

Title of Report	EXEMPTIONS FROM THE CONTRACT PROCEDURE RULES MADE IN Q4	
Presented by	Councillor Nicholas Rushton Corporate Portfolio Holder	
Background Papers	Procurement Policy note (PPN 01 20)	Public Report: Yes
		Key Decision: No
Financial Implications	Contracts being entered into within current budgets.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	An exemption is being made from the Councils Contract Procedure Rules and the Public Contracts Regulations 2015. Legal and procurement advice has been sought in the preparation of this report.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None identified.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To report to Cabinet exemptions given to the Contract Procedure Rules by Statutory Officers in Q4 20/21	
Reason for Decision	To note the exemptions as required by the Constitution	
Recommendations	CABINET NOTES THE EXEMPTIONS MADE BY STATUTORY OFFICERS TO THE CONTRACT PROCEDURE RULES in Q4 20/21	

1.0 BACKGROUND

- 1.1 When procuring any new contract the Councils Contract Procedure Rules set out how this should be done. Where a contract is £25,000 or more a competitive tender is required.
- 1.2 There are circumstances when a competitive tender is not possible or practical. If the circumstances fall under one of the following titles the Statutory Officers, in agreement, have the ability to exempt the procurement from the CPRs, allowing for a direct award to the contractor of choice:
 - 1.2.1 Only one supplier is available for technical or artistic reasons; and
 - 1.2.2 Extreme urgency exists for unforeseen reasons which are not attributable to the Council and the various time limits cannot be met.

- 1.3 Each time an exemption is sought a comprehensive report is needed to document why this procurement falls under one of the titles. An exemption report is compiled and approval sought from statutory officers. All approvals are then reported to cabinet on a quarterly basis.

2.0 COVID 19

- 2.1 The Covid 19 pandemic has required rapid response decisions and implementation of contracts at short notice. Government have issued Procurement Policy Note (PPN 01 20) to remind Councils that the use of PCR2015 Regulation 32 permits the award of contracts without competition in unforeseen emergencies and our own CPR's (3.1.1b) reflect this. Actions that could be considered to compliantly expedite the procurement process are as follows;

- direct award due to extreme urgency;
- direct award due to absence of competition or protection of exclusive rights;
- call off from an existing framework agreement or dynamic purchasing system;
- call for competition using a standard procedure with accelerated timescales;
- extending or modifying a contract during its term.

Recommended procedure

- If the contract value is under 25K then this can be approved by Head of Service – An officer decision record should be completed
- If the contract is over 25k. In the first instance contact procurement for advice who will advise the most appropriate route to procure, and all the above options will be considered.
- Where direct award is made without competition an exemption form must be completed and signed
- Where accelerated timescales are required for a competition, contact procurement for advice
- Where a contract extension or modification is required, in the first instance contact procurement for advice who will advise the most appropriate route to procure, and all the above options will be considered.
- **Note: All exemption forms have to be signed off by Head of Paid Service, S151 Officer and Monitoring Officer (or any of their deputies).**

3.0 EXEMPTION MADE IN Q4 20/21

- 3.1 In quarter 4 2020/2021 one exemption was made by Statutory Officers. This was to award a six month extension of the Councils contract with Totalmobile, the Councils financial management system.
- 3.2 The exemption was made on the basis that only one supplier was available for technical or artistic reasons.
- 3.3 This is the second extension as an 18 month extension was granted in September 2020. The council has now procured a new financial management system however implementation is taking longer than expected and therefore an additional 6 months with the previous supplier was required to coincide with the revised go live date of the Councils new financial management system. The Council's financial management system is critical to the effective functioning of the council.

Policies and other considerations, as appropriate	
Council Priorities:	<p>Insert relevant Council Priorities:</p> <ul style="list-style-type: none"> - Supporting Coalville to be a more vibrant, family-friendly town - Support for businesses and helping people into local jobs - Developing a clean and green district - Local people live in high quality, affordable homes - Our communities are safe, healthy and connected
Policy Considerations:	List any relevant policies
Safeguarding:	Detail any safeguarding considerations made.
Equalities/Diversity:	Detail any equalities/diversity considerations made.
Customer Impact:	Detail any impact the decision will have on customers
Economic and Social Impact:	Detail any economic or social impact as a result of the decision.
Environment and Climate Change:	Detail any environment and climate change impact as a result of the decision.
Consultation/Community Engagement:	Detail any consultation/community engagement undertaken prior to the decision.
Risks:	As part of its Corporate Governance arrangements, the Council must ensure that Risk management is considered and satisfactorily covered in any report put before elected Members for a decision or action.
Officer Contact	<p>Insert details of the lead officer in the following format:</p> <p>Eg: Elizabeth Warhurst Head of Legal and Commercial Services elizabeth.warhurst@nwleicestershire.gov.uk</p>