



ARTICLE NO: 3A

**CORPORATE & ENVIRONMENTAL
OVERVIEW & SCRUTINY**

**MEMBERS UPDATE 2012/13
ISSUE: 4**

Article of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor D Sudworth

**Contact for further information: Mr A Hill (Extn 5243)
(E-mail: a.hill@westlancs.gov.uk)**

**SUBJECT: EXEMPTION TO CONTRACTS PROCEDURES RULES – DAY TIME
COLLECTION OF STRAY DOGS**

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

- 1.1 To advise members of an exemption to the Contracts Procedures Rules signed by the Managing Director (People and Places), under her delegation. This document is included as Appendix 1.
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2.0 Background

- 2.1 As a result of an MSR decision from last year, the Council needed to find an external provider to collect stray dogs. In order to make a saving of £11,000 per annum, the Council's Dog Warden was to be replaced by an external collection service. Thus instead of employing a member of staff and providing a vehicle, a contractor will respond to calls about stray dogs.
- 2.2 Following the decision an advert was placed which provided information about the proposed tender exercise and asked for expressions of interest by the 16th January 2013. Although two companies asked for the Pre Qualifying Questionnaires (PQQs), only one returned it.

3.0 WAY FORWARD

- 3.1 The company who returned the PQQ was Leigh Dogs and Cats Home. The Council already uses them to kennel stray dogs and collect strays out of hours, under a separate contract (which is up for renewal next year). As such we have a good working relationship with them and are well aware of their capabilities.
- 3.2 As there was only one interested party, there was no real value in undertaking a tender exercise in order to find out the lowest price. Under the exemption, we were allowed to negotiate with the company to discuss the necessary charges and as a result commenced the contract on the 1st February 2013.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 4.1 There are no significant sustainability impacts associated with this article and, in particular, no significant impact on crime and disorder. The article has no significant links with the Sustainable Community Strategy.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 The collection of stray dogs by an external contractor is set to save the Council at least £11,000.

7.0 RISK ASSESSMENT

- 7.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this article.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Article.

Equality Impact Assessment

The Article is for information only and does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Appendix 1 – Copy of Exemption



Memorandum

To:	Managing Director (People & Places)	Ref :
From:	John Ryding Executive Procurement & Projects Manager	Ref : JHR/SC
Subject:	DAY TIME COLLECTION OF STRAY DOGS	
Date:	24th January 2013	

The above contract was to be the subject of a tender exercise which has already involved the publication of an advert in a newspaper asking interested organisations to apply to be allowed to submit a tender.

At the end of the application period only one organisation has submitted an application. It is, therefore, felt that it would now be more appropriate to negotiate with that single organisation than run a tender exercise where there is only one tenderer. This negotiation approach is supported by both common sense and the Public Contract Regulations 2006 (as amended) which, whilst not applying to this below threshold contract, set out good procurement practice and at Regulation 14(1)(a)(ii) allow for negotiation in such circumstances.

The organisation which has submitted an application is Leigh Dogs and Cats Home who the Council has a current contract with for dog kennelling and out of hours stray dog collection and, therefore, is confident of their quality of work and has knowledge of the level of charges they make for this type of service.

Furthermore, as the Council employee who currently undertakes this service will leave the Council's employment shortly, the initial situation was to negotiate a short interim contract for this service with Leigh Dogs and Cats Home until the service could be taken over by the successful tenderer for this tender exercise. An appropriate exception to Contract Procedure Rules has already been obtained for this interim contract. However, it is now felt better to roll the interim contract and the longer term contract into one single contract with a commencement date of 1st February 2013 and an end date of 31st March 2016 (with an option to extend).

As the commencement date of the new proposed contract is the 1st February 2013, there is not sufficient time to seek an exception to Contracts Procedure Rules from Members therefore, using your authority under Contract Procedure Rule No.4, will you please grant an exception to Contract Procedure Rule No. 7 to allow the Council to negotiate a contract (for the above service) with Leigh Dogs and Cats Home without the need for a tender exercise.

To grant the requested exception please countersign one copy of this memo and return it to me.

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John Ryding
(Executive Procurement and Projects Manager)

I grant the exception to Contract Procedure Rule No. 7 as requested for the reasons detailed above.

..... **Managing Director (People and Places)**

Date