

Amended date 24.02.21

**West Lancashire Borough Council**

**Procurement Practice Note No. 17: Exemption to Contracts Procedure Rules to be granted by Chief Operating Officer**

The attached document should be completed by the officer seeking the exemption.

The document should then be signed by the officer seeking the exemption and presented to the Procurement and Contracts Manager who should then complete the relevant section of the document either endorsing the request for an exemption to Contracts Procedure Rules or detailing why it may not be wise to grant the exemption requested.

The Procurement and Contracts Manager should then present the request document to the Chief Operating Officer for signature.

Any queries about the completion and/or submission of the attached pro forma should be made to the Procurement and Contracts Manager, the Procurement Officer, or the Finance and Audit Manager.

**Request for Exemption from Contract Procedure Rules**  
**to be granted by the Chief Operating Officer**

**To: Chief Operating Officer**

**From:** *Tim Hodge*

**Service:** Estates

**Title of proposed Contract:** *Arc GIS Software Licence and Maintenance – supplied by ESRI*

**What will be purchased under the Contract:** ESRI provide GIS (Geographical Information System) solutions for WLBC. The software that they predominantly supply is ArcMap which is used by several members of staff within the Council. ArcMap also links with Uniform and this contract covers the support that they provide for any issues that arise within these systems. We are purchasing 6 licences for ArcMap and maintenance (support) for these systems.

**Estimate value of Contract:** £ 23,415

**Contracts Procedure Rule to which exemption is sought:** *6. Where the estimated value or amount of a proposed contract will exceed £10,000 but will not exceed £50,000 the appropriate Senior Officer shall obtain not less than three written quotations and accordingly, these Rules shall have no application in relation to such contracts insofar as they relate to the invitation, submission, custody, acceptance or opening of tenders. (Notes 2, 3, 11, 16 and 24)*

**It is not practicable to approach Cabinet (or another appropriate body of Members) to request an exemption to the above Contracts Procedure Rule because** Time Constraints

**Reason that compliance with Contract Procedure Rules is not practicable:** N15. (i) Rule 4 relates to the waiver of Contract Procedure Rules under special circumstances. Such special circumstances would include

- only one company makes the product which the Council wishes to purchase and no other product is a reasonable substitute

**Insert details of any competitive prices which have been obtained or benchmarking exercises carried out:** None carried out

**If Contracts Procedure Rules are exempted how can the Council be sure that the procurement process will be fair and transparent and that value for money will be obtained?**

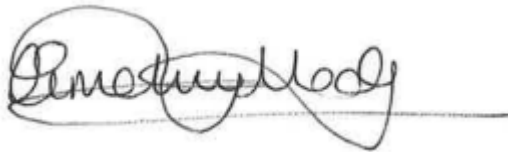
Price quoted is reasonable compared to previous years costs

**Additional Information:**

This is a temporary, one-off solution and work with procurement over the next 12 months will benchmark the pricing against other similar software or explore the use of other software's and complete a tender process. The aim would be to secure a longer term contract with optional extension periods.

**If an exemption to Contract Procedure Rules is granted by the Chief Operating Officer you will need to produce, for your Head of Service's sign-off, an appropriate article for publication in the next "Members Update"; state here the issue number of the Members Update in which the article will appear: 1**

I hereby request an exemption to the Contract Procedure Rule stated above for the reasons explained



Signed by officer seeking exemption:

Date: 26/01/2023

**Comments from Procurement**

- (i) Having considered this request for an exemption to Contracts Procedure Rules it is my opinion that there are no factors which would prevent the Chief Executive from granting the exception if she is so minded to do.


**\*\*The service area are aware this is a one off solution and work will be required in the coming months to secure a more long term, benchmarked or tendered solution.\*\***

Signed .....  ..... Procurement and Contracts Manager

Date .....26.01.23.....

**Grant of Exemption**

Having considered the above I hereby exercise my delegated authority and grant the exemption to the Contract Procedure Rule(s) sought.

Signed  Director of Transformation and Resource

Date: 27/01/2023

Signed  Chief Operating Officer

Date 27/01/2023

Once this document has been signed by the Chief Operating Officer it should be returned to the officer seeking the exemption; the Chief Operating Officer may wish to keep a copy for record purposes