



## **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.

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| <b>1. Name &amp; Title of Officer:</b>  | <b>Craig Spence, Assistant Director for Housing Management</b> |          |
| <b>2. Decision Reference No.</b>  | <b>PH039</b>   |          |
| <b>3. Contract Title / Subject Matter:</b>  | <b>Lift refurbishment Granby House</b>                         |          |
| <b>4. Contract Type:</b>  | <input type="checkbox"/>                                       | Goods    |
|   | <input type="checkbox"/>                                       | Services |
|   | <input checked="" type="checkbox"/>                            | Works    |
| <b>5. Key Decision</b>  | <b>Yes</b>   |          |
| <b>6. Type of Decision:</b>   | <b>Public</b>  |          |
| <b>7. Decision Taken:</b>   |  |          |
| 1. Authority to use a Contract Exemption to award the contract for the passenger lift refurbishment at Granby House to Cotswold Lifts in line with the Consultancy recommendations. |  |          |
| 2. To enter into any necessary documentation to effect the award.   |  |          |

## 8. Contract Details:

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| Service area  | <b>Housing and Communities</b>  |
| Short contract description                          | <b>Refurbishment and modernisation of passenger lift at Granby House</b>                          |
| Length of Exemption (months)                        | <b>Duration of contract delivery approx. 20 weeks, 12 weeks mobilisation and 8 weeks delivery</b> |
| Exemption start date                                | <b>7 October 2021</b>   |
| Exemption end date                                  | <b>3 February 2022</b>  |
| Total exemption value (£)*                          | <b>£82,097</b>  |
| Cumulative value of all previous Exemption requests | <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 £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.

## 9. Exemption Details:

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| <b>Type of Exemption:</b>  | <input checked="" type="checkbox"/> New Requirement<br><input type="checkbox"/> Change to Existing Requirement<br><input type="checkbox"/> Replacement to Existing Requirement<br><input type="checkbox"/> Other   |
| <b>Which rule are you seeking an exemption from?</b>             | <input checked="" type="checkbox"/> To advertise<br><input type="checkbox"/> To follow a competitive process   |
| <b>Name of Proposed Provider:</b>                                | Cotswold lifts   |
| <b>Has the requirement been subject to a previous Exemption?</b> | <input checked="" type="checkbox"/> No<br><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 |

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|   |                                     | 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.  |
|   | <input type="checkbox"/>            | (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.   |
|   | <input type="checkbox"/>            | (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.   |
|   | <input type="checkbox"/>            | (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.  |
|   | <input type="checkbox"/>            | (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. |

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|   | <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>  |                          | Following the need for the lift works being identified and discussed at HIP due to the technical nature of the works an external consultant was utilised to undertake a tendering exercise.<br>Five contractors were invited to tender, and five offers were received by the due-in date of 3 June 2021. |
| <b>How will value for money be secured?</b>   |                          | The process undertaken evidences that value for money shall be secured as the tenders returned varied in value from £82,097 to £103,475.   |
| <b>10. Reasons for Decision:</b><br><br>The identified supplier has tendered for the specialist work alongside four other suppliers and has been identified as providing best value. The completion of these works shall aid the service in delivery of Corporate Priority 2, Providing high quality council homes and landlord services. |                          |  |
| <b>11. Authority / Legal Power:</b><br><br>This is a key decision.<br><br>Exemptions must be approved by the Director for Corporate Services and the Assistant Director for Governance and Democracy and are subject to one of more of the criteria being fulfilled.  |                          |  |
| <b>12. Background Papers attached?</b>  | None                     |  |

### **13. Alternative options available / rejected:**

1. Undertake further procurement, rejected as felt that process undertaken by the Consultant has identified a contractor and price in a fair way and would add significant delay to the project's completion.
2. Request Pick Everard (the Consultant) to manage the contract – rejected as incurs significant additional cost circa £7k to the Council.

### **14. Implications:**

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| <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 and Democracy and are subject to one of more of the criteria being fulfilled.</p> <p>Legal sign off, 4 October 2021</p> |
| <b>Finance</b> | <p>This expenditure was planned and forms a part of the Capital Budget for 2021-22 with a £120k allocated for lift works. The tender price is £82k which is within the budget provision made. If no further lift works are required the underspend go back into reserves for future HRA capital works.</p> <p>By awarding the contract direct this avoids a cost in consultancy fees of £7k.</p> <p>Finance sign off, 5 October 2021</p>   |

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| <b>HR</b>  | There are no HR implications as a result of this decision record.   |
| <b>15. Signature of relevant Service Director:</b> | <b>Signature Redacted</b><br><b>Craig Spence – Assistant Director for Housing Management</b><br><b>4 October 2021</b> |
| <b>16. Signature of Decision Maker:</b>            | <b>Dawn Garton – Director for Corporate Services</b>  |
| <b>17. In Consultation with:</b>                   | <b>Kieran Stockley – Assistant Director for Governance and Democracy</b>  |
| <b>18. Date:</b>                                   | <b>5 October 2021</b>   |

Please send all decision for publication to: Democratic Services at [democracy@melton.gov.uk](mailto:democracy@melton.gov.uk) .