as confirmation)</p>	<p><b>Kieran Stockley</b> <b>Assistant Director for Governance &amp; Democracy</b></p>
<p><b>19. Date:</b></p>	<p><b>29/06/2022</b></p>

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