

Title of Report	REPORTING EXEMPTION TO CONTRACT PROCEDURE RULES	
Presented by	Councillor Roger Bayliss Housing, Property and Customer Services Portfolio Holder PH Briefed <input checked="" type="checkbox"/>	
Background Papers	Contract Procedure Rules as part of the constitution Section 4.7 sub section 3.	Public Report: Yes
		Key Decision: Yes
Financial Implications	Contracts being entered into are within current the Housing Revenue Account approved budgets.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	An exemption is being made from the Council's Contract Procedure Rules. 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	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To report to Cabinet an exemption to the Contract Procedure Rules by Statutory Officers	
Reason for Decision	To note the exemption as required by the Constitution.	
Recommendations	<p>1.CABINET NOTES THE EXEMPTION MADE BY STATUTORY OFFICERS TO THE CONTRACT PROCEDURE RULES AS DETAILED IN THE REPORT.</p> <p>2. CABINET APPROVES THE AWARD TO THE CONTRACTOR AS DETAILED IN THE REPORT AND DELEGATES THIS TO THE STRATEGIC DIRECTOR WITH RESPONSIBILITY FOR HOUSING.</p>	

1.0 BACKGROUND

- 1.1 When procuring any new contract the Council's Contract Procedure Rules (CPRs) set out how this should be done. Where a contract is £25,000 or more a competitive tender is required. The Public Contracts Regulations 2015 are not applicable to this

procurement as the contract value is below the threshold for Works, currently £5,336,937.

- 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:
- Only one supplier is available for technical or artistic reasons; and
 - 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.
- 1.4** The exemption set out in this report has been approved. A copy of the Exemption Report can be found at Annex A to this report. The exemption also has to be reported to Cabinet, this report satisfies this latter requirement.

2.0 Exemption made by Statutory Officers

- 2.1** In March 2023, one exemption request was made to and approved by the Statutory Officers. This was to award of a contract to Merrisons for works related to Mould and Damp repairs in the Council's housing stock.
- 2.2** The exemption was made on the basis of urgency due to failure to appoint contractors via a framework route and insufficient time to undertake a full procurement exercise to fulfil the urgent needs for work as required by Government and the Social Housing Regulator.

3.0 FINANCIAL IMPLICATIONS

- 3.1** The above procurement can be financed from existing budgetary provision in the Housing Revenue Account (HRA).

Policies and other considerations, as appropriate	
Council Priorities:	- Local people live in high quality, affordable homes
Policy Considerations:	N/a
Safeguarding:	n/a
Equalities/Diversity:	n/a
Customer Impact:	Improved and timely delivery of repair works
Economic and Social Impact:	Merrisons as a local provider has an impact on supporting the local economy,
Environment and Climate Change:	n/a

Consultation/Community/Tenant Engagement:	Work has been ongoing with tenants regarding mould and damp repairs
Risks:	Without this exemption there is a danger that the Council would not be able to complete its requirements to address mould and damp issues.
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