



**RECORD OF DELEGATED DECISION (OFFICER)**

**CONTRACT EXEMPTION**

<b>1. Decision Reference No.</b>	<b>CEX265</b>						
<b>2. Name/Title of Officer</b>	<b>Dawn Garton, Director for Corporate Services in consultation with Kieran Stockley, Assistant Director for Governance and Democracy (Exemption)</b>  <b>Michelle Howard Director for Housing and Communities (Award)</b>						
<b>3. Email address of Officer</b>	<a href="mailto:dgarton@melton.gov.uk">dgarton@melton.gov.uk</a> <a href="mailto:kstockley@melton.gov.uk">kstockley@melton.gov.uk</a> <a href="mailto:mhoward@melton.gov.uk">mhoward@melton.gov.uk</a>						
<b>4. Contract Title / Subject Matter:</b>	<b>CCTV for Melton Town Centre – Contract Exemption and Award</b>						
<b>5. Type of Decision:</b>	<b>Public</b>						
<b>6. Key Decision?</b>	<b>Key</b>						
<b>7. Contract type:</b>	<table border="0"><tr><td>✓</td><td>Goods</td></tr><tr><td>✓</td><td>Services</td></tr><tr><td>✓</td><td>Works</td></tr></table>	✓	Goods	✓	Services	✓	Works
✓	Goods						
✓	Services						
✓	Works						
<b>8. Decision Taken:</b>	<ol style="list-style-type: none"><li>1. Authority to use a Contract Exemption to upgrade the Council's CCTV. This will just be for the supply and installation of the CCTV system and upgrades to the control room. This does not include the ongoing monitoring and maintenance of CCTV operations as this will be entered in through a separate arrangement with Harborough District Council.</li><li>2. Authority to award and enter into any necessary agreements with ACE Fire &amp; Security Ltd., subject to Council approval of the budgetary implications.</li></ol>						

## 9. Contract Details

Service area	<b>Safer Communities / Community Safety</b>
Short contract description	<b>CCTV purchase and installation</b>
Length of Exemption (months)	<b>One-off purchase</b>
Exemption start date	<b>N/A – one off purchase</b>
Exemption end date	<b>N/A – one off purchase</b>
Total exemption value (£)*	<b>£59,241</b>
Cumulative value of all previous Exemption requests (if applicable)	<b>N/A</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 checked="" type="checkbox"/> New Requirement <input 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 type="checkbox"/> To advertise <input checked="" type="checkbox"/> To follow a competitive process
<b>Name of Proposed Provider:</b>	ACE Fire & Security
<b>Has the requirement been subject to a previous Exemption?</b>	<input checked="" type="checkbox"/> No <input 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 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"/>	<p>(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.</p>
<p><b>Details of benchmarking or market testing carried out</b></p>		<p>We conducted market testing by approaching 3 suppliers. One did not come back to us despite</p>

		reminders. One supplied our deployable CCTV which was commissioned through Safer Streets Funding. The deployable CCTV does not require ongoing monitoring and therefore did not need to be compatible with Harborough control room. The fixed CCTV quote they provided was higher than that of the preferred supplier and would also attract additional significant spend to ensure compatibility and consistency with Harborough District Council. The third is our preferred supplier. The preferred supplier costs provided better value for money and would also ensure ease and consistency in relation to our arrangements with Harborough District Council for monitoring and maintenance. They are the same supplier for Harborough and ensures we will not have to spend additional money for the systems to be synchronised.
	<b>How will value for money be secured?</b>	See above.

**11. Reasons for Decision:**

An exemption on the supply of equipment facilitates the savings for the maintenance and monitoring. This negates the need for additional capital spend on monitoring equipment, and significantly reduces the revenue spend on a monitoring service where Harborough have capacity.

Our kit needs to match that of Harborough in order to make the shared service, viable and enable us to realise the efficiencies. With another brand we cannot guarantee compatibility (monitoring and maintenance) or the technical knowledge (repairs and maintenance) would be held by Harborough. The savings potentially leveraged from a competitive approach here are outweighed by the overall savings from the full service costs.

**12. Authority / Legal Power:**

CPR 16.4 Exemptions must be approved by the Director for Corporate Services and the Assistant Director for Governance & Democracy

**13. Background Papers attached?**

No

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

1. The Council could choose not to award this contract. However, this would impact on value for money and effective service delivery arrangements, through collaboration with Harborough District Council for monitoring and maintenance services.
2. Full procurement process which is likely to lead to the same outcome due to our need to synchronise the system with Harborough District Council. A full procurement process will also take a considerable length of time (minimum 6months) this will have detrimental impact on our ability to run an effective system.

#### 15. Implications:

<b>Legal</b>	<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 - 28 November 2022]</p>
<b>Finance</b>	<p>Subject to Council approval on 20 December 2022 the total cost of £59,072 will be split 70% GF and 30% HRA.</p> <p>The general fund element will be funded from Capital Receipts and the HRA through the Development and Regeneration Reserve.</p> <p>In addition, there will be an annual maintenance and monitoring cost through a shared arrangement with Harborough District Council costing £5,400. This is significantly cheaper than our current maintenance contract and includes monitoring. The saving will be built into the future budgets.</p> <p>This will be funded through the Council's existing budget allocations and again split 70% GF and 30% HRA.</p> <p>[Finance Approval – 18 November 2022]</p>

<b>HR</b>	There are no HR implications because of this decision  [HR Approval – 04 November 2022]
<b>Procurement</b>	Procurement have been engaged in this process throughout and their comments on this decision notice have been incorporated into the body of the report.  [Mark Fisher – 04 November 2022]
<b>16. Signature of relevant Service Director:</b>	Signature redacted <b>Michelle Howard</b> <b>Director for Housing and Communities</b>
<b>17. Signature of Decision Maker with authority to sign :</b>	Signature redacted <b>Dawn Garton</b> <b>Director for Corporate Services</b>
<b>18. Consultation with:</b>	Email notification received <b>Kieran Stockley</b> <b>Assistant Director for Governance &amp; Democracy</b>
<b>19. Date:</b>	<b>07 December 2022</b>

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All decisions with exempt information should be referred to [MonitoringOfficer@melton.gov.uk](mailto:MonitoringOfficer@melton.gov.uk)